

# National Seniors

Australia

**Submission in Response to**

***Review of the Residential Tenancies and Rooming  
Accommodation Act 2008 Discussion Paper***

**January 2013**

## About National Seniors Australia

With a quarter of a million members Australia-wide, National Seniors is the consumer lobby for the over-50s. It is the fourth largest organisation of its type in the world.

***We give our members a voice*** – we listen and represent our members' views to governments, business and the community on the issues of concern to the over 50s.

***We keep our members informed*** – by providing news and information to our members through our Australia-wide branch network, comprehensive website, forums and meetings, bi-monthly lifestyle magazine and weekly e-newsletter.

***We provide a world of opportunity*** – we offer members the chance to use their expertise, skills and life experience to make a difference by volunteering and making a difference to the lives of others.

***We support those in need*** – as a not-for-profit organisation, we raise funds and redirect monies received to older Australians who are most in need.

***We help our members save*** – we offer member rewards with discounts from over 7,000 business across Australia, we offer discount travel and tours designed for the over 50s, and we provide older Australians with affordable, quality insurance to suit their needs.

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## **Table of Contents**

<b>National Seniors Recommendations</b> .....	<b>1</b>
<b>Introduction</b> .....	<b>2</b>
<b>Our Position</b> .....	<b>3</b>
<b>Balancing Stakeholder Interests</b> .....	<b>3</b>
<b>Streamlining Service Delivery</b> .....	<b>12</b>
<b>Reducing Red Tape</b> .....	<b>14</b>
<b>Conclusion</b> .....	<b>17</b>
<b>References</b> .....	<b>17</b>

## **National Seniors Recommendations**

National Seniors unconditionally supports the majority of the Discussion Papers options with the below exceptions.

- National Seniors supports an amended option 1.3
- National Seniors does not support option 1.4
- National Seniors supports an amended option 1.12(a)
- National Seniors does not support option 1.13
- National Seniors conditionally supports option 1.15
- National Seniors supports an amended option 1.16
- National Seniors supports an amended option 1.17(b)
- National Seniors does not support option 1.19(a) and 1.19(b)
- National Seniors supports and amended option 2.4
- National Seniors does not support option 4.2.

## Introduction

National Seniors Australia (National Seniors) appreciates the opportunity to provide feedback on the Review of the *Residential Tenancies and Rooming Accommodation Act 2008* Discussion Paper.

National Seniors membership includes both tenants and lessors subsequently National Seniors position is balanced between the interests of stakeholders on both sides of the rental agreement.

Access to suitable affordable housing is a significant issue for all seniors and influences seniors' level of independence. Safe housing, in close proximity to support services and facilities is a key consideration for older persons when deciding where they are going to live in retirement<sup>1</sup>

Many older Australians are also lessors of residential properties and rely on rental income to supplement their limited pension income.<sup>2</sup> Seniors' interest in investing in rental properties is growing. Over 50 per cent of self-managed super fund trustees now view investment in residential property as an attractive option<sup>3</sup>. Self-managed superannuation funds have now invested over \$13.5 million in residential real property.<sup>4</sup> Given the scale and increasing popularity of residential rental properties as a superannuation investment, the ability of older Australians to earn a reasonable rate of return is also a key priority of National Seniors.

Rental properties are an essential component of the provision of suitable affordable housing and also a key income stream for many seniors therefore any changes to the residential tenancy policy and underlying legislative framework are of key interest to National Seniors members.

National Seniors have provided comments and recommendations on all options proposed within the Discussion Paper.

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<sup>1</sup> National Seniors Australia Productive Ageing Centre (2009). *Moving or Staying Put: Deciding where to live later in life*, National Seniors Australia

<sup>2</sup> Australian Bureau of Statistics, (1997). *Household Investors in rental dwellings*, Australian Government <http://www.abs.gov.au/ausstats/abs@.nsf/featurearticlesbytitle/BAEACDF3BA2FDD18CA2569DE0024577F?OpenDocument>.

