

INQUIRY INTO THE RENTAL AND HOUSING AFFORDABILITY CRISIS IN VICTORIA

Inner Melbourne Community Legal (**IMCL**) welcomes the opportunity to participate in the Parliamentary Inquiry into the Rental and Housing Affordability Crisis.

Our submission focuses on the crisis in affordability of private rentals and cost of living pressures, and its impact on public and community housing demand, and the need for enforceable rights and protections for social housing renters in preventing homelessness. Victoria needs to urgently increase supply of public housing to meet demands with the growing Victorian Housing Register waitlist.

This crisis has been building for many years. In fact, our submission to this Inquiry relies heavily on the submission we made to Victoria's 10 Year Social and Affordable Housing Strategy in 2021. Two years on the Government has not released a strategy and our points still apply.

Government action on responding to the housing crisis seems to have stalled. There has been no response to the Parliamentary Inquiry into Housing and Homelessness which was tabled on 4 March 2021, the Social Housing Regulation Review delivered to the Minister on 31 May 2022, and the Victorian Ombudsman's Investigation into Complaint Handling in Victoria's Social Housing Sector published July 2022.

About Inner Melbourne Community Legal

Inner Melbourne Community Legal (**IMCL**) is an independent community legal centre working for social purpose. Since 1978, we have served the inner Melbourne area.

We are a small but dedicated team of lawyers, administrative and project staff supported by volunteer law students and pro bono corporate partners. Our lawyers are experts in community law.

We are funded by government and philanthropic grants and donations.

Who we help

People experiencing chronic disadvantage (such as homelessness, mental illness or low literacy) are more likely to experience a cluster of legal and non-legal issues. This can result in more frequent interactions with the justice system, which impacts their wellbeing and ability to achieve stability. We aim to minimise this impact.

Adverse circumstances in a person's life (such as ill health, relationship breakdown or unemployment), can put them in an acutely vulnerable position and trigger legal issues, putting them at further risk of longer-term, entrenched disadvantage. We aim to break this cycle.

For our clients, legal issues often do not occur in isolation, but are inter-related with other non-legal issues. We work holistically and tailor solutions to achieve sustained outcomes for our clients.

How we work

We provide free legal help in the form of information, advice, casework and representation. We provide help in our office and through integrated outreach services to reach people who face barriers in accessing help. By reaching people earlier with their legal issues, we prevent problems from escalating.

We work in partnership with other community organisations that are committed to improving community health and wellbeing. Together we strengthen the impact of each other's work. Our partnerships include homelessness services, hospitals, community health services and maternal and child health services.

We are informed by our work with clients and community partners. Through our casework, we identify systemic issues and work with others to come up with solutions and influence decision makers.

To make sure we are effective in what we do, we continually monitor and evaluate our work.

Our legal outreach partners

- Ozanam House – VincentCare Victoria
- Flagstaff Accommodation – The Salvation Army
- The Royal Melbourne Hospital
- The Royal Women's Hospital
- Peter MacCallum Cancer Centre
- City of Melbourne – Family Services
- North Melbourne Language & Learning
- Hester Hornbrook Academy – CBD and South Melbourne

Our lawyers also provide a duty lawyer service twice per week in Family Violence Intervention Order matters at the Melbourne Magistrates' Court.

Our work with people experiencing homelessness

People who are experiencing homelessness are highly vulnerable to experiencing adverse legal issues and are more prone to interact with the legal system. The laws enforced in society often discriminate against, and disproportionately impact those who are experiencing homelessness.

Knowing this, our services target individuals who are experiencing or are at risk of homelessness, with 32% of our clients for the 2021/22 financial year either at risk of or experiencing homelessness. This is an increase of 6 per cent from pre-pandemic 2019/20. IMCL seeks to provide effective and timely legal assistance to people experiencing or facing homelessness due to eviction, as well as other social and health reasons. Their experiences and our work with our local communities informs this submission.

