

Residential Tenancies Act Review

**VCOSS Submission to the consultation
paper**

August 2015



About VCOSS

The Victorian Council of Social Service (VCOSS) is the peak body of the social and community sector in Victoria. VCOSS members reflect the diversity of the sector and include large charities, peak organisations, small community services, advocacy groups, and individuals interested in social policy. In addition to supporting the sector, VCOSS represents the interests of vulnerable and disadvantaged Victorians in policy debates and advocates for the development of a sustainable, fair and equitable society.

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Introduction

The Victorian Council of Social Service (VCOSS) welcomes the opportunity to contribute to the Victorian Government's Review of the Residential Tenancies Act 1997 (the Review). We welcome the process as outlined in the Review consultation paper, with the review occurring in three stages: an initial consultation paper, followed by a series of issues papers, and a final options paper. In light of this approach, in this initial submission VCOSS outlines broad issues to consider. We will then provide more detailed consideration of the issues and the legislative provisions of the Act in later stages of the Review process.

VCOSS is the peak body of the social and community sector in Victoria. Our members include organisations that support people experiencing disadvantage, including people facing difficulty securing affordable and appropriate housing, and the further problems this can cause.

Homes are the bases from which people build stability in their lives. They should provide the shelter, security, safety and privacy that people need to reach their potential, participate in the community and live healthy and meaningful lives. Several factors affect this. These include the cost, size and functionality of a home, the quality of its materials and fittings, a person's ability to adapt it to their needs, or to leave it when they choose, as well as its location and the amenities available around it.

Residential tenancies are an important aspect of this. With more than half a million families or households currently living in private rental homes across Victoria, protecting their access to, security in and quality of housing is an essential part of promoting people's wellbeing.

Low-income households are more likely to rent homes than other households. More than a third (34.4%) of households in the lowest income quintile live in private rental housing in Victoria, compared with approximately one fifth of other income groups.¹ The relationship is even stronger for low-wealth households. Almost three-quarters (72.5%) of households in the lowest wealth quintile live in private rental housing in Victoria².

Overall, 88 per cent of private rental households in Victoria are in the lowest two wealth quintiles.³ Conversely, more than 80 per cent of all wealth in investment properties is owned by people in the highest wealth quintile.⁴

Regulatory protection of residential tenancies can therefore help ensure people with fewer resources, who are potentially facing disadvantage, can secure adequate housing from which to build stable lives.

¹ Australian Bureau of Statistics, *Victorian Housing Tenure by Income and Wealth 2011-12*, from the Survey of Income and Housing, unpublished data commissioned by VCOSS.

² Ibid.

³ Ibid.

⁴ Australian Council of Social Service, *Inequality in Australia: A Nation Divided*, 2015, p. 34.

On this basis, in this submission VCOSS outlines a range of areas we believe are worthy of consideration, and possibly as subjects of further separate issues papers in Stage 2 of the Review process. These are:

- security of tenure
- housing quality and modification
- rental affordability
- discrimination and privacy
- social housing and marginal tenancies
- dispute resolution and tenant services.

Summary of Recommendations

- That the overarching goal of tenancy reform be to support the wellbeing of Victorians, particularly those in lower socioeconomic groups.
- That the Review consider the policy goals of:
 - maintaining housing affordability and security to prevent hardship and homelessness
 - protecting human health, including from pathogens and extreme weather
 - protecting human rights, including the rights to non-discrimination, privacy, protection for children and families, and a reasonable standard of living.
- That the Victorian Government develop a new set of objectives within the Residential Tenancies Act that outline the policy goals aimed to be achieved.
- That the Review considers the following priority goals for reform:
 - improving tenants' ability to choose to remain in their home
 - ensuring eviction is only used as a last resort
 - ensuring tenants have sufficient security to be able to enforce their rights
 - ensuring tenancy laws adequately protect victims of family violence.
- That the Review include a separate issues paper on housing quality, including:
 - options for introducing minimum rental housing standards
 - mechanisms for enforcing standards, maintenance and repairs
 - the ability of tenants to make home modifications, including for disability and ageing.
- That the Victorian Government implement mechanisms to improve the standard of housing for low-income renters.
- That the Review considers options to protect rental affordability through:
 - protecting tenants from excessive bond requirements
 - protecting tenants from excessive rent increases during a tenancy
 - considering the appropriateness of 'rental auctions'
 - protecting tenants from excessive costs for rectification or loss of bonds at the cessation of a tenancy.
- That the Review considers options to:
 - enhance protection against discrimination or unfair treatment against people applying for rental properties
 - improve tenants' ability to maintain their privacy and peaceful enjoyment of their homes.
- That the Review considers:
 - The appropriateness of different tenancy laws for social housing, and whether there should be further distinctions for public and community housing

