

Renters' Rights Rundown 2024

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Deb Fewster:

- Good morning everyone. My name is Deb Fester. Thanks for joining us. I'm the director of policy and advocacy at the Victorian Council Social Service, known to many of you by the acronym VCOSS. It's great to have you with us today. I'd like to start by acknowledging the traditional owners of the land where I am today. I'm at the VCOSS office in Exhibition Street. So I'm on Wurundjeri land and I'd like to pay my respects to elders and ancestors and really to make sure I'm acknowledging any aboriginal people who are in our virtual room today here for this event. So warm, welcome to everyone and always appreciative of being on aboriginal land. Always was, always will be. Just a quick note about accessibility today, we take this really seriously at VCOSS. If you require captioning, you can access it via the link that's been posted in the Zoom chat. So again, great to see you in this virtual room today. I think we've had more than 300 people register for this event. These are always very popular events and today is quite significant. All this week is quite significant because we are celebrating the anniversary of the new rental rules coming into effect in Victoria. So more on that later today. But first of all, I just want to give you, I guess step through a rundown of what to expect in this session today. I'm going to begin by detailing the current status of renter's rights in Victoria, including how we got here. So just a bit of a quick kind of history given that we are in this anniversary week this year and it's a very busy and complex reform space. Then it's time for the main attraction, our feature presentation by our wonderful colleague from Tenants Victoria Tenants, Victoria's, the lead community education lawyer, Ben Cording, who I think has like icon status with these events and in the sector. As you know, Ben is an absolute encyclopedia and a fantastic presenter. So I know that we're all in good hands today and Ben is the reason why many of you have registered for this event today. Then it will be time for you to ask questions. We've got plenty of time for that today. Anything that you'd like to know, anything that you'd like to clarify, nothing is off limits in terms of questions about renter's rights. If we can't answer the question today because we just need to follow up with a bit more kind of technical detail, we might take that question or notice and come back to you. As I said, we've got plenty of time for questions today, but if we happen to run out of time, we will kind of take a look at questions that are, that have been kind of posted and we'll do our best to kind of come back to people and, and answer those questions and publish those answers with everyone who's attended the event today and registered with the event today. After the q and a section, which is kind of again a big chunk of time today, I will give you a bit of a sneak peek of a forthcoming BCO report called Renting in Victoria that is about, or comprises insights from community sector workers. Many of you have had import and shared insights into that report. It is a deep dive into the reality of renting and it it does come from, it is fueled by the voices and lived and living experience of workers in the sector who are providing direct and in direct support to renters. But more on that later today, this morning and last, I just wanted to flag kind of the next steps in this reform space as well. So a little bit of history and I'm going to whip through this really quickly so we can get onto Ben's presentation, but I think, you know, it's really always important to kind of ground this conversation like what's come before as well as looking ahead to what's next. So we're going to flash back here. As you can see, to

1997, I remember Elton John being at the top of the charts with Candle in the Wind and the Kennet government passed the Residential Tendencies Act, which was around really merging and modernizing different existing acts. Decades of advocacy for better rights for renters. Then followed including a very persistent campaign for the introduction of strong minimum standards. We're going to flash forward now to 2017 where we see labor promise minimum standards in the lead up to the Northco by-election. So that was a really significant moment for renters and and for our sector really kind of seeing that advocacy start to kind of really have some strong traction. That's when we then see, I guess advocacy kick up another gear. The community sector then kind of launches a coordinated campaign called Make Renting Fair to keep pressure on the Victorian government. And together this really speaks to I guess the power of working together, of collaboration, of collaborative systemic advocacy. But together we lobbied the Upper House cross ventures to support those rental reforms. It's a really significant moment for, for our sector and for renters. Then we kind of move into September, 2018. We see reforms past the Victorian upper house and these reforms include more than 130 changes to the act. We then see later that year labor winning the 2018 election and then in March, March 29th, 2019 the new act taking effect, which is kind of the, the birth of the anniversary that we're kind of celebrating today. Still lots more kind of sector work and advocacy undertaken after that because as we know, devil is in the detail. So a lot of work on the regulations that underpin those new rights are written and then covid happens requiring a range of kind of unplanned but kind of welcome emergency measures during that period. And again, an example of community sector organizations working really closely collaboratively together, you know, to be a united voice to government and working, you know, in a really excellent way with, with government to, to ensure kind of really excellent protections for renters during kind of this unprecedented global pandemic. Then we've kind of settled into, I don't know what we call it, a, a new normal of some sort with with Covid living with Covid. But what that enables us to do is kind of then, you know, lift our gaze again and, and finalize those regulations and, and have them implemented. So now we turn our minds to what's next because it's always kind of a very dynamic space and we'll kind of talk about that at the tail end of the, our event, of our event today. So that's how we got here. Let's talk now about the existing protections that renters have. Let's answer any questions that you have following Ben's presentation. But with that background and with no further ado, I wish to introduce Ben Cording. As I said, Ben is the lead community education lawyer at Tenants Victoria. He's going to talk us through, you know, everything that we ever wanted to know about the current, the current laws and regulations, but in particular we're going to hear a bit today about the rent increase frame framework and kind of key points about that. At any time you can submit a question through the q and a box at the bottom of the zoom window. So just look out for that. Please enter your questions. We are really here to kind of be responsive to your needs so that we can help renters know their rights and help them to assert their rights in this really fraught rental market. We have 90 minutes allocated for this session. We might not need it all and if that's the case, we'll kind of give you back some time in your diaries at the tail end of this event. But over to you Ben, take it away. Thank you.

Ben Cording:

- Thanks so much Deb and it's really helpful to have that context as well just in terms of how things have evolved. So, hello, I'm Ben Lawyer, not too scary. Hopefully. Just quick two seconds about myself. I'm a dad, I've got three kids. We're a neuro spicy family. Some people use that word quite helpful 'cause life is spicy. I find that it's difficult to believe that butter now costs somewhere between seven to \$8 and a block of cheese is \$10 sometimes at the end of the week. I've got like 20 bucks left. Many of you, the community workers will probably know what that feels like as well. My parents are boomers so I have a a sense of security that many, many other people don't. So it's a really brutal

time for renting. But at the same time there's a lot of opportunity and, and what's so important about the work that many of you do is that you are hearing the stories that go to government that inform how these changes happen. So without further ado, I'll share my screen. Hopefully you can see that. And yeah, look, there really are any, any question is fine. I mean sometimes I might give you more of a political view than anything else. Not necessarily always formally endorsed by Tennis Victoria, but I tell you what you think and yeah, look it looks like Sim City. We thought that the city would expand and now we're looking at, you know, is the city going to build up? Many of you may have or may not have seen, there's been announcements towards Granny flats now being allowed and that's a really interesting strategy that the government's adopted. I think you can have up to a, a property of about 60 square meters. There are some tests about the amount of vacant land, but it is a really good option for some complex families or some complex situations and it's probably a lot cheaper to get a, a portable granny flat than actually a, a full house build. Anyway, I'll, I'll leave that to the side, but if you're not aware, check that one out. I'm on the lands of the Delicate Willem. People want to pay my acknowledge acknowledgement respects to elders past, present, and most importantly emerging in the celebration of First Nations people and a commitment to closing the gap and working to justice with First Nations persons. Yeah, alright, so these are not a substitute for legal advice. We're required, put this in by our insurer. The most important thing out of this session is that you can call us. So regardless of your community professional background, as long as you're from an organization and that you are helping a renter, you can call through to us and say, look, I'm an organization seeking advice and it's going to be a lot quicker. The reality is the biggest complaint that we get is that people can't get onto us. VCAT does about 50,000 hearings a year. So that's a Victorian civil administrator of tribunal where most matters are heard. So you can kind of, you know, jump the queue and get in a little bit quicker and you can do that independently of yourself and relay information or you can have a, your client there with you. If it is a family violence matter or, or particularly complex matter, we might need to get the names of parties just for our records. Now if you haven't heard of Tenants Victoria before, we are a free community legal center, but we're also a peak body for renters. So we, we do the legal work but we also do a lot of reform work and that's why the work the VCOSS does is so important and you can see that that journey is a constant journey. One of the things that's in the future is what's called the housing statement, which was announced in September. And they're looking at a number of reforms, which I'll talk through throughout the presentation fairly quickly, might include a bond carryover scheme. 'cause at the moment people kind of need two bonds. One gets locked up in a bond dispute 'cause they think you've dirty the walls and then you've got to wait like, you know, a couple of months and you're like, well I've got to get into the new property. So you need two bonds, which is a lot of money for some people, for most people. So anyway, we started in 1974 from a bunch of, you know, perturb renters and going, well it's not good enough and we can, and I'm only part of a very long journey in heritage over stand on the shoulders of a lot of great work from many other people. So we'll just touch on some of the reforms. So you may or may not be aware of them. We'll look at some practical tips for renters and then just about accessing help. So hopefully it'll be fairly quick. I do apologize if I talk quickly. I want to try and get through this so you can get to your questions. So one of the major changes that happened is that when a landlord wants to kick someone out, they've got to start with this notice to vacate. That's the first thing they've got to send. It's illegal for a landlord or now they're called a rental provider. It's the same thing. It's the idea that it's a service. They're not landlords, they're, you know, service providers have an essential service. They can't kick you out for no reason. Many other states and territories around the country have followed suit. Some are in the process of following, which means that it's great because one of the major things that we see is that renters are afraid of using their rights because the landlord can just turn around and say, well get stuff kick you out. Now you can always challenge it if it's been