Our clients regularly come to us with problems that make it difficult to pay their rent and keep their homes. However, tenancy issues are not limited to affordable housing, they also include housing suitability where people need: housing modified for a disability or old age, repairs and maintenance, a community that is supportive in understanding the effects of mental health issues or a home of an appropriate size to accommodate their family.

Our submission

This submission focuses on issues that our community lawyers have identified as urgently needed to address the challenges facing renters during this housing affordability crisis:

- need for more public housing
- need for stronger protections and rights for community housing renters equivalent to those in public housing
- adoption of no evictions from social housing into homelessness policy
- simplified, effective and consistent complaints system for public and community housing renters.

There is more work to be done to ensure private rental properties are more affordable and secure. Anglicare's Annual Snapshot into rental affordability continues to paint a grim picture for low-income earners' access to the private rental market.¹ The lack of affordable rentals highlights the need for effective and rights based social housing provision for all low-income earners. While there is a lot that could be done to reform the private rental market, our submission will focus on the needs of those who cannot afford private rentals.

The measures implemented during the pandemic for tenancies, assisted rental providers and renters to negotiate fair rent, particularly in times of financial hardship. IMCL had supported these measures continuing, including mediation provisions and the onus on landlords to do their part to prevent homelessness. It would be preferable if the load was shared equally across landlords and private investors. The reality is that we all need to do our share to ensure everyone has a home. Landlords benefit immensely from a housing system geared to home ownership and investment; this support should come with a responsibility to prevent evictions into homelessness.

Growing public housing

Public housing plays a significant role in housing Victorians experiencing financial disadvantage, marginalisation and complex mental and physical health issues. For many of Inner Melbourne Community Legal's clients, public housing has provided security and safety following experiences of homelessness, family violence and trauma.

Over the last few years, there has been marked increases in the waiting lists for public housing. There are currently almost 58,131 applications on the Victorian Housing Register. The 2018 Parliamentary Inquiry found that the waitlist included nearly 25,000 children.² Even during the restrictions on rental evictions and increased welfare payments due to COVID-19 JobSeeker supplement, the waitlist grew by over 1000 applications between September and December

¹ Anglicare, "Rental Affordability Snapshot – Regional Reports" (2023) Available at:

<https://www.anglicare.asn.au/wp-content/uploads/2023/04/Rental-Affordability-Snapshot-Regional-Reports.pdf>

² In 2018 the Legal and Social Committee found that waitlist of 50,000 applications included nearly 25,000 children, the waitlist continues to grow and we expect the number of children on the list does too. Legal and Social Issues Committee, Parliament of Victoria, *Inquiry into the Public Housing Renewal Program* (2018)

xi <https://www.parliament.vic.gov.au/images/stories/committees/SCLSI/Public_Housing_Renewal_Program/LS_IC_58-11_PHRP_Text_WEB.pdf>.

2020.³ And we know the waitlist underestimates the housing needs of our community.⁴ To meet demand, more public housing needs to be built. An increase in public housing could have the effective of reducing pressure of private rental supplies and driving down rents.

Growth in community housing on its own will not be sufficient to meet the current and growing needs of the Victorian community. The Big Housing Build is a needed investment in social and affordable housing, but it does not commit to growing publicly owned and managed housing. Despite this injection of funding, Victoria still spent almost the lowest per-capita on public and community housing out of all the States and Territories last year.⁵ Until recently, Victoria has been spending half the amount on public and community housing as all other states.⁶ The Housing Taskforce of the Royal Commission into Family Violence found that 3200 properties needed to be built each year to meet current demand by 2036.⁷ Making up for this shortfall will require the growth of both publicly funded and managed housing and community housing; the need has only increased as the renting and affordable housing crisis worsens.

