



South Australia - Rebuilding private renter policy and advocacy services

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Introduction

There is a housing affordability crisis in Australia. Many people no longer aspire to own their own homes as their incomes do not allow them to save for a house deposit or manage mortgage repayments at current property prices. More and more people will spend their lives in private rental accommodation than ever before in this country. South Australians need to pay close attention to re-building residential tenancy laws incorporating the rights and responsibilities of tenants and landlords and ensure that adequate advocacy and information is available for tenants.

The South Australian Strategic Plan¹ contains economic and social priorities. If we are serious about “giving our children every chance to achieve their potential in life”, and “keeping our communities safe and our citizens healthy”, as well as achieving economic prosperity, it is critical to ensure that all citizens have access to their basic human rights, including shelter. If Adelaide is to continue to be one of the most livable cities in the world, we cannot afford to leave anyone behind, especially private renters.

In March 2017, National Shelter jointly released their private renter research project findings with Choice Australia and the National Association of Tenant Organisations. The project was initiated by National Shelter and revealed the experiences of Australians who are living in private rental accommodation. The project report was titled “Unsettled: Life in Australia’s private rental market”. This report resonated with thousands of people across the country, evidenced by considerable mainstream media coverage, and through the Twitter hashtag “#RentInOz” trending number one nationally, for over 24 hours.

Every State and Territory in Australia has a dedicated tenant resource organisation except South Australia. Tenant organisations differ in size and the majority are funded through the interest earned on private rental bonds. Broadly, the tenant organisations fulfil the functions of providing legal advice about housing, as well as providing individual advocacy, advice and education for tenants, and policy advice to governments. The Australian Housing and Urban Research Institute acknowledges that State Governments should enhance the “legal protection for tenants in marginal housing systems, which include boarding houses, caravan parks and forms of split tenancies”². Some tenants require assistance to achieve their legal rights through advocacy.

South Australia has similar ingredients to interstate tenant organisations, but they are spread across a number of government and non-government organisations including Consumer and Business Services; Welfare Rights Centre - housing legal clinics; Service to Youth Council - Tenant Information and Advice Service (TIAS); Uniting Communities; and Shelter SA. The interest payable on South Australian private rental bonds also funds the South Australian Civil and Administrative Tribunal and the administration of the Residential Tenancies Act, which is the responsibility of Consumer and Business Services.

The aim of this research project is to explore the need for, and possibility of, increasing the resources available to private rental tenants and related systems advocacy in South Australia. The research was based on the philosophical assumption that the interest earned on tenant bonds

¹ <http://www.priorities.sa.gov.au/>

² http://www.ahuri.edu.au/policy/policy-analysis/private-rental-for-lower-income-households?utm_source=website&utm_medium=homepage&utm_campaign=slider1

should be wholly returned to tenants through education, policy and legislation research and advocacy.

The rationale for this research is described in this report, and include the growth of renting, the increasing lack of affordability in the private rental market and other renter issues. Broad international residential tenancy categories and the Australian context are explained, with evidence about the need for increased tenant advice and advocacy. Outlined in a brief methods section are the purposeful literature review, community consultation activities and data analysis process. Other jurisdictions around Australia are examined to determine the positive characteristics of tenant advice and advocacy services and make an assessment of how South Australia compares to other States in its capacity to provide tenant services. The focus group findings for the study are presented to support the conclusion that South Australia is lagging behind in its provision of tenant services, with recommendations for improvement. Recommendations are made, indicating a way forward, so that private renters in South Australia can access better and more comprehensive services to sustain their tenancies and that the interest earned on the bonds they lodge is more clearly returned to them.

Methods

A purposeful literature review was carried out to include relevant academic literature about tenant advice and advocacy, on-line resources and grey literature. A focus group was held in South Australia in June 2017, with representatives from Consumer and Business Services, St. John's Youth Service, Department of Treasury and Finance, Housing SA, Housing Legal Clinic (Welfare Rights Centre) and Shelter SA. Email contact was also made with organisations who were unable to attend the focus group including the Tenant Information and Advice Service and the South Australian Civil and Administrative Tribunal. Face-to-face interviews were conducted in individual meetings with the Tenant Union of New South Wales, Tenants Queensland, Tenant Union of Victoria, Shelter Tasmania, Australian Capital Territory Tenants Union, the National Organisation for Tenant Organisations and Shelter SA. Focus group data was analysed thematically.

