

## **Shelter SA's Response to the Residential Tenancies Amendment Bill 2012**

Shelter is the peak body for housing in South Australia funded through the State Government's Housing Minister's Advisory Fund. Shelter is a member organisation and members consist of a diverse range of stakeholders including Government and non-government agencies, private industry and interested individuals. Shelter's brief is to advocate for policies and services that address housing affordability, especially for people on low incomes who may also be living with disadvantage, including people who are older, younger, Aboriginal, from culturally and linguistically diverse backgrounds and with physical or mental health issues. The Shelter membership includes community housing organisations who are not-for-profit landlords and Shelter recognises the tensions inherent in advocating for tenants when landlords are our members. Shelter also monitors government policies and outcomes and participates in the public realm to raise awareness about housing issues in a way that is fair and reasonable to all of our stakeholders.

The Residential Tenancies Amendment Bill 2012 proposes 80 reforms to the current Act. These amendments deal with changes to tenant and landlord rights and responsibilities, the Residential Tenancies Tribunal, residential tenancy databases (so called 'black lists') and rooming houses. The reforms that benefit tenants in the Amendment Bill are commendable, however, this Bill represents a missed opportunity to create legislation that is responsive to the large number of people in the rental market, particularly those who are living on low incomes and with disadvantage. The private rental market in particular is based on free market principles and there is a need to recognise tenant rights and protections in revisions to the Residential Tenancies Act. As it stands, the Amendment Bill to the Residential Tenancies Act does not adequately deal with the unequal power relationship between tenant and landlord, or the discrimination that that many people experience as a barrier to the rental market. The Amendment Bill also does nothing to address the housing affordability crisis, which is a paradoxical move given the significant government focus on facilitating access to affordable housing. There needs to be recognition given to the significant role that the rental market plays in housing South Australians, particularly those living on low incomes and with disadvantage.

Over a quarter of the South Australian population rent their housing and Census statistics indicate that the percentage of renters has increased from 25.6% in 2006 to 27.9% in 2011. According to a national report produced by the Australian Housing and Urban Research Institute (AHURI) more than one million lower-income households that comprise the lowest two quintiles of household income rent their housing, and twice as many lower income households live in private rental compared to public housing. This is a sound basis on which to consider the protection of tenants living on low incomes and with disadvantage as fundamental to any revised legislation.

In the proposed Amendment Bill we commend:

- The inclusion and expansion of the Rooming House Regulations;
- The adoption of the MCCA's National Guidelines for Residential Tenancy Databases as a means for better regulating these databases, albeit it with a number of concerns that need to be addressed;
- Entry hours between 8am and 8pm and an inspection window of 2 hours;
- The inclusion of personal property in cases of abandoned goods;

- The introduction of standard tenancy forms, however, the strength of this amendment is questionable given that it is stated that: *A failure to comply with this section does not make the residential tenancy agreement illegal, invalid or unenforceable.*

We are disappointed and concerned about:

- The lack of transparency and collaboration in writing and introducing the Amendment Bill;
- The lack of attention to discrimination, even though it is widely acknowledged that discrimination is a significant barrier to people entering the private rental market particularly;
- How the Amendment Bill continues to uphold, perpetuate and codify the unequal power relationship between landlord and tenant;
- The 'pet bond', which is an added barrier and a punitive measure enacted against tenants;
- The focus on written requests that must be initiated by tenants for rent receipts and information on tenancy databases.

We are calling on parliamentarians to carefully consider the Amendment Bill to the Residential Tenancies Act and to contact Shelter SA if you would like to discuss this further. Housing is a basic human right and legislation *must* reflect this by creating opportunities for South Australians who are living on low incomes and with disadvantage to access housing.

Shelter SA works on a range of issues related to housing and homelessness in South Australia through our research, advocacy and policy work. Recently we have advocated against the imposition of a time limit for people sleeping in the Parklands and have been involved in NAHA roundtables. Shelter SA also consults widely with the community, regularly writes submissions and articles, presents at conferences and is available to discuss the housing issues of South Australians who live on low incomes who may also be living with disadvantage, including people who are older, younger, Aboriginal, from culturally and linguistically diverse backgrounds and with physical or mental health issues.

If you are interested in learning more about the work of Shelter SA please contact:

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