<sup>3</sup> Genworth, (September 2012) Street Ahead, Genworth Homebuyer Confidence Index. Genworth

<sup>4</sup> Australian Taxation Office, (2011) *Self-managed super funds: A statistical overview*, Australian Government

## Our Position

### Balancing Stakeholder Interests

*Option 1.1(a) Remove existing holding and key deposits provisions from the Act;*

*Option 1.1(b) Prohibit taking of fees or deposits or any money before the tenancy agreement is signed.*

The implementation of options 1.1(a) and 1.1(b) would simplify the process and ensure that older Australians are not taken advantage of. National Seniors believes that no money should be paid until the tenancy agreement is signed.

**Recommendation:** National Seniors supports options 1.1(a) and 1.1(b)

*Option 1.2 Amend section 188 on tenant obligations to provide that the tenant is responsible for negligent and intentional as well as malicious damage to the rental property by themselves or their guests.*

National Seniors is concerned that a very small majority of lessors will attempt to utilise this provision to unfairly removed older Australians in order to replace them with a tenant who has the financial capacity to pay a higher rate of rent. Appropriate safeguards should be in place to avoid the misuse of this provision.

When disputes occur over the source of the damage both parties should have access to the Residential Tenancy Authority (RTA) dispute resolution process.

**Recommendation:** National Seniors supports option 1.2

*Option 1.3 Allow for an additional amount of bond, proposed as one week's bond, to be charged for pets, premises that have a pool or which are fully furnished.*

**Amended Option 1.3** Allow for an additional pet bond to be charged capped at one week's rent.

National Seniors believes that the value of the pool and furniture will be incorporated into the rental price and therefore is already captured within the bond.

National Seniors does not believe that the implementation of a pet bond will increase the number of pet friendly rentals available. However, National Seniors does agree that pets (capable of carrying parasites) increase the risk of physical damage to the property and therefore it is appropriate for a pet bond to be introduced.

**Recommendation:** National Seniors supports an amended option 1.3

*Option 1.4 Increase the maximum bond for caravan parks from two weeks to four weeks rent, in line with general tenancies.*

Many older Australians choose to live within caravan parks as a low cost alternative. The increase in bond would cause financial concern for many seniors living in caravan parks as they have a fixed income with very few disposable assets and therefore have a very limited financial capacity to pay the proposed additional bond amount.

If this option is implemented it would be more appropriate to allow for the extra two weeks bond to be recovered in instalments over a 2 month period rather than an upfront payment.

**Recommendation:** National Seniors does not support option 1.4

*Option 1.5: Extend the timeframe for lodgement of bonds from 10 to 14 calendar days.*

National Seniors has no concerns with this proposal.

**Recommendation:** National Seniors supports option 1.5

*Option 1.6 Increase the penalty units for non-lodgement of bond from a maximum of 40 penalty units (currently \$4,400) to 60 penalty units (\$6,600).*

National Seniors believes that the increased penalty will act as a greater deterrent to property managers who do not lodge the bond with the RTA and should encourage compliance with the legislation.

**Recommendation:** National Seniors supports option 1.6

*Option 1.7 Require part payments received from a social housing lessor/agent to be lodged with the RTA within three months of the first payment being received for either a general tenancy or a rooming accommodation tenancy.*

National Seniors believes that the implementation of this option will provide consistency and will reduced confusion.

**Recommendation:** National Seniors supports option 1.7

*Option 1.8 Amend the Act to provide that tenants must be offered the option of a fee-free way of paying rent other than for charges to their own financial institution.*

National Seniors supports this option, it is unreasonable that tenants should be forced to pay additional costs above their own financial providers' charges.

**Recommendation:** National Seniors supports option 1.8

*Option 1.9 Amend the relevant sections to ensure receipts are required for rent payments made by cash and cheque.*

Older Australian's still tend to use cash or cheque rather than electronic transfers and should be entitled to receipts for these payments. Having a receipt will avoid any disagreements regarding whether or not payment has been made.

