

10 February 2017

Re: Review of the Residential Tenancies Act 1997 – A Fairer Safer Housing initiative

Submission from Caroline Chisholm Society, Pregnancy and Family Support Service.

About Caroline Chisholm Society:

We offer support from the moment a woman learns of her pregnancy to the time her youngest child goes to school. We help women to achieve a safe and nurturing environment for their children. We offer 1) new and pre-loved baby and maternity goods to families to alleviate the impact of poverty, 2) one-off appointments for counselling and support to empower families, and 3) ongoing casework to support good parenting while at risk of or facing homelessness, family violence and mental health issues. We see 1000-2000 per year, depending on funds and complexity of client needs. We supported women in approximately 1000 one-off appointments in FY14-15 and we worked with over 250 casework clients. We are a grass roots agency, focused in our local communities of Caroline Springs, Moonee Valley and Shepparton.

About residential tenancy for women and children:

- Our experience with residential tenancy relates to risk of and current homelessness of women and families with children under 5 years old.
- We quote, “Despite popular belief, children are one of the largest groups of Australians experiencing homelessness. In fact, children under the age of 18 make up 27% of people experiencing homelessness. Children are also heavy users of specialist homelessness services. Children 0-17 were overrepresented among those who received assistance, with 27% of clients aged 0-17, and 16% aged 0-10.” We also note that “Around 30% of [them] are funded to support women and children escaping domestic and family violence.” (Homelessness Australia)
- We believe that young children need strong attachment with their mothers or primary carers and that mothers’ capacity to offer that relationship is stronger if there is stability in their environment.
- In that context, we are strong advocates for a Government move towards security of tenure.

Our response to the options:

- We endorse the score card offered by the Tenants Union Victoria in response to the options paper.
- We also agree with the positions being put by the Western LASN, which we participate in.
- Concerns: Caroline Chisholm Society notes our shared concerns about:
 - The ease with which a landlord can evict for a breach of duty
 - Weakened protections for those suffering financial difficulties
 - Lowering of the bar for immediate notices to vacate

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- Changes to other at-fault notices including nuisance, failure to comply with VCAT orders, and notices to leave, and
- New notices to vacate.

Raising young children, often in the context of family violence, is challenging enough without tenancy issues becoming a greater focus than that of raising your children well.

- Model of tenure: We share the view of our colleagues that Model 1 of the “Security of Tenure Models” is preferred but we have concerns about the termination orders. As reflected upon earlier, we have a strong preference for a model that supports security of tenure for vulnerable and disadvantaged tenants so that attachment bonds can be established in early childhood.

Points of agreement:

We agree with our colleagues in our shared call for the Victorian Government to:

1. Improve security of tenure and rental access by:
 - a. Abolishing ‘no reason’ notices to vacate (Option 11.25A and Option 11.27D)
 - b. Protecting people from unjust tenancy database practices (Option 4.4 and Option 4.5)
2. Protect tenant health and safety by:
 - a. Introducing minimum property standards (Option 8.13D and Option 8.15B)
 - b. Creating incentives for landlords to undertake repairs (Option 8.35 and Option 8.36)
 - c. Allowing tenants to undertake fair modifications (Option 8.20A, Option 8.20B, and Option 8.21)
3. Protect low income and vulnerable tenants by:
 - a. Preventing unreasonable evictions (Option 11.2)
 - b. Implementing the Family Violence Royal Commission recommendations (Options in chapter 12)
 - c. Fairer access to protections for tenants experiencing hardship from lease breaking fees (Option 6.3, Option 6.4 and Option 6.5)

We trust that this submission will support a suitable review of the Act that supports families to raise their children well without greater risks of homelessness.

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