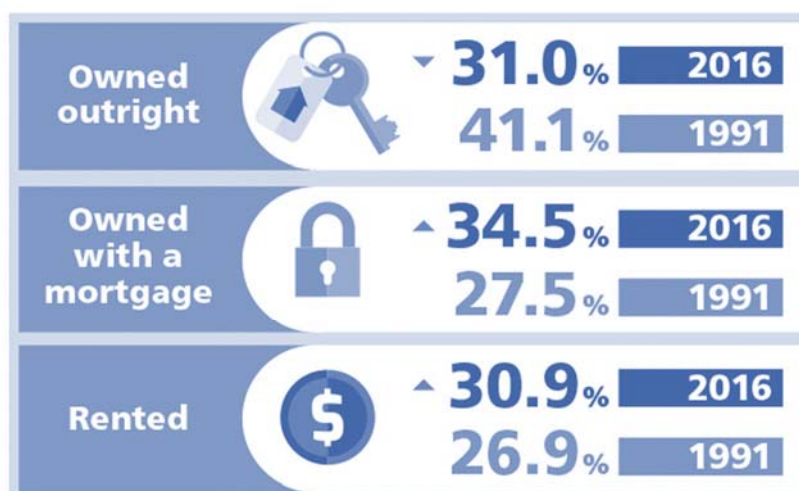
Rationale

The growth of renting

The percentage of rental housing has grown in South Australia³ from 27.9% of all households in 2011 to 28.5% in 2016. A relatively small percentage of growth, it is indicative of a trend away from home ownership towards renting, and an increase in home ownership with a mortgage rather than homes owned outright.

Tenure	South Australia	2016 %	2011	%	Australia	%
<i>Occupied private dwellings</i>						
Owned outright	205,531	32.2	203,281	32.8	2,565,695	31.0
Owned with a mortgage	225,670	35.3	218,402	35.3	2,855,222	34.5
Rented	182,180	28.5	172,729	27.9	2,561,302	30.9
Other tenure type	9,847	1.5	8,937	1.4	78,994	1.0
Tenure type not stated	15,566	2.4	15,694	2.5	224,869	2.7

The level of rental housing in South Australia is lower than in other jurisdictions however, it is timely to examine the level, cost and amenity afforded in South Australia's rental market and to rebuild policies and programs which respond to a growing rental population, particularly the access of tenants to advice, support and advocacy.



(a) Includes households in occupied private dwellings only. Excludes visitor only and non-classifiable households.

(b) Owned with a mortgage includes 'Being rented under a shared equity scheme'.

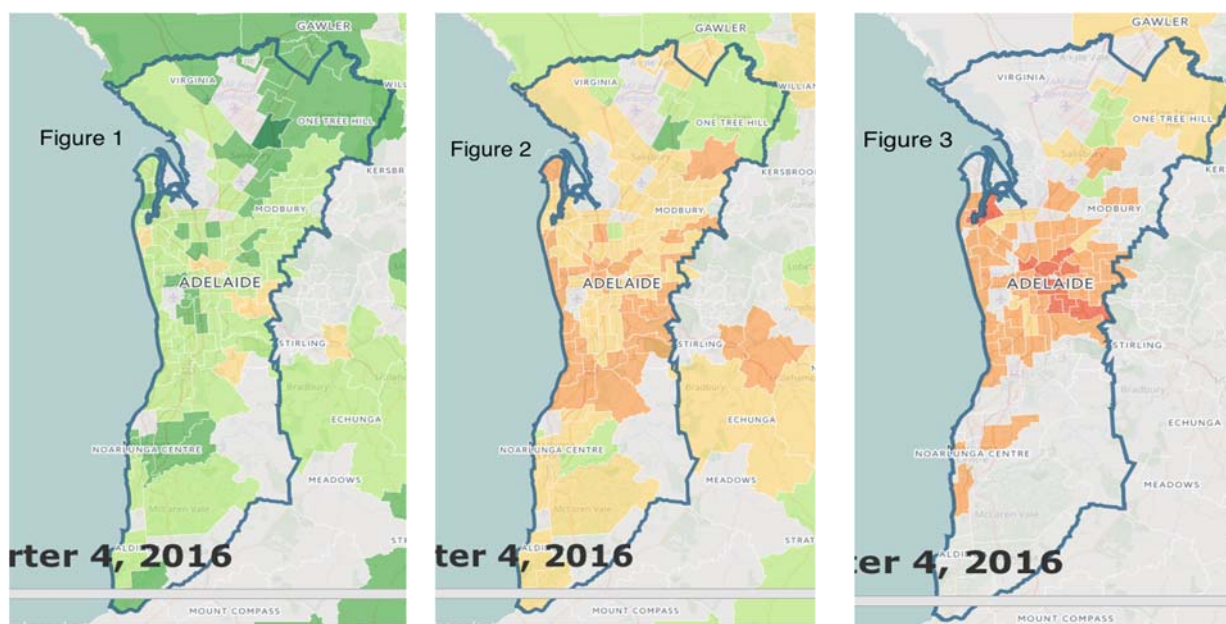
(c) Rented includes 'Being occupied rent free'.

Source: Census of Population and Housing 1991, 2016

³ <http://www.censusdata.abs.gov.au/ausstats/abs@.nsf/Lookup/290>

Rental Affordability

The National Rental Affordability Index⁴ shows a reasonable level of affordability for households with an annual income of \$80,000 (Figure 1). Once the annual household income falls below \$60,000 per annum, rental affordability declines rapidly (Figure 2). For aged pensioner couples with an annual household income below \$45,000, there is no affordable private rental housing in Adelaide (Figure 3). The grey areas denoted in Figure 3 show the areas where there are no two-bedroom private rental properties that might be suitable and affordable for an older couple.