**Recommendation:** National Seniors supports option 1.9

*Option 1.10 Remove s88(6) and s102(6) and clarify a rent payment record is required regardless of the payment method.*

National Seniors supports that a rent payment record should be required regardless of the payment method. Alignment with agents' obligations under the *Property Agents and Motor Dealers Act 2000* is appropriate.

**Recommendation:** National Seniors supports option 1.10

*Option 1.11 Require lessors and agents to disclose as part of the proposed agreement before the tenant is committed to the tenancy, any information about on-supply arrangements for electricity and bulk hot water where use of the supplier is a condition of the tenancy.*

Full disclosure of all fees and charges and utility arrangements should be made to assist the potential resident in making an informed decision on whether to enter into a tenancy agreement.

It is also necessary to ensure that for new tenants' utility records commence with a zero balance.

**Recommendation:** National Seniors supports option 1.11

*Option 1.12(a) Allow the lessor to pass on the full cost of water consumption charges for individually metered premises, regardless of whether premises are water efficient.*

**Amended Option 1.12(a)** *Allow the lessor to pass on the full cost of water consumption charges for individually metered premises only if the premises are water efficient.*

*Option 1.12(b) Clarify that water consumption cost can be passed on for part billing periods by apportioning charges on the basis of meter readings; and*

*Option 1.12(c) Require the lessor to pass on any water charges to the tenant within 6 months of receiving the bill from the provider.*

National Seniors believes it is appropriate that full charges for individually metered premises should be paid by the tenant and that water bills should be passed on to the tenant as early as possible after receipt by the lessor. However, National Seniors believes that the premises should be made water efficient



before the lessor can charge the tenants for water use. The current dispute resolution mechanism must remain accessible to disagreements over water charges.

**Recommendation:** National Seniors supports an amended option 1.12(a), and supports options 1.12(b) and 1.12(c)

*Option 1.13 Increase the window of entry for an inspection by the lessor/agent from two hours to three hours.*

National Seniors believes that the entry window should not be extended to 3 hours. Extending the window would require the tenant to commit up to 3 hours plus the actual inspection time. It is unreasonable to expect the tenant to wait for such a long time period.

The current 2 hour window appears reasonable for the agent to gain entry to the property.

**Recommendation:** National Seniors does not support option 1.13

*Option 1.14 Require that rooming accommodation providers must either specify standard entry times in the agreement for entry to common areas (e.g. for cleaning), or to issue an entry notice to occupants or by displaying in a public area.*

National Seniors considers that respect for the privacy of tenants is essential, however National Seniors also understands and supports that accommodation providers requires certainty of entry to common areas. Tenants should be informed of regular standard entry times. An entry notice should be provided for this purpose.

**Recommendation:** National Seniors supports option 1.14

*Option 1.15 Change the current provisions for dealing with abandoned goods and documents to:*

- *continue to allow immediate disposal of goods that are dangerous, perishable or where the combined market value is less than \$1,500*
- *otherwise allow the lessor/agent to issue 'disposal notices' informing the former tenant/s that goods will be disposed of after 14 days (in the case of goods not subject to immediate disposal or that are not personal documents) or 90 days (in the case of personal documents) after the day on which the notice is given, unless they are first claimed*
- *allow the lessor/agent to dispose of goods (other than personal documents) after the disposal notice period by selling them or in any other lawful manner. Any proceeds from the sale of goods may only be used to offset the costs of removing, storing and selling the goods. The lessor/agent must forward any remaining money from the sale of the goods to the Public Trustee within 10*

*days. The proceeds cannot be used to offset rent owing or other money that may be owed by the tenant*

- *allow the lessor/agent to dispose of personal documents after 90 days by offering them to the Public Trustee or returning them to the authority that issued the documents and if refused, to dispose of them in any other lawful manner as long as it does not result in personal information about a tenant or other person becoming publicly available.*

National Seniors are concerned about the effectiveness of 'disposal notices' considering that if goods have been abandoned it is unlikely that the whereabouts of the owner will be known.

