

June 21, 2009

'Accommodating Everyone' inquiry recommendations

Recommendations from the inquiry:

Recommendation 1:

That training in equal opportunity law be a compulsory component of licensing requirements for those operating in the private rental housing market; with equal opportunity law also being incorporated as a compulsory module in training for property managers.

Recommendation 2:

That the Equal Opportunity Commission work with the Department of Commerce (formerly DOCEP) to develop equal opportunity law guidelines for owners who operate in the residential tenancy market.

Recommendation 3:

That residential tenancy databases in WA be regulated to achieve consistency with the Queensland legislation which requires only appropriate and timely entries to be made on the databases.

Recommendation 4:

That the Western Australian Government promote the need for nationally consistent legislation governing tenancy databases and ensure that the legislation addresses the anti discrimination concerns identified in this Report.

Recommendation 5:

That the Western Australian and Australian Governments provide increased funding for community groups to support CaLD and Aboriginal people to access and maintain a tenancy.

Recommendation 6:

That the Western Australian and Australian Governments provide funding to community groups for interpreters to assist those without good English skills to fully understand tenancy contracts and property condition reports.

Recommendation 7:

That REIWA be encouraged to invite representatives of community groups which assist prospective tenants, to meet with their members and facilitate the exchange of information and views, to the benefit of both groups.

Recommendation 8:

That the Australian Government be encouraged to provide the option of accommodation similar to migrant hostels for a minimum period of twelve months from the date of arrival so that recent humanitarian arrivals are able to acquire a better understanding of their new country.

Recommendation 9:

That the Department of Commerce (formerly DOCEP) investigate ways to improve the handling of tenants' complaints.

Recommendation 10:

That the Western Australian Government investigates an alternative dispute resolution mechanism for tenancy disputes which is focussed on finding ways to maintain a tenancy; and consider redirecting part of the funding from the interest on tenants' bond to assist in maintaining such an organisation.

Recommendation 11:

That the *Equal Opportunity Act 1984* be amended as recommended in the 2007 Review of the *Equal Opportunity Act 1984* to develop a simpler complaint system which could accommodate complaints being made orally and transcribed by EOC staff, where complainants need assistance, as permitted in the *NSW Anti-Discrimination Act 1977*.

Recommendation 12:

As recommended in the 2007 Review of the *Equal Opportunity Act 1984*, the proportionality test contained within the definition of indirect discrimination should be removed and the respondent should be the party required to prove that the condition or requirement which is the subject of the complaint, is reasonable.

Recommendation 13:

That the Western Australian Government amend the *Residential Tenancies Act 1987* to address the power imbalance between tenants and owners, in particular:

- Prohibiting the contracting out of minimum standards in tenancy agreements;
- Prohibiting the charging of option fees by agents;
- Property condition reports to be on prescribed forms;
- Addressing the incidence of excessive rent increases;
- Implementing time limits for the carrying out of repairs; and
- An owner's right of entry to be reviewed, particularly with reference to a tenant's right to quiet enjoyment of a property.

Recommendation 14:

That the Department of Housing ensure that the policy of not requiring Aboriginal people to attempt access to the private housing rental market prior to receiving priority assistance is applied in all metropolitan and regional offices.

Recommendation 15:

That the Western Australian and Australian Governments investigate the need to provide more public housing suitable for larger families.

Commissioner Yvonne Henderson will be available for interview either at the launch itself, or later. For additional comment contact her on (08) 9216 3954 or on mobile number 0409 880 544

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