



Child and Family Focus SA Submission

**Review of the
South Australian
Residential Tenancies Act 1995**

December 2022

Acknowledgement

We acknowledge the traditional lands of the Kurna people and acknowledge the Kurna people as the custodians of the Adelaide region and the Greater Adelaide Plains. We pay our respects to Kurna Elders past, present and emerging.

We acknowledge the traditional custodians of land beyond Adelaide and the Adelaide Plains, and pay our respects to all Aboriginal Elders past, present and emerging.

We acknowledge and pay our respects to the cultural authority of our Aboriginal and Torres Strait Islander colleagues and are grateful for the cultural expertise that they represent.

The role of Child and Family Focus – SA

CAFFSA is the South Australian peak body and industry association for child safety and child protection, representing the needs of South Australian children, young people, families, and the non-government, not-for-profit organizations who support them.

Background to this submission

CAFFSA is lodging this submission to provide context for the importance of getting the settings right for vulnerable children, young people and families during this review process and to **fully endorse the submission made by Shelter SA - The South Australian Peak Body for Housing (attached.)**

The context for this submission

Safe, healthy and affordable housing is a fundamental underpinning in the health and wellbeing of South Australian children, young people, families. As many vulnerable families cannot afford to buy or finance their own homes, the role of the Residential Tenancies Act 1995 and Residential Tenancies Regulation 2010 in regulating the relationship of landlords and these tenants under residential tenancy agreements in South Australia is vital.

CAFFSA commends the intent of the review, as stated in the SA Government’s Discussion Paper¹ to *meet the needs of today’s rental housing market, improve the rights and safety of renters and ensure landlords can continue to manage properties effectively.*

CAFFSA is particularly interested in these aims given the strong links between the lack of access to stable and affordable housing and child and family stress.

A child’s access to safe, stable and adequate shelter is recognised as a basic human need. Shelter is generally considered to be a safe and secure place of one’s own where the routines of daily life can be established, enabling children and their families to engage with the wider community—socially, recreationally, and economically. Having adequate housing is also important for physical and mental health (AIHW 2018).²

Shelter is closely linked to the social and emotional aspects of a child’s wellbeing, as it acts as a secure base from which children can engage in social interactions, enhance self-esteem and maintain self-identity.

The housing components affecting children’s development and wellbeing include:

- home ownership
- housing costs (related to mortgage repayments or rent) and associated financial stress
- mobility (frequency of house moves)
- homelessness
- overcrowding
- characteristics of the dwelling, including environmental allergens, cleanliness and disrepair (AIHW 2018; Sartbayeva 2016).

The vulnerability of young people leaving care in the housing market

As noted in an AIHW report published in October 2022, young people who are, or have been, in out-of-home care (OOHC), such as foster, relative/kinship or residential care, face greater vulnerability and a higher risk of experiencing poor outcomes in key areas important to wellbeing. These areas include housing, education, employment, and involvement in the criminal justice system. This may reflect the significant life disruptions that led to their placement in care, wider exposure to disadvantage and trauma during their childhood, the quality, security and stability of their placements, and the lack of family and support networks to assist their transition from OOHC to independence.³

¹ [https://ehq-production-australia.s3.ap-southeast-2.amazonaws.com/e519a90519b2721258a2ef1a68eeb577019ecee2/original/1668399722/a00eb440e5dac050473784f5040500ec Residential Tenancies Act Review - Discussion Paper.pdf](https://ehq-production-australia.s3.ap-southeast-2.amazonaws.com/e519a90519b2721258a2ef1a68eeb577019ecee2/original/1668399722/a00eb440e5dac050473784f5040500ec%20Residential%20Tenancies%20Act%20Review%20-%20Discussion%20Paper.pdf)

² Australian Institute of Health and Welfare 2020. Australia’s children. Cat. no. CWS 69. Canberra: AIHW.

³ Australian Institute of Health and Welfare 2022. Income support receipt for young people transitioning from out-of-home care 2022, catalogue number CWS 90, AIHW, Australian Government.

