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Dear Civil Law Team

## **CONSULTATION PAPER: MINIMUM STANDARDS FOR RENTAL PROPERTIES AND OCCUPANCY LAW REFORM**

The ACT Council of Social Service (ACTCOSS) welcomes the opportunity to respond to the consultation paper on minimum standards for rental properties and occupancy law reform ('the Consultation Paper').<sup>1</sup>

ACTCOSS is the peak body for the community sector in the ACT – advocating for social justice in our territory and representing not-for-profit community organisations. Our membership and the ACT community sector more broadly include organisations that advocate for and/or provide support services to tenants and occupants. This includes some organisations that represent the interests of people as tenants and occupants as well as organisations that provide accommodation (e.g., community housing and crisis accommodation) as lessors and grantors.

ACTCOSS also advocates for better outcomes for ACT energy consumers through the ACT Energised Consumers Project. This project is funded by Energy Consumers Australia as part of its Grants Program to support consumer advocacy and research projects that benefit of household and small business consumers. The views expressed in this submission do not necessarily reflect the views of Energy Consumers Australia.

In developing this submission, ACTCOSS engaged with representatives from 14 community organisations that work across a range of sub-sectors including systemic housing advocacy, community legal services, community housing, crisis accommodation, financial counselling, energy efficiency, energy consumer advocacy, renters' rights, and environmental sustainability.

This submission responds to all elements of the Consultation Paper in three parts:

- Minimum standards for rental properties
- Minimum energy efficiency standards for rental properties
- Occupancy law.

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<sup>1</sup> Justice and Community Safety Directorate, [Consultation paper: minimum standards for rental properties and occupancy law reform, Proposed reforms to the Residential Tenancies Act 1997](#) [pdf], ACT Government, Canberra, July 2024, accessed 27 August 2024.

## Key Points and Recommendations

- ACTCOSS supports the proposed list of minimum standards in the Consultation Paper as a starting point, with some modifications and additions required to ensure the ACT takes a leading-practice approach
- ACTCOSS recommends that financial support be provided to community housing providers so they can meet minimum standards without compromising their ability to provide housing for people in need
- ACTCOSS notes that any incentives for private landlords to meet minimum standards should be targeted, equitable and carefully considered – any incentives should encourage greater ambition and compliance and be conditional on not increasing rent
- ACTCOSS notes a common hope that renters will be better off through the introduction of minimum standards and a common concern that renters should be protected from increased rents or eviction
- ACTCOSS recommends that the ACT Government use the *Community Sector Blueprint: National Framework for Minimum Energy Efficiency Rental Requirements* to guide the development and implementation of minimum standards in the ACT (the Community Sector Blueprint is an attachment to, and integral part of, this submission)
- ACTCOSS urges the ACT Government to draft legislation for minimum energy efficiency standards and electrification for rental properties for consultation by the end of 2025
- ACTCOSS recommends a staged and scalable approach to the roll out of minimum energy efficiency standards that would start with a features-based approach with a preference for a clear pathway toward implementing a performance-based approach (in line with the Community Sector Blueprint)
- ACTCOSS recommends a strong system of certification and compliance be introduced as part of minimum energy efficiency standards for rental properties (in line with the Community Sector Blueprint)
- ACTCOSS supports the ACT Government being allowed to set minimum standards for occupancy premises - in principle, these should be the same minimum standards that apply to tenancies
- ACTCOSS recommends the ACT Government undertake further consultation with stakeholders on occupancy law reform in view of the range of views and the complexity of issues involved across different occupancy types.