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- Reviewing protections for marginal rental tenancies, including in boarding houses, caravan parks, residential parks, transitional housing, emergency accommodation and supported accommodation.
 - That the Review considers the adequacy of:
 - Current mechanisms to resolve disputes between tenants and landlords
 - Current services that provide information, legal advice and support to tenants

Objectives of tenancy regulation

Recommendations

- That the overarching goal of tenancy reform be to support the wellbeing of Victorians, particularly those in lower socioeconomic groups.
- That the Review consider the policy goals of:
 - maintaining housing affordability and security to prevent hardship and homelessness
 - protecting human health, including from pathogens and extreme weather
 - protecting human rights, including the rights to non-discrimination, privacy, protection for children and families, and a reasonable standard of living
- That the Victorian Government develop a new set of objectives within the Residential Tenancies Act that outline the policy goals aimed to be achieved.

Housing affordability, security and amenity have important social benefits. For renters, rent is often the largest and most important component of their cost-of-living. If their rent is unaffordable, it affects their capacity to afford everything else, including food, clothing, energy, water, healthcare, education, transport and community activities. VCOSS believes maintaining the affordability of rental housing is therefore an important policy goal to be considered in this Review.

While regulation has only a limited ability to influence overall rent levels in a market system, it can be used to prevent excessive rent increases, reduce processes that can inflate rent prices, limit excessive additional charges including bonds, utilities and fees, and ensure renters do not bear costs they have not given rise to. Insecure housing tenure can affect people's wellbeing in a myriad of ways. At worst, it can lead to homelessness, which profoundly affects people's health, social and wellbeing, but also increases the need for public services, including healthcare, justice and community services. Insecure tenure can also lead to anxiety and uncertainty for tenants, affecting their employment choices and capabilities, their education and their access to services. If people are forced to move against their wishes, they may bear significant unplanned financial costs, and be unable to afford other essential goods and services.

Housing is also an important determinant of health.⁵ Good quality housing protects against heat and cold extremes, and other effects of weather including fire, flood and storms.⁶ It enables people

⁵ Victorian Council of Social Service, *A Future Focussed Housing Standard*, 2009, p. 4.

to maintain good hygiene, prepare and cook nutritious food, and access essential services such as energy, water and telecommunications. It also protects people against exposure to pathogens that can cause ill health. Housing is also important for people's mental health, including their ability to experience stability, security and privacy.

Housing also has important relationships to the rights protected by the *Charter of Human Rights and Responsibilities Act 2006*, and those in other human rights instruments to which Australia is a party. People's ability to access and maintain housing without discrimination is frequently raised by VCOSS members as an issue of concern, with prospective tenants often suspecting their continual failure to secure appropriate rental housing may be related to their age, race or living arrangements. Other potential tenancy rights that deserve consideration include the protection of children and families, the right to privacy, and the right to an adequate standard of living.

A longstanding concern of tenant advocates is that the *Residential Tenancies Act 1997* gives little guidance as to its goals. Instead, it merely lists its objectives as being to define responsibilities and provide legal mechanisms for regulation, without specifying what these are intended to achieve. This stands in contrast to the *Housing Act 1983*, which gives an extensive list of policy goals. VCOSS recommends that the Review consider a new set of objectives that outline the policy goals aimed to be achieved.

⁶ Victorian Council of Social Service, *Disaster and Disadvantage: Social Vulnerability in Emergency Management*, 2014, p. 18.

Security of tenure

Recommendation

That the Review considers the following priority goals for reform:

- Improving tenants' ability to choose to remain in their home
- Ensuring eviction is only used as a last resort
- Ensuring tenants have sufficient security to be able to enforce their rights
- Ensuring tenancy laws adequately protect victims of family violence.

VCOSS has identified security of tenure as a high priority for rental reform. As numerous reports have demonstrated^{7,8} Australia has comparatively low levels of security of tenure compared with other countries. Tenants in Australia generally enjoy less regulatory protection around lease terms, notice periods for landlords, or reasons for lease termination, than tenants in comparable countries. While there have been several detailed reform proposals previously made,⁹ for this submission VCOSS will address the issue generally, and reserve more detailed discussion of legislative provisions for later issues papers.

