

Aboriginal Private Rental Access Committee

Terms of Reference

November 2022

Background

Australia is a country dominated aspirations geared to home ownership. However, the private rental sector in Australia has become increasingly significant in recent decades as a long-term rather than short term housing option. Australia's latest Census data indicates that approximately a third of all Australians are private renters.

For Aboriginal Victorians, the private rental sector has also increased in importance over recent years. Data from the 2006 to the 2016 Census years indicates that the proportion of Aboriginal Victorians renting privately has increased in this 10 year period, from 27.9% to 35.4% of the population. Private rental housing is an increasingly important component of Aboriginal Victorian's housing pathways, however evidence indicates there are significant access barriers

On 19th October 2022, the final report; *Excluded from the Start* was formally launched by the Minister for Consumer Affairs, Melissa Horne.¹ Swinburne University of Technology researchers were contracted by the Consumer Policy Research Centre, on behalf of the Office of the Commissioner for Residential Tenancies, Victorian Legal Aid and Aboriginal Housing Victoria to conduct research into discrimination and other barriers faced by Aboriginal Victorians trying to access the private rental market. The report is the result of that research.

The report:

- Provides analysis of systemic problems or access barriers that Aboriginal people encounter accessing private rental;
- Includes examples or case studies illustrating the problems or barriers to accessing private rental accommodation and successful access strategies used by individuals or support services
- Includes recommendations for reform or change made by research participants.

Purpose

The committee's purpose is to drive the implementation of the 14 APRA recommendations in 6 activity areas:

¹ <https://www.rentingcommissioner.vic.gov.au/the-aboriginal-private-rental-access-project-report-and-recommendations-have-been-delivered>

1. Values and Goals

That **Consumer Affairs Victoria** co-designs with the AHHF, an information campaign that informs and enables Aboriginal people to access private rental housing

That **Consumer Affairs Victoria** supplements any information campaign with targeted compliance action aimed at estate agents, rental providers and residential tenancies database operators. This compliance action would include estate agent and database audits, as well as responding to complaints from Aboriginal renters and applicants.

That **Homes Victoria**, in partnership with the AHHF and including Aboriginal people with lived experience of trying to access private rental, investigates the feasibility of a funded program of Aboriginal housing mentors or support officers to augment existing programs that assist Aboriginal renters to access private rental housing, including young people seeking their first rental home.

2. Searching for a home

That the **Commissioner for Residential Tenancies** leads a process with industry and the AHHF to reduce digital barriers for Aboriginal renters.

3. Applying for a property

That the **Commissioner for Residential Tenancies** leads a process to work with rental providers, the real estate industry and regulators to make the renting application and selection process more transparent.

That the **Real Estate Institute of Victoria**, in partnership with the AHHF and including Aboriginal people with lived experience of trying to access private rental, delivers training for the real estate industry in Aboriginal cultural safety. This training includes specific information on the barriers that Aboriginal people confront when they seek private rental.

That **Aboriginal Housing Victoria** with the Real Estate Institute of Victoria investigates the feasibility of a targeted program to recruit and train Aboriginal property managers

4. Securing a property

That **Homes Victoria** extends the Aboriginal Private Rental Access Program and identifies any further measures to enhance the effectiveness of the program in partnership with the AHHF.

That **Homes Victoria** reviews and enhances the use of flexible funds to assist access to and sustainability of private tenancies for Aboriginal renters.

5. Living in private rental

That **Homes Victoria** with the **Department of Justice and Community Safety** and Victoria Legal Aid review the access of Aboriginal renters to existing tenancy advice and support programs, to improve Aboriginal access and better integrate supports including representation during dispute resolution.

6. System interventions

That the current project partners work with relevant Aboriginal community-controlled organisations and the **Victorian Equal Opportunity & Human Rights Commission** to identify and better address discriminatory conduct.

That measures of the effectiveness of private rental housing be developed and reported annually in the Annual Report Card for the Victorian Aboriginal Housing and Homelessness Framework.

That the **Department of Justice and Community Safety** in partnership with the AHHF leads further work to develop culturally appropriate dispute resolution processes for Aboriginal renters.

That the **Commissioner for Residential Tenancies**, as part of their core role, monitors and reports on the implementation of the Project recommendations.

Rationale

The objectives of the APRA Committee are to:

- Actively drive the design and implementation of the APRA recommendations
- Ensure that the lived experiences of Aboriginal private renters are front and centre in all areas of the committee's work – consultation, design, testing, implementation, evaluation and monitoring.
- Provide feedback on the impact the implementation of the recommendations are having on Aboriginal people's access to private rental.
- Coordinate and assist to implement the recommendations occurring across Government.
- Monitor and report back on the implementation of APRA recommendations to the AHHF via the VAAHF Report Card and other channels as appropriate. The Commissioner will report progress and outcomes directly to the Minister for Consumer Affairs through the regular processes of the Commissioner

Membership

Co - Chairs: Commissioner for Residential Tenancies and a nominated AHHF member and representatives from:

- Nominees from the AHHF membership
- Aboriginal Housing Victoria
- Victoria Legal Aid
- Consumer Policy Research Centre
- A nominee from the DJCS
- A nominee from Homes Victoria

Key relationships

- Victorian Aboriginal communities and ACCOs through the AHHF.
- Implementation agencies: Homes Victoria, DJCS (Regulation Policy, Consumer Affairs Victoria and Aboriginal Justice), REIV and VHREOC.

Reporting

The committee will report back on the implementation of APRA recommendations to the AHHF via the VAAHF Report Card and other channels as appropriate.

The Commissioner will report progress and outcomes directly to the Minister for Consumer Affairs through the regular processes of the Commissioner.

Frequency of meetings

A maximum of 6 per year to coincide with reports to VAHMF Implementation Working Group. Members must commit to attending 80% of all meetings.

Secretariat

The committee will be supported by a Secretariat provided by The Office of the Commission for Residential Tenancies. The Secretariat will convene meetings, prepare meeting papers and prepare any subsequent briefings.

Term

December 2022 to December 2024