## Minimum Standards for Rental Properties

ACTCOSS has long advocated for the introduction of minimum standards for rental properties in the ACT. The views we expressed 13 years ago in response to introducing minimum housing standards under the Residential Tenancies (Minimum Housing Standards) Amendment Bill 2011 remain much the same today:

*With such a shortage of properties, especially affordable properties, tenants on low incomes have even less ability to choose properties with better ratings - rather they are forced to take*

*any property that is available within their price range. In the current environment, often the only accommodation the most disadvantaged can afford to rent is of very poor quality.*

*It becomes increasingly important in a highly competitive rental market, to ensure government regulations remain appropriate. This is not about choice – it is about basic standards. If minimum standards of accommodation are not met, this could potentially impact on the health and welfare of tenants in the ACT.*

*While we must implement minimum standards, we must also address how tenants are empowered to access these provisions.<sup>2</sup>*

In our submission to the ACT Government's 2021 *Consultation Paper on Ending no cause evictions and other measures – Proposed reforms to the Residential Tenancies Act 1997*, we recommended that 'the ACT Government introduce national best practice minimum standards for rental properties while also looking at where it can achieve international best practice' and that 'minimum standards for rental properties should be as prescriptive as practicable'.<sup>3</sup>

We welcome the Consultation Paper as a key step towards achieving leading-practice minimum standards for rental properties in the ACT that strengthen renters' rights to safe, secure and suitable homes in recognition that this is essential to people's wellbeing.

#### **Consultation Paper questions on the proposed standards**

Would you support the list of minimum standards at Appendix 1 being introduced in the ACT? Why / Why not?

If you would support the introduction of some, but not all, of the standards, please explain:

- which standards you would support and why; or
- which standards you would not support and why.

Would you suggest any different or additional minimum standards being introduced? If so, what standards would you propose and why?

ACTCOSS supports the proposed list of minimum standards being introduced in the ACT as a starting point. This would bring minimum standards for rental properties in the ACT in line with those already in place in other jurisdictions. As highlighted in the table provided in the Consultation Paper, when comparing minimum standards in

<sup>2</sup> ACTCOSS, *Submission: Residential Tenancies (Minimum Housing Standards) Amendment Bill 2011*, ACTCOSS, Canberra, 2011.

<sup>3</sup> ACTCOSS, [Submission: Consultation Paper: Ending no cause evictions and other measures – Proposed reforms to the Residential Tenancies Act 1997](#), ACTCOSS, 2021.

each jurisdiction the ACT currently only has two minimum standards relating to smoke alarms and ceiling insulation. The proposed standards in the Consultation Paper set out a solid platform for implementing the ACT Government's commitment to phase in minimum quality standards for rental properties under the *Better Deal for Renters* reform package agreed to by National Cabinet in August 2023.

ACTCOSS would support additional minimum standards that apply in other jurisdictions that are not included in the proposed list. These include ensuring supply of energy to the property, freedom from vermin (or that the property is maintained to prevent vermin infestation), and external light fitting (to enable screening of visitors at night).

We support a stronger laundry minimum standard than the proposed standard of: 'If there is a laundry on the property, it must be connected to a reasonable supply of hot and cold water'. We would support a laundry minimum standard that requires laundry facilities – with fittings for a functional laundry within the property or access to communal laundry facilities (if within a multi-unit complex without functional laundry fittings in the rented unit).

#### **Consultation Paper questions on phase in periods (compliance timeframes)**

Sometimes when a new law is introduced, it includes a 'phase in period', which means that people have a certain length of time (e.g. 6 – 12 months) to do anything needed so they can comply with the law, before it applies to them.

If the above list of minimum standards were to be introduced, how long do you think landlords should be given to make their properties comply with the standards?

Do you think a longer phase in period would be required for some standards? If so, which standards do you think would require a longer phase in period and how long should that period be?

While focused on minimum energy efficiency standards, the *Community Sector Blueprint: National Framework for Minimum Energy Efficiency Rental Requirements* ('the Community Sector Blueprint') provides some principles that should also apply to minimum standards for rental properties more broadly.<sup>4</sup>

In line with the Community Sector Blueprint, landlords should be given a reasonable amount of time to meet the minimum standards – long enough to prepare and meet the standard without placing a burden on trades and supply chains, but short enough to ensure objectives are being met. ACTCOSS would support a 12-month period before the minimum standards come into effect. Once in effect, landlords with new or renewing tenancies must comply. There would then be a deadline (3 years) after which all relevant properties must be compliant, ensuring that people on periodic tenancies or long fixed-term tenancies do not miss out.