retaliatory. So we don't have a no reason notice. The closest thing we have is what's called an end of initial fixed term agreement. So that means it only applies to the first fixed term. So if you get through that first 12 months and they don't give you the notice to vacate at least 90 days before the end of that fixed term ending, then you're fine. The, you know, they have to try and kick you out for a reason. The most common reasons that we're seeing landlords try to kick people out at the moment are that they're selling, the landlord wants to move in and occasionally, sometimes they're using it for a business purpose or otherwise, but they tend to be the main ones. The other main one that we see is repairs or renovation. Now one of the other changes is that when they give this notice to vacate, they actually need to provide certain documents. So in the case of repairs and renovations, they've got to have a trades person say how long the work's going to be done. There's got to be a quote. They have to have the building permits already approved if they're going to do some major works and they need to show that the works can't be done while the renter's living there. So there's quite a number of tests involved. And the other thing that happened in the eviction space is what's called the introduction of the reasonable and proportionate tests. So that means even if the landlord can prove, yeah I am really going to try and do these renovations or yeah, I really do want to live, move in, VCAT can actually still say, well what's the impact on both parties? So we've had some VCAT decisions, so that's sort of like a court, but it's much more relaxed. I tell people it's a little bit like judge duty sometimes. So most people will represent themselves and the tribunal's going, well, I've got a family of four over here and I've got a landlord that says he can't live with his family anymore. Might be some mental health, could be legit, could be, you know, a little bit questionable. But the pretty much the bual went well, there's four people versus one. I'm not going to give you their property back at the moment so they might have to try again later. But there, there is a balancing activity that's never happened before. And it also means, and particularly for many of your community professionals, it means that knowing our clients has become so much more important because it used to be like going well if the landlord can prove they're selling, I don't really care about what's going on for the renters. It's not something I have to consider or I should consider. Whereas now it is. Now it is. And so that's really important to know how's their client, oh they've got cancer, okay, well that's going to be really significant. Oh they've got diabetes and they need to store their insulin in the fridge. That's going to be really significant. So many of you community professionals out there will have really much better knowledge than what the lawyers will much better maybe time. You've probably got time pressures on you as well. But my, my important point that we're dealing with human beings, we're dealing with lives and in fact now the law is a little bit more understanding of that. There's no guarantee, but it means that we need to understand bail, parole, mental health, child protection. In fact, there's a huge issue for a lot of people on waiting list of going, well child protection says I can't get the property unless I've got a bigger house and then I can't get a bigger house unless I've actually got child protection to say I've got the kids. And so there's this circular problem of moving up and down the list. The departments need to talk to each other. So there are all sorts of areas which you as community professionals will probably have intimate knowledge. And sometimes the lawyers, tenancy specialists like myself may not even have any idea. We've seen the NDIS shift a little bit in terms of about allowing people to be funded if they live in a co sort of like a cooperative or supportive housework where you've got other housemates that'll sort of help out. And so the NDS may go, well maybe I will pay rent in that space. It's more efficient. So there's, there's a responsiveness we we need to encourage and grow. So there's also now the introduction of what's called a threat and intimidation notice this is one that many community housing providers celebrated. You can also challenge this if it's being given in retaliation so your client can arc up. In fact, there's a number of cases where the client said, you know, you know, I've had enough of you that sort of stuff. And the tribunal said that's, that's not really a threat and intimidation, it's got to be a degree of malice or that they're really going

to carry through with that threat. So if you see something like that, give us a call and we can have a chat about what's going on. But the main thing is that a landlord or rental provider, real estate agent, they can never evict someone other than following these processes. So if someone just gets locked out, you know, you get a landlord going, I don't care about but law I'm just going to lock you out. That's an illegal eviction. So you can get the person back in or you could get quite a large amount of compensation for it. So that's an option. One of the other shifts that we've seen that's been introduced is instead of evicting someone giving what's called a compliance order. So you might have someone that has a major altercation, you know, had some fighting, the tribunal said, look, I'm pretty satisfied this has happened and it might happen again. But actually the detriment for this person are being kicked out's really big. So maybe what we should do is actually make a compliance order. And that's kind of like a a a warning, a warning bell saying that you now have this order saying you can't commit abuse or you know, engage with that person, whatever it might be. And if you do then the rental provider can give you a a notice notice to vacate for 14 days. And so we've got the opportunity now again knowing the client, knowing the impact of the eviction, of potentially stopping it, potentially stopping it and keeping the home and the person goes, right, I know I need to keep my nose clean for a while. Ideally in compliance orders we always want them to be time limited but in fact they might not be. And so it's really important if your client's facing things like hoarding. Hoarding is one where we see the law and clinical health best practice and not talking to each other very well. We want to have measured and achievable results but we need to balance, you know, the danger to the neighbors. So it's all balancing activity. We saw in the new laws that people can have pets, one of the major issues that's emerged is that there's no protection in application processes to say I want to remain silent about whether have a pet ethically, it's hard for lawyers to say, look, ship your dog off to mom and dad, get the house and then say you're getting a dog. So that's a little bit complicated. But we know that if people say yes, I have a dog, you don't always find out why you don't get your rental property. They don't come back and say, Hey 300 people, this is why you didn't get, this is why you didn't get it and this is why you didn't get, it doesn't work like that, which makes it really hard for people. And so we are seeing cost of living and a lot of surrendering of animals. So it's a celebration A lot of people require and benefit immensely from therapeutic animals and we want to make sure that they are protected as much as possible. So there are protections for assistance dogs specifically. But I think that there's a broader equal opportunity discrimination case. We also saw that direct discrimination got built really strongly into the act. It's always been there with accommodation. There's in fact only been one case about a transgender woman who asked for the correct pronouns to be used. And there was some arguments and it unfortunately wasn't as successful for a number of reasons. But we know that discrimination's going on. In fact, one of the things I'll, I'll pop or hopefully send out through Deb as well is that we're doing a research project with Melbourne University to try and identify racial rental discrimination because there are many people who are prejudiced and, and even though it's unlawful, you might come out to a a housing inspection and they give forms to everyone else and you might be the only person of color and then you're not going to form and go WTF to that. And so unless people share those stories, in fact the Victorian Human Rights and Equal Opportunity Commission has recognized that a lot of people don't want to make complaint because they're like, well I've got to go back to the agent and that's going to be really hard for me to get the property I, you know, that's going to be sort of a victimization. And so they recognize that maybe just telling the story so people know how this discrimination is happening is so important because it's systemically structured. If you don't get a house, everything else becomes disadvantaged as well. And we see the same thing with gender inequality and family violence is that there's structural inequality. We saw a lot of people during Covid draw down massively on their superannuation. One of the things I didn't know, which a financial advisor told me recently is that if you go bankrupt, your

superannuation's actually still protected. So you know, maybe financial advisors, we actually have now two financial advisors at our office, which you can again call and try and have a chat. Tom and Jacinta are our financial advisor if you want to have a chat there. So the the eviction process, which is where, you know many of your clients will present as a point of stress and we'll talk a little bit about arre specifically. It starts like this. You get a form a notice to vacate. It's got to be by hand, like literally given to you, not just slipped in the post box or under the door. It's got to be by given by a registered post or it's got to be given to you electronically. But if you get it electronically, you have to consent explicitly. It can't just be because you're in the habit of emailing or SMSing back and forth for some of your clients. That's fine. I hate checking my personal emails. I hate getting my registration notice to notice to okay my, my car registration in the email 'cause I almost missed it last year. The only reason I wasn't driving unregistered is 'cause Google picked it up my emails and said, Hey, you should pay this tomorrow. I'm like, dad, I need some money because I can't afford it. So you know, privilege. So once the renter gets this notice to vacate, you don't have to leave by the termination date. So in the notice it'll say you are to be out by the 1st of June, you don't have to be out by the 1st of June. What happens then is that it forces the rental provider to apply to VCAT. So the tenancy just continues on until the tribunal says yes it's over. And even then the police attend to execute a warrant. So it's not criminal in nature, it's just a piece of paper that authorizes the police for the eviction to take place. So when the rental provider applies to VCAT, the renter gets told, Hey, there's a hearing you should probably go. Most of the hearings at the moment are being done over the phone still. But we are slowly moving back to in-person hearings just as a matter of supporting our clients. A lot of people feel much safer attending on the phone. They don't lose the work. 'cause sometimes you get adjourned and go, great, I lost a day's worth of work or my leave and now I've got to adjourn, I've got to do it again. So appearing on the phone is a really useful thing. It is harder to present evidence, it's harder in complex matters. And we'll talk a little bit about that in rent arrears as context VCAT. So when you get to VCAT, they'll look at was it given to you the right way? That's called service. They'll look at why was the notice given. So is it rent arrears? Is that the landlord's selling? They look at the evidence to see that it's there. They do the reasonable proportionate test and any defenses. So the reason that the lawyers particularly look at the number of days and we count the postage time and we look at how what exactly is in the statement is because if they stuff any of that stuff up in the notice to vacate, it's like Willy Wonka's golden ticket. You cannot get into the chocolate factory, no chocolate for you. So if they stuff up the ticket, VCAT has to dismiss it. And that's why the notice to vacate and understanding what the requirements are legally are so important. You don't have to understand that. But if you smell something funny, you're like, what's going on? Give us a call. Just give us a call and we'll try and chat through. So VCAT really has two options. It can say, yep, everything's satisfied. I, I think the impact between the parties on balance, you know the landlord should get their property back. They make the possession order. So you'll never leave a hearing with an order saying you can't go back to your property. It will say, you know, in some cases renters might go to the hearing, the possession order is made and they can get up to an extra 30 days. In other situations, you know, you might not get it but it's pretty common with hardship at the moment. If you've been looking around, it's really important that renters look around for that hardship to be shown and you can get it up to an extra 30 days. And if they stuff anything up or they think it's not reasonable in proportion, they have to dismiss the landlord's application to get the property back. So with rent arrears, you've got to owe more than 14 days worth of rent. Arrears the main thing people know you stay in the property, they ask you to leave by the 1st of June, you're staying there. Second, third, the rental provider applies. You go to VCAT, they want to know how'd you fall into rent arrears or why can you pay your normal rent? And if you can pay your normal rent on top of it, how much extra can you pay over a reasonable period of time? So that becomes a super important question in

