

**Submission
No 35**

RESIDENTIAL TENANCIES AMENDMENT (PROHIBITING NO GROUNDS EVICTIONS) BILL 2024

Organisation: Women's and Girls' Emergency Centre (WAGEC)

Date Received: 27 June 2024

26 June 2024

Jenny Leong MP

Chair, Legislative Assembly

Select Committee on the Residential Tenancies Amendment (Prohibiting No Grounds Evictions) Bill 2024

Women and Girls Emergency Service (WAGEC) provides this letter in support of the Residential Tenancies Amendment (Prohibiting No Grounds Evictions) Bill 2024.

The National Plan to End Violence against Women and Children 2022-2032 recognises the importance of holding people who use violence accountable. NSW Residential Tenancies Act 2010, No provide domestic and family violence protections within the private rental system. However, NSW is continuing to experience a tight rental market and scarce availability of affordable homes. In NSW, current rental laws allow a landlord to evict a tenant for no reason. Data available in NSW indicates that around 30,000 tenants are evicted each year with 'no grounds' (Tenants Union of NSW, 2024). By eliminating the no grounds eviction clause, this greatly reduces the risk ending a rental agreement for unfair or punitive measures. It must be emphasised that the removal of the no grounds eviction clause should apply to both fixed term and periodic lease types.

Reasonable grounds for evictions as per the Tenants Union of NSW April 2024 Survey Report recommendations;

- a) Ensure NSW renters may only be evicted with 'reasonable grounds' whatever their lease type
- b) Where 'reasonable grounds' include evictions without fault, these should be limited to the genuine and ongoing removal of a property from the rental sector.

In the context of domestic and family violence, a scarce rental market and the existence of no grounds eviction raises an issue of inequity in the landlord-tenant relationship, to the detriment of the tenant. The uncertainty created by 'no grounds' eviction clauses places unnecessary stress on victim-survivors who are already economically vulnerable. Issues or deficiencies in a property may go unreported as to not antagonise landlords or reduce chances of a rental renewal. For victim survivors who are trying to enter the private rental market are often navigating the stigma being a single parent, or being economically less desirable than a double income household. Victim survivors might be required to find a guarantor to sign onto their lease, or forced into entering periodic agreements which are more easily terminated than a fixed term agreement.

If a no grounds eviction is enforced, appropriate dwellings in NSW are limited and women and families have no adequate options. By establishing a lease for a property - a victim survivor and her children are establishing a home, community and schooling routine. They are also, most importantly, establishing safety - victim survivors and children have to ensure they are located away from the perpetrator and can access police and other support services. To have their tenancies ended without cause destabilises the family and puts safety at risk. It is important members of Parliament and decision makers understand violence is cyclical and that simply establishing a home away from a

perpetrator does not permanently eliminate risk – housing must be maintained long term to ensure the risk of violence continues to diminish.

A particularly vulnerable cohort are victim survivors who are on temporary visas or are not permanent residents to Australia. They are only able to access the private rental market, as they do not qualify for social and affordable housing. In the event a victim survivor is able to secure a rental, they are still vulnerable to the no grounds evictions clause. This in turn will heighten the risk of returning to violence, or puts undue pressure on the refuge system, as there are no reasonable or affordable exit pathways for victim survivors and the cycle of unstable housing resumes.

For the elimination of no grounds evictions clauses to be successful, the compliance of landlords and property owners needs to be monitored. This may include active regulators who enforce clear consequences for non-compliance, regular property standard checks and the introduction of landlord registration. In Australia, Victoria's Rental Non-Compliance Register uses a public database to prevent or reduce tenant mistreatment by alerting to misconduct against Australian Consumer Law. Other renter protections are needed across Australia to protect domestic and family violence victim survivors.

Recommendations

1. Remove 'no grounds' evictions provisions in state and territory tenancy legislation and replace with a range of 'reasonable' grounds for ending a tenancy.
2. Implement the special protections for NSW tenants experiencing domestic and family violence.
3. Should no grounds evictions be removed, establish a Rental NSW Non – Compliance Register for landlords and property owners

References

A Constant Worry – Renters Confront the Impact of Unfair Evictions Survey Report, The Tenants Union of NSW (2024)

Please do not hesitate to get in touch for further information [REDACTED]
or [REDACTED].

Yours sincerely,

[REDACTED]

Nicole Yade
Chief Executive Officer
WAGEC