Additionally, the Federal government must do its fair share to ensure everyone in Australia has a place to call home. Commonwealth Rent Assistance should be increased, alongside raising the rate of income support during this cost-of-living crisis. Community housing providers rely on the additional rent they receive from the Commonwealth Rent Assistance Payments, which is made to those on social security payments. This will help with their provision of secure, suitable, affordable housing. Additionally, people living in public housing are excluded from receiving the Commonwealth Rent Assistance Payment. The Federal Government could support the State government's investment in public housing, through the extension of Commonwealth Rent Assistance to people living in public housing. The State government should lobby for this reform.

RECOMMENDATIONS

1. Increase the supply of public housing through building more government owned and managed public housing dwellings.
2. Lobby the Federal government to increase the quantum of Commonwealth Rent Assistance and call for people living in public housing to be eligible for rent assistance.

Stronger standards for community housing renters: Adequacy of regulations (term of reference 3)

Nearly one in four Victorian social housing tenants currently live in community housing. Government strategies in recent years have been focused on growing community housing,

³ State of Victoria. *Victorian Housing Register and Transfer List* (December 2020) and (September 202) available at: <https://www.housing.vic.gov.au/victorian-housing-register> (accessed 1 April 2021)

⁴ Victorian Auditor General's Office, *Managing Victoria's Public Housing Stock* (June 2017)

⁵ Productivity Commission, *Government Services Report 2023* (Table 18A.1)

⁶ Ibid.

⁷ Family Violence Housing Assistance Implementation Taskforce, '[Victoria's Social Housing Supply Requirements to 2036](#)' (May 2017) 3

with the overall availability of public housing declining. As the consultation of 10-year Social and Affordable Housing Strategy stated:

The future is one where community housing providers will play a central role in delivering growth, improving diversity and choice to the social housing system. The public housing system will remain a central part of the system, maintaining its current stock levels and benefiting from increased investment in renewal, upgrades and maintenance.

*Establishing a 10-year Strategy for Social and Affordable Housing:
A discussion paper prepared for the Victorian Community by the Victorian Government*

The public housing system looks after more critical-need applicants and provides a wider range of protections than those in community housing experience.⁸ In an environment where community housing sector is growing, to address the issue of what will help people seeking and living in social housing to find and keep their home, particular focus needs to be on what the community housing sector does to help people keep their housing.

When considering the adequacy of regulation with regards to standards and conditions of rental housing (term of reference 3), consideration should be given to particular needs of community housing renters. The Victorian Housing Register has now combined both the public and community housing waitlists.⁹ Despite community housing providers, and the Department of Families Fairness and Housing, exercising a near-identical function as providers of housing to Victoria's most vulnerable, legal protections for community housing tenants lag behind public housing tenants.¹⁰ There should be a minimum standard of rights, protections and responsibilities that all renters in social housing are entitled to.

As community lawyers, we see the impacts that different policies and procedures have on the regulation of renters, and the different outcomes for renters in public housing compared to community housing. A person in public housing has:

- The ability to take temporary absence of 6 months from their property at reduced rent (\$15 week), if they cannot stay at their home for reasons such as family violence, are receiving medical treatment including as a mental health inpatient, or have gone to prison;
- The right to have their home modified for disability and safety reasons;
- Their rent limited to 25 per cent of their income; and
- The ability to transfer to another public housing property when their needs change, such as their family grows. The waitlist on the transfers are long, given the low supply, however the ability to transfer from an inappropriate home is a critical need for individuals and families.

⁸ Victorian Auditor General's Office, *Managing Victoria's Public Housing Stock* (June 2017) viii

⁹ The state-wide total number of social housing applicants at June 2020 was 45,698. At that time, there were also 7,422 current social housing tenants/residents who were waiting for transfers. See Department of Health and Human Services Victoria, *Victorian Housing Register* (Website, 2020) <<https://www.housing.vic.gov.au/victorian-housing-register>>.

¹⁰ Community Legal Centers, Submission No. 5 Consultation Submission to Social Housing Regulation Review, 19 July 2021. Available at: <https://engage.vic.gov.au/download/document/21070>

Many community housing providers may have strong policies in one or more of these areas, but it is not consistent across the sector. Community lawyers even find differences within a community housing provider in how the policies are applied. When there are not consistent standards and expectations, people who are already impacted by poor mental health or family violence, can find themselves in a more vulnerable position.

