

11 August 2016

To the Department of Consumer Affairs

RE: Carers Victoria's feedback on the Review of the Residential Tenancies Act 'Regulation of Property Conditions in the Rental Market Issues Paper'

Thank you for the opportunity to provide feedback as part of the Victorian government's Fairer Safer Housing Initiative. We request this brief feedback on the 'Property Conditions Issues Paper' is read in conjunction with Carers Victoria's detailed submission dated August 2015 in response to the 'Laying the Groundwork – Consultation Paper'.¹

Recommendation

We reiterate our key recommendation from our previous submission. As part of this Review, Carers Victoria recommends the Victorian Government releases an Issues Paper to examine specific needs and protections for tenants with caring responsibilities, including people in care relationships who do not necessarily reside in the same property or same tenure type.

Unpaid (mostly family) carers play a key role in supporting children and adults with a disability, chronic or mental illness and older people with care needs. Caring can have negative effects on the carers' own financial situation, retirement security, physical and emotional health, housing arrangements, social networks and career. The impact is particularly severe for carers of people who have complex chronic health conditions and both functional and cognitive impairments.

Access to appropriate, secure and affordable housing is a key issue for many caring families. Families with care responsibilities are concerned about housing for the people they care for, and are affected themselves in access to housing because of their reduced workforce participation and the increased costs as a result of their caring responsibilities.

Property Conditions and Caring

The artwork reproduced on the next page was created as part of a recent festival which commissioned works on the theme of 'What it means to call a house a home'. The artist has chosen to remain anonymous.

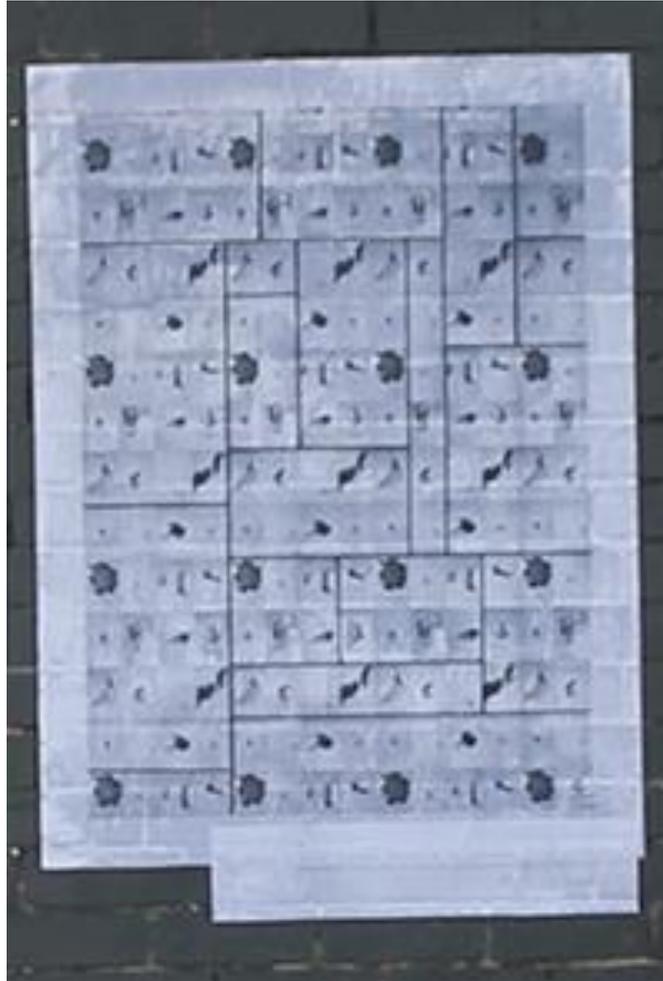
The artist cares for her two teenage sons who have Autism Spectrum Disorder (ASD) and her young adult daughter who has been diagnosed with Borderline Personality Disorder (BPD).

The stress experienced by people with an ASD may manifest in anger leading to aggression towards others, self-injurious behaviour, tantrums and meltdowns². People affected by BPD frequently experience distressing emotional states, difficulty in relating to other people, and self-harming behaviour³.

¹ [http://www.carersvictoria.org.au/Assets/Files/Residential%20Tenancies%20Act%20review%20submission\[1\].pdf](http://www.carersvictoria.org.au/Assets/Files/Residential%20Tenancies%20Act%20review%20submission[1].pdf)

² <http://www.amaze.org.au/uploads/2011/08/Fact-Sheet-Stress-Anger-Management-Aug-2011.pdf>

³ <https://www.sane.org/mental-health-and-illness/facts-and-guides/borderline-personality-disorder>



The artist speaks of her family decorating the house with holes in all the walls. There are so many it is becoming a feature of the walls as she cannot afford to fix each one as it happens.

The work is the representation of the numerous holes her children have made in acts of aggression and frustration.

Carers Victoria commends the Victorian government for their consideration of the recommendations of the Royal Commission into Family Violence (RCFV), to assist victims of family violence when property damage has occurred in a tenancy situation. We urge the government to also consider damage may be caused to property as a result of a person's disability as this behaviour is often not intended to be malicious or destructive. However, under their residential tenancy agreement carers are usually financially liable for the resultant property damage especially when their name is on the lease.

Carers Victoria notes carers of people with a mental illness may apply to the Mental Health Carer Support Fund for reimbursement of costs (that cannot be claimed through Department of Health and Human Services concessions or other funding sources for carers) incurred by the carer on behalf of the person for whom they care when they are unwell. However, only carers of people using public mental health services are eligible to apply.

Thus the carer who created the artwork on the previous page is not able to claim reimbursement from this Fund for the property damage caused by her children.

Recommendation

Carers Victoria recommends establishment of a Carer Support Fund accessible by all carers according to the definition contained in the Victorian Carers Recognition Act 2012.

Property Conditions and Disability Modification

Carers Victoria commends the Victorian government for considering how tenants with a disability may be supported with improved access to dwellings and the installation of modifications for people with a disability.

Carers Victoria supports the Housing for the Aged Action Group (HAAG) position on property modifications in support of older people and younger people with a disability. These modifications have demonstrated positive benefits for carers, as well as the people for whom they care. Home modification interventions can offer carers greater physical and mental wellbeing and may better support the care relationship in the longer term.

Carers Victoria urges the Victorian government to also consider that not all modifications to property may be related to a physical disability, such as ramps, rails and bathroom modifications. Some modifications may relate to the needs of someone with a cognitive disability, for example installation of assistive technology in the home or secure fencing and/or gates.

Recommendation

Carers Victoria recommends the specific security needs of people with a disability are considered in addition to the security needs of people affected by family violence.

Fair wear and tear

As mentioned previously, the behavioural symptoms of some disabilities may be more likely to have a physical impact on the dwelling or to result in property damage. Carers Victoria notes in the absence of universal housing design, the use of necessary equipment by people with disability and their carers within the home may result in property damage, such as damage to walls and doorways caused by wheelchair use.

Recommendation

Carers Victoria recommends the provisions for fair wear and tear take into account the needs of tenants with a range of disability support and home modification needs, so people with disability and their carers are not unfairly penalised as tenants.

Carers Victoria looks forward to changes to the Residential Tenancies Act that result in fairer and safer housing for people in care relationships across Victoria.

Please do not hesitate to contact me for any further information.

Yours sincerely



Caroline Mulcahy
Chief Executive Officer