

Submission

To **Select Committee on the Residential Tenancies
(Minimum Standards) Amendment Bill 2024**

Topic **Residential Tenancies (Minimum Standards)
Amendment Bill 2024**

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About

We are an inclusive not-for-profit organisation working alongside more than 80,000 South Australians each year and have been creating positive change for South Australian communities for more than 120 years. We advocate for systems change across diverse social justice issues to shape public and social policy that delivers better outcomes for marginalised communities.

Uniting Communities provides several services for people who are experiencing, or at risk of experiencing, homelessness. The [Homeless Connect SA Service](#) is a 24/7 state-wide free call service that operates as a gateway to the specialist homelessness services in South Australia. Homeless Connect aims to link people to relevant services and to provide short-term assistance until a referral to a specialist homelessness service can be made.

The [Ruby's Reunification Program](#) helps to keep families together and prevents young people from entering the homelessness sector. The program does this by supporting young people and their parents or caregivers to resolve conflict and improve relationships. We also welcome young people who are currently not at home, but would like to find a way to return by providing:

- A safe place for the young person to stay, spending some nights at Ruby's and some at home where appropriate
- Family counselling
- 24-hour therapeutic support
- Access to tailored services for families.

We operate [Reconnecting Families – Reconnect \(Salisbury\)](#) which supports young people who are experiencing homelessness or at risk of experiencing homelessness in the Salisbury area. Our focus is on intervening early to reunify families through counselling, as well as connecting young people with education, training, work and their wider community.

Our [Kurlana Tampawardli](#) service provides short-term crisis accommodation for those visiting Adelaide from a rural area and are at risk of sleeping rough. We also support tenants of the South Australian Housing Authority (SAHA) who are experiencing overcrowding in their home. Part of the Kurlana Tampawardli service is helping people to return to country using 'safe tracking'. This service supports people who have been sleeping rough or living in crowded housing in Adelaide and wish to return home. Kurlana Tampawardli is Kurna for 'new house on the plains'.

We understand that dealing with the legal system can be confusing and daunting and staff in the [Uniting Communities Law Centre](#) assist people to work through these challenges. The qualified team provides support with information, advice, representation, referrals, or community legal education and these services are free.

Submission to inquiry into Residential Tenancies (Minimum Standards) Amendment Bill

Uniting Communities thanks the Select Committee for inquiring into the *Residential Tenancies (Minimum Standards) Amendment Bill*. We believe this inquiry is a crucial opportunity to highlight the ongoing issues experienced by renters in relation to poor housing conditions and a lack of energy efficiency.

Uniting Communities is very supportive of the Bill, we wish to draw the committee's attention to a number of factors, policy, research and case studies to highlight the change that is needed.

As a large community services organisation many of our clients are renters and are disproportionately affected by poor housing standards. Uniting Communities has long advocated for the need to improve rental home standards, including energy efficiency. We have been a supporter of the [Healthy Homes for Renters](#) campaign for many years. Uniting Communities along with 100 other organisations across Australia joined Healthy Homes for Renters earlier this year in [calling for mandatory energy performance](#) standards in the private rental market.

Last year, together with SACOSS and Better Renting, we co-hosted a parliamentary briefing with Hon Michelle Lensink MLC, Hon Rob Simms MLC and Nadia Clancy MP, on minimum energy efficiency standards.

The recent review of the *Residential Tenancies Act 1995*, neglected to implement effective minimum energy efficiency standards, as it was limited to the replacement of water fixtures and heaters in the main living area (when replaced or installed they must be a certain energy star rating). This neglects all properties that do not even have fixed appliances.

Despite the price of rentals increasing significantly, the standards of homes have not improved, rental properties are more likely to be poorer in quality than other dwellings, particularly in terms of [energy efficiency](#). For too long renters have lived in substandard housing conditions that lead to homes that are too cold in winter and too hot in summer. More people are renting for longer with [43%](#) renting for ten years or more, and into older life. A significant portion of the rental housing stock in South Australia are older dwellings, many that were built well before minimum energy efficiency standards were mandatory in 2003. As a result, with the absence of retrofitting, these properties continue to deteriorate and create unsafe and unsuitable environments for renters.