A person's ability to decide where they will live, and when they will move, greatly affects their wellbeing and has important consequences for other aspects of their lives. At its most extreme, eviction can lead to homelessness if a tenant cannot find adequate and affordable alternative accommodation in time. The cost and disruption of eviction to a tenant and their family can also be harmful. The unplanned costs, especially at short notice, may mean they cannot afford other essential goods and services, or that they have to enter into debts they cannot afford to repay.

If an unplanned move forces tenants to relocate to another area, they may lose their existing social connections and local relationships, including with nearby friends, family, service providers, health professionals, community organisations and social groups. It can also disrupt children's schooling or adults' education and training, and make finding or maintaining employment more difficult.

An unplanned move, especially under financial constraints, may also mean a household or family cannot find accommodation appropriate to their needs. It may be of substandard quality, of insufficient size or have inadequate access or facilities.

⁷ J-F Kelly, *Renovating Housing Policy*, Grattan Institute, 2013.

⁸ S McNeils, *Rental Systems in Australia and Overseas*, AHURI Final Report No. 95, June 2006

⁹ For example, reforms proposed in National Association of Tenancy Organisations and National Shelter, *A Better Lease on Life: Improving Australian Tenancy Law*, 2010.

For these reasons, VCOSS believes eviction should only be used as a last resort. While we recognise there are circumstances where a landlord should have the capacity to unilaterally end a tenancy, we believe current regulatory arrangements do not adequately prevent unnecessary evictions. Current legislation allows landlords to end a tenancy without specifying a cause. In the case of a fixed term tenancy, this can require tenants to continue to pay rent until the end of the fixed term, without the ability to relocate at a more convenient time without paying 'double rent'.

Another reason to strengthen security of tenure is that often tenants' fear of eviction reduces their willingness and capacity to enforce their rights during a tenancy. If there is little security of tenure, and a landlord can easily require a tenant to vacate, then tenants must rely heavily on the goodwill of the landlord to maintain their tenancy. Tenants' existing legal rights, or any additional rights gained through the reform process, are of limited value if enforcing them requires tenants to take action that might risk their relationship with the landlord, particularly if there is the potential for this to lead to eviction.

Further, we note that some existing tenancy laws are problematic in the context of family violence. In submissions to the Royal Commission on Family Violence, VCOSS member organisations have pointed out some shortcomings of the Residential Tenancies Act relating to security of tenure and other matters for victims of family violence,¹⁰ particularly in relation to:

- The imposition of housing debt on victims of family violence for costs incurred by perpetrators
- The 'blacklisting' of victims of family violence due to perpetrators' behaviour
- Difficulties in transferring or creating a new lease in victims' names.

Other issues related to security of tenure that have been raised with VCOSS include:

- Whether longer lease terms are a useful policy objective, especially without other changes that would make them beneficial for tenants to agree to
- Whether sale of housing or eviction of mortgagees at foreclosure are reasonable grounds for eviction
- Whether danger to social housing workers or contractors resulting from tenants' behaviour should constitute a reasonable ground for eviction
- Whether notice periods are adequate.

¹⁰ Justice Connect, *Home Safe: Submission to the Royal Commission on Family Violence*, 2015, pp. 22-28

Housing quality

Recommendation

- That the Review include a separate issues paper on housing quality, including:
 - options for introducing minimum rental housing standards
 - mechanisms for enforcing standards, maintenance and repairs
 - the ability of tenants to make home modifications, including for disability and ageing.
- That the Victorian Government implement mechanisms to improve the standard of housing for low-income renters.

VCOSS has a long history of advocating for minimum rental housing standards. Our 2009 report, *A Future Focused Housing Standard*, outlines the case for creating a minimum standard for rental housing: to improve human health, increase affordability, especially for utilities costs, and help households be more resilient to extreme weather events. Our 2010 *Decent not Dodgy 'Secret Shopper' Survey* of low-cost rental premises provided evidence of the low quality of some private rental housing being advertised for lease, including homes that were structurally unsound, had visible holes to the exterior, extensive mould, insecure locks, or lacked heating or reasonable cooking and bathing facilities.