Here are some of people our community lawyers have seen:

Disability modification refused

Jonathon* uses a wheelchair. His occupational therapist recommended alterations be made to his home to assist him access high cupboards and open the heavy fire door he uses to enter and exit the building.

His community housing provider is one specially targeted at assisting people with disabilities, to maintain their home. Despite this, it still refused the request, insisting modifications must be paid for through NDIS. Jonathon does not receive NDIS support (there is some hope he might recover and without a permanent disability he does not qualify for NDIS).

His lawyer referred the community housing response to the Housing Registrar, who found the community housing provider acted consistently with their policy and met the relevant Performance Standard of "...facilitating access to support for social housing applicants and tenants with complex needs."

Jonathon continues to live in the house unmodified. Everyday tasks for him are more difficult. He has no alternative. Given he has a home, Jonathan is no longer on the priority wait list. He would not be able to find or afford alternative housing.

Paying more than 25 per cent of income in rent

Renters in community housing can be charged up to 30% of their rent, as well as 100% of Commonwealth Rent Assistance. Moreover, substantial services charges for utilities and facilities often also occur in community housing, leaving renters with little income to use at their will.

Mark* is paid a disability support pension of \$432.25 per week. He is charged weekly rent of \$177.06 (25% of his income and 100% of Centrelink Rent Assistance) and a property charge of \$45.00. This leaves Mark with only \$210.19 per week to spend on all his other needs.

Difficulties in transferring to a safe and healthy home

Ryan* is a single dad who cares for his four children. Every time it rained, a defect in his community housing home meant that the house was flooded, leaving it damp

and mouldy. It took four years for his community housing provider to finally find an alternative home for Ryan and was only possible because he accepted a much smaller home away from the city centre.

During that time, even though his home was barely liveable, there was nothing Ryan could do for his family. He could go back on to the Housing Register wait list, but because he had a home – no matter how inappropriate it was – he would not have been on the priority list.

If he lived in public housing, the issues would have been resolved, or he would have been transferred to a healthier home sooner. Community housing providers have limited stock, making internal transfers difficult. Ryan should not have been disadvantaged because he lived in community housing, a consistent and fair policy of transfers is needed.

**Client names have been changed for their privacy*

These examples, show the challenges for community housing renters who are not afforded the same security of policy, procedures and accountability that exists in public housing. These stories are ones where the community housing providers have failed their tenants, but this is not the case for every community housing property. As community lawyers we see people who are having marginlased and who experience high levels of disadvantage. Effective regulation and procedures must be there to protect against people falling through the gaps. Public housing conditions and standards have been developed over many years, building on experience and knowledge of housing needs for the most vulnerable people in our state. While not perfect, they provide consistency and fair process, and a recognition for the difficult position people are in when their housing security is at risk.

Renters in community housing deserve rights and protections equivalent to those in public housing. We believe there should be consistent rental policies and procedures across social housing. We note community housing providers may need adequate funding to ensure equivalent rights and protections with public housing renters. Policies such as temporary absences and disability modifications, need to be factored into any costs analysis with adequate funding to prevent homelessness and support renters during this affordability crisis.

RECOMMENDATIONS

3. Housing provided to renters from the Victorian Housing Register waitlist, should have equivalent rights and protections, through consistent policies and procedures, whether that housing is in public housing or community housing. In process of ensuring consistency no renter should be worse off.
4. Adequate funding be provided to ensure public and community housing organisation can fulfil obligations such as temporary absences and disability modification that can help keep renters in their homes.

No evictions into homelessness from social housing: Addressing housing insecurity (term of reference 2)

Options to address housing insecurity are critically important for renters in social housing. Eviction from social housing often has more serious consequences than other renting cohorts – as social housing renters often find it more difficult to find alternative accommodation, they are more likely to end up homeless because of an eviction.¹¹

Supporting long-term, safe and affordable tenancies is not only good for renters – it has also been clearly linked to better wellbeing and health outcomes,¹² reducing health costs for the state.¹³ Government investing in housing for low-income earners should come with a commitment to prevent evictions into homeless.

