

RE: Residential Tenancies (Miscellaneous) Amendment Regulations 2024 and Residential Parks (Electricity Information) Regulations 2024

COTA SA welcomes the opportunity to contribute to the review of the Residential Tenancies (Miscellaneous) Amendment Regulations 2024 and Draft Residential Parks (Electricity Information) Amendment Regulations 2024.

COTA SA is an older people's movement run by, for and with older people. We represent the rights, interests, and futures of around 700,000 older South Australians. We engage widely with older South Australians across the state and the lived experiences of the diverse community of older South Australians shape and inform COTA SA's policy and advocacy work, including through our Policy Council, Regional Advisory Groups, LGBTI+ Rainbow Hub and Climate Change Group.

COTA SA are supportive of the Residential Tenancies Amendments that have recently passed and been implemented as of 1 March 2024. We have been actively communicating with you over recent months and years in relation to consideration of Residential Parks and to share our insights. COTA SA has collaborated closely with SA Residential Parks Residents' Association (SARPRA) over the years, to better understand the lived experiences of park residents. We engage with thousands of older South Australian renters each year and identify and advocate for amendments in both the Residential Tenancies Act and the Residential Parks Act that would improve the security and equity of their housing.

We make the following comments in relation to the proposed amendments:

Draft Residential Parks (Electricity Information) Amendment Regulations 2024

Information relating to supply of certain electricity

COTA SA supports the proposed amendments to the draft residential parks, hoping they will provide clarity, transparency, and reassurance to park residents of their energy costs, who are among the most vulnerable and low-income group of older South Australians.

Residential Tenancies (Miscellaneous) Amendment Regulations 2024

Minimum Energy Ratings and Water Efficiency for Appliances in Rental Accommodation

We would welcome the insertion of regulation 11A, mandating a minimum energy ratings and water efficiency for appliances in rental accommodation. In our 2023-24 state budget submission, we recommended that: *'The State Government introduces a targeted energy efficiency strategy for public and community housing tenants for a period of four years to encourage modifications, retrofitting and appliance replacement'*¹. Our engagement with older people has highlighted the significant challenges faced in 2023, particularly concerning the cost of living and financial strains. Our end of year 2023 snapshot survey outlined that 52% of survey respondents (n188) identified the cost of living as their primary challenges for the year². The State of the Older Nation (SOTON) 2023 report, further explored these difficulties, revealing that nearly one in five older Australians had overdue bills, with electricity and/or gas being the most commonly overdue (a trend that has increased since the 2021 report)³. Minimum energy ratings and water

¹ [Priorities for older South Australians • COTA SA](#)

² [What older Australian's experienced in 2023 and anticipate in 2024 - The Plug-in \(theplugin.com.au\)](#)

³ [SOTON-2023-Summary-Report.pdf \(cota.org.au\)](#)

efficiency regulations would see to relief some of these financial pressures faced by this older cohort within South Australia.

Grounds of Termination

Clause 16.1(n) states; For the purposes of section 83A(1) of the Act, the following grounds of termination are prescribed: *'If the landlord is a charitable organisation and it is a term of the residential tenancy agreement that the tenant meets the eligibility requirements of the organisation to reside at the premises — the tenant no longer meets the eligibility requirements of the organisation.'*

Older women are the fastest growing cohort of people at risk of homelessness⁴. It is important to be mindful that this clause could inadvertently have negative repercussions for older women fleeing domestic violence who qualify for specifically designated domestic violence social housing offered by a community housing provider based on this status. We would want to avoid the outcome for a person who has escaped an abusive living situation and rebuilt their life, to result in the termination of their community housing rental agreement because they are no longer experiencing the domestic violence crisis. While most community housing providers would not simply evict someone in this situation, it's advisable for the charitable organisation provider to be obligated to make every effort to assist the tenant in transitioning to alternative accommodation. Alternatively, they could consider the tenant to remain in the property while changing the category or status of the property or tenancy. This approach is recommended to ensure the well-being and stability of vulnerable tenants, particularly those escaping domestic violence are considered.

Renting with Pets

Having a pet contributes to an older person's sense of security, and physical and psychological wellbeing. These are unequivocal outcomes in the Government's Plan for Ageing Well 2020- 2025⁵. COTA SA was pleased with the *Residential Tenancies (Miscellaneous) Amendment Bill 2023*, which supported the amendments to the Act that ensure tenants cannot have their request to have a pet reasonably refused.

COTA SA has observed a reference within the new amendments to the ability to terminate a lease if the tenant has a pet without formally requesting permission from the landlord in advance. COTA SA hopes that this provision does not create difficulties for older people renting with pets who may not be fully aware of their rights, or who may experience challenges navigating rental application processes, as it could potentially have adverse effects on their overall security and wellbeing.

Termination of Long-Term Lease by Tenant

COTA SA welcomes clauses 19A – (a) (b) and (c), which outline conditions enabling termination of lease by the tenant under prescribed circumstances. This will give comfort to older renters, who will now feel secure that they can enter into a long-term lease and be able to terminate without fear of incurring financial penalties, should they need to enter residential aged care, palliative care or special care.

Domestic Violence Provisions

We support substitution of section 19B, which aims to support victim survivors of domestic violence to terminate a lease on these grounds. Through our recent conversations with older women experiencing domestic violence and organisations who provide services to them, COTA SA has become aware of the complexities faced by older women victim survivors when fleeing FDSV and seeking tailored accommodation to meet their needs. COTA SA welcomes

⁴ [Risk of Homelessness in Older Women | Australian Human Rights Commission](#)

⁵ [South Australia's Plan for Ageing Well 2020-2025 | SA Health](#)

these proposed amendments to support older women experiencing violence within their home and are hopeful that these amendments will lead the way in facilitating safe rental transitions for older victim-survivors.

Conclusion

COTA SA is broadly supportive of draft changes to the Residential Tenancies (Miscellaneous) Amendment Regulations 2024 and Residential Parks (Electricity Information) Regulations 2024. In addition to the proposed amendments, we highlight the importance of ongoing investment in promoting information and services that assist people to know and exercise their rights as tenants, including receiving assistance to navigate a dispute or when something goes wrong. This information and advocacy must be easily accessible and easy to understand, including with consideration to people with low levels of literacy, including digital literacy and access, to ensure these tenants are not disadvantaged.