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<sup>4</sup> Healthy Homes for Renters, [Community sector blueprint: national framework for minimum energy efficiency rental requirements](#), Healthy Homes for Renters, 2022.

The Community Sector Blueprint includes the principle that ‘standards could be staged, allowing different timeframes for some types of accommodation or classes of building, where a clear pathway and timeframe for staging is established at the outset’.

As set out in the Community Sector Blueprint, ACTCOSS recommends that financial support be provided to community housing providers so they can meet the standards without compromising their ability to provide housing for people in need.

In discussions with ACTCOSS member organisations, there was common concern that the costs of meeting minimum standards should not be passed onto renters in the form of increased rents. As we also note in relation to minimum energy efficiency standards below, there is a case for incentives and supports for landlords to ensure minimum standards are met, provided that such support is conditional on not increasing rent beyond the prescribed amount set out in the *Residential Tenancies Act 1997*.

Our discussions also highlighted a common hope that the introduction of minimum standards will not put renters at risk of eviction due to the housing provider’s obligation to comply with minimum standards. This included a concern that minimum standards should not have a broader impact on the availability and affordability of rental properties in the ACT – any such risk must not be overstated or used as a means of limiting or avoiding the introduction of minimum standards. Rather, protections must be in place to ensure that renters do not risk eviction, potentially into homelessness for many of the most vulnerable.

#### **Consultation paper questions on Exemptions**

Sometimes laws include exemptions, meaning that in special circumstances a person does not have to comply with the law.

If the above list of minimum standards were to be introduced, do you think that any of them should be subject to exemptions? If so, please explain what you think those exemptions should be and why you think the exemption should apply.

ACTCOSS recommends that exemptions be limited. Drawing on the principles set out in the Community Sector Blueprint, ACTCOSS’s view is that minimum standards:

*should cover any residential property, or part thereof, that is the principal place of residence where the resident is not the owner or does not have the rights, controls and protections of ownership, unless there is demonstrated reasoning why it should be exempt. Any exemption should be time limited.*

While stressing that exemptions should be limited, clearly defined and circumscribed, ACTCOSS recognises there may be a narrow set of circumstances where exemptions are warranted for certain standards. This might include

properties where certain standards cannot be feasibly implemented due to physical constraints, heritage listing, or possibly where the renter(s) object to making modifications they feel would impact their enjoyment of the property. Eligibility for any exemptions should be unambiguous and able to be readily determined without recourse to judicial or quasi-judicial bodies, and to minimise the opportunity to exploit loopholes.

In line with the Community Sector Blueprint, ACTCOSS supports an approach where once minimum standards are introduced, landlords are required to affirm compliance in rental advertising and new lease agreements or state what exemption exists.

#### **Consultation paper questions on water efficiency standards**

Should fixtures, fittings and appliances (including wash basins, kitchen sinks, shower heads, toilets and dishwashers) be required to meet a minimum water efficiency rating? Why / Why not?

If water efficiency rating requirements are introduced, do you think they should:

- be included as part a minimum standard for the property (be required at all times);
- only be required if the landlord wants to pass on the water consumption costs to the tenant (the Queensland approach); or
- only be required for end-of-life replacement of items (the Victorian approach)?

Please provide reasons for the option you support.

ACTCOSS supports the introduction of minimum water efficiency standards in view of the community benefit of improved water efficiency as well as the direct, long-term benefit to whoever is liable for water consumption costs. We support an approach which would require end-of-life replacement of items where the landlord is liable for water consumption costs, but with replacement of items being required prior to a landlord passing on the water consumption costs to the tenant.

#### **Consultation paper questions on imposing safety obligations on tenants**

Should tenants have safety obligations to prevent them from removing, deactivating, or otherwise interfering with safety devices (such as smoke alarms, other fire safety equipment, pool fences etc) at the premises? Why/ Why not?

