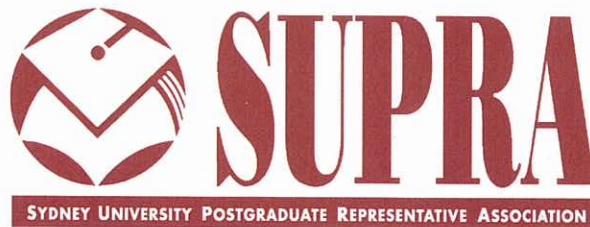


Submission

No 61

INTERNATIONAL STUDENT ACCOMMODATION IN NEW SOUTH WALES

Organisation: Sydney University Postgraduate Representative Association
Name: Mr Angelus Morningstar
Position: President
Date Received: 19/10/2011



**The Committee Manager
ATTN: Ms Vicki Buchbach
Social Policy Committee
Parliament House
Macquarie Street
Sydney NSW 2000**

18th October 2011

Dear Ms Buchbach,

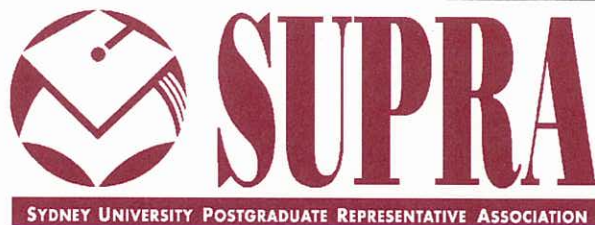
Re: SUPRA submission to Inquiry into International Student Accommodation in NSW

Please find attached our policy submission to the NSW Parliaments' Inquiry into International Student Accommodation in NSW. An extension was approved for our submission to be submitted by today.

We would welcome the opportunity to appear before the Social Policy Committee to discuss this issue further especially given our extensive contact with international students at the University of Sydney and the varied accommodation problems which they face.

Yours faithfully,

Angelus Morningstar
President



Submission to the NSW Parliaments' Legislative Assembly Social Policy Committee

Inquiry into International Student Accommodation in NSW

***Submission by the Sydney University Postgraduate Representative Association
(SUPRA)***

Submitted by Angelus Morningstar, President

*Prepared by Lian Jenvey, Vice-President (Policy) and
Margaret Kirkby, Senior Student Advice and Advocacy Officer*

18th October 2011

SUPRA: STUDENTS WORKING FOR STUDENTS
UNIVERSITY COMPUTING CENTRE (H08), BOUNDARY LANE,
DARLINGTON CAMPUS, UNIVERSITY OF SYDNEY NSW 2006
Phone: 9351 3715 Fax: 9351 6400
www.supra.usyd.edu.au admin@supra.usyd.edu.au

Summary of Recommendations

Welcoming international students to the State:

THAT the State Government work with student organisations and international students to develop appropriate text for bill boards at the international airport and at regional airports and at all Cityrail stations which will:

- Welcome international students to the state of NSW and thank them for coming to NSW to study;
- Provide advice that an international student is better to seek short term hostel or other temporary accommodation to allow time to familiarise themselves with NSW laws before they choose a more permanent place to live – provide a phone number or a website to go to;
- Provide basic advice about health facilities and how to find them if they are needed – plus a phone number or a website to go to for further info;
- This information should be multi-lingual as well as in English.

Block booking temporary accommodation options:

THAT the NSW Government, either directly or in consultation with education providers, implement a policy of reserving bed space in reputable hostels and motels so to be able to facilitate the availability of temporary accommodation options, for 3-4 weeks at the commencement of each semester, for international students arriving to take up course offers.

Public education and awareness information:

THAT the State Government work with student organisations and international students and NGO's such as the Tenants' Union of NSW to provide billboards and bus/train advertising information which outlines the following basic pieces of information:

- That a landlord is required to provide any person renting premises (whether a tenant or a boarder or lodger or an occupant) with a written form of agreement confirming the terms and conditions of the rented premises;
- What such a written agreement should include;
- that all landlords are required to provide a written receipt for any cash amounts paid and what details should be on the receipt;
- that a condition report should be completed by both parties at the commencement and at the end of each tenancy;
- that a landlord is required to lodge a rental bond with the Rental Bond Board within 7 days of receiving the money and that a tenant should receive a notice from the Department of Fair Trading's Renting Services which will inform them of their Rental Bond Number;
- that all international students check the website of the Department and of the Tenants' Union of NSW to be aware of their rights and responsibilities.

Build capacity of Local Government to connect with international students:

THAT the State Government provide additional funding for local government so that those which have a University campus in their area can create a welcoming environment for international students.

THAT the State Government encourage and support through sufficient additional funding to local government so that LGA's can work with international students to make them feel a part of their local community and to make international students aware of the services which local governments provide for all who reside in that LGA.

THAT the State Government allocate sufficient additional funding for local government so that they can work with international students in their area to create a sense of community in a similar way to that in which, for example, the City of Sydney Council has been doing.

THAT the State Government supports and encourages LGA's to establish campaigns such as a 'Fair Go for International Students which has been undertaken by the Darebin Council in Victoria (we attach a copy of the presentation by Councillor Diana Asmar, Darebin City Council which was presented to the Second Student Housing Summit held in Sydney in August/Sept 2011- Attachment 1)

All renters should have access to the CTTT:

THAT all renters have access to the CTTT to resolve disputes with their landlord and that this be enacted by amending the *2010 Residential Tenancies Act* and the *2010 Residential Tenancies Regulation* such that boarders and lodgers are covered by the Act. Specifically this means, the deletion of sub-section 8(c) from the *Residential Tenancies Act 2010* which specifies that 'an agreement under which a person boards or lodges with another person' is an agreement to which the Act does not apply.

