Council to Homeless Persons

# Parity

## A Call for Contributions – June 2023

*"Reforming Residential Tenancy Acts"*

**Deadline: COB Friday 9 June 2023.**

**Word length: Contributions can be up to 1,600 words. Submissions to be sent to: parity@chp.org.au**

### Introduction

There is now universal agreement that Australia is experiencing a "housing crisis". While one part of the "crisis" is about ownership becoming increasingly unaffordable for growing numbers of people, there is also an ongoing "crisis" in access to private rental. Increasingly the demand for access to private rental far exceeds supply. This demand means that private rental costs continue to grow, and accessibility is further diminished. Likewise, there are fewer and fewer private rental properties that could be classified as affordable for people on low incomes. Despite the efforts of some State governments, limited access to social housing has meant that the demand for affordable rental housing cannot be met.

The net result is that people on low incomes struggle to get access to private rental or they are forced into sometimes severe rental stress, or into various forms of marginal housing, such as rooming houses or other forms of shared accommodation, and ultimately the risk of homelessness.

As a result of the increasing numbers of people in, and demand for private rental, and a growing awareness of the vulnerabilities and limitations of private rental, most, if not all States and Territories have recognised the need to review and ultimately, reform their Residential Tenancies Acts with the view to making private rental fairer, more secure for tenants, and hopefully more accessible for those in need of housing.

2 Stanley Street Collingwood VIC 3066
**P** 03 8415 6200 **E** admin@chp.org.au
ABN 200 005 475 007

The State of Play:

- In Victoria, after a significant review of the Residential Tenancies Act, a new Residential Tenancies Amendment Act was passed in September 2018 with more than 130 reforms coming into force on March 29, 2021.
- In 2019 the then Queensland Department of Housing and Public Works (now Department of Communities Housing and Digital Economy) set out a two-stage process of tenancy reforms. With COVID intervening, it took until October 2021 for the stage one changes to take effect. These included making it easier to keep pets, minimum standards in rental properties, changes to how tenancies end, orders for repairs which continue until they are complied with and improving the ability for renters impacted by DFV to end their agreements and have their bond returned. The process for stage two tenancy reforms were expected to be announced in 2022 but are yet to commence.
- In New South Wales (NSW), Fair Trading NSW has overseen the development of new residential tenancy laws that started on 23 March 2020, with amendments to the Residential Tenancies Act 2010 and the new Residential Tenancies Regulation 2019.
- In 2022, the new South Australian Government committed to a review of its Residential Tenancy Act
- In December 2019, the Western Australian Government commenced a Residential Tenancies Act review, Your house, My home: Rethinking renting in WA, that resulted in the Residential Tenancies Act (Family Violence) Amendment Bill in February 2019 that is designed to help victims of family violence leave tenancies, in which they were unsafe, and further amendments to the Residential Tenancies Act 1987 in October 2019.
- In Tasmania there have been calls for the review and reform of the Tasmanian Residential Tenancies Act (1997) that was last updated in 2015.
- In 2019, the ACT Government amended the ACT's Residential Tenancies Act.
- In 2018, the Northern Territory Government promised a comprehensive review of the Residential Tenancies Act. The NT Government sought feedback and submissions on proposed legal reforms to the rental market. To date changes to the Act have not been legislated.

  The reforms in the different jurisdictions vary significantly in scale and impact. However, some of the reforms or proposed reforms in the different jurisdictions address similar issues. For example:

- Changes to improve security of tenure for tenants.
- Changes to termination of tenancy to prohibit a notice-to vacate for "no-specified-reason" or "no grounds" and the "end of fix term leases".
- A requirement for honesty and accuracy in the information provided to tenants.

- Minimum standards for rental properties and improved processes for maintenance and repairs.
- The issue of tenant responsibility for wilful damage.
- Creation of a landlord and agent “blacklist” of those that have breached RTA legislation.
- Bond requirements, the frequency and rate of rental increases and other charges arrangements.
- Fixed rental prices in advertising and the prohibition of rent bidding.
- Should pets to be allowed and with what conditions?
- Should minor tenant modifications to be allowed?
- Protection for women and children experiencing family violence.
- Minimum housing standards.