The OOHC study population was more likely to receive income support, and for longer periods of time, compared to the Australian population of the same age. The proportion of the OOHC study population receiving income support was highest at the ages they were transitioning from care (18-20 years), followed by a slight decline as they approached 30. However, despite this decline, the OOHC study population continued to have much higher receipt than the Australian population of the same age throughout their late twenties (54%–55% compared with 14%–16% between ages 25 and 29, respectively), with the difference in receipt between the two populations increasing with age. The findings in this study have highlighted that the OOHC study population are in need of income support for longer or are repeatedly moving in and out of income support into their late 20's, suggesting they are at increased risk of not being able to maintain ongoing employment. For the Australian population of the same age, receipt of income support tends to be associated with key life stages such as pursuing further education or training or starting a family, resulting in shorter periods of time receiving income support rather than ongoing support.⁴

These statistics are particularly important when considering the availability of rental properties in South Australia that are affordable for people in receipt of income support. The dearth of opportunities (in many cases nil available affordable properties for this cohort) explains the issues young people leaving care have experienced over many years in relation to securing affordable housing. It demonstrates the urgency with which the SA Government needs to address rising rents, which can only partially addressed in the review of the RTA and requires further systemic action.

The South Australian context – An availability crisis in the affordable rental property market

Anglicare Australia released its annual Rental Affordability Snapshot in April 2022 and it demonstrates the urgent need for the review of the RTA of meeting the stated aim to *meet the needs of today's rental housing market*.

The Snapshot surveyed 45,992 rental listings across Australia and found that:

- 720 rentals (2%) were affordable for a person earning a full-time minimum wage
- 312 rentals (1%) were affordable for a person on the Age Pension
- 51 rentals (0%) were affordable for a person on the Disability Support Pension
- 7 rentals, (0%) all sharehouses, were affordable for a person on JobSeeker
- 1 sharehouse (0%) was affordable for a person on Youth Allowance.

With the release of the report, Anglicare Australia noted that rents are shooting up in towns and regions, and our cities have never been more expensive. They called for Government to raise JobSeeker and other payments above the poverty line, to protect people from unfair rent increases and boost affordable housing to address the shortfall.⁵

⁴ Australian Institute of Health and Welfare 2022. Income support receipt for young people transitioning from out-of-home care 2022, catalogue number CWS 90, AIHW, Australian Government.

⁵ <https://www.anglicare.asn.au/2022/04/28/anglicare-australia-releases-rental-affordability-snapshot-all-parties-must-commit-to-affordable-housing/>

In the South Australian section of the Rental Affordability Regional Snapshot prepared by Anglicare Australia, ⁶ ac.care provided information of the Limestone Coast, Murraylands/Adelaide Hills and the Riverland. The issues regarding homelessness and housing affordability were similar across all three regions. Major issues faced by people on income support payments in regional South Australia include limited access to affordable and/or appropriate housing, limited employment opportunities, social exclusion, and isolation.

ac.care found that that no rentals were affordable for a person on the JobSeeker payment. This includes sharehouses. The shortage of affordable rentals will condemn people to make difficult decisions to keep a roof over their head. Families out of work are also facing a dire situation. An out-of-work couple with two children can afford 14 percent of rentals. Single parents out of work face even tougher odds, with affordability at just one percent. This helps explain why the rate of JobSeeker is such a critical factor in child poverty – one in six children now lives in poverty, with those growing up in households that depend on JobSeeker at much greater risk. This year's results again show how brutal the rental market is for young people. A person on Youth Allowance looking for a sharehouse can afford zero percent of rentals. Youth Allowance is the lowest of all government payments, and year after year, we find young people are at the bottom of the affordability ladder.

The situation was even more dire in metropolitan Adelaide. AnglicareSA found that people on income support, especially those who are out of work, have few options. Zero percent of rentals were affordable for a person on the JobSeeker payment. This includes sharehouses. An out-of-work couple with two children can afford zero percent of rentals. Single parents out of work can similarly afford zero percent of the market. This helps explain why the rate of JobSeeker is such a critical factor in child poverty – one in six children now lives in poverty, with those growing up in households that depend on JobSeeker at much greater risk. This year's results again show how brutal the rental market is for young people. A person on Youth Allowance can afford zero percent of rentals. Youth Allowance is the lowest of all government payments, and year after year, we find young people are at the bottom of the affordability ladder.

The South Australian context – homelessness.

In SA, around 4,400 clients received support from specialist homelessness services because they were homeless in 2021–22. 49% (2,100 clients) were assisted into housing. Of these clients, around 790 clients were housed in public or community housing, while around 1,300 clients were housed in private or other housing. Of the 5,100 clients who began the support period housed but were at risk of homelessness in 2021–22, nine out of ten (89% or 4,500) were assisted to maintain housing.