In the alternative if this recommendation is not accepted SUPRA recommends that legislation be enacted which accords rights and responsibilities for both landlords and tenants in a boarding/lodging arrangement and that such legislation allow access to an independent arbiter which, logically, would be to expand the Consumer, Trader and Tenancy Tribunal so that it can hear matters pertaining to boarders and lodgers and their tenancy rights and responsibilities. It is essential for such legislation to be drafted as a mechanism to provide legal redress to those who are vulnerable under the current laws.

Make international students eligible for the transport concession:

THAT the NSW Government immediately amend the *Transport Administration Amendment Act (1988)*, removing measures added in 2006 which prevent international students from accessing public transport concessions.

Homestay – accreditation needed:

SUPRA draws to the attention of the NSW Inquiry that there is still work to be done on the *Homestay* model and recommends that the NSW Government implement a statewide accreditation programme for the registration of Homestay providers.

Public awareness and ‘alerts’ re accommodation scams:

THAT the NSW Government provide ongoing funding for education campaigns targeted at international students, alerting them to accommodation scams.

Regulation needed for accommodation advertisers:

THAT the NSW Government establish a regulatory authority for accommodation advertisers which would oversee the veracity of claims made about available accommodation.

SEPP needed to provide minimum standards for accommodation targeted towards international students:

SUPRA recommends that a State Environmental Planning Policy be created in relation to the minimum standards to be adhered to for accommodation which is to be targeted towards international students. Such a SEPP should specify no of occupants per room relative to the size of the room; strict standards in relation to building height, landscaped areas, solar access, private open space, car parking/cycle friendly arrangements etc.

Make this Inquiry a welcome opportunity to redress imbalances and unfairnesses which target international students in NSW:

SUPRA recommends and urges the NSW State Government to take this Inquiry as a welcome opportunity to redress the many imbalances and unfairnesses which have been allowed to develop towards international students via their need for what is a basic human right: affordable and decent accommodation whilst they are in this State studying.

Boarding house regulation and registration required:

SUPRA supports the submission by the Tenants’ Union of NSW recommending that a scheme be established requiring all boarding houses to be registered and subject to enforceable regulations about the type and quality of accommodation provided.

Recommendation – don’t exempt commercial residential facilities on university grounds from the Act:

THAT the NSW Government amend Part 4 of the *NSW Residential Tenancies Regulation 2010* so that commercial residential facilities on university grounds are subject to the provisions of the *Residential Tenancies Act 2010*.

Don't make this Inquiry another one from which no action is taken to improve the position of international students in NSW:

It is imperative that the NSW State Government take actions arising from this Inquiry to end the exploitation of international students as soon as possible.

Introduction

Sydney University Postgraduate Representative Association (SUPRA) was established in 1974. The SUPRA Council is elected annually by postgraduate students at Sydney University, and thus represents over 16,000 postgraduate students (2010 figs) undertaking a research or coursework higher degree.

Of the 16,000 postgraduate students, just over 5000 are international students across all 16 faculties and of those 5000 international students, 757 were enrolled in research degrees and 4,254 were enrolled in coursework degrees.

Of the country regions represented at this University, 55.1% come from north-east Asia and of that 55.1%, 71.5% are from China indicating the reliance on China as a source country for international students. The remaining country regions represented amongst international students at the University of Sydney are: Americas; North Africa and Middle East; North West Europe; Oceania and Antarctica; South East Asia; Southern and Central Asia; Southern and Eastern Europe; and Sub-Saharan Africa and the total number of international student enrolments for 2010 was: 10,832 students (undergraduate and postgraduate).

SUPRA's casework service provides assistance to postgraduate students, through individual appointments and outreach work to the 9 campuses of the University. SUPRA case-workers also provide policy advice, research, and support to the Council and President, and are therefore familiar with the latest research regarding postgraduate student experiences. SUPRA is thus able to offer a unique perspective on the experience of postgraduate students, both as a result of maintaining contact with constituents and as a result of its casework services.

Our *2010 Annual Report* reported the following in regard to our tenancy/accommodation casework with individual students, the majority of whom were international students:

Tenancy and Accommodation

The numbers of tenancy and accommodation complaints have increased in tandem with the continued tightness in the Sydney rental market, and the almost complete absence of genuinely low cost housing around the Darlington/Camperdown campus. During the course of 2010 we assisted students to pursue complaints to local councils over severe breaches of proper occupational health and safety regulations, particularly in regard to over crowded share houses. We helped students to successfully make a number of complaints to the NSW Consumer, Trader, and Tenancy Tribunal (CTTT), and as a consequence helped get many thousands of dollars of improperly held bond refunded.

We worked closely with the Tenants Union of NSW, and continue to attend their Legal Working Party meetings, and push student issues at those. We have worked with the Tenants Union on test cases in the past and expect to assist them to run at least one test case in the near future, in an attempt to try and show that tenant liability when leaving a rental, is much lower than landlords are claiming under new laws. We have also been active in identifying and encourage the reporting scams in the accommodation market, to the NSW police, to the Australian Competition and Consumer Commission's Scam Watch service, and the University. Some particularly nasty scams continued in 2010, whereby students were asked to deposit money to secure rental premises unseen, and the money was taken and the rental property turned out to not be available at all. We have worked with the SRC, and the University's providers, to get appropriate warnings up on websites and to continually promote vigilance when renting.