RENTAL AFFORDABILITY INDEX

- 200 or above - Very affordable
- 150 to 200 - Affordable
- 120 to 150 - Acceptable
- 100 to 120 - Moderately unaffordable
- 80 to 100 - Unaffordable
- 50 to 80 - Severely unaffordable
- 50 or less - Extremely unaffordable
- N/A - Data not available

Other renter issues

Rental affordability only tells one part of the story of renting. To assess the performance of the rental market the features of Australia's rental market need to be examined. In its 2017 report "Unsettled", National Shelter, in conjunction with Choice Australia and the National Association of Tenant Organisations (NATO), surveyed renters nationally to ask tenants about their experience of renting. The key findings from that report showed the percentage of participants as follows:

- 83% had no fixed-term lease or a lease for less than 12 months;
- 62% felt like they can't ask for changes;
- 50% experienced discrimination when applying for a rental property;

⁴ <http://www.sgsep.com.au/maps/RAI.html>

- 50% worried about being listed on a residential tenancy database;
- 20% experienced housing leaking, flooding and issues with mould; and
- 8% lived in a property in need of urgent repairs.

Perhaps the most surprising finding from the report was that the longer renter participants had rented the less likely they were to raise issues with their agent or landlord. This finding is interpreted to mean that their previous experiences of raising issues about their lease, amenity or cost had resulted in inaction, eviction or rent increases⁵.

The rental affordability data and the experience of renters in the “Unsettled” report demonstrate the need to improve tenancy law and advice, support and advocacy for the growing number of tenants living in rental systems across Australia, including South Australia. Renters clearly feel vulnerable to landlord oversight and pressure.

The legal rights and responsibilities of tenants and landlords are defined in Australia by State specific residential tenancy legislation and in South Australia, the Residential Tenancies Act of 1995 governs the administration and operation of tenancies⁶.

Internationally, residential tenancy legislation and operations fall into three broad categories:

1. Jurisdictions promoting secure occupancy by offering unlimited tenure and strong tenant/consumer protection (for example, Germany, Austria, Netherlands);
2. Jurisdictions which promote longer term leases by law and which prescribe grounds for eviction in both social and private rental housing (for example the county of Flanders [Belgium], Ireland, New Jersey and Ontario); and
3. Jurisdictions which offer the least security for tenants and which allow eviction without grounds (Australia and Scotland)⁷.

Hulse et al. (2011)⁸ discuss the operation of social and private rental markets in Australia, the United States of America and Europe, comparing the legislative coverage, supply of, access to and security of rental housing systems. The same authors recognise that Australians who are living on low incomes are forced to increasingly rely on the private rental market as social housing supply reduces. The reduction of social housing is particularly significant in South Australia. In considering the issues affecting low and moderate income households and a variety of households who struggle to gain and maintain secure rental housing, Hulse et al. (2011) suggest the following solutions:

- “More coordinated tenancy access and support provisions that aim to assist lower-income and vulnerable households to access and sustain private rental housing (rather than private rental being seen as a holding measure in place because social rental housing is not available).

⁵ Unsettled: Life in Australia’s private rental market, National Shelter, CHOICE, NATO February 2017

⁶ <https://legislation.sa.gov.au/LZ/C/A/RESIDENTIAL%20TENANCIES%20ACT%201995.aspx>

⁷ Hulse, K. et al. (2011) Secure occupancy in rental housing: conceptual foundations and comparative perspectives, AHURI Final Report No.170, Australian Housing and Urban Research Institute, Melbourne, Victoria.

⁸ Ibid Hulse p192

- Integrated packages of financial measures and other support services that are designed to assist vulnerable households and those who are homeless to access (private or social) tenancies and prevent subsequent tenancy breakdown.

A National Shelter report, “A Better Lease on Life”⁹ (2010), prepared by one of its member organisations, the National Association of Tenant Organisations, includes recommendations that are relevant to this South Australian research as follows:

As part of a National approach to homelessness, Australian governments should make tenant advice, advocacy and support more readily available to tenants to help sustain tenancies. This applies especially to areas of: tenant representation at court/tribunal hearings, better integration with social support services and advocates for Indigenous tenants.

The “Better Lease on Life” report argues that the following areas of activity are ready for expansion:

- Representation and duty advocates. The ability of tenant advice services to provide representation needs to be improved. The ability to provide representation through a law court and or tribunal duty advocate is especially important to homelessness prevention.
- Extended advocacy linked to case management. Many tenants at risk of homelessness would benefit from the more in-depth advocacy and assistance that is linked to specialist caseworkers in other fields (for example early intervention services, youth services and health services). Additional resources would enable tenant advice services to bring their knowledge and skills to the table, under a case management model, and to provide holistic support to people who are at risk of homelessness.
- Specialist Indigenous tenants’ advice services or Indigenous advocates. As more than 60% of Indigenous households rent and many experience disadvantage in the market, these households would benefit from specialist Indigenous tenants’ advice services or Indigenous advocates with a heavy emphasis on community education with both tenants and housing providers.

