

Monday, 9<sup>th</sup> February 2004



ACN 081 34227  
ABN 36 081 348 227

The Secretariat  
Senate Legal and Constitutional Committee  
Room S1.61, Parliament House  
Canberra ACT 2600

**Fitzroy Office**  
55 Johnston Street  
Fitzroy 3065  
**Phone** (03) 9419 5577  
**Fax** (03) 9416 0513

**By Email: [legcon.sen@aph.gov.au](mailto:legcon.sen@aph.gov.au)**

**SUBMISSION TO THE SENATE LEGAL AND CONSTITUTIONAL  
COMMITTEE INQUIRY INTO THE PROVISIONS OF THE DISABILITY  
DISCRIMINATION AMENDMENT BILL 2003**

The Tenants Union of Victoria Ltd. is a specialist statewide community legal centre that provides free information and advice to residential tenants, rooming house and caravan park residents across Victoria. In the year 2002/2003 we assisted more than 30,000 private and public tenants in Victoria, including 650 rooming house residents.

In addition we promote community awareness of tenancy laws and issues, lobby for tenancy law reform and provide accredited training on a statewide basis for tenant and housing workers. We also produce a number of publications including multilingual information in 11 community languages. In the previous year we have been members of a number of state Ministerial Advisory Committees related to housing and tenancy issues, and currently have a seat on the Victorian Housing Council.

We are particularly interested in how the Disability Discrimination Amendment Bill 2003 may adversely impact tenants in or attempting to access the residential rental market.

Having had an opportunity to read and discuss the submission to be provided to you by the Homeless Person's Legal Clinic we wish to advise that we fully endorse their comments and concerns.

In particular we submit:

- That in relation to rental housing the amendment will have its greatest impact at the point of access to the residential rental market. The low cost end of the market is already constrained and competition is high for a limited amount of properties. While discrimination already exists the amendment would effectively encourage landlords to discriminate against people with drug addictions by making it lawful.

*...continued*

- That the amendment may be misused within the unregulated residential tenancy database industry. Currently in Victoria, tenancy databases work as blacklists for tenants and their contents are unregulated. A listing for drug addiction could effectively restrict a person or household from the private rental market, forcing them into more marginal accommodation or homelessness.
- The Residential Tenancies Act in Victoria outlines the reasons under which a landlord can evict a tenant. The amendment may inadvertently lead to an increase in illegal evictions if landlords believe that they have a right to lawfully discriminate against people addicted to drugs and not seeking treatment. While those households that are aware of their rights or who seek assistance from an advocacy service may be able to take their case to VCAT, many households, particularly those who are most marginalised may end up homeless.

We would be pleased to provide further information if required. Should you wish to discuss this issue further please do not hesitate to contact me on (03) 9411 1444.

Yours sincerely,

Mark O'Brien  
CEO  
Tenants Union of Victoria