The reforms in this bill are not new policy proposals, minimum energy efficiency standards have been long discussed amongst policymakers in relation to housing standards. There are now examples interstate both in ACT and Victoria (as well as some in NSW and Tasmania) where legislative and policy changes, almost identical to this bill, have been made to improve housing standards. The ACT and Victoria have not only introduced minimum energy efficiency standards but are also looking to expand those standards. We believe it is time South Australia follow suit to make tangible impacts on the lives of South Australians in relation to their health, wellbeing and affordability of their energy amongst a cost-of-living crisis.

Our key recommendations:

1. **Support Legislative Action:** Endorse the passage of this Bill to strengthen rental housing standards, improve renter health, and enhance energy affordability.
2. **Ensure Compliance:** Any proposed measures must be mandatory, enforceable, and apply to all rental housing (including support for community housing providers).

3. **Strengthen Insulation & Draught Proofing:** Clause 7 would be strengthened by explicitly requiring landlords to repair wall deterioration, including cracks that allow outside air to enter.
4. **Increase Compliance Penalties:** The \$1,200 expiation fee should be removed as it fails to provide a sufficient deterrent for non-compliance.
5. **Housing Improvements Act 2016:** If amendments were to be made through the Housing Improvement Act 2016 (and Regulations), they must incorporate the key provisions from this Bill and introduce financial penalties for landlords who fail to meet housing standards (currently no financial penalty for non-compliance unless order has been breached).
6. **Consider Financial Assistance for Landlords:** Support a financial assistance scheme for landlords (alongside minimum legislative standards in this Bill), contingent on strict eligibility and oversight, ensuring funds are used exclusively for property improvements and not passed on to renters.

Additional Comments

Health

National research highlights that many rental homes have insufficient energy efficiency that leads to homes that are too hot in summer and too cold in winter. Renters are facing high energy bills trying to maintain a healthy, liveable temperature in their inefficient homes - or are faced with medical costs associated with the inability to afford to do so.

Research conducted by Better Renting revealed concerning temperatures inside renters' homes, in South Australia, temperatures as high as 45.3 degrees were recorded over Summer. Over 80% of housing in Australia was below the World Health Organisations healthy minimum indoor temperatures on average across the entirety of winter. Given other research indicates that rental homes are more likely to be poorer in quality than other dwellings, particularly in terms of energy efficiency, this number could be even higher for rental dwellings specifically. This has significant implications for peoples' health, especially for children, older renters and those with pre-existing health conditions.

Cold homes pose serious health risks including illnesses such as asthma and cardiovascular conditions. South Australia has a higher rate of deaths from extreme cold compared to Sweden, with researchers identifying poor heating and insulation as well as a lack of energy efficiency playing a role in these deaths.

Improving the energy efficiency of homes has been linked with improved health outcomes such as reduced time in hospital, lower blood pressure, and fewer days off from work or school. Research in Victoria recently identified that for each \$1 saved in energy costs for rental homes, more than \$10 was saved on health. The health benefits of energy efficiency retrofits dwarf any implementation costs.

Affordability

Cost of living and high energy costs are an increasing concern for renters. In 2020, research indicated that up to 40% of renters experience energy hardship, with the increasing cost of electricity and substantial increase in the cost of rent, we suspect this number is now greater. Energy debt is high in South Australia, renters like our clients in case studies 6 and 7, are struggling with energy debt that has forced them to turn off/reduce heating or cooling (usually portable appliances).

Attempting to power an energy inefficient home will cost more (use more energy) to achieve the same outcome as an energy efficient home. Meaning the impact of these high energy costs is not affecting

people equally, with renters (commonly those on lower incomes) are paying more to control the temperature of their home.

[Modelling from Climateworks](#) suggests that South Australian households have some of the most benefits to gain from improving the thermal and energy efficiency of their homes, with savings on average ranging from \$1,600 - \$2,700 per year on energy bills depending on the depth of upgrades undertaken. This is higher than the national average modelled as part of this research.

Even modest investments in energy efficiency improvements can lead to significant savings on energy bills. Just switching from gas to electric heating can save households at least \$500, while undertaking further energy efficiency upgrades such as installing ceiling insulation, blinds, and draught proofing can leave households over \$1000 better off [each year](#).

Implementing minimum energy efficiency standards would have a profound impact on the affordability of energy bills for renters and reduce energy stress. This would have positive, long-lasting impacts on renters' energy bills and would reduce the cases of renters living in unhealthy conditions as they cannot afford their energy bill.