Currently this is done through policies of ‘eviction as mechanism of last resort’, our call is to strengthen this provision towards policies that adopt a position of no evictions into homeless. This is the position that has been adopted in Wales and could be adopted in Victoria too.¹⁴

The current system of eviction as last resort is resulting in too many evictions, particularly from community housing. One of the objects of the *Housing Act 1983* (Vic), which regulates the registration of community housing providers, is ‘to promote security... of tenure’.¹⁵ The Performance Standards for Register Housing specifically require registered community housing providers to have policies that treat eviction as an outcome of last resort.¹⁶ This is consistent with community housing providers obligations under ss 4(1)(c), 13(a) and 38(1) of the Charter to avoid acting in a way or making decisions that result in an arbitrary interference with tenants’ or residents’ homes and their right to housing.

Despite this, people still get evicted from community housing at a concerning rate. Research from one community housing provider found that almost half of their tenancies ended within

¹¹ See Justice Connect Homeless Law, *There’s No Place Like Home: Submission on the Security of Tenure Issues Paper* (December 2015) 21-27; Tenants Union of Victoria, *Response to Security of Tenure Issues Paper of the Residential Tenancies Act Review* (December 2015) 12-13; Victoria Legal Aid, *Residential Tenancies Act Review: Security of Tenure Submission* (31 December 2015) 8-10.

¹² Shelley Mallet, Rebecca Bentley, Emma Baker, Kate Mason, Deborah Keys, Violet Kolar, Laurent Krnjacki, *Precarious Housing and Health Inequalities: What are the links? Summary Report* (August 2011) available at: https://www.vichealth.vic.gov.au/~media/resourcecentre/publicationsandresources/health%20inequalities/precarious%20housing/precarious%20housing_summary%20report_web.pdf?la=en

¹³ Estimated annual cost to government services of an individual experiencing homelessness is \$29,450 higher than for the rest of the Australian population. See Zaretsky K. et al, Australian Housing and Urban Research Institute (AHURI), *The cost of homelessness and the net benefit of homelessness programs: a national study*: AHURI Final Report No 205 (2013) 14 available at https://www.ahuri.edu.au/__data/assets/pdf_file/0007/2032/AHURI_Final_Report_No218_The-cost-of-homelessness-and-the-netbenefit-of-homelessness-programs-a-national-study.pdf.

¹⁴ See Claire Budden, “We can make zero evictions work” (Welsh Housing Quarterly, April 2019) available at: <https://whq.org.uk/the-magazine/issue/117/we-can-make-zero-evictions-work/>

¹⁵ Housing Act, section 6(1)(f).

¹⁶ Performance Standards, page 3, available at: [Performance Standards and Evidence Guidelines | Housing Registrar](#)

18 months.¹⁷ Most of these exits (59 per cent) were from what it describes as “negative push factors” such as rent arrears or conflict with neighbours.¹⁸ The community housing provider argued that it housed people with difficult and complex needs, including those who had been homeless for a long time. Similar people are housed in public housing, where eviction rates are lower.¹⁹

Bianca’s story, and why we need to shift from ‘eviction as last resort’ towards no evictions into homeless policy

Bianca had been homeless for 5 years before she moved into a community housing rooming home. She experienced post-traumatic stress disorder, anxiety and depression. Soon after she moved in, she had a verbal dispute with another resident, who called the police. The police attended and obtained an interim Personal Safety Intervention Order against Bianca, excluding her from the rooming house. Bianca disputed that she was the aggressor in the altercation and challenged the exclusionary condition of the intervention order – to instead negotiate safe contact conditions.