National Seniors supports option 1.15 conditional on:

- The disposal notices must be sent to the last known address of the tenant other than to the current property in which the goods were abandoned;
- Where the location of the tenant is unknown approval of the Public Trustee or tribunal should be obtained to implement the disposal provisions; and
- The lessor/agent or their associates are prohibited from purchasing the property to avoid allegations of profiteering.

**Recommendation:** National Seniors conditionally supports option 1.15

*Option 1.16 Amend the Act to reduce frequency of inspections and allow longer notice periods to end a tenancy without grounds when the tenant has been in the premises for more than two years.*

**Amended Option 1.16** *Amend the Act to reduce frequency of inspections and allow longer notice periods (confirmed in writing) to end a tenancy without grounds when the tenant has been in the premises for more than two years.*

National Seniors is of the view that a longer term tenant with a good record and relations with the lessor/agent should be rewarded for their actions by less frequent inspections and longer notice periods.

National Seniors believes that any new notice periods must be confirmed in writing to provide the tenant with certainty over the key conditions of the rental agreement.

**Recommendation:** National Seniors supports an amended option 1.16

*Option 1.17(a) Amend the Act to provide that an application for a bond refund can only be made after the end of the tenancy or if the departing co-tenant's share of the bond has been paid by a new incoming tenant or the remaining tenants.*

*Option 1.17(b) Extend the grounds for ending a tenancy to include death of a co-tenant.*

**Amended Option 1.17** *(b) Only the tenant should be able to use the death of a co-tenant as grounds for ending a tenancy.*

National Seniors believes avoidance of disputes between co-tenants is essential and this may be achieved by clarification of bond refunds where one party is desirous of leaving.

Extending the grounds for ending a tenancy due to the death of a co-tenant should be included in the legislation. However, this option should only be available to the tenant and not the lessor. The remaining tenants should not be disadvantaged if the co-tenant dies.

<p><b>Recommendation:</b> National Seniors supports option 1.17(a) and an amended option 1.17(b)</p>
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*Option 1.18(a) Remove the immediate eviction provisions and replicate the moveable dwelling park provisions for the rooming accommodation sector to provide police with a power to issue a Nuisance Direction as a warning or requiring the resident to leave their accommodation for up to 24 hours.*

*Option 1.18(b) Remove the immediate eviction provisions and amend the Act to require a Tribunal order for eviction from rooming accommodation and issue a Warrant of Possession for failure to leave or serious breach.*

*Option 1.18(c) Remove the immediate eviction provisions and allow the rooming accommodation provider to exclude a resident for a period of time and allow the resident to apply to the Tribunal for an order to be re-instated in the tenancy.*

National Seniors believes it is appropriate that the immediate eviction provisions for rooming accommodation should replicate the moveable dwelling park provisions.

<p><b>Recommendation:</b> National Seniors supports option 1.18(a), 1.18(b) and 1.18(c)</p>
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*Option 1.19(a) Reduce the notice period required when issuing a Notice to leave without grounds from two months to one month when issued by the lessor while retaining the two weeks' notice period required by the tenant.*

*Option 1.19(b) Establish the same notice period of one month for both lessors and tenants.*

*Option 1.19(c) Abolish the without grounds provision so that a lessor can only end a tenancy for specific grounds. Extend the current grounds to end a tenancy to include for the lessor to move into the property and the lessor to renovate the property.*

National Seniors members have indicated that moving can be a traumatic event for long term residents particularly for the elderly and when the move is not of their choice. Older Australians often require extra time to locate alternative premises and often have difficulty finding appropriate premises due to financial constraints and the tight rental market. Older Australians also often need time to arrange packing and the services of a removalist.

National Seniors believes that the current two month notice period is appropriate. National Seniors also believes that the two weeks' notice period by tenants to lessors should be retained.

National Seniors recommends that notice to leave without grounds should be abolished and the grounds to end a tenancy should include the lessor to move into the premises or to renovate.