Tenant advice & advocacy around the country

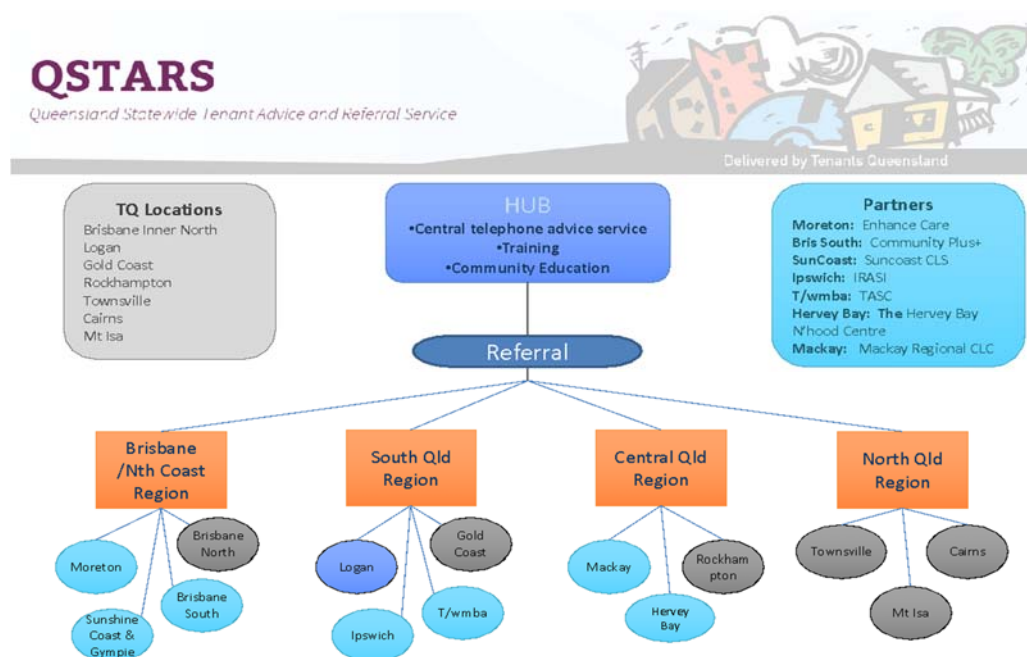
In most States and Territories in Australia a system of tenant advice and support services has been established to provide tenants with access to timely advice, support and advocacy including legal representation in the various tribunals which hear tenancy disputes. The consultation for this research included Queensland, New South Wales and Victoria. Most jurisdictions support tenant information and advocacy activities through grants paid from the interest earned by holding tenants’ bonds, however there is room for improvement in South Australia.

⁹<http://www.shelter.org.au/meeting-housing-needs-policy-papers/better-lease-life-improving-australian-tenancy-law>

Queensland

The Queensland Tenant Advocacy and Referral Service (QSTARS), offers a hub and spoke model of tenant support, coordinated and auspiced by Tenants Queensland through allied services across Queensland in four regions. QSTARS is a new program introduced following the election of the Palaszczuk Government. QSTARS has a number of positive outcomes both preventing homelessness and helping resolve tenancy issues between lessors and lessees. A single entry point which refers clients on to the range of services in the hub saw QSTARS deliver 16,169 advice services through 2015/16¹⁰.

The QSTARS service offers phone advice which may then be escalated to in-person advice up to and including legal representation in tenancy matters at the Queensland Civil and Administrative Tribunal (QCAT). QSTARS also provides training to tenant advice services and workers and community education in tenancy matters. QSTARS is supported by a recurrent grant from the Queensland Department of Housing and Public Works (QDH&PW) of \$5.5 million per annum. This service is complementary to the Residential Tenancies Authority which administers rental bonds and agreements in Queensland but which may only provide information about tenancies, not advice or advocacy.



New South Wales

The New South Wales system is similar to Queensland, and is linked to the NSW Tenant Union. The Tenant Advice and Advocacy Program (TAAP) in New South Wales is independently provided by not

¹⁰ https://tenantsqld.org.au/wp-content/uploads/2017/01/TQ-Annual-Report-08_Final_151216.pdf

for profit community organisations throughout the State (not centrally auspiced by the Tenant Union as in Queensland).

In NSW The Tenants Union (NSWTU) is supported by grants from Fair Trading (\$1.4 million per annum) for core activities but also from Legal Aid for legal services and for projects on boarding houses and regional networks, while the TAAP services are independently funded for their individual service provision. The NSWTU supports the activities of fifteen services across the State but does not auspice or coordinate their service provision as in Queensland.

