

Introduction

Carers Victoria is the state-wide peak organisation representing people who provide care. We represent more than 736,600 family carers across Victoria – people caring for someone with a disability, mental illness, chronic health issue or an age-related condition.

People receiving care could be a parent, child, spouse/partner, grandparent, other relative or friend. Carers Victoria is a member of the National Network of Carers Associations and the Victorian Carer Services Network. Carers Victoria is a non-profit association which relies on public and private sector support to fulfil its mission with and on behalf of carers.

Carers Victoria is a membership-based organisation. Our members are primarily family carers who play an important role in informing our work, contributing to advocacy and strategic aims, and distributing information more widely to other carers.

This submission was prepared by Carers Victoria's Policy and Research Team.

Residential Tenancies Amendment Act 2018

In 2018 Carers Victoria supported the Residential Tenancies Amendment Bill as we believed many of the changes would address important issues for carers and the people they care for, as well as having a positive impact on their experience as renters. These include, but are not limited to, the strengthened link between the RTA and the Equal Opportunity Act 2010 to minimise incidents of discrimination against carers during the application process and the preclusion of rental providers to unreasonably refuse consent to modifications which are reasonable alterations within the meaning of section 55 of the *EO Act 2010* and/or assessed and determined to be required modifications by an accredited occupational therapist or a prescribed practitioner.

Carers Victoria believes the proposed Regulations *better support* rental providers and renters to enter into mutually beneficial rental agreements and facilitate a fairer balance between their rights and responsibilities than current arrangements do. We endorse many aspects of the proposed Regulations, such as the inclusion of information statements on unlawful discrimination in application forms; however, Carers Victoria believes the Regulations require further refinement to better protect people who provide unpaid care to family members and friends.

Areas for improvement

1. Liability for damage to rented residential property

The proposed Regulations expand the range of information that VCAT must take into account when determining an application to terminate a tenancy because of family or personal violence; however, the proposed Regulations do not sufficiently support renters whose rented property is damaged by a resident with behaviours of concern related to their disability, cognitive impairment (e.g. acquired brain injury or dementia), mental or chronic illness. Damage to property can be an unintended consequence of behaviours of concern.

Recommendations

- Amend the proposed Regulations to expand the range of information that VCAT must take into account when determining an application to terminate a rental agreement for people who are in care relationships with individuals who display behaviours of concern related to a condition(s) listed above.
- Amend the Notice to vacate a rented premises form to mandate the rental provider to present documentary evidence to support his/her claim that the renter is liable for damage to the premises; is a danger to others; or threatened and/or intimidated the rental provider, their agent, contractor or employee.

2. Minimum standards: cooling appliances

It is a positive move that Schedule 4 Minimum Standards of the proposed Regulations reflect community expectations that renters have the right to live in a safe, homely and functioning environment; however, the Minimum Standards only insist on the inclusion of a heater in the main living area, not a cooling appliance. Both heating and cooling are essential for individual health and wellbeing. The proposed Regulations are inconsistent with the Department of Health and Human Services own "[Heat health plan for Victoria](#)" which states: "extreme heat exacerbates pre-existing medical conditions and causes heat-related illness. Children, people aged over 65, those taking some medications that affect the body's ability to cope with heat, people living alone and people who are socially isolated are among those most affected." (page 1)

Recommendation

- Revise Schedule 4 Minimum Standards to include a cooling appliance for implementation from July 2020.

Further recommendations

1. From July 2020, mandate 28 days for rental providers to respond to home modification requests permitted under Section 64 Amended of the Rental Tenancies Amendment Act 2018. Currently, provisions in both the proposed Regulations and legislation do nothing to prevent a residential rental provider from delaying approval long enough before a rental agreement expires and thereby not providing an option to renew it in order to source a renter who will not request a home modification.
2. From July 2020, allow renters and rental providers to negotiate the means by which they communicate with each other. Carers Victoria is concerned the requirement to communicate in written format may be difficult for renters for whom English is a second language, have a disability, cognitive impairment (e.g. acquired brain injury or dementia), mental or chronic illness or care needs from advanced age. Without change, this requirement is likely to add further pressure on informal carers and formal advocacy services.
3. From July 2021, mandate accessible communication between renter and rental provider.
4. From July 2020, prohibit the rental provider from asking applicants if they intend to use the Victorian Bond Loan Scheme or why they left their last property. This information has the potential to allow the rental provider to discriminate against low-income earners, casual employees or recipients of income-support payments such as Newstart. Carers

are much more likely to be on a low income than non-carers and commonly transfer from Carer Payment to Newstart after the person they cared for dies or enters residential care.

5. From July 2020, allow renters and rental providers to negotiate the cost of repairs when the renter is liable for damage that does not warrant a Notice to vacate; for example, a broken window or damage to a bench top. Each party should be entitled to source their own quote to repair damage from a reputable professional. If there is a difference in the two quotes from the reputable professionals, the renter is entitled to pay the lower of the two quotes.
6. From July 2020, allow renters to claim compensation for economic loss caused by rental providers' failure to repair appliances such as stoves, as legislated in NSW.

Please contact the Policy and Research Team on 9396 9555 if you have further questions about the issues raised in this submission.