**Recommendation:** National Seniors does not support options 1.19(a) or 1.19(b). National Seniors supports option 1.19(c).

*Option 1.20 Amend the Act to require handover of the premises and keys by a set time on the handover day, e.g. 5pm.*

National Seniors believes that a 5.00pm handover time or a time made by agreement between the parties should be included in the legislation to clarify the issue.

**Recommendation:** National Seniors supports option 1.20

*Option 1.21 Establish requirements similar to NSW requiring documents supporting a claim against the bond to be provided to the tenant and the RTA within seven days of a dispute resolution request being submitted to the RTA.*

National Seniors supports the establishment of requirements similar to NSW, it is appropriate that both parties are made aware that a bond claim has been made and are provided with the supporting documents for example the exit condition report. The current dispute resolution mechanism must remain accessible to both parties.

**Recommendation:** National Seniors supports option 1.21

*Option 1.22 Amend the relevant section to make it an offence to provide a document that is incomplete to the RTA.*

National Seniors supports this proposal and believes it would encourage compliance with the legislation.

**Recommendation:** National Seniors supports option 1.22

*Option 1.23 Amend the Act to allow prosecution within two years of an offence or within one year of the end of the tenancy, whichever is longer.*

National Seniors supports this proposal and believes it would encourage compliance with the legislation.

**Recommendation:** National Seniors supports option 1.23

*Option 1.24(a) Amend s345 objectionable behaviour to expand on the range of matters the Tribunal should consider in assessing whether a termination order for objectionable behaviour is issued. Such matters might include that the Tribunal should not require the lessor to identify an alternative housing option for the tenant or not refuse an order on the grounds that the lessor is a social housing provider.*

*Option 1.24(b) Consideration might be given to providing for the development of an Acceptable Behaviour Agreement for departmental tenants as a condition of the tenancy where this is warranted by the past or current behaviour of the tenant. Failure to enter into an agreement or serious or persistent breaches of the agreement would be grounds for termination of the agreement by the department.*

*Option 1.24(c) Introduce provisions to transition the tenancy agreement from a State Tenancy Agreement to a General Tenancy Agreement without the need for re-signing agreements. Also provide for transitional arrangements in the agreement to phase out exemptions in the State Tenancy that do not apply in other tenancies.*

Anti-social behaviour in any form of rental accommodation, public or private, is unacceptable, therefore these options are supported by National Seniors.

**Recommendation:** National Seniors supports options 1.24(a), 1.24(b) and 1.24(c)

*Option 1.25(a) Amend the Act to require initial or periodic inspections of rental properties.*

*Option 1.25(b) Amend the Act to require the lessor/agent to provide copies of property inspection reports, for example pest inspections and building certifications, to the tenant or prospective tenant on request.*

National Seniors supports amendments which enhance the rights of tenants to be informed about the safety and security of the premises. Having access to this type of information could avoid future disputes about the condition of the property at time of entry.

**Recommendation:** National Seniors supports options 1.25(a) and 1.25(b)

*Option 1.26 Amend the Act to allow the maximum bond for employer subsidised rentals to be prescribed under a Regulation with the ability to be varied by CPI annually. Review the current \$400 maximum.*

National Seniors supports this proposal conditional that the increase of the maximum bond does not exceed the maximum bond limits applied to non-employer subsidised rentals.

**Recommendation:** National Seniors supports option 1.26

## Streamlining Service Delivery

*Option 2.1 Amend PAMDA to provide the RTA with the power to direct debit trust accounts on the authorisation of the account holder.*

National Seniors supports this amendment and believes it will allow for greater payment options and decreases the administration burden.

**Recommendation:** National Seniors supports option 2.1

*Option 2.2(a) Amend the Act to authorise the RTA to stop the payment process or extend the Notice of claim or other timeframes in periods of natural disasters, to apply across areas rather than only in individual cases.*

*Option 2.2(b) Remove the restrictions for the extension of the Notice of claim period to only apply when a client applies in writing, and for it to be limited to three days.*

National Seniors supports the amendments and acknowledges the impracticalities of the current requirement to submit written request for an extension of notice claim in times of natural disasters.