ACTCOSS supports having safety obligations on tenants to prevent them from removing, deactivating, or otherwise interfering with safety devices (such as smoke alarms, other fire safety equipment, pool fences, etc.) at the premises. In doing so, there must also be an obligation on landlords to maintain and install safety devices in a manner that does not negatively impact tenants' enjoyment of the property (e.g., if a smoke alarm is faulty).

### Consultation paper general questions on minimum standards

Do you have any other comments on minimum standards?

Do you have any other comments on other requirements or obligations about the condition of the property?

The introduction of comprehensive minimum standards will need to be accompanied by complementary policies and programs. This includes incentives and schemes to assist landlords where there are high upfront costs associated with retrofits. Providing a one-stop shop or other mechanism whereby people can readily access quality and trusted information on what is required and support regarding products and suppliers is recommended. This would include providing ready access to information on disclosure requirements and certification and compliance processes.

From an equity perspective, the potential impact of minimum standards on affordability, availability and security of rental housing must be given careful consideration, especially given the existing shortfall of affordable housing in the ACT and the fact that housing is the biggest cost of living expense for low-income households. The introduction of minimum standards must be designed and complemented by measures to ensure housing affordability is maintained – especially for low-income households. At the same time, minimum standards are critical to overcoming the split incentive barrier for landlords to make investments that benefit renters and have significant wellbeing impacts in terms of renters' safety, security, health, and cost of living. There is a need to manage the risk of the costs of minimum standards being passed onto renters in the form of higher rents or risk of eviction – with eviction also potentially coming with significant wellbeing impacts through loss of connection to home and community as well as a lack of other affordable rental options (and potentially homelessness). This risk is likely to be higher for many low-income households renting lower-cost and lower-quality homes that are likely to require more substantial retrofits.

Any regulatory impact assessment needs to consider the social equity impacts of the introduction of minimum standards, including the wellbeing impact for low-income households in the ACT.

## Minimum Energy Efficiency Standards for Rental Properties

This section of the submission addresses the elements of the Consultation Paper that relate to minimum energy efficiency standards for rental properties in the context of the transition from gas to all-electric homes as part of achieving net zero greenhouse gas emissions in the ACT.

ACTCOSS supports the Fair, Fast and Inclusive Climate Action Blueprint Framework led by the Australian Council of Social Service (ACOSS).<sup>5</sup> The Blueprint Framework identifies 12 strategic policies for action, including housing:

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<sup>5</sup> ACOSS, [Fair, Fast and Inclusive Climate Change Action Blueprint Framework](#), ACOSS, 2024.

**Homes are energy efficient, climate resilient, accessible and affordable to run, and support good health**

Impact: Everyone can live in a home that is energy-efficient, electric, powered by renewable energy, climate-resilient, accessible, that supports good health and wellbeing, reduces poverty, and emissions.

Outcomes:

- Everyone lives in a new or retrofitted accessible home that is energy efficient, all electric, where possible fitted with renewable energy technology, and resilient to extreme weather, to be healthier to live in and affordable to run.
- Low-income housing is prioritised for retrofits to make them more efficient, electric climate-resilient, and accessible.
- National Disability Insurance scheme, home care packages and other relevant programs, support people's access to efficient, electric and renewable technology, appliances and medical equipment.

Source: ACOSS, [Fair, Fast and Inclusive Climate Change Action Blueprint Framework](#), ACOSS, 2024.

Of direct relevance to the Consultation Paper, ACTCOSS also supports the Community Sector Blueprint for a National Framework for Minimum Energy Efficiency Rental Requirements ('the Community Sector Blueprint') led by Healthy Homes for Renters. The Community Sector Blueprint is included as an attachment to this submission. It provides a comprehensive framework to developing and implementing minimum energy efficiency standards for rental properties that should be applied in the ACT as well as nationally. While it is included as an attachment, we see the Community Sector Blueprint as an integral part of our submission to be considered in its entirety by ACT Government as part of this consultation process.