## A framework for discussion

The aim of this edition of Parity is to analyse and discuss the progress of the reform of the different Residential Tenancy Acts in the States and Territories. In particular, to see how these proposed reforms are designed to improve access to private rental, and as importantly, make it more secure and sustainable for those experiencing housing stress, or the risk of homelessness.

Likewise, the edition will seek to examine the effect and the impact (if any) of the proposed reforms to residential tenancies legislation on other types of temporary and crisis accommodation like boarding and rooming houses and other forms of marginal housing.

- What are the lessons that have been learnt from the special regulation of tenancies during the peak of the COVID-19 pandemic?

### Tenancy Reform: Why the Reform?

- What is the background and context to the current proposals for the reform of residential tenancies legislation?
- What is the intention/purpose of the proposed reforms?
- What processes have been put in place to develop the reforms?
- What is the balance between landlord and tenant interests in the development of the reforms?
- What are the objectives of the proposed reforms?
- Are there limits to what tenancy law reform can achieve?

## Progressing Tenancy Reform

- How have the reforms thus far enacted, as well as those proposed, made or seek to make, renting more accessible, affordable and sustainable, particularly for those on low incomes?
- Do the reforms and the proposed reforms improve tenant's rights, their level of security of tenure and their level of amenity?
- Is the current raft of reforms and proposed reforms adequate to improve the security and sustainability of renting as a long-term option for people on low incomes?
- What are the differences and similarities in the RTA reform proposals in the different States and Territories?
- How do the proposed reforms compare to relevant rental and tenancy legislation in comparable overseas jurisdictions?
- Will the proposed tenancy reforms prevent homelessness and reduce the risk of homelessness for people in private rental?
- How will the reforms and the proposed reforms provide better protections for victim-survivors of family violence?

## What is To Be Done?

- Have the reforms enacted and those proposed, worked to improve the rights of tenants, their security of tenure and their capacity to make the rental property a secure "home"?
- What more needs to be enshrined in legislation to improve and protect tenant's rights?
- What reforms still need to be enacted to make private rental a viable option for those on low incomes and those who are homeless or at risk of homelessness?
- What are the barriers to further rental reform? How will they be overcome?
- While Residential Tenancy Acts regulate tenants' behaviour, and impacts on their access to the rental market, should landlords also be subject to the legislation? What would constitute a 'fit-for-purpose' landlord?
- Connected to this, what would an "ethical landlord" look like?
- What is the ideal relationship between landlords and tenants?
- How can we create the changes to establish ethical relationships between landlords and tenants?
- Is it time to seriously consider the setting of rent caps and examine their operation overseas?

## Key information

**Deadline**: The deadline for contributions: COB Friday 9 June 2023. Should additional time be required, please contact the *Parity* Editor.

**Submissions format:** All contributions should be submitted as Word attachments via email to parity@chp.org.au.

**Word length**: Contributions can be up to 1,600 words. This equates to a double page spread in *Parity*. Single page articles can be up to 800 words in length. Contributions of a greater length should be discussed with the *Parity* Editor.

**Artwork**: Contributors are invited to submit the artwork they would like to accompany their article. Inclusion is dependent on the space being available. If artwork is not provided and is required, it will be selected by the *Parity* Editor.

**Embedded media:** Contributors are able to make suggestions for the placement of relevant hyperlinks, video and other multimedia within their content which can be embedded in the *Parity* online edition. Any suggestions will be reviewed by and decided upon by the *Parity* editor.

**Content:** By providing your contribution, you confirm and agree that (except where you have referenced or cited any other's work) the contribution is your original work and has not been copied from any other source.

**Use:** If your contribution is accepted, it will be published by or on CHP's behalf in an edition of the *Parity* magazine. *Parity* is available in hard copy and online.

**Assistance and questions:** Feedback, input and assistance can be provided with drafts if required. The *Parity* editor is available at all stages of the preparation of your contribution to look at drafts and provide input and feedback. The earlier drafts are received for feedback, the better.

**Contact:** The *Parity* Editor, Noel Murray, can be contacted on:

e/ parity@chp.org.au
p/ 0466 619 582

## References

All works that are cited or referred to in an article should be referenced. *Parity* does not encourage contributors to list a bibliography of references used in the development of an article but are *not* cited in the article. There is simply insufficient space for the inclusion of extensive bibliographies.