**Recommendation:** National Seniors supports options 2.2(a) and 2.2(b)

*Option 2.3 Broaden the option/s on delivering conciliation services through different channels, such as videoconferencing.*

National Seniors supports this proposal which will allow the use of new technology in resolving disputes, conditional that the cost of the use of such technology is not borne by the tenant.

**Recommendation:** National Seniors supports option 2.3

*Option 2.4 Introduce an exemption to s409 to allow conciliators to record conciliation processes for training or quality monitoring purposes.*

**Amended Option 2.4** *Introduce an exemption to s409 to allow conciliators to record conciliation processes for training or quality monitoring purposes conditional on the consent of both parties and that the private details (names, addresses etc) remain confidential.*

**Recommendation:** National Seniors supports and amended option 2.4

*Option 2.5(a) Reword the section so that QCAT can make one continuing, generic request for addresses, or*

*Option 2.5(b) Clarify that the RTA can also provide QCAT with other information such as bond balances.*

National Seniors supports option 2.5(b) and believes its implementation will assist in the resolution process, providing that privacy is maintained.

**Recommendation:** National Seniors supports option 2.5(b)

*Option 2.6(a) Amend definition of an unclaimed bond to include any payment method where the payment is not successful, such as an uncashed cheque or a failed electronic payment where correct details cannot be obtained.*

*Option 2.6(b) Extinguish parties' rights to payment of an unclaimed bond payment or a small payment where the bond has been finalized after seven years.*

*Option 2.6(c) Define a minimum threshold for amounts to be published on a small balances register or if below that amount, provide that the bond is finalised with the small balance transferred to operating funds.*

National Seniors supports the proposed options. It may be appropriate to limit the use of unclaimed bonds to only be utilised to provide funding for public housing.

**Recommendation:** National Seniors supports options 2.6(a), 2.6(b) and 2.6 (c)

*Option 2.7 Introduce a new section similar to s99A(3) of the Public Trustee Act 1978 to allow the RTA to advertise names of persons entitled to unclaimed and/or unfinalised funds.*

National Seniors supports this option, as this proposal will assist tenants to become aware of and make claims for unclaimed or unfinalised funds.

**Recommendation:** National Seniors supports option 2.7



## Reducing Red Tape

*Option 3.1 Rewrite the bond payment sections of the Act to remove the detailed procedures for how to make bond payments.*

National Seniors supports this option and believes that legislation is not an appropriate forum for detailed business rules.

**Recommendation:** National Seniors supports option 3.1

*Option 3.2 Remove the obligation for the client to fill in a form to request dispute resolution.*

National Seniors supports the proposed option and the objective to streamline the dispute resolution process. It is appropriate that the complainant receive a written acknowledgement of the lodgement of the request for dispute resolution within 2 weeks of the verbal request being lodged.

**Recommendation:** National Seniors supports option 3.2

*Option 3.3 Remove the obligation for the client to withdraw from a dispute in writing.*

National Seniors is concerned that a verbal withdrawal option may allow for seniors to be more easily manipulated into withdrawing a complaint through the use of physical or mental abuse. Safeguards must be in place to ensure that the introduction of a verbal withdrawal option does not result in an increase in manipulation.

**Recommendation:** National Seniors supports option 3.3

*Option 3.4 Amend the relevant section to allow the conciliator to give parties the choice of having their agreement in writing or not.*

National Seniors believes that written agreements may not be necessary in some cases. However, if the dispute is contentious or the parties are hostile, it would be preferable for agreements to be in writing. The conciliator should be given discretion to give the parties a choice in non-contentious issues.

**Recommendation:** National Seniors supports option 3.4

*Option 3.5 Remove transitional provisions.*

National Seniors believes that the removal of expired transitional provisions should assist in making the legislation more user friendly.

