

Attn: Adrian Makeham-Kirchner
Chief Minister's Department
Social Policy and Implementation
PO Box 158
Canberra ACT 2601

Via email: accommodation.regulation@act.gov.au

Dear Mr Makeham-Kirchner,

Regulation of Boarding Style Accommodation in the ACT

ACTCOSS welcomes the opportunity to comment on the Chief Minister's Department discussion paper *Issues and options for regulating boarding style accommodation in the Australian Capital Territory*.

There are significant definitional issues that must be resolved if we are to progress reform in this area. It is unclear what types of housing this paper is seeking to address, and who any new legislation would be trying to assist. Clarification is then required around where there are current gaps in protection in each of these types of housing.

ACTCOSS recommends the development of a taskforce of key stakeholders to progress work on the future of boarding style accommodation, as has happened in Victoria. The goals of this taskforce would be to: agree upon definitions; provide recommendations for standards and guidelines to inform the development of legislation as well as penalties; and agree on an implementation plan.

Any discussion around definitions and standards would need to ensure existing informal models of housing are not unintentionally captured, such as student group houses. Aboriginal and Torres Strait islander households might also be unintentionally captured as many homes are overcrowded. The 2001 Australian Census found 17% of ACT Aboriginal and Torres Strait Islanders had fewer bedrooms than needed, compared to just 1% of all ACT households. Standards around room size, or adults not sharing rooms could result in such groups being inadvertently affected.

Consultations with ACTCOSS members has revealed support for the development of legislation to regulate boarding style accommodation, incorporating strong penalties. Unless penalties are applied and made public, they will not have the desired deterrent effect. Penalties could include both fines and the removal of financial benefits gained from the situation that led to the penalty (eg. confiscation of rent collected), providing additional disincentive to breach legislation.

Once there is a process in place to support regulation, there also needs to be a process in place to support the activation of this regulation without unfairly punishing people who raise complaints. The occupants of boarding style accommodation can be extremely vulnerable. ACTCOSS recommends

investigation into the establishment of a regulatory body who is able to assist occupants in progressing complaints. Considering the lack of affordable accommodation options in Canberra, occupants can be reticent to 'cause trouble' at the risk of being blacklisted. Any new legislative framework must not ignore the needs of occupants during any investigation process.

Once legislation is developed an education campaign must follow. This would benefit from being primarily targeted towards people likely to be occupants of boarding style accommodation such as international students, recently arrived migrants, refugees and other at risk populations.

The ACT Government is encouraged to continue to prioritise work on housing affordability in Canberra. When trying to limit the ability of 'slum lords' to operate, it is also essential to address the overarching conditions that lead to them being able to take advantage of people in search of a home.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Roslyn Dundas', enclosed within a large, loopy oval shape.

Roslyn Dundas
Director

Email: roslyn.dundas@actcoss.org.au

21 December 2010