The overarching objective of the Community Sector Blueprint is that:

*minimum energy efficiency standards for rentals should improve the thermal comfort and minimise the energy consumption of rental homes to reduce energy bills and support the health and wellbeing of people who rent, as well as contribute to a zero-emissions energy sector in line with limiting warming to 1.5°C.<sup>6</sup>*

**Community Sector Blueprint – A selection of overarching principles to guide development and implementation of mandatory minimum energy efficiency standards in the ACT**

The framework adopted to deliver minimum energy efficiency standards should:

<sup>6</sup> Healthy Homes for Renters, [Community sector blueprint: national framework for minimum energy efficiency rental requirements](#), Healthy Homes for Renters, 2022, p. 14.



- Ensure continued security of tenure of renters and ensure that renters are better off as a result.
- Cover any residential property that is the principal place of residence where the resident is not the owner or does not have the rights, controls and protections of ownership is included, unless there is demonstrated reasoning why it should be exempt
- Be delivered as a long-term, scalable, systemic policy solution
- Pursue a standards model that will achieve the goals, account for different climate zones and building types; be timely, easily communicated and transparent to the renter and the landlord; and support certification and compliance
- Include a certification system to support transparency, assurance, compliance and data gathering
- Include mechanisms to ensure compliance with standards. The mechanisms should not rely on renters for enforcement, but should include verification and penalties for non-compliance
- Carefully consider the use of incentives, ensuring that any incentives are targeted and equitable and used to encourage compliance and greater ambition. Where incentives are used, they should be conditional on limiting rent increases
- Encourage government to show leadership by:
  - prioritising public and community housing, including Aboriginal and Torres Strait Islander housing.
  - including financial support for community housing providers, including Aboriginal and Torres Strait Islander housing providers, so they can meet standards without compromising their ability to provide housing for people in need
  - ensuring energy efficiency retrofits for public housing are enabled through additional funding, not a reduction in present or future stock.

Source: Healthy Homes for Renters, [Community sector blueprint: national framework for minimum energy efficiency rental requirements](#), Healthy Homes for Renters, 2022, pp. 14-15.

We recommend that the ACT Government use the Community Sector Blueprint to guide its development and implementation of minimum energy efficiency standards for rental properties in the ACT. The Community Sector Blueprint provides the ACT Government with detailed guidance on:

- the scope of minimum standards
- the standards model and assessment
- certification and compliance
- incentives
- renter protections
- governance
- consultation, communications and community education
- supply chain development.

Released in November 2022, the Community Sector Blueprint called for the legislation of ‘modelled performance’ standards in all jurisdictions by 2025, providing 3-4 years for full compliance. In the meantime, it urged jurisdictions to implement geographically appropriate energy efficiency measures or ‘essential-features based’ standards. This aligned with ACTCOSS’s existing position as set out in our submission in response to the ACT Government’s 2021 consultation paper on minimum energy efficiency standards for rental homes in the ACT.<sup>7</sup> In our 2021 submission, we recommended that the ACT Government provide a clear pathway to a more ambitious minimum standard that would initially include features-based standards (e.g., energy efficient electric heating, cooling, and hot water) with further consideration of a performance-based standard.

ACTCOSS’s position remains much the same, though it is now informed significantly by the Community Sector Blueprint. ACTCOSS recommends that the ACT Government develop legislation for ‘modelled performance’ standards by the end of 2025. This legislation should provide 3-4 years for full compliance, with an interim ‘essential-features based’ standards that would include the current ceiling insulation standard as well as the phasing in of:

- Thermally efficient window coverings and draught proofing
- Energy efficient electric hot water
- Energy efficient electric heating and cooling
- Electric cooking.

ACTCOSS notes that it will be critical for legislation to be developed consultatively, with community and expert input, requiring sufficient time to arrive at a leading-practice approach to minimum energy efficiency standards for rental properties and the transition off gas appliances. We appreciate that this may require some deviation from the 2025 deadline for legislation set out in the Community Sector Blueprint. At the same time, we urge the ACT Government to move towards the introduction of these minimum standards with ambitious timeframes.