The NSWTU includes an Aboriginal Advisory Body, a Residential Parks Forum and maintains relationships across a range of government departments, private sector and community organisations to represent the interests of tenants in NSW. NSWTU is also concerned about the impact on tenancies of a range of non-tenancy issues and “acknowledges that a lack of support for non-tenancy issues such as mental health issues, financial hardship, substance dependence, family violence and disabilities can often lead to an escalation of tenancy issues and results in tenants receiving termination notices and/or suffering other negative outcomes such as accruing large rent arrears¹¹”.

Victoria

In Victoria the Residential Tenancies Act (RTA) 1997 has been amended through the RTA Amendment Act 2010, to cover all residential tenancies including caravan parks and rooming (boarding) houses as within other jurisdictions. Tenant advocacy and advice services are provided in both similar and different ways to NSW and Queensland, funded through three government agencies.

The Department of Human Services (DHS Victoria) funds The Social Housing Advocacy and Support Program (SHASP). SHASP provides tailored case management and support to public housing tenants to maintain their housing and prevent homelessness via fifteen services across Victoria. SHASP maintains their services, which have previously existed in other jurisdictions, but which in the case of NSW and Queensland have now disappeared. Victoria also funds a separate and distinct Victorian Public Tenants Association (VPTA).

Consumer Affairs Victoria (CAV), which administers the RTA, fund the Tenancy Assistance and Advocacy Program (TAAP) to assist Victorians who are financially disadvantaged, who are victims of family violence and who have a private tenancy agreement under the *Residential Tenancies Act 1997* (RTA). There are four main TAAP service types¹²:

- Information and referral;
- Negotiation on behalf of tenants;
- Victorian Civil and Administrative Tribunal assistance (including both preparation and representation); and
- Outreach (includes visits to vulnerable residents in rooming houses and caravan parks and is an optional non-client service).

¹¹ <https://files.tenants.org.au/about/TU-Annual-Report-2015-2016-final-web.pdf>

¹² <https://www.consumer.vic.gov.au/clubs-and-fundraising/grants/tenancy-and-consumer-program-2017-21/tenancy-assistance-and-advocacy-program>

CAV is not an independent authority as in Queensland and NSW but a government department. Victoria Legal Aid (VLA) do not give legal advice about housing and tenancy issues but can provide some information and referral. They provide a duty solicitor in the Victorian Civil and Administrative Tribunal and also provide funding to the Tenants Union of Victoria (TUV).

TUV receives funding from all three government agencies (DHS, CAV, VLA) and offers a central phone service directly to tenants. A secondary advice service to TAAP and SHASP services, takes referrals from SHASP and TAAP on complex cases and represent tenants in tenancy matters at the VCAT. Community Legal Centres also provide some local case work for tenants. TUV also provides training and expertise on tenancy matters to those service systems.

In Victoria the spread of services is designed to offer a range of supports to tenants in the private and public systems which help prevent homelessness and consider supports, other than specific tenancy support, which attempts to combine both individual advocacy and personal support in ways which best serve tenant needs. TUV acknowledge there is a tension between support and advocacy. Advocacy in TUV terms is essentially about resolving tenancy matters with the lessor, the reason for the intervention may be more related to a personal (for example mental health or drug and alcohol) condition requiring a support service as well as negotiation with a lessor. Other tenant services often separate advocacy and the need for support when there is a need to address them together.

TUV and the NSW TU are also funded for some policy development work and advice to government on policy regarding tenancy matters and have some capacity to comment on broader housing reforms.

Other States & Territories

In Tasmania and the Australian Capital Territory (ACT), smaller but recognisably similar systems operate supporting tenant advocacy and support services. In the ACT the ACT Tenants Union (ACTTU) has a single office within the community legal centre and offers advice, advocacy and representation in tribunals. In Tasmania the Tenants Union also operates an advocacy, advice and tribunal representation service and has part time office hours in the north and northwest of the state. Western Australia provides tenant advice through Tenancy WA and in the Northern Territory through the Darwin Community Legal Service.

Most Jurisdictions across Australia have now amended their residential tenancy acts to include coverage of all tenancies including rooming and boarding houses and caravan parks.

South Australia

In South Australia tenancies, bonds and services are administered by Consumer and Business Services (CBS). CBS only provides advice to lessors and lessees, reports operating at capacity and notes increased advice sought electronically.

The principal tenant advice and advocacy service in South Australia, the Tenant Information and Advice Service (TIAS), is provided by Service to Youth Council (SYC). TIAS is a Statewide service which provides free and independent information, advice and advocacy to help people living on low

incomes to sustain their tenancies in private rental, community housing, public housing and boarding houses.¹³

TIAS provides the following services:

- Education, information and advice;
- Representation in the areas of tenancy and landlord disputes, debt and eviction;
- Encouragement and assistance to engage with mediation processes;
- Assistance to access internal avenues of appeal; and
- Referrals to and information on financial counselling.