Current regulations around the private rental market do not ensure properties made available for lease meet community standards for basic livability. The rental market requires tenants to 'shop around' to find properties of adequate standard, but low-income tenants have very limited choice, and may be forced to choose between sub-standard housing or none at all. The recent Anglicare *Rental Affordability Snapshot* found that less than 0.1 per cent of rental properties in Melbourne were affordable for most households living on income support.¹¹ While there are some legal protections, these are generally only for select items such as smoke detectors, or a requirement that any facilities in the property be in good working order – but not that they are required to be there at all.

¹¹ Anglicare Australia, *Rental Affordability Snapshot*, April 2015, p. 88.

Recommended items for consideration in minimum housing standards

- Properties must provide a healthy environment, including:
 - being draft-proof and weatherproof
 - being free of damp
 - being vermin-proof
 - having a least one form of built-in heating in the main living area
 - having adequate ventilation
 - having a continuous supply of hot and cold potable water
 - having provision for waste disposal
 - having fly screens on all opening windows
 - every habitable room with operable windows should have at least one in good working order
- Properties must be safe and secure, including:
 - being structurally sound
 - having electrical and gas circuits checked periodically
 - having installed appliances tested or serviced periodically
 - having sufficient power outlets in each habitable room
 - having all power and lighting circuits connected to circuit breakers and an electrical safety switch
 - having sufficient smoke detectors hard-wired
 - having deadlocks on all external doors
 - having all pool fences checked periodically
- Properties be affordable to live in, including:
 - being connected to electricity
 - having sufficient ceiling insulation
 - having hot water service and heating that are energy-efficient and in good working order
 - having fixed water appliances (showerhead, toilet cisterns) that are efficient and in good working order
 - having cooking facilities that are in good working order, and appropriately secured
 - having all external windows fitted with curtains and blinds.

As well as concerns over rental housing standards, many stakeholders have said that getting timely and important maintenance and repairs performed in private rental properties continues to be a problem for some tenants. The lack of minimum standards for rental properties appears to be one reason for this, but the onus on tenants to have to resort to action at the Victorian Civil and Administrative Tribunal (VCAT) to achieve repairs, as a last resort, often limits their willingness to pursue repairs, along with concerns about their security of tenure if they do so.

Current legal requirements also mean that if a tenant wishes to make alterations to the premises, even something as minor as installing a picture-hook to display family photos, they are required to ask the landlord's permission. In other circumstances, landlords may require any alteration to be restored to its original condition upon vacating the property, at the tenant's expense. The inability to make even minor changes to a property means tenants have very limited control over their living environment, and limited capacity to make changes to make it feel like 'home'.

This is particularly problematic when tenants require property alterations to accommodate a disability or the effects of ageing. Landlords are within their rights to refuse permission to tenants to install these modifications, such as railings in bathrooms or ramps for entry and exit, which may be essential for people to remain in their home and maintain their wellbeing. In some instances, this may mean a tenant who is already experiencing hardship due to a disability or health condition, is forced to relocate unnecessarily. The Review should consider whether the current balance of rights regarding property alterations is appropriate, especially where modifications are necessary for a tenant to maintain their health and wellbeing.

Rental affordability

Recommendation

- That the Review considers options to protect rental affordability through:
 - protecting tenants from excessive bond requirements
 - protecting tenants from excessive rent increases during a tenancy
 - considering the appropriateness of ‘rental auctions’
 - protecting tenants from excessive costs for rectification or loss of bonds at the cessation of a tenancy.

Over the past decade, rents have increased by more than 40 per cent in Melbourne, compared to inflation, which increased by less than 30 per cent.¹² A recent snapshot produced by Anglicare showed that less than 0.1 per cent of Melbourne rental properties were affordable for most people living on income support,¹³ and a similar analysis by the Department of Health and Human Services found that in Melbourne only 0.3 per cent of one-bedroom homes were affordable for a single person on the Newstart allowance.¹⁴ There is an estimated shortfall of more than 80,000 affordable rental properties across Victoria.¹⁵

The reasons for escalating rent prices in Victoria is complex, driven by a range of different factors. Population growth contributes to demand that may exceed supply of new rental properties. Investors may prefer to purchase potential rental homes in market segments with the greatest availability and the greatest potential for capital gains, rather than properties targeted at the affordable end of the market. For instance, property development remains concentrated on the construction of inner city apartments and detached housing on the urban fringe. The taxation system also encourages investors to speculate to maximise capital gains, due to large tax concessions available for negative gearing and on capital gains tax. Planning rules may prevent construction of affordable dwellings, particularly in the ‘middle suburbs’, which often have large areas excluded from intensive development. Research has also identified that even where affordable rental homes are available, they are often occupied by higher-income households seeking to minimise their housing costs.¹⁶ At the same time, the limited growth in social housing

¹² Australian Bureau of Statistics, *Consumer Price Index, Australia*, Table 11: CPI: Group, Sub-group and Expenditure Class, Index Numbers by Capital City, June 2015, Car. No. 6401.0.