terms of financial advice. VCAT can adjourn it for someone to go off and get financial counseling, but unfortunately no prescribed agencies where they can mandate and say, Hey, you've got to do it. So give us a call if you're trying to get access to that. And ultimately they'll make that decision about yes you can pay it, pay it off over this time if you're in community housing or social housing, your chances of getting a payment plan can be really, really quite low. There are policies about how that works in private housing, we're seeing a lot more landlord stress coming into operation going, I'm going to default on my mortgage, should I give a payment plan? And again, it's a real balancing activity and it can be quite a, a tricky thing. One of the major changes that has happened with the rent arrears framework is that if someone gets more than five, or sorry, they get more than four notices to vacate. So they get up to their fifth notice to vacate in a 12 month period and all of them are valid. You can't get a payment plan. Reasonable and proportionate tests still applies but you can't get a payment plan. And that that's really, really difficult. That 12 months resets every anniversary since the tenancy begun. So it doesn't matter if you signed a new fixed term agreement, it just restarts. You know, if you started your agreement on the 1st of March next year, on the 1st of March, it will be a new 12 months. And then you, you know, you might be back to what we call strikes. They're not called strikes in the law. But, so that's just a bit about the Rent Reas framework. The main thing is to find out where'd the money go and can they pay their normal rent? Can they catch up? And for a lot of people, even though in social housing we see 30% being the acceptable benchmark with people seeing people paying 60, 70% of their income on rent. Rent increases have just been unprecedented really. You know, some areas about 30% over the last three years. An important point with rent increases when we come to them is that there's actually been a decision that's been published to say a fixed price increment, like going from 1500 up to 1700 is not a method. The law requires a method to be specified and it's got to be calculable. And that idea of just jumping up and saying I just picked a number, is actually not considered to be a method. That's a VCAT decision. So it's not binding but it's pretty, pretty good indication. We'll jump into rent increase shortly. I'm just aware of time. Alright, so when you start a rental agreement, we're seeing that there's a ban on range advertising. So we've got to advertise for a fixed price. Now there's a ban on rental bidding from agent soliciting offers and we're hoping the housing statement, they'll make some reforms to close this gap because most renters are the ones making the offer in a market the way it is with a vacancy rate that I think last time I saw was 1.08%, which in a healthy economy should be about three to 4% of, you know, out of every a hundred houses there could be that many on the market for lease. Yeah, we're, we're, we're running into some issues. So that will hopefully close and stop landlords from accepting bids or from renters making those bids to stop that elevation and you know, passive bidding against each other. So mandatory disclosure requirements, there's quite a lot of these asbestos, if there's there homicides, if there's been drug manufacturing, if there's been mold reported in the property in the last three years, there are prohibited questions. So if you've had a BUN fight like a legal issue with your landlord previously, they can't ask you about it. They also can't ask for any of your bank transaction statements. They just want a summary of finance, which is again, little bit helpful for renters. And they also can't ask about any projected attribute. I might be a male female, non-binary, however I choose to identify it don't matter, I need a house and you shouldn't be asking me that. And yet we still see many of these platforms in applications asking those sort of questions. Same as number of children potentially if they do ask for a characteristic they can ask for it, but they need to explain why they need that information. We're seeing minimum standards being introduced. You can see all of them on our website. Unfortunately air conditioning is not there, nor is insulation. There are some probably political background issues to both of those issues. Equal opportunity has been incorporated. So it's really about discrimination. There's direct discrimination, indirect discrimination. Direct discrimination would be like, oh you're, you're from, you know, Turkey, oh I don't want anyone

from Turkey, I want Australian. That sort of thing. Indirect might be, I only want someone that can speak fluent English. And so you've got that idea that it sets an unnecessary or unjustifiable requirement that has the effect of prejudicing other people. So copies of keys now must be given for each person. So if you've got 10 people on the agreement, that's 10 sets of keys to access all the properties. We also saw that the SDA, the specialist disability accommodation has been brought into the Residential Tenancy Act. That was a major move for the disability space and probably part of a reflection of the movement with the N-D-I-S-A few years after the NDIS was introduced. And so that's really, really important 'cause a lot of people in S ds, well mental health community legal center and Villa Manta who's a specialist community legal center for people persons with disability indicated that there are some people that are paying 90, 95% and they're entrapped in those SDAs because they can't afford to get out because they've got nothing to save. So if anyone contacts you and you think they're an SDA, absolutely give us a call, give Mill Vanger a call. Those persons should really be treated with a high level of priority. And many of you will potentially have clients that are in SDAs or also they're are what are called ss, which are supported residential services. They have their own legislation but it's very similar to the Residential Tenancy Act During a rental agreement, there's a main thing, landlords need to make sure the house is in good repair and now also a suitable condition for occupation to live in. It's not a lot of case law actually on that ladder part, but absolutely when a, when you rent a property, the landlord can't say Oh but it was like that when you signed, when you moved in, we don't have to fix it if it's there, it's got to be in good working order, it's got to be safe and it's always the landlord's duty. They can't delegate that to you. They can't withhold a pet a consent from having a pet. So if you do have a dog, they have to justify why you can't have the dog. And pretty much all the cases, bar one that I know of have been successful in people being able to have pets noting that issuer when they're applying and you know the passive prejudice for people that have got pets modifications now as well, you can make modifications for security. So you don't need an intervention order if you've got someone that's stalking you or for whatever reason you're concerned about getting the IVO, you can still look at putting up A-C-C-T-V system one that plugs in. You don't really even need consent for if you're going to get a hardwired system. The law is that you can't unreasonably withhold consent for many of you with clients that are doing it rough. 'cause God knows utilities are extremely expensive at the moment is that you can do improvements for thermal comfort. So again, somewhere you need consent, somewhere you don't need consent. But if you have a dispute and you think they're withholding consent where they shouldn't, you can apply. VCAT has to hear it within five business days. So it's a pretty quick turnaround. Again, that's consent. Not necessarily paying for if you do any modifications, you do have to restore the property back the way it was before you moved in unless parties agree otherwise. Now during a tenancy as well, they've got to do gas and electrical checks for safety every two years. So even if the tenancy's just continuing, they still need to updo update a check and make sure that the house is safe. So it's a wonderful thing. Now you, when you rent a house is got to be a safety switch RCD residual current device. So you can't shove a knife in the electrical point and zap themselves 'cause death is bad for your health. So appliance replacements when they apply replacement appliance have got to be energy efficient. The standards are relatively low but at least it's a starting point. And we also have a framework now for when they come in for photos and videos, that's for advertising the property. If it's for a sales campaign and the like, there is a framework where the renter can object. If you're a person affected by family violence, you can say, look, I'm a protected person, you know, I've got an intervention order, I only want to do it by appointment. That's completely understandable. And again, there's a bit of a negotiation if they're doing inspections. Now, unfortunately open inspections are permitted, they must give proper notice. But the renter's got to be either paid 30 bucks or half a day's rent, whichever is greater. So you get something, there's nothing about saying when that payment needs to be made

but better, something than nothing at this point. And then rent increases for most agreements it's going to be once every 12 months. So I'll touch on rent increases and I'm sure that'll come up as a question. It is certainly affecting a lot of cohorts in particular older persons where the pension's just not cutting it. They've been on a cheap wicket and wrench increases is a market based test. Alright, so ending your agreement. When you want to end your agreement, normally you've got to give 28 days notice. It's got to specify a date that is during a periodic. So your rent fixed term agreement might end on the 1st of December. You can give that notice, say for example, you know, beginning of November or even earlier, as long as the date when you move in is on or after the fixed term is finished. Now there are also circumstances now where you can give a reduced notice of 14 days regardless of the fixed term. So that might be if, if you would need to access crisis accommodation, if you need personal care and support, which has got a legal definition to it. Or if you get an offer for public or community housing. So that's kind of good news. You know, you might be on the waiting list for two or three years and then you just sign a lease and then go, ah crap, I just got my offer. Good news is that you provide the information saying Look, I just got an offer. Here's my 14 days fee. You later. And you shouldn't be liable for any, what we call lease breaking costs. Which is, you know, you leaving earlier than you know when you promised to stay. Similarly, if the landlord's selling, they need to give you this notice of intention to sell. Once you've given that, unless they told you at the beginning of the property, Hey, we're selling this property before you sign, then you can actually give a 14 days and you're not trapped into a fixed term. Or having people come through open inspections for the rest of, you know, four months 'cause they're asking for too much money. Now bonds just touching on bonds, all bonds in Victoria have to be lodged with what's called the RTBA, the Residential Tenancy Bond Authority. That generates huge amounts of money. I think there's something in the vicinity of about 1.2, \$1.3 billion worth of tenant bond money sitting there. Landlords don't pay bonds and that could be generating another \$1.3 billion to help out the housing market. But we're quite, we're not quite there yet, although land tax is certainly not a fun thing for them. So the the, the long and short of it is that when the bonds lodge, it means that a rental provider or a real estate agent can never just say, oh there's a mark on the wall, I'm going to take that out of your bond. They can't touch your bond unless you give consent or unless VCAT gives them permission. And if they go through VCAT, the landlord has to prove their claim. Now the other change that happened is that renters can now, once they've given the keys back, you can just go, you know what, I'm just going to ask for my bond back. I don't want to fluff around with this. You go to the RTBA, you fill in the form saying I want my bond back. It starts a running clock. There's literally like a, you know, that 48 hour show the clock starts clicking and if it gets to the 14 day and the landlord hasn't applied to VCAP for the bond, it will automatically be released as requested. So that puts pressure on landlords to get in there. There's also a framework now of exit condition reports. A renter's got to be given a reasonable opportunity to attend the exit condition report. And so, you know, you might go there, it's great opportunity as a practical thing, make sure whenever you move in and move out to take photos, that's the thing that's really going to protect your bond. Any bond claim, if the renter knows there's going to be a bond fight, they can apply directly to VCAT and that's a free claim. Applications for compensation. So both renters and landlords can claim amounts above and beyond the bond any amount. And they've got up to six years from the date of fault to bring that claim. So that's certainly helpful. So a lot of people, if you've lived with mold for the last, you know, three years, you know, it feels safe to claim while you're there. You move out, you can make a massive claim after you've moved out to say, I told you about the mold, you didn't fix it. And I, you know, had to put up with all this, not being able to use the property. You can't get personal injuries, compensation through it. There was a high court case from the Northern Territory, which I believe will apply down here for distress. For distress. So the first Nations woman up in Northern Territory didn't have a door for months and the court acknowledged