In terms of actual numbers of students assisted regarding tenancy and accommodation issues, our caseload has tripled in the time period 2008 -2010 as can be seen below:

2008 – 21

2009 – 34

2010 – 63

Community awareness and representative work by SUPRA with international students:

In addition to the above numbers of individual students we have assisted, SUPRA runs information sessions on tenancy rights issues each semester and publishes tenancy information in our weekly electronic newsletter known as *egrad* and in other publications produced yearly for new postgraduate students at the University.

In terms of the representative work which SUPRA undertakes, we have an officer position, International Students' Officer, currently held by Ms Hye Ryun Kim. Ms Kim is an International Students' Officer who focuses on creating opportunities for raising issues on behalf of international students rather than focusing on problems.

In all capacities, SUPRA responds to the difficulties faced by international students through campaigning against racism, for transport concessions (amongst other reforms) and through offering individual representation with our team of caseworkers.

The recommendations in this submission are based upon this experience and our daily interaction with international students at the University of Sydney.

Before we can comment on the specific terms of reference for this Inquiry, we feel it is important to provide background information to the Inquiry in relation to what life is actually like for an international student studying at postgraduate level at the University of Sydney.

Terms and conditions under which international students study in Australia:

The lives of international students are affected daily by the many areas of law which affect the terms and condition under which they can study in our country. As well as the usual requirement like that for any visitor to Australia, international students are also expected to have an understanding of the following areas of Australian law:

- immigration law;
- taxation law;
- local transportation laws;
- what that entity known as the State Debt Recovery Office is and what it does;
- building standards;
- which level of government is responsible for what and so on.

Then last but not least, they are also required to be aware of the specific University resolutions and policy pertaining to their degree and their time studying at their particular institution (but they are only provided with an internet link to this information, they do not receive a hard copy of policy and Faculty resolutions which means that an international student needs to spend money to find out and have a printed version of the rules which govern their degree).

This cocktail of federal, state and local government laws prescribe that an international student must be:

- studying full time (see below);
- if working, that they can only work a maximum of 20 hours per week in semester time;
- if working with an employer who pays award wages and takes tax out and remits it to the ATO, then the international student is **not** entitled to the tax-free threshold on the first \$6,000 of their earnings – that is, each legally employed international student is having tax of 29c deducted from every dollar they earn from the first dollar they earn.

The ramifications of the requirement to be full time enrolled:

For a coursework student at the University of Sydney full-time study means undertaking 4 subjects per semester in each of the semesters of study whilst in Australia. Some coursework degrees are two semesters (1 year) only; some are three semesters (1.5 yrs); and a combined coursework degree programme will be 4 semesters (2 years) of study.

Depending on the Faculty a student is enrolled with, for each subject there will be a minimum of 3 pieces of assessment per subject per semester up to a maximum of 5 pieces of assessment per subject per semester. The pieces of assessment will fall due on various dates and will include mid-semester examinations and final exams, which means that each student is balancing their research, writing and study for between 12 to 20 pieces of assessment in addition to their attendance at lectures per week across the 17 week semester.

Though there are provisions for a lighter load if a student has experienced illness, injury or misadventure it is a very small number of students who seek or obtain permission to undertake a lighter load. The greater likelihood is that a student will seek the opportunity to

'load' up with extra study such as not only undertaking 4 subjects in a semester but to then also undertake a subject in the Winter School session (over end June-July) and/or to study one or two subjects in the Summer School sessions so to complete their degree faster if possible.

For a research student full-time study is defined by the University as spending at least 35-40 per week on their research. For research students studying in a science based degree which requires laboratory attendance to conduct or oversee experiments and collection of data, full time study will in fact be much, much greater than 35-40 hours per week.

For humanities research students there are requirements to participate in research meetings, to present to fellow research students, to present at conferences, and, obviously, to undertake their research and present their writings on a regular basis to their supervisor(s) results in an attendance and workload which extends considerably beyond a 40 hour week. This level of intensity increases across their 3-4 years of candidature such that their thesis writing becomes an all-consuming process.

So an international student needs to set themselves up very, very quickly for their study when they arrive in a country which is not their own:

As soon as an international student arrives in Sydney, they will need to not only find and orient themselves with their University in terms of its physical location and layout, they will need to purchase a laptop computer and a mobile phone and most will get need to purchase internet capability on both devices; they will then need to log on to become part of their university's computer system so that they can access the 'bread and butter' information to be a postgraduate student in today's higher education environment.

This will mean logging on to their Faculty to be able to obtain copies of their Unit of Study outlines which will contain the details of the pieces of assessment due for each subject and the date on which each piece of assessment is due; they will need to ensure that all these dates are entered into a calendar so that they can stay on track with meeting assessment requirements as well as attending lectures; the Faculty will also keep them informed of unplanned changes or updated information pertaining to their studies via an internal email or 'blackboard' communication system.

Some on the Inquiry may not be aware that, for coursework postgraduate students, lectures are held between the hours of 6 pm to 9 pm and day hours are meant to be used for meetings with fellow students to allocate tasks in preparing group assignments, to undertake research and writing for assessments, to review lecture notes and undertake other study tasks.

Equally, for research students, they may need to undertake or watch experiments over night for weeks at a time or be out in the field collecting samples and other data for their research area, then once back on campus they will need to analysing their data, writing up their research and working under the tutelage of their supervisor to submit their thesis on time. Whether a research student is studying in a laboratory or in a document based research area they are equally time poor.

