

**ECCV Submission to Victorian Department of Premier and Cabinet  
Multicultural Affairs and Social Cohesion Division  
On  
Issues for Culturally and Linguistically Diverse Renters  
August 2017**

The Ethnic Communities' Council of Victoria Inc. (ECCV) is the voice of multicultural Victoria and the peak policy advocacy body for eight regional ethnic community councils and up to 220 members including ethnic and multicultural organisations across Victoria since 1974. For over 40 years, we have been the link between multicultural communities, government and the wider community. ECCV has a strong history in advocating for the rights of Victoria's multicultural communities.

We aim for a culturally diverse and harmonious society that is just, fair and inclusive where all people have the opportunity to participate in and contribute to community life. We advocate for freedom, respect, equality and dignity for multicultural communities and strive with others, to build a strong, vibrant Victorian community.

ECCV welcomes the opportunity to brief the Department of Premier and Cabinet Multicultural Affairs and Social Cohesion Division on the issues which concern culturally and linguistically diverse renters in the face of the Victorian *Residential Tenancies Act* review and *Fairer Safer Housing Options Discussion Paper* (Options Paper).

### **Background**

In its *Regulation of Property Conditions in the Rental Market Issues Paper*, the Government acknowledges that both the market place and the population accessing rental properties have diversified.<sup>1</sup> There has been a significant change in the market place in the number of people and type of people seeking private rental and social/public housing and the systems which are available to support access to housing. Refugee and asylum seeker populations, especially those suffering post-traumatic stress from their migration experience and with concomitant disability, have been reported as some of the most vulnerable to homelessness in ECCV's consultations. The *Residential Tenancies Act* review presents opportunities to strengthen protections for these vulnerable people.

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<sup>1</sup> Residential Tenancies Act Review, [Regulation of Property Conditions in the Rental Market Issues Paper](#), July 2016, page 4.

Whilst the *Fairer Safer Housing Options Discussion Paper* proposes many positive legislative changes, there are some that ECCV envisage will likely disproportionately affect culturally and linguistically diverse communities.

This current submission is informed by community consultation, desk top review on issues relating to, but not confined to fairer and safer housing and rental conditions. This submission also builds on *ECCV's submission to the Victorian Government on Residential Tenancies Act Review – Regulation of Property Conditions in the Rental Market in August 2016*<sup>2</sup> and follows ECCV and Tenants Union of Victoria Ltd meeting with the Department of Premier and Cabinet Multicultural Affairs and Social Cohesion Division on concerns of culturally diverse renters.

### **Key Issues Concerning Culturally and Linguistically Diverse Renters**

ECCV's consultation with community members, community leaders and service providers identified structural and systemic factors which disadvantage newer migrants accessing the private rental market:

1. Discrimination based on appearance and/or cultural background, including preconceptions about certain cultural groups and lack of rental history in Australia.

#### 1.1. Case Study 1<sup>3</sup>:

"Reporting in the media is discriminatory towards black and Muslim people. The media generalise, they call us APEX and we are attacked. It is stigmatising and causing issues. It affects us in renting a house, in getting a job. Our young people are singled out. Our young people are mainly raised by single mothers; it makes it hard for them ... My son goes to school and no-one wants to play with him... Tell me, what is the future of black and Muslim people in Australia?"

Sudanese community member

Dandenong community consultations on *Changes to Australia's Racial Discrimination Act*, December 2016

Attended by ECCV staff

#### **Recommendation 1:**

Consumer Affairs Victoria, as the regulatory body, to collect data from rental agencies on the cultural background of tenancy enquiries compared with tenants.

#### **Recommendation 2:**

Consumer Affairs Victoria to register complaints made by renters regarding discrimination based on appearance/cultural background with Consumer Affairs Victoria data base and report on these as an access to rental property concern in addition to referring these complaints to Victorian Equal Opportunity and Human Rights Commission.

<sup>2</sup> ECCV, [ECCV Submission on Victorian Government's Plan for Fairer, Safer Housing and Review of the Residential Tenancies Act 1997, Regulation of Property Conditions in the Rental Market](#), August 2016

<sup>3</sup> ECCV, [ECCV Submission On Parliamentary Inquiry into Freedom of Speech](#), December 2016

**Recommendation 3:**

Victorian Government introduce measures to protect people from unfair tenancy database listings, which may be a significant barrier for people who are subject to discrimination based on their appearance and/or cultural background.

2. Lack of awareness on renter rights and responsibilities due to language barriers and awareness of local laws and the Australian legal systems.

2.1. Case Study 2:

“A client who needed some electrical work done: They requested a number of times from the agent regarding the repairs, and finally they had no hot water for over 3 days, and no work had been done to fix it, so one cold day they got an electrician in to fix it themselves. They took the bill to the agent requesting to be repaid, however, the landlord refused, stating that in an emergency out of hours, they had to use the approved Company to do the repairs, the contact details for whom are written on the agents doors, and in the voicemail message. However, my clients had no English skills and could not have understood either the message or the written poster.”

ECCV Community Consultations – *Residential Tenancies Act Review*  
Settlement Services Provider, August 2016

**Recommendation 4:**

Victorian Government to introduce greater incentives for landlords to undertake repairs, such as introducing a landlord maintenance bond or improving access to the ‘rent special account’ (Options 8.35, 8.36 & 8.37).

3. Insufficient face to face access to advice and support services for people with low level English and limited knowledge of their rights/responsibilities and, lack of support services for migrants who do not qualify for support under the Federal Department of Health and Human Services Humanitarian Settlement Services Program, to support access to rental properties.