and says, yeah you, you may not have lost anything as such, but that's pretty distressing. Not having a door, no security, which leads to the point of family violence. We have a family violence kit. If you've never seen this on our website, absolutely check it out. It goes through. The main thing for family violence victim survivors is that they either want to stay or they want to go. A lot of people want to go, but the affordability is a major issue. We've in fact seen there's a special VCAT application for family violence victim survivors. So they don't inadvertently disclose their address to use. The Joe is a family violence worker at a, there's a family violence dedicated worker to support people through it. There's also a COURI liaison team as well. So if your client is First Nations and would really benefit from that support, Oakley is also a culturally adopted forum to make it more culturally sensitive for people. And that's really important acknowledgement as well. You don't need an intervention order. It is helpful, it's extremely helpful with a stay or go application. There's, it's not called a stay or go but that's what I'm calling it. They actually have to hear it within three days of you applying. It's an incredibly quick turnaround. And pretty much if you've got any situation of family violence, I recommend using this process. The reason I recommend doing it is because it allows the tribunal to have the ability to adjust things like outstanding rent arrears, outstanding utility costs and any damage done to the property. If you don't do it, it can be much harder in particularly there's no power other than this process to deal with rent arrears that may have been caused by the family violence. So absolutely if you haven't checked out that kit, check it out and if you've got questions, absolutely give us a call. Now there's this weird thing that happened in the constitution. You might hear some renters going, I've been told I've got to go to the magistrate's court. It's a true thing. It is literally out of the constitution Section 75 in between the Judiciary Act saying that if there's another person that's residing interstate so it doesn't apply to the Northern Territory and the ACT, then you've got to go off to vca, sorry off to the magistrate court. VCA don't have the power to deal with it. It doesn't apply to companies, it doesn't apply to social housing. So any of that sort of stuff, it's not going to be an issue. But if your landlord's down here and your renter shoes off to South Australia and then applies, they won't have power. It is based on the time of when the application goes in. Again, long and short, if you hear some weird thing about magistrate court, give us a buzz, we can try and talk through. There are trained registers but even the magistrates don't see lots of them and they can be quite a difficult thing for people to work out what's going on. Alright, rent increases, you got to get a 60 day notice, it's got to be in the prescribed form, which means that they've got to use the actual proper form. And that's really important 'cause at the end of the form it says do you want to challenge this? Get this with rent increases. If you don't challenge it, it's effective. There is no cap. No cap. So if my rent goes from \$1,000 up to \$9,000 and I do nothing, it will be \$9,000. So it's a terrible burden for renters to have to bear in terms of going, oh what do I do? At the bottom of the form it says, do you want to challenge it? You should say yes. And the process is you get a free report from Consumer Affairs to say whether or not they think the property is worth that much. So they literally come to the property and you go, Hey here's a multi bathroom, here's this, here's this show everything you can that's wrong that would detract from the market value. Even if the report says it's not excessive, the renter can still challenge, they can still bring their own data. But it's really important that the notice of rent increase must specify the method. And we've seen that VCAT has said that, you know, CPI, yes, state revenue index, yes but fixed price, no. And if you just chuck a couple of other ads in there and go, here's some other ads to say that this is how much it went for, that's not really getting enough information. So if they just say, oh we've just chosen to go here to here, here's a couple of ads that might not cut the muscle and the effect of an invalid rent increase is you might be able to get that money back. So anything if you above, so it goes from 500 up to 800 and you pay 800 for two years, you should be able to get that money back. There's some controversial VCAT decisions about, you know, whether or not this mitigating should have picked it up earlier. But I

don't agree with that and we'll see how that goes in the Supreme Court when it gets there. Alright, that's where appeals go from VCAT 70 bucks to get to VCAT or a fee waiver if you might say Supreme Court. Lots and lots of money. So you know, just be mindful. All right, practical dip, don't pay in cash. That's heaps of scams kicking around. Take photos whenever you move in and out and back them up. My kids have dropped this phone in the toilet. Well not this phone. Many phones in the toilet many times. So just be mindful of it. Don't refuse to pay your rent. If someone's having repair issues, you can apply for the RSA, which is not the responsible service of alcohol, which is a useful skill. It is the rent special account. And so you can actually pay your your money to consumer affairs but you need VCA T's permission to do it and that way the landlord doesn't get any money until they do it. So it's really important that people know their rights. So first thing, find out what your rights are. Second thing, try and negotiate an outcome. 'cause that's what most people want do. Most people don't want to go to VCAT and then if you don't have any choice you can force 'em, you know over the barrel. VCAT cost you 70 bucks, whether you win or lose, there's no consequence other than the issue that you're dealing with. So if you lose, okay, whoop do no one cares. So it can't be blacklisted for anything like that. There's only very limited circumstances where you can be put on a ancy database like rent arrears or you know, serious damage, danger notices, those sort of things. So VCAT is really the biggest challenge for people is that they're scared to go, they're scared of retaliation. Written references are unregulated, which is a major problem. Interpreters. So you can always get an interpreter, it's free. And we know that there are some cultures where going into the city is confronting, you know, going there and I've been to courts before, I feel criminalized. There's a whole bunch of baggage, you know, legitimate baggage that we need to try and unpack and understand to get our clients to feel safe and even confident to get there. So that's just a bit about VCAT. There's lots of multilingual resources. If you've never been to a hearing, I'd encourage you to go and sit in the back of one so you can actually have some personal clients. This is just a simple example of a repairs application, section 73 and you want to show your story. So this is what happened and you have as many documents if you're on the phone, you just get printouts or you know get Adobe Acrobat and just go page a big red letter B, you know photo C just so you can refer to everything. So if you need help for social housing and public housing tenancy plus program down here and if you're in private housing, it's the Tenancy Advocacy Assistance Program. So that's funded by CAV. We are the sort of like a peak body in that network. And so if you contact us we might be able to refer you out to the appropriate network as well and just sort of help broker some advice. Some many community legal centers will speak up, still pick up tenancy issues, dripping my words. And also legal aid helpline. So there are a number of resources but heaps of people are needing help. Sometimes you're not always going to get representation but there's no harm in asking. You can always ask and that's why jumping on the org organiz just going, I've got a client like this, what are your chances are helping, if we can't help, what can we do? We also now have a repair toolkit that can help generate forms. So people might want to just generate a letter to say, Hey, my oven's broken, if you don't fix it, this is, you know what I'm aware of. Or help me fill in the applications, you know, to getting the repairs done. So that's a really great tool for you to have a play around and for your clients. So we know that repairs are a massive issue, mold is a massive health issue. So absolutely check it out. We've got our contact details here. So as I said, worker support line, absolutely try and get onto that as much as possible. For the renters there is an advice line but just be aware, there can be a bit of a weight so you know, chuck your ear pods in and do some gardening or work or whatever it's that you're doing because there can be a bit of a weight but most people are very, very help happy when they get through. But we really want to work with people 'cause it's much more efficient to equip the whole sector 'cause housing is just essential, which is probably why you guys are here. I will stop sharing my slides. Sorry for rushing

through that information so quickly and being a little bit over time, but I'm happy to take any questions that the, the crew may have. Deb,

Deb Fewster:

- Thanks so much Ben and it was such a comprehensive presentation. You should never apologize for sharing your expertise. We're actually very, very grateful to you. So you know, I, I have heard variations of this presentation before. I feel like we've all been living and breathing the new laws, the new regulations for, for quite some time. But every time I learn something new, because as we said at the outset, you know more than 130 changes to the ad, then all the detail that kind of sits in regulation, in practice guidance, et cetera. So it is a busy, complex space and it is a dynamic market and it is ever changing and we've got more changes of thought as you said with kind of new measures promised through the housing statement. But plenty of other work that we want to see kind of happen in terms of closing up kind of loopholes, you know, really strengthening renters rights, et cetera. Please colleagues use that q and a box to you know, just make the most of Ben's expertise. Ask any question that you, that you want. Every question is kind of welcome. We're in a kind of active learning space here so please put your questions in the, in the chat. There's already a few in there that I'll go to in a moment. I've also got some questions I guess based on like feedback that we've kind of been building over time when we're interacting with with colleagues as well. I might just kind of mention there are a number of helpful links in the Zoom chat for your reference. A few people have asked questions such as information, Ben, about the particular phone number if that community sector workers can use as distinct from the renter facing telephone service. So that information's been put in the chat. We've also had some questions about whether Ben's presentation will be, will be shared, the slides. Absolutely. And there'll also be a recording of this session that we put on the VCO website and we'll send a link to that when, when that is published because I know sometimes it's really helpful to kind of listen and then take another look and kind of really process and consolidate the information. So just look out for those links in the chat there that have already answered some of your questions about resources we'll follow up post event as well. So just to start off with, you know Ben, you did kind of mention a few times during your presentation, I guess you know this, this kind of paradigm or kind of paradox where you know, it's one thing to, to have rights and you know, when these laws were introduced and regulations were introduced at a particular time in the market, you know, they were nation leading reforms at the time. It's always kind of more, more to kind of stretch into, but I guess it's one thing to have rights and it's another thing to be confident to to assert those. We've had a few questions about retaliatory action. You mentioned that at times in your presentation, and I know that when VCOSS surveyed community sector workers last year, one of the things that we did hear is that renters are not raising issues with their rental provider because they're really scared of that retribution, even in instances where there's like urgent repairs required and there's actually really very material kind of safety concerns. And to that end, one of the questions that we've had in the chat is, you know, many renters are worried about being blacklisted by real estate agents if they take complaints to VCAT or try to assert their rights, you know, is there any reassurance we can give people about this or any kind of like pro tips being around that? Yep,

Ben Cording:

- Yep. Yeah, look, absolutely. So Tennessee database listings can only occur in very limited circumstances. So a lot of them, the agencies are quite large operators like ticker Veta, I think they've rebranded and stuff, but they need to usually get an order and it usually needs to be in relation to particular notices like damage or renter is. So if you go and have a bonfire over your bond or something, you never be listed for that. There's an interesting idea about the tenancy database

definition 'cause it includes any record or compilation of, you know, opinions about a person. Doesn't even mean they have to be accurate. But we've never really had attack at the Deni, the tenancy database definition. The problem, like fundamentally is that agents talk to each other. So if they find out where you lived, and that's the reference issue, like the idea of if I don't have a positive reference, then I'm disarmed going into a market with the way the market is. So there's certainly protections around them asking about legal disputes. There's certainly protections around the, the actual formal listing. So when you go to apply for a property, they have to say, oh, when, when we take applicants, we usually use ticker or we usually use Veda for our checks. And then if anything comes up, they have to tell you listings on the tenant tenancy database only lasts for three years. But I think one of the major reform targets is this idea of references. I mean, I I, my, my blue sky thinking one day would be going, well, if we recognize this an essential service, as long as you can pay the rent and you're not on a tenancy database, it should be pretty much like, you know, bingo down at the local hall of legs, 11, guess what, you get the house. You know, really like, do we have to have a competitive, I'm better than you. Like, it's like getting a job. It's, it's a house. So yeah, there's definitely a reform work to recognize this idea of prejudice. And, and again, from an intelligent perspective, I would think the cost of not housing people, the, the cost and the knock-on effect of, you know, having this market where you're prejudicing certain demographics that are going to have more complex needs that arise from it. So it, there's not a perfect answer. I'll, I'll be quite blunt in that there's not, but at least we can understand that issue and understand what protections currently exist and whether or not they are working or why they're not working. So one of the examples might be that the protections about asking the questions is about asking you the question. It doesn't necessarily stop one agent going and talking to the other agent about it. Like in terms of just going, oh they lived with you, how were they? Yeah, yeah.

Deb Fewster:

- And, and just on that that you mentioning references, I think one of the things that we heard again with this kind of rental survey that we did late last year that we'll publish publicly shortly is that, you know, we had feedback from organizations, from workers who are doing a lot of work supporting young people. So young people experiencing homelessness, young people at risk of homelessness, they're supporting to kind of get a foothold in the private rental market, might kind of share house arrangement and that kind of thing. And one of the barriers that they were saying that young people are facing is that they don't necessarily have any references at all. Yeah. Your

Ben Cording:

- First time renting, getting your first job, you've got to have five years post admission experience. No. Yeah.

Deb Fewster:

- And so with that, I guess it is thinking about how we kind of influence, you know, the next set of kind of reforms and I think you've presented some really great ideas there. I mean Ben, is that something that you've got any advice on in terms of just the here and now circumstances? Like how do we help kind of people overcome that issue if they don't have any references at all? So we're not even talking about bad, you know, a bad Trump record or bad references, but no references at all.

Ben Cording:

- Look, I think with no references, part of it is this and we're seeing this movement both at both ends of life with the young people and with older persons. A lot of old persons where the pensions just not

cutting it anymore are returning to share houses. And so if you've been on a lease, like you've been joined this, the law says that they can't unreasonably withhold consent about you joining. You've got to be really careful when you join because when you join you are jointly liable. So if you know, Deb and I are on the lease and Deb's been there and actually I'll, I've been there for a long time, my punch hole's in the wall and then Deb takes over my tenancy or joins with me at the end of the tenancy, if there's three grand, the three grand can be taken entirely from Deb or Ben not, you know, 50 50 split or not just because Ben did it. So definitely you want to be careful about who you join, but share housing really is one of the options a lot of people are turning to. I might just jump on one of the questions I saw as well. Jeanette says, why don't tell Victoria help people in apartment buildings? We do. We do. I'm pretty sure we do. We wouldn't help people that are in an owners corporation or a strata owner, like people that own it. But if you're a tenant and you live in an apartment building, absolutely we would, and I got picked up by Mona for using the term financial advisors, they're completely different. That's when you want to go and make lots of money and get charged lots of money. Financial counselors are the best crew. Awesome. And they're about helping you manage money and, and get advice, get counseling, my apologies. I'll get that right one day.

Deb Fewster:

- Thank you. Thank you Ben. Just looking, turning to some of the questions in the chat, one of the first questions that came through as well as around noise disturbances then. And why do noise disturbances complaints only apply after 11:00 PM Sure. When noise complaints can happen anytime, especially

Ben Cording:

- It, it's not strictly true. Noise complaints can happen at any time. I think it's section 48 48 A, somewhere around there of the Environment and Planning Act, which talks about local council bylaws about nuisance. So the idea of the emission, the frequency of when it comes, where it's emanating from. So with the landlord, one of the issues that we have is, you know, thin walls between buildings and we don't really have a sound minimum structure. It talks about being, you know, weatherproof and structurally sound, but we don't have any sound tolerance and sound complaints are very hard to resolve to deal with and to look at practical adjustments. So the modification framework might be some relief, but those noise complaints, the 11:00 PM really just from, probably comes from council saying, well that's the rule. They can't have loud music after 11:00 PM but if they're blaring at like 24 7 the rest of the day, then you're looking at this idea of nuisance. And the real problem is that for people that don't have lots of money to go off to the magistrate court and going, I'm having a civil dispute on the tort of nuisance with you, it becomes hard to press it. So there are real gaps for, you know, I mean I still don't know after 20 years of practice whether it's illegal to steal a loaf of bread when you're starving. I wish I did, but I'm, I'm going to say it's okay, but I don't think it's, so, yeah.

Deb Fewster:

- Yeah. Thank you. Thanks Ben. Another question that's come through is, Ben, someone's remarks that there are a few times during the presentation when you touched on the fact there are different rules or parameters for residence in social and public housing. Yep. And the person is asking, how can we find out more about their rights specifically?

Ben Cording:

- Yeah, sure. Great question. So the, the long shot is this, 95% of the time the laws that apply to a private rental provider will apply to the director of housing or social housing. So, so even though the

director of housing has got this repair hotline and all that sort of stuff, you just go, I told you about it, sent an email, you didn't respond, I'm straight off to VCAT. We see a lot of people waiting on that sort of advice line stuff and the same thing, it's beneficial for renters to actually have the written notice because if you call on the advice line, VCAT will go prove to me that you reported it and you're like, I can't 'cause it's on the advice line. So the only real differences in sense are often the policies. So there's a whole backlog of policies which is about certain things that VCAT actually generally can't deal with. Like the rental rebate, you know, about whether the rebate's canceled or not. Although that's become a little bit intermixed with rent arrears because they're like, well we can't decide how much you owe unless the rebate's settled. And so often you might appeal the rebate assessment like in terms of whether the rebate should have been given or not to decide whether this rent arrears, 'cause VCAT needs that to decide if they've got power to kick you out or say yes, you definitely owed 14 days. So starting point I think would actually be to look at the director of housing policies. Community housing policies are not consistent and they're quite different and there are big differences. So if I go into jail for like four or five months, I can get a, a temporary absence of leave, pay 15 bucks a week, keep my tenancy in some community housing agencies, I go in jail, I fallen renters, I get kicked out. So we need to be very careful with that when people are on the housing register waiting list, that they understand that they're getting quite a different product in terms of the protections. Accountabilities there is, when you want to complain about housing, community housing, it goes to the housing registrar, which is different from the housing register waiting list complaint body. But above that, if you're not satisfied with the outcome, you can actually still go to the state ombudsman. So Deborah Glass I think is finishing or finished up, but the state ombudsman has expressed a real interest in this space because it's, it's such an important issue. So yeah, great question.

Deb Fewster:

- And it's also worth mentioning as, as we said a few times before, this is a really busy and complex reform space and lots of kind of intersecting reforms, lots of pieces of the puzzle. And I know many people on this call and you'll have colleagues who are not on the call today, but that were actively engaged with a review that took place a few years ago with David Haywood here, the whole David Cousins, you know, engaged by the state government last term to have a look at rights in social housing. So both public housing and community housing and a big kind of theme coming out of that, you know, social housing regulation review was looking at kind of the differences in kind of people's rights and those different types of housing that all come under the umbrella of social housing and this, you know, real kind of desire to harmonize the rights between people in public housing and community housing with a view to lifting up. So not kind of a reductionist approach. And that work has not been kind of like the final stage that work not publicly released and something that many of us, including v os, are continuing to encourage government to release the final report. The work we believe that we know was excellent and and thorough including a lot of kind of consultation with with people living in public housing and in community housing as well as people working in support organizations, working in provider organizations, et cetera. So we are really kind of keen to see that work, that work progress. So worth kind of mentioning that. But in the meantime Ben's given you a good steer on like where to kind of familiarize yourself or how to familiarize yourself with the current speed of rights

Ben Cording:

- And when in doubt call us.

Deb Fewster:

- Yeah, thank you Ben. Always so generous. Another question that's come through is, does a rental applicant have to disclose whether or not they will be residing in a property with their children?

Ben Cording:

- Look, it's a really interesting question. I, I would think not. So when you rent a property it's called exclusive possession. So you know, I might not have my kids with me now, but I can bring them in later. My grandma might want to come and live with me, you know, so I can have whoever lives with me as long as I retain that idea of exclusive possession. And so there's often a tension with some of those households are between what's called a licensee, which is not protected by the Residential Tenancy Act and the renter. And we see that with some of the subletting arrangements with couch surfing. So in the housing market the way it is, there is quite a lot of exploitation and a lot of people will go, I don't know what my rights are 'cause I kind of just live in the house. And again that's a really good one for people to just go, well I don't know. I can either go to VCAT and find out and just go, I don't know what my rights are. Can you tell me sort of thing, you know, we've got a legitimate dispute or otherwise again you can give us a call. But it's really important 'cause people that are insecure often won't reach out and that makes them vulnerable for all sorts of types of exploitation.