## In-text citations

CHP uses numbered-citation for all in-text citations.

- Number references consecutively in the order in which they are first mentioned in the text. The first reference you cite will be numbered (1) in the text, and the second reference you cite will be numbered (2), and so on.
- A number is assigned to each reference as it is used. Even if the author is named in your text, a number must still be used.
- References are listed in numerical order at the end of the document.
- If you use a reference consecutively assign the consecutive number and use Ibid.
- If the same reference elsewhere in your article, assign the consecutive number and use op. cit. For example, Seung S 2012, op cit, p. 34.
- The number can be placed outside the text punctuation to avoid disruption to the flow of the text.
- If a single sentence uses two or more citations, simply identify the references one after the other.

For example:
International research has found that resilience in a homeless youth sample correlates with lower levels of psychological distress, suicide ideation, violent behaviour and substance abuse. (4) (5)

## *Parity* referencing style

All references used in *Parity* articles should be listed using the following guidelines:

### Books

Author's surname, initial(s), year of publication, Title of book, Publisher, Place of Publication, Page number**(s).**

For example:
1. Seung S 2012, Connectome: How the Brain's Wiring Makes Us Who We Are, Houghton Mifflin Harcourt, Boston, p.90.

### Journal Articles

Author's surname, initial(s), year of publication, 'Title of article'**,** *Title of Journal,* volume number, issue number, Page number(s).

For example:
Trevithick P 2003 'Effective Relationship Based Practice', *Journal of Social Work Practice*, vol.17, no.2, pp.163-176.

### Newspaper articles

**With identified author:**
Authors Surname Initial Year of publication, 'Title of article', *Name of publication*, Date and year of publication, Page number(s) or <URL> if applicable.
For example:
Kissane K 2008, 'Brumby calls for tough sentences', *The Age*, 29 October 2017, p. 8.

**With no author:**
Use 'Unknown'
For example:
Unknown 2008, 'Brumby calls for tough sentences', *The Age*, 29 October 2017, p. 8.

### Webpage/document within a website or blog post

Author's surname (if known) Initial, 'Page/Blog/Document Title', *The person or organisation responsible for the website,* Year of Publication (if known) <URL>
For example:
Greenblatt S, 'A special letter from Stephen Greenblatt', Australian Council of Social Services, 2017 <http://acoss.org/media/greenblatt>

### Audio podcast

Speaker/Hosts surname Initial, 'Title of episode', *Title of Podcast*, Year and date of Publication, <URL> (if available).
For example:

Todd B 2018, ‘What homelessness looks like for women’, Stuff Mom Never Told You, 14 March 2018 <https://www.stuffmomnevertoldyou.com/podcasts/what-homelessness- looks-like-for-women.html >

### Online video/film or documentary

*Title* Date of recording, Format, Publisher.
For example:
*Indigenous homelessness* 1992, video recording, Green Cape Wildlife Films.

### Personal communication

Personal communication may include (but are not limited to) email, fax, interview, conversations, lectures, speeches, telephone conversations and letters. Usually personal communications do not appear, as the information is not retrievable. However, due to the numbered citations used in *Parity*, we ask that they be included as follows:

Author’s surname First name, Method of communication**,** Date and year of Communication
For example:
Johnson George, Telephone interview, 12 August 2018.

### Citing the same reference more than once

When a reference is cited a number of times, use op cit. after the year has been given. If the page number is different from the first use, cite the new page number as well.
For example:
Asante K O and Meyer-Weitz A 2015 op cit. pp. 230-231.

### Citing the same reference consecutively

Use Ibid. when the same reference appears consecutively. If the page number is different from the first use, cite the page number as well.
For example:
1. Florn B H 2015, ‘The cost of youth homelessness’, *Journal of Adolescence*, vol.17, no.2, pp.163-176.
2. Ibid. pp.32-33.

### Multiple Authors

For every reference type, give all the authors Surnames and first Initials followed by a comma in the bibliography. The last author listed should be preceded by ‘and’.
For example:

Sharp J, Peters J and Howard K 2002, The management of a student research project, Gower, Aldershot, England.