After all the above, or concurrent to the above, all international students must secure accommodation as soon as they can or else they will risk starting their studies off on the wrong foot and fall behind with submitting their assessment work on time:

In describing the above laborious detail attached to being an international student studying in another country which is not one's own, the point we are making is that international students are time poor and, when English is not their first language, and if it is too much effort to find out the specifics of the housing/tenancy laws in this state prior to looking for accommodation, there is not the time to prepare oneself to be a well informed and savvy accommodation seeker.

This is especially so when the various levels of government in Australia have taken the attitude that assisting international students is predominantly the responsibility of each individual University and that there is no or a limited role for levels of government to play in making international students feel more welcome in our society.

The members of the NSW Inquiry need to be aware that all the above (arriving in Australia, getting set up electronically, connecting with one's University and then finding accommodation) means that an international student is totally reliant on the federal Department of Immigration and Citizenship (DIAC) having been speedy with processing of visa applications.

An international student who has been offered a place by an Australian University, but who is still sitting at home waiting for the processing to take place of their visa application, means that the international student will have to, of necessity and to secure the place which they have been offered pay the tuition fees immediately and then wait for their visa.

Delays in processing visa applications can occur and can result in an international student not starting their studies until the very first day or week of the semester. Delays such as this impacts significantly on the ability of an international student to spend the necessary amount of time it should take to familiarise oneself with what is normal and not normal in regard to selecting accommodation.

Recommendations so that international students will feel more welcome in the state of NSW:

The below are our recommendations for a statewide 'whole of government' approach to be implemented which will make international students feel welcome in this state:

THAT the State Government work with student organisations and international students to develop appropriate text for bill boards at the international airport and at regional airports and at all Cityrail stations which will:

- **Welcome the students to the state of NSW and thank them for coming to NSW to study;**
- **Provide advice that an international student is better to seek short term hostel or other temporary accommodation to allow time to familiarise themselves with NSW laws before they choose a more permanent place to live – provide a phone number or a website to go to;**
- **Provide basic advice about health facilities and how to find them if they are needed – plus a phone number or a website to go to for further info;**

- This information should be multi-lingual as well as in English.

Block booking temporary accommodation options:

THAT the NSW Government, either directly or in consultation with education providers, implement a policy of reserving bed space in reputable hostels and motels so to be able to provide temporary accommodation options, for 3-4 weeks at the commencement of each semester, for international students arriving to take up course offers.

Public education and awareness information:

THAT the State Government work with student organisations and international students and NGO's such as the Tenants' Union of NSW to provide billboards and bus/train advertising information which outlines the following basic pieces of information:

- That a landlord is required to provide any person renting premises (whether a tenant or a boarder or lodger or an occupant) with a written form of agreement confirming the terms and conditions of the rented premises;
- What such a written agreement should include;
- that all landlords are required to provide a written receipt for any cash amounts paid and what details should be on the receipt;
- that a condition report should be completed by both parties at the commencement and at the end of each tenancy;
- that a landlord is required to lodge a rental bond with the Rental Bond Board within 7 days of receiving the money and that a tenant should receive a notice from the Department of Fair Trading's Renting Services which will inform them of their Rental Bond Number;
- that all international students check the website of the Department and of the Tenants' Union of NSW to be aware of their rights and responsibilities.

Build capacity of Local Government to connect with international students:

THAT the State Government provide additional funding for local government so that those which have a University campus in their area can create a welcoming environment for international students.

THAT the State Government encourage and support through sufficient additional funding to local government so that LGA's can work with international students to make them feel a part of their local community and to make international students aware of the services which local governments provide for all who reside in that LGA.

Build capacity of Local Government to connect with international students (cont'd):

THAT the State Government allocate sufficient additional funding for local government so that they can work with international students in their area to create a sense of community in a similar way to that in which, for example, the City of Sydney Council has been doing.

THAT the State Government supports and encourages LGA's to establish campaigns such as a 'Fair Go for International Students which has been undertaken by the Darebin Council in Victoria (we attach a copy of the presentation by Councillor Diana Asmar, Darebin City Council which was presented to the Second Student Housing Summit held in Sydney in August/Sept 2011 – Attachment 1)

What is affordable housing?

As a general comment, the state of housing available to international students in NSW is generally presented to them on a 'take-it-or-leave-it' basis. Many international students are lied to by unscrupulous landlords and head tenants and the forced overcrowding is seen by many international students as something which they have to tolerate. There is no obvious and easily accessible information for international students so that they will know where to go for help if they have a problem about their housing.

Equally, it has long been obvious that international students suffer from a lack of access to a range of affordable housing. There has been a belief that international students 'like' to share a bedroom with 1, 2 or 3 fellow international students yet this option has become the only option available to the majority of international students because of the lack of genuinely affordable housing.

There is a need for the state government to recognise that the common comparator to define 'affordable housing' as being connected to the prevailing market rent fails the low income local resident and the temporary resident. The comparator needs to be connected to the **income of renters** not to the prevailing market rent. This is a part of a wider housing crisis in Sydney. There is very little affordable housing for those from lower socio-economic backgrounds.¹

The use of a comparison with prevailing market rents only serves the interests of investor landlords and of the finance and banking industries which offer investment loans on a negatively geared basis. All are highly interconnected and all play a fundamental role in the exploitation of international students via the exorbitantly high rents being charged for rental accommodation in Sydney.

SUPRA feels it is very important that the State Government is aware of the various ways in which international student financially support themselves and their studies whilst here. There are very few wealthy international students. The majority are people who have either worked for a period of time and saved to fund their studies in Australia OR they or their family have borrowed funds in their home country to fund their studies in Australia.

