

6 January 2020

Rental Reforms Implementation Team
Department of Justice and Community Safety
Via email – rentalreforms@justice.vic.gov.au

Submission regarding the proposed *Residential Tenancies Regulations 2020*

Jesuit Social services welcomes the opportunity to respond to the consultation regarding the proposed *Residential Tenancies Regulations 2020*, the implementation of which offer a positive framework to protect the rights of vulnerable and disadvantaged renters across Victoria. Our submission is focused on ecological justice – that is, the interconnection between environmental and social justice, and how this can be achieved via these reforms.

Jesuit Social Services: Who we are and what we do

Jesuit Social Services is a social change organisation. Our mission is to build a just society where all people can live to their full potential. For over 40 years, we have been working in solidarity with people and communities experiencing disadvantage and marginalisation. In an increasingly complex era of climate crisis, environmental degradation and social inequity, it is clear that those least responsible for ecological risks and threats are the most affected by their emergence. Further information about our priorities and actions in this area is provided at Appendix 1.

Context

Jesuit Social Services commends the Victorian Government for its strong leadership in recognising and acting on the need to address both climate change and climate change impacts. This leadership is enshrined in the *Climate Change Act 2017*, which emphasises that Victoria must “take strong action to build resilience to, and reduce the risks posed by, climate change and protect those most vulnerable”, and “support vulnerable communities and promote social justice and intergenerational equity”.

Jesuit Social Services emphasises that adequate housing is a fundamental human right: “Access to safe and secure housing is one of the most basic human rights. Every person has the right to an adequate standard of living, which includes the right to adequate housing (ICESCR, article 11)”.¹ Relatedly, it is widely acknowledged that secure long-term housing helps set a firm foundation for personal wellbeing and agency:

Access to safe, adequate and affordable housing is a crucial foundation for enabling a person’s physical and mental health and wellbeing. Without access to appropriate housing, people are unable

¹ Australian Human Rights Commission (2019). Website accessed on 11 December 2019: <https://www.humanrights.gov.au/our-work/rights-and-freedoms/projects/housing-homelessness-and-human-rights>

to focus on other aspects of their lives (such as health, education and employment) and are unable to contribute productively to society.²

The proposed *Residential Tenancies Regulations 2020* ('the proposed Regulations') represent an important opportunity to guide and regulate the provision of energy efficient and climate safe housing for the state's most vulnerable groups.

Jesuit Social Services' overarching concern in relation to the proposed Regulations is to ensure that pre-existing inequities in housing in Victoria will not be exacerbated by the impacts of climate change. We therefore emphasise the following key points for consideration in relation to the proposed Regulations, with a view to strengthening support for vulnerable households and communities.

Adequate access to social housing

Jesuit Social Services emphasises, firstly, that without access to appropriate transitional, stable, quality, supported housing arrangements, the most vulnerable Victorians will continue to be at risk of long-term homelessness and will face an ever-greater challenge in overcoming any other issues they are facing. As we collectively face increasingly harsh climatic conditions, the lack of adequate housing for sections of our community is an inequality that will exacerbate social discord and cohesion. We reiterate our previous recommendations to prioritise increased investment in new public and community housing stock, as well as access to supported housing³.

Equitable access to affordable energy

In *Ecological justice: Expanding the Conversation*⁴, Jesuit Social Services described how a lack of equitable access to renewable and reliable energy sources for vulnerable communities will compound pre-existing marginalisation as the effects of climate change increase. For example, in the face of rising temperatures, the amelioration of heat stress symptoms will be critical to protect populations from related health impacts. However, this will be less achievable for the most marginalised Victorians due to the continuing increases in energy prices, as well as a lack of access to energy-efficient devices and the adverse energy impacts of low-quality housing. Rising electricity prices continue to impact more severely upon lower-income earners, who are often unable to access cheaper solar energy.

Pre-emptive policies of equitable access to affordable energy are increasingly considered essential to protect against the effects of climate risk. In this context, current programs targeted to assist marginalised groups – such as the Residential Efficiency Scorecard and suite of Home Energy Assist

² Infrastructure Australia (2019). *An assessment of Australia's Future Infrastructure Needs: The Australian Infrastructure Audit 2019*. Infrastructure Australia, Australian Government. Retrieved from: <https://www.infrastructureaustralia.gov.au/sites/default/files/2019-08/Australian%20Infrastructure%20Audit%202019.pdf>

³ Jesuit Social Services Submission to the 2019/20 Victorian State Budget: <http://jss.org.au/wp-content/uploads/2019/04/SUB-190124-Jesuit-Social-Services-2019-20-Victoria-State-Budget-Submission-FINAL.pdf>

⁴ <https://jss.org.au/ecological-justice-expanding-the-conversation/>

programs (i.e. Energy Savvy Upgrades Program, Victorian Healthy Homes, and Energy Smart Public Housing program) – offer a strong foundation upon which to drive systemic reform.

Equitable access to energy-efficient housing

Retrofitting dwellings to make energy efficiency achievable and affordable is generally more expensive for older stock, especially where not built and/or maintained to a good standard in the first place. This situation likely characterises a substantial proportion of the dwellings rented by lower-income households in the private market. Relatedly, it is not necessarily financially feasible for the landlords to implement to a good standard the improvements necessary to make those rental dwellings adequately comfortable and safe, especially in extreme weather conditions, even where they are keen to make such improvements. This can result in an ongoing reliance on, and excessive usage of, fossil fuels for heating and cooling (i.e. for air conditioning) in those dwellings, with commensurate flow-on energy costs for tenants.