Insulation and draught protection

Renters are more likely to live in a home without insulation and are less likely to have either double glazing or curtains on their windows. Currently the *Residential Tenancies Act 1995* and the *Housing Improvement Act 2016* and Regulations does not include a requirement for curtains/blinds for external windows (only for bedroom windows in rooming houses). This is an issue for renters like our client in case study one below, who has reported numerous insulation and draught issues including the absence of blinds/curtains to keep temperatures entering/escaping through windows.

If a home lacks basic insulation and draught protection any attempt to heat and cool a home will be ineffective.

Clause 6 (1) (2) and 7 of the Bill fills an essential gap in insulation and draught protection currently absent from the *Residential Tenancies Act 1995* and *Housing Improvements Act 2016*. There are no minimum insulation requirements in either Act currently. In relation to draught protection, the *Housing improvements Regulations 2017* outlines that, “*the residential premises must be reasonably draught proof and weatherproof,*” which is vague. This Bill provides much needed clarity on what reasonably draught proof means. The additional provisions in clause 7 of this Bill outlines clearly that this includes draught proofing, ‘*all chimney seals, window seals, door weather seals, exhaust fan seals, ceiling vent seals and wall vent seals in the premises must be well maintained in a condition that is effective to prevent draughts in the premises.*’ Clause 7 could be further strengthened by explicitly requiring landlords to repair any wall deterioration—such as cracks—that create draughts, especially where gaps allow outside air to enter.

Clause 8 of this Bill provides specific guidelines on what ventilation is needed whereas the wording in the *Housing Improvements Regulations 2017* currently, is vague, stating that each room, ‘*must be adequately ventilated,*’ which is open to interpretation. Section 8 of this Bill creates a requirement to install, ‘each external window in the premises that is able to be opened must be fitted with a flyscreen,’ which is an important ventilation provision.

Fixed appliances

We believe that Part 2 'Prescribed Heating and Cooling Requirements,' sets reasonable expectations on landlords to ensure their property meets basic health and livability standards by providing fixed appliances in the main living area. There is currently no requirement to have any fixed heating and cooling appliances in South Australian rental properties. Heating and cooling can account for about 40% of energy use in the home. It is unrealistic to expect tenants to afford to heat and cool their homes with portable appliances as portable appliances can cost more to operate and are less efficient. When used in energy inefficient homes, the bill is also considerably higher. Some renters do not use any portable heating or cooling at all as the subsequent energy bill is too high.

In Victoria the rental property must have an energy efficient heater in the main living area that is fixed, not portable. Victoria is also proposing reform that would require air conditioning as well. In Tasmania and New South Wales, a fixed heater is also required in the main living area. The New Zealand Healthy Homes standards were introduced into the *Residential Tenancies Act in 2019* and include requirements for heating in the main living room and appropriate floor and ceiling insulation.

Housing Improvement Act 2016

There is scope to implement changes through the regulations in the *Housing improvement Act 2016* but currently the provisions do not cover the same standards as proposed by this Bill. Insulation and fixed heating/cooling appliances are not covered. While ventilation and draught protection is briefly mentioned in the *Housing Improvement Regulations 2017* it is not clear what the requirements are as the wording is vague.

If consideration was made to make changes in the Housing Improvement Act 2016 and Regulations, not only would the important provisions in this Bill need to be replicated, so that parameters are concise but enforcement measures such as penalties for non-compliance must be introduced.

Although penalties exist for not complying with a housing improvement order, the landlord currently is not liable for any financial penalty for not complying with the housing standards in the Act/Regulations. Therefore, it provides no disincentive to fulfill the Act unless an order is made as section 35 – General duty (5) states that 'a person who breaches this section is not, on account of the breach alone, liable to any civil or criminal action.' Meaning there is no financial penalty currently under the *Housing Improvement Act 2016* for a landlord who rents out a premises that is unsafe and unsuitable for human habitation (conditions under the legislation).

Financial assistance

Uniting Communities is open to the prospect of a scheme that would provide financial assistance to landlords alongside the implementation of this Bill if certain criteria were met. This could include support to access home energy assessments, as well as access to targeted finance and subsidies (such as no interest loans, rate-based finance or inflation-indexed loans) for retrofits and appliances.

Importantly, this support should be conditional on the landlord fulfilling the conditions of the Bill (such as proof the finance has been used for these purposes e.g. retrofitting/appliances) and not passing the costs to the renter to support effective implementation (including regulatory oversight of this). This could be in the form of a signed statement of intent (that is also provided to the renter). Although we think it is important to make these measures subject to eligibility criteria so that landlords that need the support

receive it. The current transitional period in the Bill provides adequate opportunity to implement such a scheme during this time.