Whichever way an international student has taken to finance their studies in Australia, they are under significant obligations to undertake their studies in the minimum time, to not expend more money than is absolutely necessary and to return home with the qualification so that they can, preferably, move into better paid employment and commence repaying the loan as soon as possible.

The mainstream view taken towards international students are that they are wealthy and, therefore, can pay high rents. This view is far from the truth and expects international students to accept the status quo in terms of current market rents. The state government can play a stronger role via the Council of Australian Governments meetings and through its'

¹ <http://www.smh.com.au/national/education/benefit-all-round-in-providing-lowcost-accommodation-20100228-pb6x.html>

Also see National Housing Supply Council 2009 report "State of Supply"

own policies in relation to release of land for new housing and in relation to the laws relating to the life of a renter.

In regard to the specific terms of reference for this Inquiry, SUPRA addresses these over the following pages.

Re: term of reference 1: to address the objectives of the Private Member's Bill introduced by the Member for Ryde in the last Parliament (*Environmental Planning and Assessment Amendment (Boarding Houses) Bill NSW 2010*)

SUPRA is aware that the Private Member's Bill by the Member for Ryde, Victor Dominello, in the last Parliament may address some of the problems currently being experienced by international students in that it will allow an authorised officer (of a Local Council) to 'enter and inspect premises that are being unlawfully used for the purposes of a boarding house or other place of shared accommodation'.

Whilst this Bill may address some problems it will not address them all as the fundamental protection for all renters, no matter what their legal status, is that they should have access to an independent arbiter (in the form of the Consumer, Trader and Tenancy Tribunal) which can independently assess their situation and make a determination on the matter of dispute between the parties.

It is only by having access to an independent arbiter that any renter can feel confident that their rights will be upheld and/or arbitrated in a fairer way than it will be dealt with by their unscrupulous landlord.

This key point is of significance for international students during their time studying in Australia: whether they have ready access to assistance to know about their rights and responsibilities and to be able to seek redress when unfairnesses happen in relation to their accommodation.

SUPRA recommends – all renters should have access to the CTTT:

THAT all renters have access to the CTTT to resolve disputes with their landlord and that this be enacted by amending the *2010 Residential Tenancies Act* and the *2010 Residential Tenancies Regulation* such that boarders and lodgers are covered by the Act. Specifically this means, the deletion of sub-section 8(c) from the *Residential Tenancies Act 2010* which specifies that 'an agreement under which a person boards or lodges with another person' is an agreement to which the Act does not apply.

In the alternative if this recommendation is not accepted SUPRA recommends that legislation be enacted which accords rights and responsibilities for both landlords and tenants in a boarding/lodging arrangement and that such legislation allow access to an independent arbiter which, logically, would be to expand the Consumer, Trader and Tenancy Tribunal so that it can hear matters pertaining to boarders and lodgers and their tenancy rights and responsibilities. It is essential for such legislation to be drafted as a mechanism to provide legal redress to those who are vulnerable under the current laws.

Re: term of reference 2 to address factors affecting the supply of and demand for affordable student accommodation and other accommodation used by students, particularly in relation to international students and implications for the export education industry

The most significant factors which affect the supply and demand of affordable student accommodation and other accommodation used by students are:

(a) The Lack of access to the transport concession:

The key factor which significantly impacts on both the supply and demand for affordable student accommodation (and other accommodation used by students) is the failure of successive state governments to allow access to the transport concession for international students. In not being eligible for the transport concession, there is a 'funnelling' effect on international students as most need to reduce their costs as much as possible in all areas of their expenses.

This will mean the majority want to live close to their educational institution because the lack of access to the transport concession prevents them being able to consider moving to outer suburban areas where rents may be more affordable and conditions less cramped because the potential saving on rent will be outweighed by the increased cost of transport to and from their University/educational institution.

If international students had access to the transport concession they would then be able to consider seeking accommodation in a wider range of suburbs than those around the inner suburban areas.

Though SUPRA cannot speak for international students who attend private colleges in the CBD, we are aware that particularly students from this sector cannot afford to rent further out because of the increased travel costs to get to their education institution.

The failure to provide access to the transport concession creates increased demand on accommodation in the CBD and, thereby, increases the likelihood of unscrupulous landlords and/or head tenants being able to exploit the need of students to reduce their accommodation costs by agreeing to arrangements which breach *Building Code of Australia* guidelines such as 4 bunks in a small to medium size bedroom in a 3 bedroom unit.

Recommendation – make international students eligible for the transport concession:

THAT the NSW Government immediately amend the *Transport Administration Amendment Act (1988)*, removing measures added in 2006 which prevent international students from accessing public transport concessions.

(b) Accreditation required for *Homestay* providers:

Many Universities and other bodies recommend to international students that they consider staying with a *Homestay* provider either permanently or as a temporary form of accommodation whilst they are looking for something more permanent and suitable to their needs.

SUPRA draws to the attention of the NSW Inquiry the comments in the November 2009 Senate *Inquiry into the Welfare of International Students* wherein it was noted that 'concerns were expressed regarding a lack of regulation of the homestay industry' (paragraph 3.67) and that a provider, Australian Homestay Network (AHN), was the only national network of homestay supervisors, and is responsible for the largest trained homestay host pool and homestay placements in Australia and which recognises the need for minimum standards to be met by the sector (paragraph 3.68).

SUPRA is concerned that no action has yet been taken to introduce an accreditation scheme for *Homestay* providers.