We are encouraged by the introduction of rental minimum standards that all rented premises must meet. Notwithstanding the complexities in implementing standards in a consistent, affordable, safe and pragmatic manner, we are concerned that some of the prescribed rental minimum standards set the bar too low. For example, the proposed two-star energy requirement is the bare minimum against the Department’s own analysis in the Regulatory Impact Statement, and only applies to class 1 buildings (houses), not class 2 buildings (apartments). We consider that a three-star requirement would impose minimal additional burdens on the heating industry and on rental providers.

Effective implementation of climate safe and energy efficient design

We recognise that specific impacts of climate change are not predictable – rather, they can be volatile with variable impacts in different regions and localities. Therefore, we also emphasise the need for the Victorian Government to ensure effective implementation of the policy objectives, guiding principles and provisions of the *Climate Change Act 2017* to the planning and construction of all new public and community housing in Victoria.

As outlined in *Ecological justice: Expanding the Conversation*, it is critical that affordable housing is good quality and ecologically appropriate, whereby dwellings – both private and social – not only adhere to reasonable minimum standards of quality but also incorporate principles of ecological justice. It is well established that the quality, location, design and materials used in both urban planning and development of the built environment impacts significantly on the habits and locales they are present within. Housing structures must be strong, sustainable and energy-efficient. This requires investing in aspects such as good insulation and having access to equitable energy provision. These buildings are cost effective in the long-term, reducing costs for tenants as well as the environment. If well considered, they enable the building of resilient communities in the face of environmental risks.

We note that local practical solutions may in some areas outpace regulatory, policy and legislative settings and reform processes. In a policy and market environment subject to marked disruption and volatility, it is critical that emerging innovative and community-led projects are supported and funded alongside the development of longer-term structural changes.



Finally, Jesuit Social Services also supports the recommendations made by VCOSS in their submission to this consultation process.

We appreciate you taking our views into account.

Yours sincerely

A handwritten signature in black ink, which appears to read 'Sally Parnell'. The signature is written in a cursive style.

Sally Parnell
Acting CEO, Jesuit Social Services

Appendix 1

For more than forty years Jesuit Social Services has been committed to building a just society. In an increasingly complex era of climate crisis, environmental degradation and rising social inequity, new challenges towards building a just society are appearing. Jesuit Social Services works with the most marginalised and vulnerable. These populations are often the least responsible for ecological risks and threats but are the most affected by their emergence.

Recognising that environmental challenges pose particular risks to the communities with whom we work, Jesuit Social Services has sought to bring an ecological perspective to all our operations. The interconnection between environmental and social justice has influenced our practice, policy, advocacy and organisational identity. It has shaped our strategy to ensure we are equipped to address justice issues of the future, and to lead peer organisations around issues of ecological justice.

Our 2017 paper, [Ecological Justice – Expanding the Conversation](#), outlines this journey and the commitment to building a just society inclusive of both social and environmental justice. As Pope Francis put it in *Laudato Si*:

Today we have to realize that a true ecological approach always becomes a social approach; it must integrate questions of justice in debates on the environment, so as to hear both the cry of the earth and the cry of the poor.

Our commitment to ecological justice is now embedded and integrated across each of our key priority areas:

- **Justice and crime prevention** – people involved with the justice system.
- **Mental health and wellbeing** – people with multiple and complex needs, including mental illness, trauma, homelessness, and complex bereavement.
- **Settlement and community building** – recently arrived immigrants and refugees, and disadvantaged communities.
- **Education, training and employment** – people with barriers to sustainable employment.
- **Gender and culture** – providing leadership on the reduction of violence and other harmful behaviours prevalent among boys and men, and building new approaches to improve their wellbeing and keep families and communities safe.

Specific program and advocacy actions include:

- the integration of ecological considerations into *Our Way of Proceeding*, across the three domains of human spirit, our practice framework and business processes.
- the establishment of the Ecological Justice Hub in Brunswick, Victoria, that provides a range of community education and advocacy activities; skills, training and employment support into green economy jobs for people experiencing barriers to employment; and green living

demonstration projects for the wider community that support climate change reduction and environmental recovery.

- an ongoing series of cross-sector symposia focused on climate justice, including the recent inaugural NT Climate Justice Symposium hosted in Darwin in September 2019, in partnership with NTCOSS and the Environment Centre NT, and forums conducted in Victoria.
- delivering a suite of training for the community services sector, designed in collaboration with VCOSS and RMIT Climate Change Exchange on ecological literacy and justice, with a focus on organisational change and climate change adaptation.
- the incorporation of indicators of environmental risks and threats into our nation-wide research on place-based disadvantage, *Dropping of the Edge (DOTE)*.
- increasing our focus on how to minimise the unfairness inherent in climate change by exploring the concept of a 'just transition' – that is, how to move from current untenable economic and social systems to an ecologically sustainable, zero greenhouse gas emissions world in a way that ensures those least able to cope with climate change receive the help they need to successfully adapt.

For more detail, see our most recent discussion paper in our ecological justice series on [just transitions](#).