Critically, financial assistance must be accompanied by minimum legislative requirements, such as the requirements in this Bill, to ensure widespread implementation. There is [no evidence](#) to support that - by and large - landlords will provide safe, energy efficient housing and/or upgrades off their own initiative.

In Victoria, the state government implemented the [Victorian Energy Upgrade scheme](#), alongside legislative changes that included discounts on energy efficiency upgrades and access to assessments. In the ACT, alongside legislative changes to improve energy efficiency measures, landlords had access to a [zero interest loan](#) up to \$15,000 to implement changes to ceiling insulation. Rental providers can also claim the costs as a tax expense.

Uniting Communities [Beat the Heat program](#) in 2016 under the Federal Government's Low Income Energy Efficiency Program demonstrated that a well constructed and implemented split incentive scheme does have merit. This was one of the few examples to have successfully run such a scheme for private rentals in Australia.

Mandatory disclosure

We believe mandatory disclosure, as covered in Amendments to section 48 and insertion of 68B of the Bill, is an important for effective implementation. It will encourage compliance with the changes and provide renters with the information they need to make informed decisions, and determine whether they need to seek further improvements to the property from the landlord.

Implementation - enforcement

Currently, the *Residential Tenancies Act 1995*, relies on the tenant to take the landlord to the Tribunal to enforce compliance. This fails to recognise the power imbalance that exists as well as the vulnerability many renters experience out of fear of homelessness (from a notice to vacate) and a rent increase. We have previously advocated for better resourcing within government departments to enforce the legislation through active oversight such as the enforcement of penalties for non-compliance.

The dedicated authority that has already been established for the *Housing Improvement Act 2016* could provide for better enforcement over housing standards specifically, if the legislation was improved, penalties were added, and awareness of the office was raised. Issues may still arise as a result of the power imbalance between landlords and tenants without better enforcement over the remaining provisions within the *Residential Tenancies Act 1995*, renters may be hesitant to seek assistance from the Housing Safety Authority if they could receive repercussions from the landlord.

We also recommend that the expiation fee within the Bill is removed as we do not believe \$1200 is high enough to act as a deterrence to non-compliance.

Case studies

Case Study 1: Housing Challenges for Visa Holders

Anna* and her family—her husband and five children—arrived in South Australia on a humanitarian visa. Initially, they were provided temporary housing, but were forced to vacate within six months. Since then, they have secured a four-bedroom rental property at \$600 per week, yet the home presents numerous structural and safety concerns.

The heating system remains inoperative despite attempts at repair, leaving the family vulnerable to the cold. The outdoor area is deteriorating significantly, with unstable structures and lifting pavers posing safety risks. One of the bathrooms is unusable due to persistent drainage issues and mould growth, exacerbating the family's living difficulties.

Throughout the house, multiple doors do not fit properly, compounding insulation concerns. The laundry door appears warped, allowing cold air to enter, while the glass sliding doors lack stability and fail to provide adequate thermal protection. Furthermore, the absence of fitted blinds/curtains on some external windows leaves the home exposed to external elements—an expense Anna cannot afford.

Due to her precarious situation, Anna hesitates to raise these concerns, fearing that doing so could jeopardize her housing security, leaving her and her five children without shelter.

Case Study 2: Housing Challenges for Low-Income Families

Elizabeth*, a single mother and her two young children—a one-year-old son and a five-year-old daughter—have been engaged with a service at Uniting Communities. The family resides in Gilles Plains in a private rental, paying \$450 per week for a home built in 1956—predating minimum energy efficiency standards.

Despite her efforts to maintain an immaculate home, the property presents significant structural and insulation issues. The guttering is falling apart, and the bottom windows in the front room are missing glass, boarded up with gaps that make summers unbearably hot and winters bitterly cold. The house, constructed with fibro board sheeting, lacks proper insulation, and the main living area has no fixed heating or cooling.

As the landlord neglects essential maintenance, the condition of the home continues to deteriorate, leaving the family vulnerable to unhealthy and unstable living conditions.

Case Study 3: Public Housing Renter

Jack* is an older client in the Yorke Peninsula, supported by Uniting Communities to remain living independently. He currently lives in a one-bedroom public housing unit that lacks both fixed heating and cooling, as well as adequate draught protection.