While this was going on, and on the very same day of the altercation, the community housing provider served Bianca with a Notice to Leave and applied for possession of the rented premises. Bianca came to Inner Melbourne Community Legal for help. We talked to the community housing provider about other options they had rather than evicting Bianca into homelessness. Our lawyer encouraged the community housing provider to withdraw the Notice to Leave, or alternatively, that the housing provider transfer the resident to a vacant room they had available in another rooming house. The community housing provider refused to find an alternative and continued with their efforts to evict Bianca at VCAT.

At the hearing, VCAT was satisfied that there was no ongoing danger at the rooming house caused by Bianca and dismissed the application for possession. Allowing Bianca to keep her home.

Concerned about the process and to prevent it happening again, we lodged a complaint with the Housing Registrar arguing that the community housing provider had not taken reasonable steps to avoid evicting Bianca into homelessness. Despite VCAT finding in Bianca’s favour, the Housing Registrar found that the community housing provider had not breached the Performance Standards or any other obligations under the Act.

¹⁷Guy Johnson, Susan McCallum, Juliet Watson. *Who stays, who leaves and why: Occupancy patterns at Unison Housing between 2014-2016* (Research Report No. 2, February 2019) 3.

¹⁸Ibid 4

¹⁹Price, S & Millard, B (2018). *Improving housing and health outcomes: understanding and addressing barriers to VCAT attendance*. West Heidelberg, Victoria; West Heidelberg Community Legal, Banyule Community Health, 3, 37.

Government should support a policy of no evictions into homelessness. A recent study found that 87 per cent of residents in public housing required active and ongoing support from a social worker.²⁰ These findings reflect that public housing is increasingly occupied only by those experiencing the most complex needs and disadvantage.²¹ However, the combining of the Housing Register waiting list means people with complex needs and experiences of disadvantage also increasingly live in community housing. Without providing equivalent active and ongoing support for community housing tenants, maintaining such housing can be difficult.

Too often the exercise of social housing has considered the capital investment and maintenance, without looking at the total cost and benefit of supporting a person in housing. The cost of homelessness on government services was calculated almost a decade ago to be an additional \$29,450 per person, a number undoubtedly higher due to inflation today.²² Though nonetheless significant on its own, this figure says nothing of the costs to individuals, families and communities of insecure housing. Investment in appropriate, affordable and safe housing for those at risk of eviction is not only a cost-effective approach- it is one with immeasurable flow-on effects.

Working towards a policy of no evictions from social housing into homelessness would be a sensible government position. By supporting housing security for low-income renters, we support the capacity for people to more fully engage in society and thrive.

RECOMMENDATION

5. Adopt no evictions from social housing into homelessness as a policy goal. Funding should be provided to support renters with complex needs to work towards this goal.

Consistent and accessible complaints process for community and public housing renters: the adequacy of rental system and enforcement (term reference 4)

In 2022 the Victorian Ombudsman investigated complaints handling in Victorian social housing sector. The investigation found:

The quality of community housing organisation complaint policies is not consistent across the sector and not all community housing renters have access to the same complaint system. This means there is inequality between renters in the public and community housing sectors, and potentially between renters within the community housing sector.²³

²⁰ Ibid 35

²¹ Victorian Auditor General's Office, *Managing Victoria's Public Housing Stock* (June 2017) 11

²² Estimated annual cost to government services of an individual experiencing homelessness is \$29,450 higher than for the rest of the Australian population. See Zaretsky K. et al, Australian Housing and Urban Research Institute (AHURI), *The cost of homelessness and the net benefit of homelessness programs: a national study*: AHURI Final Report No 205 (2013) 14 available at https://www.ahuri.edu.au/_data/assets/pdf_file/0007/2032/AHURI_Final_Report_No218_The-cost-of-homelessness-and-the-netbenefit-of-homelessness-programs-a-national-study.pdf.

²³ Victorian Ombudsman, *Investigation into Complaint Handling in the Victorian Social Housing Sector* (July 2022)

The Victorian Ombudsman has recommended a simpler complaint system, that is more accessible and fairer for all renters in community and public housing. Renters in community and public housing are waiting on response from Government into the recommendations. We understand that there may be benefits in looking at the Ombudsman recommendations, alongside the Social Housing Regulation Review and call for the Government to release the final report.