Deb Fewster:

- Yeah, thank you. I think one of the things that's really interesting around the RTA reforms Residential Tenancy Act reforms as well is around like what kind of housing is in scope and what's not. So you mentioned during your presentation for example, that specialist disability accommodation was previously sitting under the Disability Act. That's kind of been moved into the RTA now if I'm representing that correctly, Ben and crisis accommodation, there's kind of reference to crisis accommodation, like in the scope of the RTA

Ben Cording:

- Well crisis accommodation's really interesting. So that that's very clearly cut out of the act. And in fact there used to be a 14 day time limit. They've got rid of the time limit entirely. And, and so that means, but the, the important criteria of identifying an exempt crisis accommodation is it's got to be funded by director of housing or director I think of family violence and services or minister for services. So in that sense it's actually quite limited. So some people may call themselves like a shelter or something like that and they say they're temporary crossing on issue but they actually may not meet the legal definition. I had one of these the other day. And that in fact may mean that they are protected by the Residential Tenancy Act when the the provider trying to do that because the reality is with the no reason notice to go to vacate gone, a lot of that ability to just move people on or leverage 'em out saying take the offer or other, we've got a provide for someone else has gone. And so there is a bit of tension around exactly working with that. A lot of temporary crisis accommodations say that they're able to rehouse a good proportion of people. But that churn, and again, the backlog, even in transitional housing, you know we're all looking and going, well you know, a lot of the time you can't be put on a list until you've got your possession order saying yes you're about to become homeless. And that that's a really big tension of just, there's no movement in the system with the vacancy. Right. The way is, yeah

Deb Fewster:

- And just on transitional housing, and I'm not sure whether this is kind of up the scope for you, for you Ben, and if not, we'll look at where we kind of place the question and how we kind of get the

answer to this. So got a couple of questions around transitional housing. So let's see whether they're kind of, you know, things that you can be able to kind of engage with right now. But, so one of the questions is what happens if someone is in transitional housing, begins working and then is no longer eligible for social housing?

Ben Cording:

- Yeah, this, this one's a little bit tricky. It is within scope because it's in the act. There's a notice to vacate where they can give it for not meeting eligibility criteria. But the interesting aspect of that particular notice is that I don't believe they've ever gazed the eligibility criteria for this. So that's one of the reasons they don't really, we don't see this notice very often. So in that sense, usually the regularities that they force it up to market rent. So you say, well you lose your rebate and then you pay market rent. So if you're living, you know, on your rebate from bottom up 25% of your income in Collingwood and the three bedroom house and then you go to market, you're like, oh geez, I don't think I'm going to be able to afford that anymore. And so that tends to be the driver of how those issues are resolved more than the actual we've formally assessed you. We have seen the introduction of an affordability scheme where there is a similar idea of, you know, give us your financial documents. If you don't meet this criteria that can apply. But generally for public housing, community housing, that tends not to be the issue as much. It tends to be driven by the rebate as the defacto forcing people in or out. Yep,

Deb Fewster:

- Yep. Fantastic. Thank you. Another question, so this is, I guess moving beyond the current scope of the current laws. And we will flip back to the current laws in a in a minute, but there is a question about is there any proposed timeframe around the transferable bond scheme?

Ben Cording:

- We know nothing, we know nothing. The housing announcement was made. And I think, to be honest, the government's probably going to grapple a little bit about how that carry over works. Currently, there is a bond loan assist program where a lot of people that probably don't know they're eligible could be eligible for that. That's a slightly different thing where you're getting money from director of housing, you know, if you lose any money you pay it back and you can get another one. This is the idea of carry over and I, I find it hard to think that you are, you're not going to actually just transfer the money held by the RTBA in a different name and then have to top up your bond. But we really have no, no idea about how that will actually work. Yeah, yeah. Yep.

Deb Fewster:

- And I guess on that Ben, you know, I think important piece of context as well is that this is where like the role of tenants Victoria as you know, not only you know, A CLC support service to to tenants, but, but also the fact that you are, you know, a peak body and advocacy organization as well is that, you know, your voice is really important in terms of like working behind the scenes as well as through public engagement processes to really kind of try and inform the detail detailed design of some of these kind of measures that sit, for example in the housing statement, there's a really important role for VCOSS and other peak bodies, other housing peaks as well to to play. And really it's about kind of lifting up your voices to the people on this call in terms of helping kind of, you know, extract the best knowledge out of this sector so that, you know, government can design best possible, you know, in this instance, you know, portable bond scheme, et cetera. But that also kind of equally applies to other measures that have been kind of committed to through the housing statements such as, you

know, this establishment of a new dispute resolution body Yeah. As well that will play different function the ecosystem to, to VCAT.

Ben Cording:

- Yeah, that's a, that's a really big unknown as well. So we don't know what things will fall. So, so by way of background, the idea is going well, VCAT, particularly during the pandemic has been so backlogged with all of these claims. They want to invent something that's, you know, a different resolution process and we're concerned about there going to be duplication, is it going to be more efficient, is it going to be more accessible for renters? And which type of issues will go where? And to make sure that doesn't cause more confusion for people too. Because it'd be great to just go, Hey, here's a photo, my oven's not working, call up someone, they go, all right landlord, we've got a report, we're satisfied the other's not working. Fix it by date. You know, wouldn't that be great? Yeah. You know, so to overcome some of that retaliation and just the complexity or the fear of, again going to VCAT a bit. Yeah.

Deb Fewster:

- Great. Thank you. Another question is, can disputes between people on the lease be taken or resolved by VCAT? And is also that the ideal pathway? Well what's your advice on that? So I think there's a, there's a transactional kind of like answer here around yes or no. Can disputes between people must be resolved by VCAT. But also is that something that you would recommend? Like what other steps could we think about? Yeah,

Ben Cording:

- I think, I think Kate's nailed that one on the head. It's a gap. It's a big gap. There are spaces and circumstances where you might find exception. So a number of years ago we had one client, you know, two people on a tenancy. One goes away on holiday, the other one burns the house down. And so under the wrongs act you can, okay, they burn the house down. It really should be on them. Complicated argument, successful, but it, it is generally something that VCAT will run a million miles away. So if you didn't pay your bills or I paid rent for this month and you didn't pay that rent, they usually won't touch it on the basis of that joint liability. The exceptions will be around family violence but also personal violence. So some of that framework about apportioning liability can be entertained. In the case of personal violence, it's where people are not necessarily family members, but you do need a personal violence intervention order. Family violence is a little bit different where you don't need the intervention order. And it's important to note that family violence is a pretty broad definition about people that you treat like family as well. So if you've been traveling around as housemates for the last 20 years, pretty close to family. Yeah. So there is a bit of flex in that definition. But I think, you know, for average housemates and punters where they have that sort of, you know, BUN fight, a common issue that often happens is that one renter will just go through, you know, they'll go back and live with mom and dad go, I can't afford it and you're on your own. But the reality is that when one person leaves, you are still jointly liable. So unless VCAT releases you or the landlord you know for some magical reasons lets you off and says, yeah, I won't go after you, you're actually still both on that lease and if it falls over for Rentre, they're both on the tenancy database or the other person keeps on paying the rent to keep it going but it's not living there. So it's a pretty yuck tension and people do find it hard to get advice around that sort of stuff. They do have legal rights against each other, but it's probably a magistrate private civil dispute, which is not a very usable place.

Deb Fewster:

- Yeah. Great. Thank you for stepping us through that. You mentioned family violence and this question's in a, coming from, from a different kind of angle in relation to family violence. We might just kind of run through those. Yeah, sure. One of the questions is where consent for family violence safety modifications has been requested but the rental provider has not responded after repeated requests. Yep. What are the tenant's options?

Ben Cording:

- Pretty much once you've asked them, if you set a time limit saying look, I need a response in 24 hours or just immediately or you just think, look, I've put my request in and this is not going to go anywhere. You can apply to VCAT, you just apply into section 64. VCAT has to list it within five days. And to be honest, like really given the nature of family violence, if you need to do something to improve the property, like it's not ethically great to advise this, but just get the property safe and then say sorry and work it out later. Because the reality like VCAT is never happy to go. I'm going to retrospectively say it's okay, but they'll be like, oh you're breached but you're not going to kick that reasonable and proportionate test. Yeah I'm going to evict you because you tried to protect yourself from someone trying to come after and kill you. No, it's not going to happen. So we just want to be really practical. We see people will be a little bit cagey with changing keys. It is really important to have an intervention or a safety notice on the point of changing keys. 'cause technically the agent, if both parties are still on the lease and there's no document like that, they should give both parties a key. You might get a great agent that goes, yeah, I know what you're on about. No, but that's a risk for the agent. So, so that's why the IVO from a pragmatic point of view is really important. Changing locks, even if it's a master key system can be done. But yeah, CCTV is really important. And same with teaching victim survivors with, with using their phones to record any evidence is that the police, when when you've got an intervention order, it's not criminal in nature but breaching an intervention order is criminal and the police in order to charge for a criminal offense have to prove beyond reasonable doubt, which is a much higher threshold. So a lot of threats to kill if I'm going to fucking kill you, sorry for language. But you know, that's sort of how it goes is is going to be something you want the audio for. And if the police don't have that audio, they're like, we don't have enough evidence to, to charge him. So, you know, we really want to make sure that we're, we're a little bit vigilant about getting that evidence, but obviously only do it when it's safe to do so. Talk to your MAR and people talk to your family guide specialists. But that's a cultural thing for us and that's why having CCTV, it's very affordable. It's also really good if you ever put A-C-C-T-V system, check it so it works because don't just shove it up and then think, oh one day I'll need it and I'll just grab it, make sure the thing damn well works. Yeah,

Deb Fewster:

- Yeah, yeah. Thank you. That's really great advice. Just again, on the important matter of family violence is a question around, and we know economic abuse is a really significant yeah issue. How does someone, how does someone get half of their bond back after leaving due to family violence and taking their name off the lease?