Currently the only drop in service which supports renters with their concerns is the Tenant’s Union of Victoria that is located in Melbourne’s northern suburb of Fitzroy. This location is difficult to reach for people who communicate better face to face and are located in rural and regional Victoria and south eastern Melbourne. Similarly, Consumer Affairs Victoria services is an online advice and hotline service which presents access issues to those with low level English language and for whom communication is easier face to face.

**Recommendation 5:**

Victorian Government to expand rental consumer advice drop in center services to make information on renting rights and responsibilities more accessible to community.

4. Dishonest practices by some landlords who take advantage of vulnerable tenants and their fear of homelessness including forcing tenants to put up with unsafe property conditions.

#### 4.1. Case Study 3:

“Penny\* is a 35 year old single mother of 5 children. She arrived in Australia 2 years ago from a refugee camp in Kenya. Penny was referred to our home visiting program by her mental health worker for assistance with her basic settlement needs.

During the first few visits, I spent time getting to know Penny and her children until she felt comfortable enough to tell me about some of the issues she was facing. The most concerning of which was the fact that she did not have an oven in the property and hadn’t for the past 5 months.

I enquired as to why she hadn’t had an oven for so long and she told me that it had caught on fire and the real estate had not replaced it. She had called the real estate agent on several occasions to request that the oven be replaced but she told me that he had responded by saying she needed to learn how to speak English before he would speak to her.

As a single mother, unfamiliar with the way the Australian housing system operated, Penny was afraid to pursue it as she thought that she may have been evicted. Instead, Penny used coals outside to cook on. I asked Penny for her permission to call the real estate agent.

When I called the real estate agent for the first time he seemed bothered by my call. He stated to me that ‘she had the house rewired at a cost of \$4000, what more does she want?’ It turned out that the reason for the oven fire was faulty wiring which I reminded him was not the tenant’s fault. He then proceeded to say that if someone arrives in this country they should be required to learn English. At the end of the first conversation he still refused to install an oven into the property.

I called the Tenants Union of Victoria to get some advice on the situation. They advised me that this was considered an urgent repair which should have been rectified within 72 hours. With this information I went back to the real estate agent and ... he finally agreed to send someone to the property.

There was a great deal of tooting and frowning until eventually an oven was delivered to Penny’s home. But there it sat for weeks, uninstalled. With more calls to the real estate agent and eventual threats of action by VCAT [Victorian Civil and Administrative Tribunal], the oven was installed 8 months after the original fire.”

ECCV Community Consultations – *Residential Tenancies Act* Review  
Health Promotion Provider, August 2017

\*Name changed to protect client privacy

**Recommendation 6:**

Victorian Government to introducing minimum standards for health, safety and energy efficiency to ensure that all rental properties are of a livable standard (Option 8.13D).

**Recommendation 7:**

Victorian Government to introduce stronger protections to prevent unreasonable evictions, which would impact on people at the lower end of the rental market and those more likely to be discriminated against, including repealing the no reason notices to vacate to provide greater security of tenure, however there must be no weakening of protection in other areas (Options 11.25A & 11.27D).

5. Reliance on third party relationships with non-housing specialist service providers to gain access to and advocate for fairer, safer property conditions for newer migrants.

5.1. Case Study 4:

“Sammy\* is a 32 year old single mother from Afghanistan. She has 3 small children, was unemployed and had no rental history. She had been searching for a property for months but was rejected on every occasion (and some of these properties were less than liveable).

Eventually Sammy was accepted for a property. Upon the initial inspection, I found that the property needed several repairs. There were roof leaks, the carpet was rotting and there were several broken locks on the windows and doors and would you believe it an oven that didn’t close properly! I felt that the property was inhabitable but Sammy was adamant that she wanted the property, regardless of its state as she had been transient for so long.

I attended the real estate office with Sammy to report back on the initial inspection and signing of the lease agreement. I advised the real estate agent of the needed repairs which she said would be fixed straight away and then she hurried Sammy along and told her to read and initial each page and then sign at the end. I told her that Sammy did not read English and was not able to understand fully without an interpreter. The real estate agent advised me that this didn’t really matter, to which I reminded her that it did as this was a legally binding contract. In the end I called the interpreter agency and read through each section of the lease agreement so that Sammy was aware of what she was signing.

As Sammy had also signed the lease ultimately taking the property as is; I ensured that the real estate agent added the repairs into the contract. She assured us that everything would be fixed in time for Sammy to move in. On moving day, we turned up to find that none of the repairs were done. I made several phone calls and referred to the contract until the repairs were made.”

ECCV Community Consultations – *Residential Tenancies Act Review*  
Settlement Services Provider, August 2017

\*Name changed to protect client privacy

**Recommendation 8:**

Victorian Government require landlords and their agencies to ensure that tenants understand the terms and conditions of the contracts they are signing to protect vulnerable tenants from conditions which may be unreasonable including special conditions or additional lease terms which may weaken the tenant's security of tenure (Option 4.12).

**Conclusion**

Housing security and accessibility is central to an individual's wellbeing. Refugee and asylum seeker tenants lack an awareness of Australian standards for housing. Language barriers, awareness of local laws and the legal system exacerbate their vulnerability to accepting 'whatever they can get'. Their vulnerability and difficulty in finding adequate housing places them in a position where they are less likely to report rental property issues for fear of homelessness and further marginalisation.

The *Residential Tenancies Act* review *Fairer Safer Housing Options Discussion Paper* (Options Paper) presents government with the opportunity to significantly impact on the health and wellbeing of vulnerable asylum seekers and refugees, particularly female headed households at risk of homelessness.

Greater protection is required to ensure that any options considered to be made into law do not disproportionately affect culturally diverse renters and exacerbate existing issues in these communities.

**For further information, please contact Galina Kozoolin, Policy Officer, at 03 9354 9555 or [gkooolin@eccv.org.au](mailto:gkooolin@eccv.org.au).**