Legal tenant advice services have been provided by the Welfare Rights Centre, who had auspiced legal representation when required in the relevant tribunal. Their Housing Legal Clinic – provided pro-bono general legal advice to people experiencing homelessness, who were at risk of homelessness or living on low incomes, on a range of matters with outreach clinics at Willunga, Adelaide, Marion and Port Adelaide¹⁴. Unfortunately, data on the level of advice and representation was not available at the time of writing.

Shelter SA is the peak body for housing and conducts systems and policy advocacy, research, community engagement and sector development activities. Shelter SA does not provide tenancy advice to individuals but does refer citizens who are in need of housing, advice, support and advocacy to other organisations. Shelter SA advocates for renter's issues on a systems level, regardless of their tenure in private or public rental, or more residual forms of accommodation such as boarding houses, supported residential facilities, residential parks and caravan parks. Shelter SA also works closely with politicians, ministers, public servants and the community services sector to provide policy, funding and service delivery advice.

Summary - positive characteristics of tenant advice and advocacy

Across the jurisdictions there are elements that lead to good tenant outcomes and tenant advice and advocacy, that should be included in thinking about the South Australian system, including the following:

1. City and regional locations to ensure coverage across the State;
2. Single entry points and hub and spoke models that ensure coordinated service delivery;
3. Achieving outcomes that prevent homelessness and maintain tenancies;
4. Telephone, email and in-person contact and assistance;
5. Legal advice and representation;
6. Training and education for tenants and workers;
7. Research and policy development in relation to tenancy law issues;
8. Inclusion of tenants who are living in residual accommodation whether or not it is covered in residential tenancy acts;
9. Specific advice and support for Aboriginal people; and
10. Outreach services for vulnerable tenants and residents.

¹³ http://www.syc.net.au/wp-content/uploads/2016/12/7565-2016-SYC-Annual-Report_OUT4_LR.pdf

¹⁴ http://sacommunity.org/org/201406-Welfare_Rights_Centre_%28SA%29_Inc.

Comparison of number of tenants assisted by State/Territory

In this section, there is an examination of the raw number of services provided to renters by different agencies in different States. Then each State's number of services is calculated as a ratio of South Australian services to assess how we compare to other jurisdictions. South Australia has 182,180 rented dwellings (28.9%) compared to Queensland which has 566,478 rented dwellings (that is SA has 34.5% of Queensland's number of rented dwellings). Queensland has a ratio of 3.1 times the size of SA's rental dwellings. TIAS provided 2906 advices in 2016 compared to Tenants Queensland's 16,196 advices provided, a ratio of 5.5 times the number of advices provided.

The ACT has 45,346 (31.8%) rented dwellings compared to South Australia, a ratio of 4:1. That is, South Australia's rental sector is four times larger than the ACT. The ACTTU provided 1829 advices in 2015/16 where TIAS provide 2906 or 1.5 times the level of the ACT.

These ratios show strong evidence that the level of advice provided to South Australia's tenants is low by comparison with other jurisdictions in Australia.

Bonds and tenant advice in South Australia

The data table below shows the number of bonds in South Australia and the level of advice provided by Consumer and Business Services on rental housing and residential parks.¹⁵

Bonds – numbers held	2015-16	2014-15	2013-14
Total tenant provided residential bonds held	152353	148090	146042
Total Housing SA provided residential bonds held	265	286	309
Total Housing SA residential bond guarantees held	68779	63630	58187
Total residential bonds held	221397	212006	204538

Bonds – value of bonds held (\$)	2015-16	2014-15	2013-14
Tenant provided residential bonds (\$)	246 042 110	235 594 128	226 782 513
Housing SA provided residential bonds (\$)	113 037	122 547	133 333
Housing SA residential bond guarantees (\$)	77 341 022	70 298 428	61 758 520
Total value of residential bonds held (\$)	323 496 169	306 015 103	288 674 366

¹⁵ Consumer and Business Affairs SA Annual Report 2015/16 p 33 & 34

Residential Tenancies Bonds	2015-16	2014-15	2013-14
Residential bonds lodged	68463	63774	60855
Residential bonds refunded	60152	59034	56298

Residential Park Bonds	2015-16	2014-15	2013-14
Total residential park bonds held	682	656	672
Total residential park bonds held (\$)	323 363	305 569	312 605
Residential park bonds lodged	171	169	185
Residential park bonds refunded	167	144	185

Incoming contact	2015-16	2014-15	2013-14
Incoming bond calls	51369	47210	45369
Incoming emails requesting advice	27780	3323	3840

Advice	2015-16	2014-15	2013-14
Requests for assistance (files)	3	0	16
Customer contacts (including outgoing calls and counter)	2733	3928	4739
Incoming tenancy advice calls	40107	44422	47347
Incoming emails requesting advice	1838	1722	1464
Expiation notices issued by the Branch	57	70	33

The above data shows a stable rental sector with increasing requests for advice from Consumer and Business Services (CBS) by email and decreasing phone advice requests, except in relation to bonds, which are one of the most critical components of tenancy agreements.