The Community Sector Blueprint calls for a 3-4 year period for full compliance with ‘modelled performance’ standards in view of the time needed to finalise appropriate assessment tools; to develop an assessor workforce; and for landlords to comply. It recommends that standards should be rolled out in a staged approach that is scalable and increases in ambition over time. We note that the Conservation Council ACT Region<sup>8</sup> and Energy Consumers Australia<sup>9</sup> have provided recommendations for staged and scalable approaches in their submissions to the Consultation Paper where the performance-based standard would increase over time (alongside transitioning from gas to electric appliances). ACTCOSS has not determined a specific timeframe for a staged and scalable approach to performance-based standards. We agree in principle with an approach that would be aligned with the

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<sup>7</sup> ACTCOSS, [Submission: Minimum energy efficiency standards for rental homes in the ACT consultation paper](#), ACTCOSS, 17 December 2021.

<sup>8</sup> Conservation Council ACT Region, [Submission to ACT Government Justice and Community Safety Directorate Minimum standards for rental properties and occupancy law reform](#), Conservation Council ACT Region, August 2024.

<sup>9</sup> Energy Consumers Australia, [Submission to the ACT Government – Justice and Community Safety Directorate: Minimum energy efficiency standards for rental properties](#), ECA, September 2024.

Community Sector Blueprint and the recommendations made by the Conservation Council ACT Region and Energy Consumers Australia, where an initial minimum standard of 4 stars<sup>10</sup> would be required to be met within 3-4 years of legislating a minimum standard – with the minimum standard increasing to 7 stars over one or two subsequent stages within a maximum 10-year period from 2025-2035, during which time landlords would also be required to replace existing gas appliances (e.g. heaters, hot water heaters and cooking appliances) with energy efficient electric appliances.

A staged and scalable approach should as far as possible mean that a landlord would only have to undertake a measure once along the trajectory to the full compliance with a final-stage performance-based minimum standard – e.g., meeting a specific ceiling insulation standard; installing 3 star electric heating/cooling system – rather than needing to meet higher energy efficiency standards for individual features over time.

#### **Consultation paper questions about requirements in relation to heaters and coolers**

Do you think the ACT should introduce a minimum standard which requires rental properties to have a fixed heater and cooler (or reverse cycle air conditioner) in the main living area of a rental property (with appropriate exemptions for circumstances where this may not be feasible)? Why / Why not?

As indicated above, ACTCOSS supports the introduction of a minimum standard that requires rental properties to have a fixed heater or cooler (or reverse cycle air conditioner) in the main living area of a rental property. We support this as part of a transition to a minimum performance-based standard. ACTCOSS recommends further consultation to consider whether a minimum standard in relation to heaters and coolers should extend to other living areas, namely bedrooms – this is particularly an issue for consideration in relation to shared accommodation such as boarding and rooming houses.

#### **Consultation paper questions on additional energy efficiency standards**

Should the ACT introduce energy efficiency requirements for any heaters, coolers and hot water heating systems at rental properties? Why / Why not?

Alternatively, should ACT rental properties be required to meet an overall star rating for energy efficiency? Why / Why not?

If energy efficiency requirements for appliances are introduced, do you think they should:

- apply as part of a minimum standard for the property after a certain date; or
- only be required for end-of-life replacement of items?

<sup>10</sup> The star ratings mentioned here are based on the Nationwide House Energy Rating Scheme (NatHERS) which uses a 10 star rating system to assess the thermal performance of dwellings across Australia.

Please provide reasons for the option you support.

ACTCOSS supports introducing minimum energy efficiency requirements for heaters, coolers and hot water systems as part of the transition to a performance-based minimum standard and transitioning off gas appliances.

#### **Consultation paper questions about transitioning away for gas appliances**

In view of the ACT's commitment to electrify, do you think landlords should be required to replace existing gas appliances (e.g. heaters, hot water heaters and cooking appliances) with electric appliances when the gas appliance reaches end of life (with appropriate exemptions when this may not be feasible e.g., unit complexes where the transition may be more complicated or expensive)? Why / Why not?