Ben Cording:

- Yeah, sure. So, so with taking your name off the lease, it actually ends the agreement. So if you apply under section 91 B, the process is you're saying I want to end the agreement and it ends it for everyone. And so that means that the bond is there under section four 20 capital A. People can actually say, well I'm leaving because of the bond. I want my bond share to be protected. I want it to

be released. And so they look at if there is any bond claim as to why the bond claim has being made. So it might be, I've got to leave because there's, you know, I had to leave a short notice, family violence, I didn't get a chance to clean. You know, those sort of things. Or there's holes in the wall from what you know apparently looks like you know violence. So VCAT has a discretion in that there are a couple of good decisions because there's no legal criteria specifically spelt out in the the act. But VCAs made it pretty clear that that is a discretionary power. They look at the cause, the detriment to the party and they can protect that bond. So once, once that order's made, the bond can also be dealt with once they've gone and had an inspection and that claim's there. So again the RTBA claim can go in there, do need to be careful with the RTBA family violence sort of claims that again you just, you follow the same process to trigger it and you know, don't disclose any address and then you know, they can deal with it pretty much in the normal way with the exception of recognizing the family violence is there. Yeah,

Deb Fewster:

- Thanks. Now we've got a few questions that have acronyms in them and we've got very, you know, you know, system engaged system wise, you know, people on this call. But I think, you know, we are always really focused at at VS and MA not making assumptions that everyone's kind of like all the acronyms and you know, after years of working in this space, sometimes I forget what some of these acronyms are. You mentioned earlier in your presentation you use the acronym RSA and you make clear that you talk about responsible service of alcohol. Can you just before I ask this next question Sure. Can you remind people on the call, what does RSA stand for Ben?

Ben Cording:

- So it's, it's, it's the rent special account. Yes. So the rent special account is your ability to say, and you can put this on any repairs application urgent on an urgent and just pretty much say section 73, urgent repairs section 77, I want to use a rent special account. And you can do that on first instance. This has been around for a long time, but the, the laws have changed where it's pretty, it's not fully mandatory but it's much more compelling that if it's asked for it should be given unless the landlord's in, you know, massive financial distress, I can't pay my school fees or whatever. So that's there. And one of the other things as well, it's been an ancillary feature to a lot of non-compliance with the act is also there's a landlord naughty list now it's called the residential rental Non-compliance register, which sadly after almost three years and the listings last for three years, it's only about 17 people on it, which

Deb Fewster:

Oh okay. Yeah.

Ben Cording:

Oh, which which brings me to the other point, sorry, you're really excited. Government thing is

Deb Fewster:

-pepper pee has a, has a higher number of Well,

Ben Cording:

- I, I was, I was just going to say I think as a result of some of the great work of many advocates, including some people that, that the government's announced a task force. So a task force to look at it. So there's this massive underquoting thing going on for when people are selling and now they've

actually gone and looking at infringements. 'cause there's very few infringements historically that have been issued by consumer affairs easy activity to do, but they're not doing it. Whereas now they've got this task force which is backed by \$4 million and whatever else your media announcement is. But, so I'd encourage you if you see non-compliance with minimum standard, which is an offense or any other offenses under the A, like not launch your bond do to CAV 'cause we want give them as much fo to go yeah. You know, make, make this a real law, make it enforceable, make their a little bit of fear in the sector. Go do the right thing.

Deb Fewster:

- That's right. And just a reminder, CAV consumer affairs sometimes referred, we also sometimes like just use, we say as Cal for example. Yeah, but just going back to the RSA, there's a question about regarding the option to make payments to an RSA to encourage landlords to do repairs. Person's asking is this like after a VCAT VCAT hearing that a landlord has ignored? So like at what point does Yeah

Ben Cording:

- Look you, you can ask for it. Yeah, you can ask for it at any point. They're certainly more likely when you get that non non-compliance with an initial order or they demonstrate a real recalcitrant or a reluctance go now stuff you, I can do whatever you tell me. Or maybe even they don't turn up. So it is, it is discretionary still. But I think this is again where looking at the specific law, it's under section 77 of just going, the tribunal must do this unless, and so the default position is that it should be accessible for renters. Some people it can be inconvenient in terms of just paying your money somewhere else. You know, you might have center pay lined up and it becomes a little bit complicated. But it is a useful tool and we certainly don't encourage people to not pay their rent. But again, the main thing that we look at is that compensation claims are, you know, money talks and you can actually make a comp claim against some of the money held by the rent special account. It is also possible, it's a little bit sort of more technical, but it's also possible to get a rent reduction. So, so one of the things with the renewals, like if they say fix your oven and they don't fix your oven, you just write back to VCAT and say, Hey, they still haven't fix the oven. You go back and you say, I want, you know, 30 bucks or 50 bucks a day off my rent, it should probably be pretty high, you know, because the oven's not fixed and they'll go, yep, that seems reasonable. So, you know, you only have to pay lesser rent for that period. So it's another way of doing it. It's really just about, again, getting them to do the right thing. If they're really difficult, you can actually take an order from VCAT and register it in the Supreme Court and take to the Supreme Court for cost. But you really want to be sure you do that doesn't happen very often. Section 1 22, the VCAT Act. Yeah. Just if you're scared

Deb Fewster:

- Now. Thank you Ben. And this, this session has just gone so quickly, so I'm conscious of time, we'll wrap up the questions shortly, but there's still so much to talk about. This is an incredible kind of, you know, opportunity to kind of, you know, basically be in your brain Ben, and, and understand everything that's going on. On one of the other questions that this has also got some, an acronym in it E oa.

Ben Cording:

- Yep. Equal Opportunity Act I believe.

Deb Fewster:

- Yes. Yep. So what are the practical implications of the Equal Opportunity Act now being incorporated in the RTA? Yeah,

Ben Cording:

- Look it, it is a great question. I think the first point is that it creates a global awareness. So whenever you apply for a rental property, now they have to actually give you a full statement of this is what discrimination is, these are what are protected attributes. And it gives you an outline which is really important that it doesn't matter whether you intended to discriminate or not, it doesn't matter whether you knew it was discrimination, it doesn't even matter if it was the dominant purpose, if it was discrimination, you know, it looks like a duck smells like a duck and it's a duck. You can actually make a claim for compensation. So you can make a claim for comp under section two 10 AA I think it is. And or you could do it under the Equal Opportunity Act. Either way what it does is that it gives someone a much stronger position to say that you've engaged in discrimination. Like I was on the radio a while ago and a guy just went, oh yeah, they found out we're a gay couple and they chose not to give us a property because of it. And it was just on radio. It was, it was kind kind of casually mentioning it and sort of the, the tolerance of this has been my experience of life and just go and I'm just like, this is outrageous. Like how blood can you make, you know, so what is sad but understandable is that we still don't have many decisions around that. And so it gives us the opportunity for the champions within the community to take them to task, to make an example of them, to say that discrimination not acceptable. We know there's discrimination, that's why we're doing the research project, which should probably pop in the, in the chat somewhere. Yes. Yeah. So definitely it's, it's a good starting point. We have a, a while to go, but it's really, it is an opportunity, it's a beginning of a story. All doctrines of law come from a case, whether it's a snail in someone's beer glass or someone not washing their undies, which is a very funny case. The doctor got I think about 2000 pounds, which would probably be about 40 grand for undies that he didn't wash for 12 weeks. But the SoFi compounds made him itchy and he got some money out of it. So, you know, everything starts somewhere. So we're hoping there's champions out there in the community that recognize discrimination and you know, take the action that will help many, many other people.

Deb Fewster:

- Yeah. Great. I'm going to move through some other quick questions as quickly as we can, but there's so much like, as I said to to talk about, one of the questions is this relates to children, again, it's very specific. So it's not an identifiable families, we're not reaching anyone's privacy, but it is specific in terms of some of the dynamics of these. So the setup is, is if a couple is renting a one bedroom apartment and they have a baby or a small child with them, would they need to disclose this in their application given the property only has one bedroom and real estate agents legally say the property's unsuitable in that case due to the number of rooms?

Ben Cording:

- Well, I mean, so I mean this, this kind of goes back a little bit to discrimination issue. I mean, I co-slept with all of our kids. So one bedroom, I've got one partner and I co-slept with the kids. The, the issue which a lot of parents, which is a real issue as they get older, is around that issue of suitability for the children. So we see that in public housing there's, you know, appropriateness of ratios of rooms. And so this is, this is broadly speaking the issue of overcrowding. And so again, we know that there's a housing crisis, like if child protection are alerted, if you're good parents and it's going on well, you know, it's the best you can do. Fear of losing your children is very real. I mean if you've ever had child protection in your life, you know that that's just absolutely terrifying and people will do

everything they can, but it turns of disclosure obligations. Again, this is, this is a question of the children, should they even know you've got children, what happened to, I'm a couple and then we've been there for two years and we have the child while they're again a victim because I've got a kid. Don't think so. So, you know, I, I think that it needs to be viewed in context again, the issue is the rejection is that, you know, if you disclose that information, you get rejected. You know, can you make the argument that that has been discrimination, like in the idea of going, well that's the best we can do at the moment, you know, but cost a living. You know, so I, I would raise those sort of issues. You can do it in conciliation context if you want to, you know, confront someone about it going, look, you might not have given it a test that's not on or you could just go, well I don't really care. I'm going to go and have a go at VCAT. In some cases with discrimination where you've got clients with really sensitive information like mental health background or otherwise, you can ask under the open courts act to keep or given an alias name. So not all decision are published. In fact very few are. You always have a right to ask for written reasons from the tribunal do at any beginning. But the important thing I think is to understand that if there's information that might go into public domain that you can request that, that be kept anonymized. So it might be referred to but it doesn't say, you know, Ben has got chronic depression and bipolar. Yeah,

Deb Fewster:

- Thank you Ben. I'll just try and ask a couple more questions.

Ben Cording:

-Yeah, yeah, sure. I, I can do a speed run on some of them if you want.

Deb Fewster:

- Yeah, that's great. This one probably maybe is like an adjacent kind of question to what we're talking about today. But you know, an important question from from colleagues here, is there anywhere to place a report against housing, a housing access point organization when they treat your, your client unfairly?