In winter, significant sea winds from the nearby coastline cut through the poorly sealed home, making the indoor temperature dangerously low. The unit becomes just as unliveable in summer. Without air-conditioning, it regularly overheats, and Jack has no safe or affordable place to escape the heat. His only option during heatwaves is a local café, but it's not always open. Jack lives on a low income and cannot afford to purchase or install his own air conditioner and there is no requirement for the property to provide basic climate control like an air-conditioner.

The condition of the unit is generally poor. Until recently, Jack only had a single small cupboard and nowhere else to store his clothes. He had been keeping them on the floor.

Case Study 4: Public Housing Renter

An older Aboriginal client, supported by Uniting Communities to continue living independently, is currently living in a one-bedroom brick public housing unit in South Australia's Far North. The property has no fixed heating or cooling. A gaping hole remains where an old air conditioner once was. With no insulation the unit is exposed to the extreme outside temperatures.

During recent summers, the region has experienced prolonged heatwaves, with temperatures exceeding 45°C on multiple days. Without any cooling, the client endures stifling indoor conditions. Staff have described the unit as a "sweat box."

This man lives with a range of chronic health conditions and mobility issues, and the extreme heat has a direct, harmful impact on his health and wellbeing. On particularly hot days, his only reprieve is the local public library, when it's open.

Case Study 5: Housing Instability in Social Housing

A single mother residing in a Transitional Housing Program (THP) community property with her young child is facing significant housing challenges. With her short-term lease set to expire in two months, she has been unable to secure alternative accommodation due to financial constraints, leaving her housing stability in jeopardy.

From the outset of her tenancy, she reported severe maintenance issues, including a persistent mice infestation. Despite multiple requests for remediation, these concerns remain unaddressed. Additionally, the property lacks both heating and cooling, making it particularly difficult for her and her child to manage extreme weather conditions.

The unresolved issues surrounding her tenancy continue to impact her wellbeing, further exacerbating the precarity of her housing situation.

Financial Wellbeing team:

Uniting Communities has a history in providing financial support services through our financial wellbeing team. Over the years, this service has seen a strong presence of renters struggling with energy bills, often due to homes that lack basic energy efficiency standards. As it is costing too much to heat and cool homes renters have reported implementing coping strategies such as families sleeping in one room when cold and going to bed fully clothed, adversely impacting their health and wellbeing.

Case Study 6: Financial Hardship and Energy Debt

Lyn*, a 55-year-old JobSeeker recipient is the primary carer for her daughter and living in a rental property. While relying on Centrelink payments to support her household, she is struggling with mounting financial pressures.

She has accrued a \$7,000 debt with her energy provider, but the proposed repayment plan—requiring \$300 per instalment—is unmanageable within her current income. Despite her circumstances, she has been threatened with disconnection if she is unable to meet the payment agreement, exacerbating her financial insecurity.

In addition, the energy provider has requested a \$1,700 upfront payment for the installation of a smart meter, citing faults with her existing meter that have led to estimated billing. However, the meter has been inspected and found to be functioning correctly. The excessively high bills appear to be the result of prolonged estimated usage rather than actual consumption. Given her financial constraints, she cannot afford the cost of a smart meter installation.

Case Study 7: Energy Hardship Among Pensioners

Claire* a 78-year-old woman relying on the Age Pension is facing significant financial strain due to rising energy costs in her rental property. She currently owes \$1,000 to her energy provider and has drastically reduced her use of heating and cooling in an attempt to manage expenses.

Despite her efforts to cut back on energy consumption, her bills remain high due to increasing tariff rates and poor housing standards/appliances—placing a growing financial burden on her limited pension income. As a result, she is living in energy hardship, sacrificing basic comfort to avoid accumulating further debt.

*names changed for privacy reasons.

Conclusion

We welcome the opportunity to contribute to the Select Committee’s review of the Minimum Standards Bill. This Bill establishes essential, enforceable standards for rental properties across South Australia, ensuring that all homes meet fundamental requirements for health and safety.

The proposed measures are not ambitious or idealised standards—they are basic protections that every rental property should provide. By requiring essential features such as insulation and efficient cooling/heating, the Bill allows renters to maintain a safe and comfortable home without the constant worry of excessive energy costs.

We look forward to collaborating with the committee to advance these necessary reforms and improve living conditions for renters across the state.