Focus group findings

To support the evidence base for this project Shelter SA conducted a focus group (June 2017), attended by Consumer and Business Services (CBS), Treasury SA, Welfare Rights, St John's Youth Service (Keeping my Place program), DCSI, Shelter SA and National Shelter. TIAS and the South Australian Civil and Administrative Appeals Tribunal (SACAT) were absent, but later consulted by email and telephone. The purpose of the focus group was to hear first-hand about the range of

tenant advice and advocacy services available to South Australians, the roles of the different organisations and to explore options for improvements to tenant advice and advocacy in South Australia.

CBS confirmed that their telephone advice line runs at capacity at approximately 3000 calls per month (51,396 calls for the year for advice on tenancy matters, CBS Annual Report 2015/16) and that there has been a marked increase in email traffic with 27,780 enquiries reported in 2015/16 (CBS Annual Report 2015/16). There are a significant number of South Australians who need tenancy advice and the numbers are rising.

The focus group also heard a number of recurring themes around the difficulties faced by young people to maintain their rental payments even after periods of support. There were also issues around pets being the basis for discrimination in securing private rental and pets were a reason for victims of domestic violence staying in their homes rather than relying on a shelter system. Participants confirmed that services, governments and individuals are increasingly reliant on the private rental market to house people living on low incomes as the proportion of social housing in South Australia decreases each year, losing more than 20,000 properties over the last twenty years. The decrease in public housing is accompanied by an increasing population and greater numbers of people who are unemployed and living on low incomes.

The South Australian Government, through the Department of Communities and Social Inclusion (DCSI), supports a significant rental support program which includes assistance with bond guarantees (approximately one third of all bonds in South Australia), rent in advance and assistance with rent arrears for eligible applicants¹⁶. The private rental assistance program is critical for people living on low incomes who could not access private rentals without it. Focus group participants said that the program must continue. DCSI funds bond guarantees in South Australia and this impacts the availability of interest on tenant bonds to fund tenant services.

Specific issues were also presented about the provision of culturally appropriate services for Aboriginal people and the lack of resources available in regional areas. Difficulties exist in providing advice to and assistance for people with comorbidity drug, alcohol and mental health issues.

Focus group participants were concerned about funding of the Welfare Rights Centre's (WRC) legal representation for people in tenancy matters. Participants confirmed that funding for legal housing assistance had been allocated to Uniting Communities, after a tender process and expressed uncertainty about the capacity of the new service to achieve the same geographic coverage of the State, with much fewer resources available¹⁷.

Focus group participants questioned the appropriateness of using money generated from the interest from tenants' bonds to support the work of real estate agents via education and or information provided by CBS to agents and lessors. Participants agreed that interest generated from tenants' bonds and held in trust by governments ought to be used to improve services for tenants and should not be used to provide information to lessors, owners and agents.

Participants confirmed that improvements are needed to reduce the stress experienced by tenants when they require assistance with their tenancies, to increase the levels of advice, advocacy and

¹⁶ <https://docs.google.com/document/d/13x-s-cFfcUFCe2LARS3B58CKz7NrnYOcPRC8sz1LYw/edit#>

¹⁷ Since the focus group was held the Welfare Rights Centre has received a small amount of funding.

support provided to tenants, and to prevent tenancies failing with a subsequent increase in homelessness and social exclusion in South Australia.

The focus group findings confirm that participants working in the field experience a disjointed system where there is increased demand that cannot be met, and the need for improvement.



Conclusions

Advice and advocacy services for tenants in South Australia's private rental markets are stretched and inadequate to meet the increasing demands of renters, particularly people living on low incomes and from a range of vulnerable minority groups.

There have been many instances when Shelter SA has conducted systems advocacy on behalf of groups of tenants and people who are marginalised, and at times, this advocacy goes beyond advocating for people living in private rentals. Examples of SA Shelter advocacy include, supporting caravan renters affected by the closure of the Brighton Caravan Park, involving tenants in plans to redevelop public housing and advocating for rough sleepers in the Adelaide Parklands and representations about public intoxication and the Parklands dry zone. No other organisation has been available to advocate for marginalised groups of people, in these contexts.

This research has identified clear gaps in the delivery of education, information, advocacy and advice for private renters in South Australia. Compared to other jurisdictions, South Australia has not kept up its provision of services to tenants at a time when private rental housing is growing as a proportion of all housing. South Australia was known for having one of the best social housing systems in the World in the 1990's, but its standing is declining towards a lower Australian average where homelessness is increasingly caused by the unavailability of appropriate affordable rental housing. South Australia cannot meet its broader social or economic objectives outlined in the State Strategic Plan with more than 20,000 South Australians accessing specialist homelessness services every year.

This research has examined available data and literature about the adequacy of tenant supports in South Australia relative to other jurisdictions and concludes that improvements are required to bring tenant advocacy, support, advice and education to a level commensurate with other States and Territories. The growing numbers of people living on low incomes in the private rental market, as the proportion of private rental housing increases overall, require adequate tenant resources and information.