**Recommendation:** National Seniors supports option 3.5

*Option 3.6(a) Remove short term tenancies which currently allow tenancies without paperwork for up to 42 days for moveable dwellings.*

*Option 3.6(b) Exempt moveable dwelling tenancies from the Act where the tenancies are to be for less than six weeks.*

National Seniors supports the removal of provisions relating to short term tenancies. However, all receipt records and other documentation should be retained by the lessor.

**Recommendation:** National Seniors supports options 3.6(a) and 3.6(b)

### **Technical and Minor Changes**

*Option 4.1(a) Delete the references to boarders and lodgers so they do not contradict the definition of resident, i.e. treat all as residents.*

*Option 4.1(b) Correct a drafting error to clarify that while generally exempt from the provisions of the Act, the requirement to lodge a rental bond applies where the lessor lives on the premises and fewer than three people are renting.*

*Option 4.1(c) Clarify that the Act applies if a room is shared.*

National Seniors supports these options and believes that the implementation of the options will bring clarity to the boarders and lodgers accommodation provisions within the legislation.

**Recommendation:** National Seniors supports options 4.1(a), 4.1(b) and 4.1(c)

*Option 4.2 Remove s57(2) which creates an offence for taking a bond if the property has not been advertised at a fixed price.*

National Seniors believes that rental auctions should be discouraged at every opportunity and subsequently the offence should remain.

**Recommendation:** National Seniors does not support option 4.2

*Option 4.3 Amend s58 to remove the comma after 'For,'.*

National Seniors supports this proposed technical change.

**Recommendation:** National Seniors supports option 4.3

*Option 4.4(a) Amend the section to remove the dollar amount and simplify the language.*

*Option 4.4(b) Amend the Regulation to include the dollar amount and review the amount for an increase.*

National Seniors supports the options and believes that it is more appropriate to record the dollar amount within the regulation.

**Recommendation:** National Seniors supports options 4.4(a) and 4.4(b)

*Option 4.5 Amend the section to state a term in the agreement must specify a specific amount or a formula by which the increase will be calculated.*

National Seniors supports this option which will assist tenants in understanding the calculation of rental increases and the true financial impact of the rental increase.

**Recommendation:** National Seniors supports option 4.5

*Option 4.6 Amend the section dealing with locks in rooming accommodation to replace 'tenant' with 'resident'.*

National Seniors supports this technical change.

**Recommendation:** National Seniors supports option 4.6

*Option 4.7 Add 'ends' to the section heading 'Notice to leave if tenants entitlement under affordable housing scheme'.*

National Seniors supports this technical change.

**Recommendation:** National Seniors supports option 4.7

*Option 4.8(a) Ensure the Act can cover transactions performed through a variety of means such as SMS, texting, smartphone, photos etc.*

*Option 4.8(b) Consider the impact on timelines which factor in issuing notices by mail.*

National Seniors supports these proposed options. National Seniors is concerned that older Australians may not have access to modern communication technology or have an understanding of its operations, therefore older Australians must still be able to request that documents are sent in the physical mail.

**Recommendation:** National Seniors supports options 4.8(a) and 4.8(b)

*Option 4.9 Amend the section to replace all references to the Financial Administration and Audit Act 1997 with the replacement Act, the Financial Accountability Act 2009.*

National Seniors supports this technical change.

<b>Recommendation:</b> National Seniors supports option 4.9
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## **Conclusion**

National Senior supports the majority of the proposed options. National Seniors is supportive of the aims of the review, specifically the objective of fairly balancing the interest of tenants and lessors.

National Seniors believes that if the options are implemented the legislation and the rental agreement will become more efficient and more equitable for all parties involved.

National Seniors is grateful for the opportunity to comment on the review of the *Residential Tenancies and Rooming Accommodation Act 2008 Discussion Paper* and eagerly awaits the RTAs and Governments response to the feedback provided on this key issue for older Australians.

## **References**

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