Recommendation – accreditation of *Homestay* providers:

SUPRA draws to the attention of the NSW Inquiry that there is still work to be done on the *Homestay* model and recommends that the NSW Government implement a statewide accreditation programme for the registration of Homestay providers.

(c) International students know that they are being exploited but they feel that there is not much they can do about it:

As our colleagues from the Redfern Legal Centre have written in their submission many landlords and head tenants are aware that certain housing situations can fall outside of the *Residential Tenancies Act 2010*. These unscrupulous landlords and head tenants target international students to move in and pay a bond (which is never lodged with the Rental Bond Board) and rent in advance (for which it is quite common that not even a receipt is provided for the cash amounts paid).

These unscrupulous landlords and head tenants will exploit the lack of knowledge of residential tenancy law by international students and, in many cases in which we have assisted international students, the student will be told completely erroneous information. Examples are: 'this is the way it is in Australia'; 'in Australia receipts are not necessary'; 'I will contact your University to inform them of your behaviour if you insist that I return your bond' or 'I have your passport details and I will report you to DIAC'.

Recommendation - public awareness and regular 'alerts' re accommodation scams:

THAT the NSW Government fund, on an ongoing basis, education campaigns for international students, alerting them to accommodation scams.

Regulation needed for accommodation advertisers:

THAT the NSW Government establish a regulatory authority for accommodation advertisers which would oversee the veracity of claims made about available accommodation.

The implications of the above for the export education industry:

SUPRA regards education as an important human right. We object to the marketisation of higher education including the enormous growth in the sale of full-fee degrees for both international and domestic students.

SUPRA is not concerned with the budget bottom lines of the universities that seek to profit from the higher education market. Rather, SUPRA is concerned to welcome international students as much as possible through campaigning for their rights and interests.

However, if concern for the export education industry motivates the NSW state government to do something about the often terrible conditions that international students find themselves in then this would be a good step forward.

Many international students, particularly those from non-English speaking backgrounds, suffer from discrimination. Firstly, there is legal discrimination in the form of their prescribed work hours and inability to access transport concessions in the manner that domestic students are able.² Secondly, as the recent spate of attacks on Indian students attest, international students are often subject to quite violent, racially motivated attacks.³

The media often contributes to the racist stereotyping of international students. A recent article by Paul Sheehan on the very topic of Victor Dominello's proposed bill reproduced every racist stereotype imaginable.⁴ Articles like these simply add to the existing discrimination faced by international students.

The discrimination faced by international students greatly exacerbates the problems associated with inability to access to safe and affordable housing. Without access to transport concessions, international students are forced into more expensive inner city accommodation, as it is closer to their place of study. The prescribed number of hours that international students are forced to work means expensive housing is more of a burden.

² <http://www.transport.nsw.gov.au/concessions/tertiary.html>

³ <http://www.theage.com.au/world/australia-says-some-attacks-on-indian-students-racebased-20100107-lv88.html>

⁴ <http://www.smh.com.au/opinion/society-and-culture/culdesac-of-broken-dreams-20110320-1c23o.html>

International students are often subject to threats and intimidation about the status of their visas from landlords. Thus, the transient nature of their stay in Australia is used to bully them.

The consequence of this is that potential international students will be assessing and comparing our country with what they receive if they were to apply to any other country offering higher education courses. Not only will students be looking at the cost of accommodation if they study in an Australian university compared to, for example, a Canadian University, but they will also be assessing what the comparison is in relation to other costs.

For a prospective international student who is searching University websites across countries to decide where they will study, these small details do have an impact on their decision making as all of these incidental costs do add up.

The state government may not be aware but there are very active blog sites in each of the countries represented amongst the international student population in Australia. We are informed by international students that the subject of the exploitation of their accommodation rights by unscrupulous landlords and head tenants in Sydney, especially over the substantial non-lodgement and non-return of rental bonds is now being mentioned on those blog sites.

Again, this all adds up to negative feedback going to prospective international students and this negative feedback can influence the decision-making of international students as to where they will apply to study.

Re: term of reference 3 to address the appropriateness of existing standards for affordable student and other accommodation used by students

International students report to us many conditions in their accommodation which are not acceptable in Australia today such as: overcrowding which then subsequently causes tensions and problems in accessing the basic amenities such as the kitchen, bathroom and laundry. SUPRA knows from our direct casework experience with international students that these conditions then create an environment wherein threats of violence may occur.

Recommendation:

SUPRA recommends that a State Environmental Planning Policy be created in relation to the minimum standards to be adhered to for accommodation which is to be targeted towards international students. Such a SEPP should specify no of occupants per room relative to the size of the room; strict standards in relation to building height, landscaped areas, solar access, private open space, car parking/cycle friendly arrangements etc.

RE: term of reference 4: Appropriate minimum standards for student accommodation, and the adequacy of current legislation in ensuring that such standards are achieved.

The key problem facing international students living in student accommodation such as boarding houses or university provided housing, is that they are not subject to the *Residential Tenancies Act 2010*. This means that students living in such arrangements have less rights and no authority through which they can seek redress against landlords. While there is scope to improve tenants' rights under the tenancy act, the act does stipulate tenants have the following basic rights:

- “* to be given a copy of the residential tenancy agreement which is a standard form of agreement that all landlords must use. This agreement is a legally binding contract
- * to be given a condition report filled out by the landlord
- * to have any bond you pay to your landlord lodged with NSW Fair Trading
- * to be given your place in a clean and reasonable condition.”⁵

For those students living in boarding houses, university colleges or housing are ‘excluded from mainstream renting laws, and instead are covered by nineteenth century-style common law contracts ... These contracts often make no provision for basic things like repairs or receipts.’⁶

Without such provision there is enormous space for students’ need for accommodation to be exploited by those out to make a quick dollar. SUPRA has dealt with many cases of students living in over-crowded accommodation and with limited access to amenities such as the laundry, bathroom/toilet and kitchen.