¹³ Anglicare Australia, *Rental Affordability Snapshot*, April 2015, p.88.

¹⁴ Department of Health and Human Services, *Rental Report: March quarter 2015*, p.13.

¹⁵ K Hulse, M Reynolds and J Yates, *Changes in the supply of affordable housing in the private rental sector for lower income households, 2006–11*, AHURI Final Report No.235, 2014, p. 77.

¹⁶ *Ibid.*, p. 27.

means social housing is not providing enough additional affordable stock to cater for low-income households.

These factors combined contribute to an increasingly unaffordable rental market, particularly for low-income households. The limited private rental stock available for low-income households drives high levels of competition, exacerbating other health and social problems. For instance, low-income households may have to settle for inappropriate housing, which is too small, or is of poor quality, potentially contributing to poor health and impeding the development of children. Families or households may have to choose homes located some distance from their jobs and schools, with poor access to local services and transport, and far from their existing family and communities, reducing their capacity to receive valuable support. People may also be forced into marginal rental housing, such as boarding houses and caravan parks. The number of homeless Victorians also continues to rise.

Tenancy regulation alone cannot solve all of these problems. But in a climate of strong competition and difficulty accessing appropriate and affordable housing, it is all the more imperative that tenancy laws protect vulnerable tenants' ability to access and maintain adequate housing.

While tenancy laws are limited in their capacity to affect overall market rent levels, they can play an important role in ensuring rents are fair, protecting tenants against excessive rent increases and inappropriate additional entry and exit costs, and preventing activities that inflate rent prices, such as rental auctions. VCOSS encourages the Review to consider changes to residential tenancies laws that protect tenants from excessive costs, including by reviewing:

- greater protections from excessive bond requirements
- greater protections from excessive rent increases during a tenancy
- considering the appropriateness of 'rental auctions'
- protection from excessive costs for rectification or loss of bonds at the cessation of a tenancy.

Discrimination and privacy

Recommendation

That the Review considers options to:

- enhance protection against discrimination or unfair treatment against people applying for rental properties
- improve tenants' ability to maintain their privacy and peaceful enjoyment of their homes.

VCOSS members frequently raise the concern that the ability of low-income households to access the private rental market is impeded by landlords' decisions about who to grant tenancy to, with this sometimes perceived to be based on factors other than their capacity to maintain a tenancy.

While discrimination is illegal, we hear continued reports of tenants perceiving that they may be unfairly treated in the rental market due to personal characteristics unrelated to their capacity to maintain a tenancy, such as their age, racial or ethnic background, ownership of pets, family and household living arrangements, or previous tenancy history, such as a previous tenancy in social housing. This perception is exacerbated by the types of information about prospective tenants often collected on tenancy application forms.

Similarly, a recurring concern is the information placed on tenancy 'blacklists', regarding whether the types of information on these databases is appropriate and whether there is adequate disclosure and capacity to remove inappropriate or incorrect information.

A related concern is the extent to which tenants can enjoy their home peacefully without unnecessary interference from landlords, as well as the restrictions on landlords and real estate agents to be able to disclose or use confidential information for purposes other than matters directly related to the tenancy for which they were provided. There are important questions for the Review about what confidential information landlords and real estate agents are allowed or required to share with other parties about a tenant, not only in tenancy 'blacklists', but also, for instance, what information can be retained by real estate agents for use in assessing a tenant for other tenancies. VCOSS is also aware that the issue of photographs of tenants' possessions has recently been reviewed by the Victorian Law Reform Commission,¹⁷ and is concerned that tenants' valuables should not be publicly disclosed without their permission.

¹⁷ Victorian Law Reform Commission, *Photographing and Filming Tenants' Possessions for Advertising Purposes: Report*, March 2015.