Ben Cording:

- Yeah, absolutely. Absolutely. So the director of housing will have its own complaints body. So there's levels of complaint in it. Ultimately, once you've lodged a complaint, if you dissatisfied the result of that, it actually can go to the state ombudsman. So many, many years ago we had the practice where MCATs, which are maintenance claims against tenants, the trader would come in, do like 60 grand of work, the housing officer would just pass it straight on to the renter and go, here's your 60 grand bill. And the renter was like, what? What the hell? A bit like the robo debt thing. They just sort of passed it on and didn't turn their mind to whether or not the renter was at fault. And so the ombudsman did an own, what they call an own motion investigation. You only really need a sample of maybe three, four, you know, in a bigger amount, maybe six, to show that there's something systemic going on and the Oman spin's like that's obviously not just a once off, so let's go and have a look. And that's an incredibly powerful tool to get the ombudsman on site to go and check that out. And they're interested, they're interested in the information and the stories of your clients that you know. Yep.

Deb Fewster:

- Yeah. Great. Another one is on community housing. What's the best option for someone who is in community housing to get repair complaints, both urgent and non-urgent resolved quicker where the community housing organization is not forthcoming and resolving the issues.

Ben Cording:

- It might be the lawyer. I mean just taking a week at same, same process. So this is the idea is that like it's really, in fact if anything people in social housing could be more robust because they're not going to get a no reason notice. It's unlikely they'll get an end of fixed term and they've got an obligation really to house and once they're approved for the housing, so what are they going to do? They're going to go, you're a pain in the butt, let's try and get this resolved. And so it's a little bit of squeaky wheel gets the grease. Now the reality is I know there can be some housing officers that are amazing and beautiful and wonderful and there are some that can get pretty vindictive. So you know, you pick your battles, but the reality is if you want it done quickly get 'em into VCAT. There. There's a saying in litigation generally and as lawyers is that most things settle on the court, like the steps of the court. Like you get there, you get all this big AVA up and they go, all right, yeah, we'll do it. And then you get consent orders or you can, you know, get an agreement even even if you get, you know, you can do what they call orders on the papers. So people reach an agreement, you send it off to VCAT as a draft and they say, yep, all right, we'll order that. And it's enforceable. What you want is something that's accountable, measurable and enforceable. And if you need guidance, give call.

Deb Fewster:

- Yep. Great. Another question about the RSA that was mentioned earlier, a few questions about that. The question is if I request my into RSA, the repairs still haven't been done when my lease ends. Yep. Will that rent be released to the landlord when I,

Ben Cording:

- Great question. That's a really good question. We have seen one VCAT decision that sort of actually left it held up sort of pending bond ancillary stuff. So I think that a lot of members might do it, but the requirements when the rent special account is used as they actually have to give a date, you know, this money is held until this date. So if that tenancy goes on beyond the date and the rent special account is another month on it, you can make the claim. But I think, I think probably the more important thing is that most landlords have got assets, so they're not what we call judgment proof. So if you get an order for \$2,000 and they go stuffy, I'm not going to pay, you can go and take that, register it with a magistrate court, it will run at about 10% per year and you can actually garnish wages you and ultimately if they were being really difficult and the court said, yep, you're just being difficult, you make them sell their property. I think something like that's happening to Trump at the moment, isn't it? Anyway, put that out.

Deb Fewster:

- Thank you. I'm going to ask two more questions and there's a bigger kind of philosophical one which kind of then ties in some of my kind of closing comments as well. Not philosophical, but kind of big existential, you know, question about like the impact of kind of the current suite of reforms. Really quick. One, two quick ones. How do you prove the letter of notice has been given? Yeah, sure. By hand. Yep.

Ben Cording:

- It's, it's usually a factual finding. So if the renter disputes that it was given the burden of proof, the one that has to prove their case is on the applicant. So if the landlord's going for the notice to vacate, they're going to have to prove I gave it to them by hand. And if that's disputed, the tribunal will listen to one side, listen to the other, and the, the threshold is the balance of probabilities, which is who's

more likely to be telling the truth. I think that it was given, I think it wasn't given. And that'll be a factual finding and then you go onto the other issues. But if they say that they accept that it wasn't given, then they have to dismiss it.

Deb Fewster

- Yeah. Great. Thank you. Going back to noise as well, who can tenant go to concerning noise complaints with regards to other tenants in an apartment building?

Ben Cording:

- Ah, that's, that's a common one. It, it will actually depend a little bit on who the landlord is. So if they've each got separate landlords, it's going to be that the landlord's really in the same position as, sorry the tenant is in the same position of the landlord about being able to resolve the noise complaint. But there is one decision called Clark and Director of Housing which says if there's a shared landlord and the LA and you've complained and the landlord does nothing to address that issue, there may be compensation that could be payable because an occupant of one of their other properties is doing something. So they can be a little bit messy. There is a, a gap in the service provision. Like we often wouldn't advise on that where you've got potentially two tenants. 'cause we're trying to keep people in properties and we see that same thing with behavioral issues with abuse, neighborhood neighbourhood disputes is a really big gap and it has massive impacts on people's mental health. You know, if you're living next to DV going on, you know how you engage that, do you go and get your own intervention order? 'cause it's affecting the neurology of how your children are developing. It is a complex issue and it is hard to get good advice and it's hard to action. So there are rights, but again, it's not very accessible framework. Yeah.

Deb Fewster:

- Now I'm going to set you a very big challenge, Ben and I, one that I would, would not really want to set for myself is that we've got a really big question here. Yeah. Which is, do you get the sense that the new laws have actually filtered through to the market much given that renters might not feel they have much power in such a hot market. So what are your, in two minutes or less, what's your take on that?

Ben Cording:

- I think if you ask the landlords, they'd say yes and we're leaving. But the reality is that it has no real effect on the housing stock and availability. So has it had an impact? Absolutely, it has. We've seen that some of the research has shown that there's been improvements in, in the housing that's being offered. I think, look, my my after many years of doing this, the reality is that my heart is on the supply question of going, we are helping people out, we are keeping them home, we're buying time. But the pressure, all of this anxiety about being able to have an essential service comes from supply. It comes from affordability and benchmarking. So when, when we talk about the wrench increase framework, if I go back to that, is that there is no cap. We have no benchmark that refers to the hardship on the renter, which ironically we did in older legislation in the old 1958 act. There was a, what's going to be the impact on the renter? And we don't have that anymore. So has it had an impact? Yes, but are we impacting the right spots? We're only really just starting to look at them. That, that would be my view. So 130 changes, excellent. Getting rid of the no reason cracker. Great, great stability, but everyone needs a home.

Deb Fewster:

- Okay, now I'm going to talk as fast as Ben to just quickly wrap up. Please stick with us for these next few minutes. But first of all, big thank you to Ben, absolute superstar, thank you to Ben and our colleagues at Tenants Victoria. Please check out the Tenants Victoria website. Lots of information, lots of resources. We've also got some complimentary resources on the BCOs website on our kind of regard in regard to our past rent rights rundown events. So please go online, avail yourself with those resources. Before I wrap up, just want to mention a couple of things I've mentioned our renting in Victoria report due to be released shortly. It's been developed with insights from you. Thank you to all the people that responded to our annual survey late last year. Our poll questions at the end of our last renters rights rundown events. We do use these insights to advise government on how implementation of the reforms is being experienced in the real world, especially for low income renters and renters experiencing other forms of hardship. You know, you've told us too many rental properties failed to comply with minimum standards. Mold's still a common concern. You're called for stronger monitoring and enforcement action by Consumer Affairs Victoria. Ben's mentioned task force has been announced last week, which we welcome. We've been, you know, promised by the government that that's going to come with resources to employ more intelligence analysts, inspectors, investigators, lawyers. We need to be making sure that we engage with, with, with that task force so that they're really seeing what's, what's kind of playing out in the market. Some of the other issues that you told us about, there's not enough rental homes as, as Ben mentioned, rents are way too expensive, evictions are confusing and too common. Family violence challenges still persist and VCAT is hard to access and navigate. As we've mentioned. Some of those issues will be tackled through new measures that the government's promised in its housing statement. We are going to make sure that we are lifting your voice in the kind of detailed design work and we'll continue advocating on other reforms that are needed, such as growing social housing and also, you know, continued advocacy on other reforms such as, you know, tackling kind of those rent increases such as the formula for fair rent increases. The other quick thing I wanted to mention is that on the 17th of April there's a VCOSS member consultation on minimum energy efficiency standards in rental housing. So Ben mentioned, you know, one of the gaps at the moment for example, is there's nothing there around ceiling insulation, number of other, other things to related to energy performance. There's going to be a regulatory impact statement coming at some stage by government. We want to kind of get ahead of that and be supporting committee sector voices to be strong in that conversation. So there will be a written submission from VCOSS. We're going to be running a member briefing and a consultation workshop on the 17th of April that relates to the Victorian Governments gas substitution roadmap. If you think regulatory impact statements are a little bit overwhelming, we are here to help you step through that and make sure that your voice is heard. There's a link in the Zoom chat to register for that event. It's for VCOSS people would be VCOSS member organizations. Just as we wrap up, want to thank the Victorian Department of Government Services, the Victorian Property Fund for supporting us to actually run this event. Thank you all for attending. Reminder also, please take a few moments to complete the event survey. It's going to pop up on your screen imminently. That will help us plan for future events like this. We'll also have a full transcript, caption, video recording of this event in a few days. We'll send you a link to all those resources. We'll chase up any questions that we didn't get to today, except I think we actually got through them all. So scrap that and please follow us and tenants Victoria on social media, sign up to our email alerts to learn more about events like this. Thank you Ben. Thanks to the VCO team. My colleagues Debra, my colleague Radhika Rego, and Miriam SP as well for helping behind the scenes. And of course Ryan Shields as well, who is kind of a master behind the scenes with all of this. But particular big shout out to Debra Pearce and Radhika Rego today as well. Thank you Ben. Absolute legend. And hopefully we'll enjoy today's event. Thank you so much.