In any housing there is a need for a sense of ‘community’ to be established:

SUPRA has sent a representative to attend the two Student Housing Summit conferences held in 2010 in Melbourne and 2011 in Sydney. One matter of note from each of these conferences, is that the major private providers of student accommodation such as Campus Living Villages (CLV), Unilodge, Urbanest, Blackstone and others, have come to recognise that provision of bricks and mortar (or containers) as a form of accommodation for students is one thing but that an equally important part of any accommodation is to provide a sense of community amongst the residents.

Thus, a number of providers now recognise the importance of organising events, support services, outdoor sporting areas, outdoor ‘rest and relaxation’ areas, open and transparent complaints handling procedures, open and transparent procedures around refunds, repairs, security, what level of support will be provided and so on. These private providers have come to recognise that any form of accommodation needs to have a sense of ‘community’ for the residents.

⁵ <http://www.tenants.org.au/publish/alt-languages/english-introduction.php>

⁶ <http://www.tenants.org.au/publish/media-releases/tu-welcomes-boarding-house-boost.php>

No work being done by any provider to build a sense of community and no funding being dedicated to ensure that there are clear and transparent processes will result in problems arising, some of which can be life threatening to the mental health and well being of an international student.

Just as these private providers have come to this conclusion over their years of being providers of student accommodation, so also will the NSW state government have to recognise and acknowledge the role which it must play in building a sense of welcome and a sense of community for ALL the international students who come to study in NSW.

Otherwise this Inquiry will be yet another which SUPRA has made submissions to and to which those submissions have fallen on deaf ears and apparently blind eyes.

Recommendation – Make this Inquiry a welcome opportunity to redress imbalances and unfairnesses which target international students in NSW:

SUPRA recommends and urges the NSW State Government to take this Inquiry as a welcome opportunity to redress the many imbalances and unfairnesses which have been allowed to develop towards international students via their need for what is a basic human right: affordable and decent accommodation whilst they are in this State studying.

Recommendation – Boarding house regulation and registration required:

SUPRA supports the submission by the Tenants' Union of NSW recommending that a scheme be established requiring all boarding houses to be registered and subject to enforceable regulations about the type and quality of accommodation provided.

Recommendation – don't exempt commercial residential facilities on university grounds from the Act:

THAT the NSW Government amend Part 4 of the *NSW Residential Tenancies Regulation 2010* so that commercial residential facilities on university grounds are subject to the provisions of the *Residential Tenancies Act 2010*.

RE: Term of reference 5: The current extent of unauthorised student accommodation operations in NSW.

There is an unfortunate lack of a precise definition for term 'unauthorised student accommodation operations in NSW' – this lack of definition makes it difficult to comment.

For example, much 'boarding style' accommodation may be considered 'unauthorised' but given the current lack of authority for local government officials to investigate complaints by residents of a rented premises it is difficult to gauge the true extent of the problem.

From our casework with international students we have a reasonably accurate understanding of the problems which international students are facing with their accommodation in that there is:

- Exploitation by unscrupulous landlords and head tenants,
- forced overcrowding because of the lack of flexibility generated due to the lack of access to the transport concession,
- a considerable sum of money lost to international students through the refusal by their unscrupulous landlord to return their bond,
- that at all levels of seeking, securing, and staying in their accommodation, many international students are further exploited as the current lack of planning and lack of will from all tiers of government in Australia results in the individual international student having to deal by themselves with the problems generated rather than feeling supported.

The anecdotal evidence available to SUPRA suggests that the problem is enormous.

Recommendation – don't make this Inquiry another one from which no action is taken to improve the position of international students in NSW:

It is imperative that the NSW State Government take actions arising from this Inquiry to end the exploitation of international students as soon as possible.

Re: Term of Reference 6: The appropriate framework for the ongoing operation of affordable student accommodation and other accommodation used by students, including the adequacy of local government powers to identify unauthorised operations and enforce compliance with relevant laws.

The NSW Government must put more resources into affordable, publicly owned housing. The situation facing international students in the housing sector is a reflection of a much wider crisis in public housing for those on low incomes. Much like education, a safe and comfortable place to live is a fundamental human right.

Case Study:

A. Crazy live-in landlord:

A female international student lived in a bedroom in a house run by an owner-occupier landlord who rented bedrooms to a number of international students. The landlord's bedroom was opposite the bedroom of the student who sought assistance from SUPRA. Landlord complained if the student studied late at night as landlord complained that the light came from under the door of the tenants' room to her room. Landlord also constantly changed the 'house rules' and became intimidatory in her behaviour towards the student tenants.

Landlord complained to the student that she had allegedly cut fruit on a bread board in the kitchen in the morning which was 'too loud'. Landlord wiped the bread board on the clothes of the student in front of the student.

Landlord turned off the hot water for all the tenants at one stage.

Behaviour of landlord became difficult – landlord instructed student tenant that the student would have to move out the next day if tenant were to wake up the landlord.

Situation became so difficult student moved out providing notice. Landlord refused to return bond of \$290.