Enforceable rights and an effective complaint system is necessary to provide security and support for renters in public and community housing. The inconsistency between community and public housing complaints system is another reason why renters in community housing miss out on much needed protection of their rights.

Community Housing Providers are required to establish an internal complaints procedure under section 97 of the *Housing Act 1983* (Vic). If the complaints are unresolved within 30 days, the tenant or prospective tenant can refer the matter to the Housing Registrar. The Housing Registrar can direct the Community Housing Provider to remedy the matter and take further action to reduce non-compliance in the future.²⁴ However, this provision is limited to complaints by tenants and prospective community housing tenants about “matters relating to rental housing”, but not matters capable of being referred to the Victorian Civil and Administrative Tribunal (VCAT) under the *Residential Tenancies Act 1997* (Vic).²⁵ The Housing Registrar often interprets this section narrowly. Given almost all disputes are capable of being referred to VCAT under the *Residential Tenancies Act* (including the catch all ‘general disputes’, as well as repairs, disputes about rent increases, disputes about compensation, disputes about eviction, disputes about entry to the property)²⁶ this seemingly gives the Housing Registrar no jurisdiction at all to investigate complaints.

This is in contrast to the approach taken by Department of Families Fairness and Housing to Housing Appeal complaints. For public housing renters, there is a clear internal process where publicly available policies mandate how decisions are to be made. A renter is able to take a complaint through a number of internal reviews; they can escalate a complaint to the Housing Appeals Office, which is independent from the Housing Office.²⁷ The Housing Appeals Office is responsible for providing independent merits review of decisions made at the Local Housing Office level and look at the complaint afresh and remake the decision.²⁸

At every step in this decision-making process, the decision maker and the decision-making process for a public housing renter is subject to the *Freedom of Information Act 1982* (Vic) (**FOI Act**) and all information pertaining to the decision are available to the tenant under the FOI Act (except those specifically exempt under Part IV of that Act). There is no such ability or right for decisions made in relation to a community housing renter’s complaint. Registered

²⁴ *Housing Act 1983* (Vic), s 100(1).

²⁵ *Housing Act 1983* (Vic), s 96(2).

²⁶ See *Residential Tenancies Act 1997* (Vic), s 452, 472

²⁷ Department of Health and Human Services. *Business Practice Manual – Housing Appeals* (Victorian Government, May 2017) [12]

²⁸ Department of Health and Human Services. *Business Practice Manual – Housing Appeals* (Victorian Government, May 2017) [14]

Housing Agencies are not bodies covered by FOI Act.²⁹ The same is true for the ability to access written reasons for a decision under section 8 of the *Administrative Law Act (Vic)*. The lack of transparency means that decision making is not as accountable as it could be and community housing tenants can be left in the dark about how their complaint has been handled, limiting the ability to understand why the decision may have been made.

To address the challenges community housing renters face to maintain their housing in the context of a dispute, reforms are required to ensure community rental providers have enforceable, transparent and accountable policies and procedures.

A simplified and consistent complaints mechanism for public and community housing renters is necessary to address the power imbalance between renters and rental providers. This imbalance is currently heightened by the vulnerability and limited options of those who reside in social housing, making it all the more necessary for a complaints mechanism to enforce renters' rights and protections.

RECOMMENDATION

6. That the recommendations by the Victoria Ombudsman to create a simplified, effective and consistent complaints mechanism for both public and community housing renters are implemented.

We would welcome any further opportunity to participate in this important inquiry. Please contact our office on 9328 1885 or at michelle.reynolds@imcl.org.au if you wish to discuss these issues further.

Yours sincerely



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²⁹ Community Housing Providers are independent from government, so not covered under s 13, nor do they meet the definition of 'agency' under s 5(1) *Freedom of Information Act 1982 (Vic)*