Resources exist within the South Australian budget to improve services to tenants and are demanded by South Australia's greater reliance on private rental housing to accommodate low and moderate income households. The Department of Finance and Treasury holds, via Consumer and Business Services, the interest payable on tenant bonds. The interest could be used to support a more robust and well-resourced system of advice, support and advocacy for private renters.

The South Australian Residential Tenancies Act allows the Residential Tenancies Fund to be used for a range of purposes including:

Part 6 section 101—Application of income

- (1) The income derived from investment of the Fund may be applied—
 - (a) towards the costs of—
 - (b) for the education of landlords, tenants, rooming house proprietors, rooming house residents and park owners and residents of residential parks about their statutory and contractual rights and obligations, and for other educational purposes approved by the Commissioner; and
 - (c) towards the costs of projects directed at providing accommodation, or assistance related to accommodation, for the homeless or other disadvantaged sections of the community; and
 - (d) on research, approved by the Commissioner, into—
 - (i) the availability of rental accommodation within the community; and
 - (ii) areas of social need related to the availability (or non-availability) of rental accommodation or particular kinds of rental accommodation; and
 - (iii) other matters connected with, or arising under, this Act or the [Residential Parks Act 2007](#); and
 - (e) for the benefit of landlords, tenants, rooming house proprietors, rooming house residents and park owners and residents of residential parks in other ways approved by the Commissioner; and
 - (f) for any other purposes connected with, or arising under, this Act or the [Residential Parks Act 2007](#) approved by the Commissioner.
 - (2) In this section, residential park, park owner and resident of a residential park have the same respective meanings as in the [Residential Parks Act 2007](#).

The interest paid on tenant bonds can be used for the above purposes when approved by the CBS Commissioner, but there is also the requirement for CBS to obtain approval from Treasury for any new activity which increases the already approved spending authority, which is currently used for various things including bond administration, the telephone advice line and SACAT. In addition, CBS provides some funding for a tenant advocacy service.

An application for additional resources would need to be negotiated through CBS to seek approval for increased call on the Residential Tenancy Fund from Treasury.

Recommendations

This research has examined a number of different models which provide robust support to tenants. Shelter SA recommends that work is undertaken in South Australia to rebuild a more appropriate service system response based on the resources, values and coordinating points available.

The system in Victoria provides a range of supports to social housing tenants to maintain their tenancies and which also reflects the research of Hulse et al.¹⁸ which is a guide to improving the operation of residential tenancy systems. The Hulse et al. report contains recommendations on policy implications and possible directions which will need to be more closely considered as Australia's private rental markets become longer term and attract more institutional investment. The same report contains an argument for increased attention to tenant advice and support services developing them in a coherent and comprehensive way to support tenancies, especially for low and moderate income households.

The most recent advancement in tenant advice and advocacy is the Queensland QSTARS program which provides an interconnected system of services, centrally supported and run by a single agency and allowing for a range of appropriate educational, information, advice and advocacy services to be delivered in an efficient process across Queensland. QSTARS offers a single point of entry to enable appropriate escalation of advice and advocacy, personal advice and representation to quickly resolve tenancy issues, prevent homelessness and unnecessary dispute escalation, while also having the capacity to arrange and provide legal representation in civil and administrative tribunals dealing with tenancy matters.

What South Australia needs to adapt from tenancy advice and assistance models from other jurisdictions is listed on page 11, to rebuild private renter policy and advocacy services. The following recommendations are based on the premise that interest earned on tenants' bonds should be used to improve access to advocacy, advice, information and representation available to private rental tenants.

1. Shelter SA and the State Government to partner in the design, delivery and evaluation of a Statewide survey of private renters to inform policy development and funding decisions.
2. South Australian Government to fund a new hub and spoke model to improve tenant advice, advocacy (including legal representation in SACAT) and support programs. Existing programs should be linked with a central agency to administer phone advice, referral to in-person advice services, coordinating Statewide legal representation and linking tenants to support services which may be required to sustain their tenancies. The following outcomes to be included:
 - Improved tenant information, education, advice and advocacy (both individual and systemic) coordinated at a Statewide level;
 - The provision of regional services and improved access to advocacy, advice and legal representation for people residing outside of metropolitan Adelaide;
 - Specialist, culturally appropriate tenant services provided for Aboriginal people;
 - New services integrated with broader private rental support services across SA;
 - Consideration of the issues concerning pets in tenancy agreements;

¹⁸ Ibid Hulse

- How to include other marginal tenures - boarding houses, supported residential facilities, caravan parks, residential parks, retirement villages, aged care within tenant advice and advocacy services; and
 - Working with the real estate industry to improve their responses to vulnerable tenants.
3. South Australian Government to provide additional funds to Shelter SA to develop workshop content for the real estate industry around South Australia to improve landlord and agent understanding of issues affecting low and moderate income tenants and the service system which supports them.

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