Outcome:

SUPRA advised student to apply to the General Division of the CTTT given it appeared that the tenancy would not fall under the then 1987 *Residential Tenancies Act* and given evidence that the landlord ran the premises as a business (business card left in each bedroom by landlord).

CTTT Registry advises student applicant that, as the matter is about a rental bond, it was being referred to the Tenancy Division. Matter heard before CTTT Tenancy Division. The student sought return of the bond of \$290 and reimbursement of an amount of \$115 to cover the cost of a saucepan she replaced. Landlord sought cleaning costs of \$80; replacement of carpet: \$499; and painting the room: \$360.

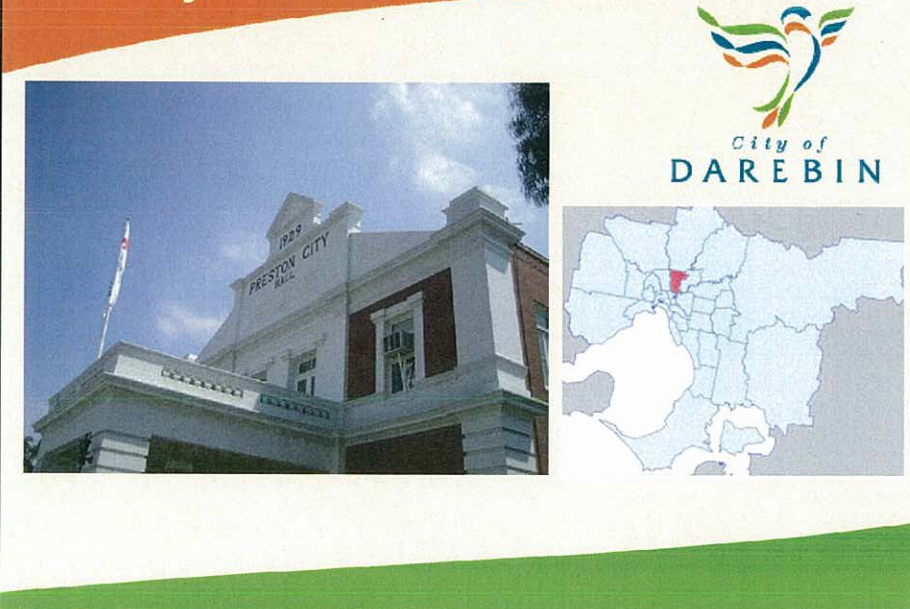
CTTT ruled, in regard to jurisdiction, that the evidence before it meant that the agreement between the parties was a residential tenancies agreement within the meaning of the *Residential Tenancies Act 1987*.

CTTT ruled that the landlord pay the tenant the sum of \$210 from the bond (as tenant agreed to pay cleaning costs of \$80).

A Fair Go for International Students



The City of Darebin



International Students in Darebin



Context

- Compounding issues relating to difficulties in finding employment
- Systems failures across the chain of operations of the international student service sector
- Regulation of the private education industry
- Closure of private educational institutions
- Inadequate safeguards for student safety
- Unscrupulous small to large scale employers
- Inadequate monitoring of rooming house operators
- Overall lack of coordination between the state and federal governments



Community perception



Councils first steps...



Engagement



The Fair Go Model....



EMPOWERED...to navigate the system

Students address their own issues

Darebin Overseas Student Association

Systems are challenged and improved

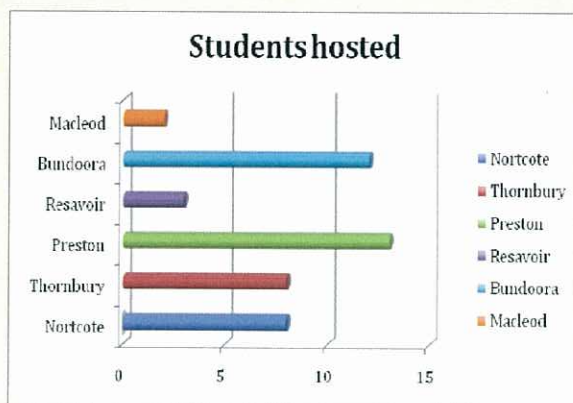
Student Forum and recommendations

Human rights + national benefit

Boarders without Borders – affordable homestay options

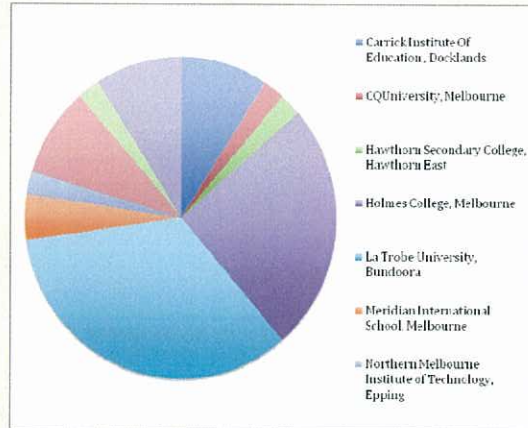


Australian Homestay Program



Australian Homestay Program

Place of study for Homestay students in Darebin

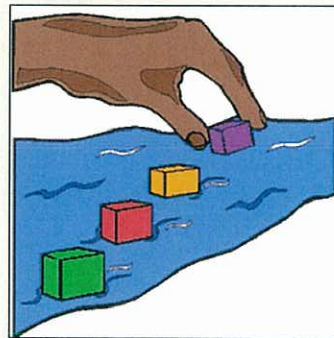


Conclusion

Where to next

Challenges

Concluding comments



Questions?



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