VCOSS members repeatedly raise the concern that while there are current restrictions on the practices of landlords regarding access to rental premises, these are not always respected by landlords, with limited avenues for redress by tenants. For example, landlords may give insufficient notice of property inspections, just 'dropping in', or conducting inspections of the property without entry, and may raise consequent issues without the tenant being aware they were subject to inspection. Similarly, there are concerns about whether notice periods and requirements to make the property available for inspection to prospective future tenants or purchasers of the property, are adequate. A particular issue has also been drawn to our attention about landlords' responsibilities in assisting police with their enquiries, including about in what circumstances landlords can provide police access to a tenant's home without their knowledge.

Social housing and marginal tenancies

Recommendation

That the Review considers:

- The appropriateness of different tenancy laws for social housing, and whether there should be further distinctions for public and community housing
- Reviewing protections for marginal rental tenancies, including in boarding houses, caravan parks, residential parks, transitional housing, emergency accommodation and supported accommodation.

Rental accommodation is not only provided by the private market, but also by the state government, through public housing, and in the non-for-profit community sector, through community housing.

Social housing is largely provided for different reasons than private rental housing, including a public or community purpose of ensuring there is sufficient affordable housing available for low-income and disadvantaged groups. Both public and community housing have additional systems of oversight and mechanisms for redress, as well as different legislative provisions in the Residential Tenancies Act and Housing Act. However, social housing tenants are also more likely to experience some form of disadvantage, and may be more vulnerable, than many tenants in the private rental market.

It would be useful to investigate whether the legislative differences drawn between social housing and private rental housing are appropriate and adequate, or whether further distinctions are required. Similarly, in practice there are also differences in the operation of public housing and community housing, and it would also be useful for the Review to consider whether these should be maintained.

Similarly, there are a range of other forms of rental housing that are treated differently under the *Residential Tenancies Act*, or potentially not covered by this legislation. These include provisions for caravan parks, residential parks and boarding houses. VCOSS is aware that a previous review of boarding houses was undertaken in 2009,¹⁸ but its recommendations were not implemented in full. In particular, there are continuing concerns about enforcement of the boarding house provisions in the Residential Tenancies Act, the balance of responsibilities between local and state governments, and the resources available for enforcement.

¹⁸ Victorian Government, *Rooming House Standards Taskforce: Chairperson's Report*, September 2009.

Likewise, there are questions about the status of tenancies in transitional housing, emergency accommodation, and supported accommodation, and whether further reform is needed to protect transitional housing residents' tenure, or to provide transitional housing providers greater ability to manage transitional housing tenancies.

Dispute resolution and tenant services

Recommendation

That the Review considers the adequacy of:

- Current mechanisms to resolve disputes between tenants and landlords
- Current services that provide information, legal advice and support to tenants

A recurring theme in discussions about the rental market is tenants' unwillingness to assert their rights in tenancy matters, leaving them vulnerable to poor conduct by landlords. Reasons for this have been outlined in earlier sections of this submission, around tenants having weak security of tenure protections and fearing discrimination. They are sometimes fearful of potential repercussions on their current and future tenancies if they become identified as a 'difficult tenant'. While retaliatory action by landlords in response to tenant action is unlawful, it remains difficult to prove, particularly in circumstances where landlords have limited accountability or requirement on them to provide reasons for ceasing tenancies or raising rents.

Another factor is that while VCAT, and its predecessor tribunals were initially set up to provide an easy and approachable means for consumers to access dispute resolution services, VCOSS members report that VCAT has adopted increasingly litigious processes and has become increasingly difficult for tenants to feel comfortable in accessing. While VCAT has taken action to try to redress these concerns, it has been reported that some tenants remain fearful and uninformed in responding to VCAT proceedings, and that some tenants largely often fail to appear, and will not approach either VCAT or Consumer Affairs to resolve complaints. The effect of this is that tenancy law largely works in favour of landlords, who may have far greater knowledge, access to expertise and resources to pursue difficulties through VCAT.

It would therefore be useful for the Review to consider alternative dispute resolution mechanisms to VCAT, including other options for redress, or creating a body other than VCAT to address residential tenancies matters.

Finally, VCOSS considers there are not enough options available for tenants to receive information and support to address problems in a tenancy. VCOSS members repeatedly raise the effects of past cuts to the Social Housing Advocacy and Support Program (SHASP), which has resulted in reduced support for social housing system tenants. It is considered possible that this has contributed to the subsequent increase in evictions from social housing that has occurred. Similarly, while community legal services and specialist support services such as the Tenants Union and Justice Connect Homeless Law achieve positive results with limited resources, their capacity is constrained and high levels of unmet demand for such services remain.

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