

# Make renting fair and safe

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Darwin Community Legal Service's (DCLS's) Tenancy Advice Service (TAS) is expecting to see much needed reform to the NT's *Residential Tenancies Act* over the coming months.

At present over 50 per cent of people in the NT are living in rental accommodation.<sup>1</sup> This number is set to rise over the coming years as housing affordability becomes a bigger barrier to accessing safe and secure accommodation across Australia.

In the NT, the current protections in place for tenants fall far behind residential tenancy law in other states and territories. In both New South Wales and Victoria, the *Make Renting Fair* campaign has been launched in recognition of the need to drastically improve rights and regulatory safeguards in place for tenants.

In 2017 TAS launched their own *Make Renting Fair and Safe* campaign to bring the NT's tenancy laws in line with other jurisdictions and revise current standards for renting across Australia.

The campaign has made serious headway with new laws recently being introduced into Parliament to regulate the use of tenancy databases or 'blacklists'. The new regulations will provide much needed guidance around the usage and time restrictions placed on databases and restrict the listing of tenants' personal information to up to three years.

While this is a step in the right direction, TAS is urging for further essential reforms to improve the power imbalances that currently exist between landlords and tenants, and to make rental housing a secure option within the NT.

A key reform is the introduction of an Independent Bond Board to reduce the risk of misuse of bond funds and to oversee disputes in relation to the return of bond money. The NT is the only jurisdiction without such an authority, meaning tenants often forgo the return of bond money they are legally entitled to or are forced to engage in messy and protracted disputes. The lack of a transparent, independent system to return bonds can prevent tenants from accessing housing and contribute to overcrowding and homelessness.

The NT has the shortest notice period for termination of any jurisdiction. All too often renters within the Territory are forced to pack up their lives at a moment's notice, incurring considerable financial and personal cost as a result. Given the social and individual benefits stable and secure housing provides, it is vital that the Territory's rental market delivers a level of security beyond what is currently provided. Other countries such as Germany, Denmark, the Netherlands and Ireland do not allow 'no ground' evictions that are all too common place in Australia. 'No grounds' evictions actively undermine tenants' ability to enforce their rights, as landlords inevitably have the upper hand if and when a dispute arises, as the threat of eviction often pressures tenants into silence. As home ownership becomes a distant fantasy, more and more people are looking for secure long-term tenure in which they can turn their *house* into a *home* without fear of eviction. The TAS will be advocating hard to ensure every Territorian can feel secure in their own home.

TAS will also be advocating for better protections to those experiencing domestic and family violence. The Territory has the highest incidence of domestic violence and the two main areas that act as obstacle to victims taking action is housing and finances. Other states have taken the lead in this area such as removing the perpetrator or the victim from the lease agreement where domestic abuse is established and separating liability for damage.

Lastly, TAS will be pushing for better protections for co-tenants to ensure the NT stays up-to-date with modern housing arrangements. The popularity of share house type arrangements is quickly rising as the cost of securing affordable housing increases, however, currently little protections exist for people in such arrangements. Therefore, the TAS will be advocating for certainty and clarity in this area along with a streamlined approach to resolving common disputes.

We are optimistic that the NT Government will continue on this path of much needed reform and not only bring the Territory in line with best practice, but to anticipate future housing needs so that renting may be fair and safe for all.

<sup>1</sup> Australian Bureau of Statistics, Census 2016.