



# Trish Doyle MP

## Member for Blue Mountains



02 4751 3298 | [bluemountains@parliament.nsw.gov.au](mailto:bluemountains@parliament.nsw.gov.au) | 132 Macquarie Rd Springwood NSW 2777

### New South Wales Parliament Legislative Assembly

#### Residential Tenancies Amendment (Review) Bill 2018

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Tonight I speak in debate on the Residential Tenancies Amendment (Review) Bill 2018 to address the failure of leadership that this bill represents. Yet again the Berejiklian Government is offering the community some inadequate or undesirable reform and expecting a pat on the back and a polite thank you from the Opposition for its troubles. While one in three citizens in New South Wales are tenants I believe that most Government members have long owned their own homes and are landlords in their own right. It should come as no surprise that the bill they offer to the Parliament entrenches the power imbalance between landlords and tenants.

Until very recently I was a lifelong renter. I grew up in department housing. Due to circumstances in my adult life I entered the private rental market, first as a student in a share household and then because of difficulties in my family life. In recent times I had very bad landlords and I had a series of difficult disputes with them that highlight the problems that Labor identified in this bill. Some years ago, after making three requests to have basic maintenance work carried out on the plumbing of my house in Lawson which I was renting as the casually employed single mother of two young children, I finally arranged for emergency sewer repairs to be carried out by a local plumber.

When I sent the bill to the landlord for reimbursement I received a rental increase as a retaliation for having dared to insist on basic and essential repairs. I objected to this in writing and was then issued with an eviction notice. I took time off work and I fought back against this at the NSW Civil and Administrative Tribunal [NCAT]. I fought against being treated as a second-class citizen because that is how I was made to feel. I was fortunate that the tribunal found in my favour and described the landlord's conduct as unjust and indefensible. Soon after I was served with another eviction notice which said that the landlord planned to sell the house just before Christmas.

I was fortunate as I had saved enough money over a decade for a small deposit on a house and I could only just sustain the modest mortgage repayments with

my single income as a casual teacher. I made an offer on the house I had been renting for almost 10 years and I was finally able to take control of my home as an owner-occupier. This course of action is not available to everybody and certainly not everybody is equipped to navigate the NCAT on their own. Moreover, not everybody is fortunate to be able to set aside some money each fortnight to pull together a small deposit. We did live frugally.

In the time since this occurred real estate prices in my suburb have more than doubled. I would not be able to repeat the feat of buying my own home from the landlord today if I was still a casual teacher. These are the realities for working class people throughout New South Wales. In my electorate office my staff spend a great deal of time assisting me and following up on housing matters and tenancy issues faced by Blue Mountains residents on a daily basis. This is not surprising. We have an affordable housing deficit and demand outstrips supply.

It is a housing crisis. Over the past five years rents in Springwood have risen by almost 22 per cent while wages growth over the same period has been capped at 17 per cent. This pattern repeats itself throughout the State. Rents go up, wages growth does not keep up and tenants face ever-mounting cost pressures just to stay in their own homes. Labor is listening to renters. We not only have an ambitious social housing policy that will mandate 25 per cent affordable housing on government owned land and 15 per cent affordable housing on privately owned development land; we are also looking at ways to make renting fairer.

Last year Labor made a series of commitments to make renting fairer for tenants. We put forward a policy to move towards minimum 12-month terms for all tenancies and explore longer term tenancies as they exist overseas; to restrict rent increases to once every 12 months; and to remove no grounds evictions and ensure any landlord who evicts a tenant from his or her home has a reasonable basis and justification for doing so. The Government's bill makes a number of changes to the Residential Tenancies Act but none will make a significant improvement to the security of housing or ending no grounds evictions.

Ending no grounds evictions is the cornerstone of establishing security and stability in the rental market. Other jurisdictions, in particular Victoria, have been engaging with this issue and significant reform has been achieved. The Daniel Andrews Government introduced some 130 changes, for example, to residential tenancy laws in that State and most crucial among them was the abolition of no-grounds evictions. The reforms were met with opposition from real estate agents, generally, and some landlords. That is understandable. Rarely is change welcomed by those who benefit from the status quo.

However, the sky did not fall in on the Melbourne rental market when the changes were announced 12 months ago. The median rent on a three-bedroom home in Clayton, 20 kilometres south-east of the Melbourne central business district, still grew from \$370 when the Andrews Government came to office in 2014 to \$430 per week today. The failure of the rental market to collapse was

not for a lack of trying by the Real Estate Institute of Victoria. As one would expect, it predicted doom and gloom for investors along with constricted supply by landlords who, the institute was convinced, would rather turn away many tens of thousands of dollars in income each year than lose their power to evict a tenant for no good reason. Of course, that is just the political posturing of an industry group that seeks to protect its established business model. We understand that landlord groups here in New South Wales are already complaining that the Liberals legislation goes too far.

The Government's bill will make a number of small reforms that Labor supports. Namely, the bill compels landlords to prepare and provide proper condition reports, clarifies conditions that render a property unfit for habitation, creates new protections for people living in houses with loose-fill asbestos and establishes certain minor alterations that would be deemed reasonable for tenants to make within their rented homes. I also note that the Government has adopted Labor's policy of restricting rent increases to once every 12 months and that it also establishes rights for victims of domestic violence to end a tenancy agreement early to escape a violent and dangerous household.

I often wondered as a child what it might have been like for us to remain safely in our home instead of having to live in our car from time to time. This change in domestic violence alterations can be credited to those who work in community legal centres and domestic violence services that have been agitating for many years to see this crucial protection for women escaping violence in their homes. To that end, I acknowledge the work of Jo Hibbert at the Elizabeth Evatt Community Legal Centre who deals with these sad cases day in and day out. I also acknowledge my constituent Francesca who recently articulated her experiences as a tenant. I thank her with the dignity that she deserves.

These are important reforms that Labor supports and so it will vote for this bill. However, the Opposition will move amendments in the Legislative Assembly and the other place to fix the most glaring omission in the Government's bill. Protection for tenants against vexatious evictions is the key reform around which every other tenancy problem hinges. Long-term secure housing in decent, safe houses is paramount. So long as tenants fear being evicted for making a reasonable request for repairs, protections that mandate repairs will be meaningless. So long as tenants fear being evicted for querying a rent increase, protections that limit price gouging by landlords will be meaningless. I note the policy scorecard published by the Tenants Union of NSW, which assesses each of the substantive changes put forward by the bill. Of the 28 changes in this bill identified by the Tenants' Union, six are marked as an outright fail and question marks hover over a further four changes. [Extension of time]

The Government clearly has a lot of work to do with stakeholder engagement to improve its legislative agenda when 35 per cent of the provisions in a raft of rental reforms are met with disapproval from the biggest and most important community representative body. It is important that all members here have listened to the community and we are taking this step. It is also worth noting

that the Government has failed good landlords in the State. Labor has been pushing to establish longer term tenancies that will promote long-term, cooperative and positive relationships between good tenants and good landlords or real estate agents.

The Government should have taken this on board and included it within its reforms. It would move Australia closer to the European model of long-term renters being protected and encouraged to make their rental accommodation a home for themselves and their families. Finally, I thank the Minister and I also note the fantastic work by Labor's shadow Minister for Innovation and Better Regulation, my colleague the member from Swansea, Yasmin Catley, who has been pushing for a more progressive set of policies that will make renting in New South Wales fairer.