ACTCOSS supports requiring landlords to replace existing gas appliances (e.g. heaters, hot water heaters and cooking appliances) with electric appliances. This should be required either: when the gas appliance reaches its end of life (or where the appliance is older than 20 years); or by a date specified in the legislation (no later than 2035) – whichever occurs sooner. ACTCOSS supports the ACT Government introducing a ban on the installation of new gas appliances in rental properties as soon as possible.

ACTCOSS also supports consideration by ACT Government of setting a date at which landlords would become responsible for the fixed gas supply charge to their rental property (e.g., by 2030) as a cost signal to replace gas appliances with electric appliances ahead of the final date set in the legislation (e.g., all-electric by 2035). This would counter some of the risk borne by renters of becoming stranded on the gas network and being faced with higher network costs as they are spread across a declining customer base.

#### **Consultation paper questions about energy efficient window coverings**

Should the ACT consider minimum standards for thermally efficient window coverings? Why / why not?

As noted above, ACTCOSS supports introducing a minimum standard for thermally efficient window coverings as a first (features-based) phase of a transition to a performance-based minimum standard. In our discussions ACTCOSS members and members of the ACT Energy Consumers Policy Consortium, the Home Energy Efficiency Team from St Vincent de Paul Society Canberra/Goulburn noted the significant impact curtains and window coverings (including pelmets) have on thermal comfort. Our discussions also highlighted additional benefits in terms of privacy and security. This is a low-cost, high-impact measure that should be prioritised in the first phase of a staged approach to implementing minimum standards.

## Occupancy Law

ACTCOSS supports ACT Government's focus in the Consultation Paper on strengthening protections for occupants under the *Residential Tenancies Act 1997*. Occupants are often among the most marginalised and vulnerable members of our community who lack other housing options, whether due to a crisis or due to enduring circumstances. This includes members of our community who are most vulnerable to homelessness.

As indicated in our discussion above, and in line with the Community Sector Blueprint, ACTCOSS supports allowing the ACT Government to set minimum standards for occupancy premises. In principle, these should be the same minimum standards that apply to tenancies, however further consideration may need to be given to the application of more comprehensive minimum standards in certain forms of marginal housing, and whether additional measures should be adopted to avoid unintended and adverse consequences for occupants.

Our submission does not otherwise provide any specific recommendations in response to the questions presented in the Consultation Paper on occupancy law reform. Instead, we recommend that the ACT Government conduct further consultation on the changes proposed in the Consultation Paper. Such consultation could take a co-design and/or deliberative approach to work through key areas of difference between key stakeholders on what is a complex and important policy issue.

ACTCOSS also notes that occupancy can encompass a wide range of different types of accommodation arrangements, including share-house arrangements, boarding houses, women's refuges, student accommodation, and long-stay caravan parks. There are a range of distinctive issues that may be associated with specific forms of occupancy that require careful consideration, and additional consultation with relevant stakeholders should be undertaken to ensure the implications of proposed minimum standards across the range of occupancy arrangements are explored.

In our discussions with several ACTCOSS member organisations it has become clear that while there is significant support for reform – especially for minimum standards – there are some significant differences in views. The differences we identified were primarily between organisations representing the interests of occupants and organisations providing accommodation as grantors. Some organisations also placed a significant emphasis on ensuring reforms are designed and implemented in such a way as to minimise costs being passed onto renters who are already struggling with housing affordability. There is clearly a lot of expert knowledge and extensive experience to draw on from these organisations to help determine the best approach to strengthening protections for occupants.

## Further engagement

ACTCOSS would welcome the opportunity to engage further with the ACT Government and other stakeholders in the development of minimum standards for rental properties and occupancy law reform.

If you would like to discuss any of the issues raised in this submission please contact Ms Corinne Dobson, Head of Policy at ACTCOSS, at [corinne.dobson@actcoss.org.au](mailto:corinne.dobson@actcoss.org.au) or on (02) 6202 7200.



Yours sincerely

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