⁶ <https://www.anglicare.asn.au/wp-content/uploads/2022/04/Rental-Affordability-Snapshot-Regional-reports.pdf>

Of these clients at risk:

- around 4 in 5 (82% or 1,100) of those in public or community housing were assisted to remain in their tenancy and a further 145 were assisted into private or other housing.
- around 4 in 5 (81% or 2,800) of those in private or other housing were assisted to remain in their tenancy and a further 245 were assisted into public or community housing.

Well over half of these people were children or young people and 26% were seeking assistance because of family and domestic violence.⁷

Each year, Mission Australia asks young people aged 15 to 19 in Australia to share their challenges, concerns and experiences in Australia's largest annual survey of young people. The Youth Survey 2022 details findings from 18,800 responses to the. In relation to the experience of young people specifically in South Australia, of the 1,332 responses 2.9% had no fixed address or lived in a refuge or transitional accommodation and 13.3% were worried about having a safe place to stay.⁸

The South Australian context – The links between affordable housing and child protection

Homelessness and housing instability threaten child well-being and family stability. Housing problems are associated with a range of consequences for physical and mental health, and the absence of safe, secure, and affordable housing impacts healthy child development and diminishes opportunities for social mobility in adulthood.⁹

Inadequate housing uniquely strains family functioning and critical connections with the community. Caregivers endure acute pressure to resolve housing crises that compromise capacities to provide emotional support for children. Additionally, frequent moves disrupt family rituals and routines fundamental for developing emotional and behavioral regulation. Frequent mobility associated with inadequate housing disrupts childhood friendships and impinges on ties with teachers and neighbours, limiting social capital. Additionally, repeated reliance on relatives and friends for accommodation frays relationships between caregivers and children. Doubling up limits child and caregiver physical and emotional space to promote healthy development. Involvement with child protective services is common among families experiencing inadequate housing conditions. As with other issues of material deprivation, inadequate housing is an area where the distinction between neglect and poverty is difficult to ascertain, and the response of the child protection system to inadequately-housed families is largely understudied.¹⁰

⁷ AIHW, 2022, Specialist homelessness services 2021–22: South Australia, https://www.aihw.gov.au/getmedia/ca6cee69-21cf-4023-ae17-9c8f5ae56ccb/HOU331_Factsheet_SA.pdf.aspx

⁸ Leung, S., Brennan, N., Freeburn, T., Waugh, W., & Christie, R. (2022). Youth Survey Report 2022: South Australia sub-report. Sydney, NSW: Mission Australia

⁹ Patrick J. Fowler, Katherine E. Marcal, Peter S. Hovmand, Meeting housing needs of child welfare-involved families: Policy insights from simulation modeling, Child Abuse & Neglect, Volume 132, 2022, 105809, ISSN 0145-2134, <https://doi.org/10.1016/j.chiabu.2022.105809>.

¹⁰ Ibid

Recent South Australian research analysing data drawn from the South Australian (SA) Better Evidence Better Outcomes Linked Data (BEBOLD) platform found that:

... (O)f the children born 1999–2013 who had been notified to child protection at least once (n=67 454), over half (n=40 540; 60.1%) also had contact with public housing. The largest proportion (n=33 492; 82.6%) were in a households provided with short-term private rental assistance, followed by those who were ever on a public housing waitlist (n=24 439; 60.3%). A relatively smaller proportion (n=16 078; 39.7%) had ever lived in public housing. However, it was common for children to have experienced combinations of types of housing assistance. ..(J)ust under a quarter of children (n=9583; 23.6%) had experienced all three types of housing assistance.¹¹

More than 60% of children with at least one notification to child protection had contact with public housing, and 60.2% of those known to both systems were known to housing first. Children known to both systems experienced more emergency department and hospitalisation contacts, greater developmental vulnerability and were about six times more likely to have youth justice system contact.

In closing, the Submission to the Review of the Children and Young People (Safety) Act 2017 by the South Australian Council of Social Services noted:

Renters on low incomes struggle with housing affordability. In 2018, of the 204,000 South Australian renter households, nearly 60 per cent were in the bottom two income quintiles. Of those low-income renters, 32.4 per cent or 39,556 households were in housing stress, that is, spending more than 30 per cent of their income on housing costs. This level of housing stress adds to the general stress and tension experienced by families and their children, and affects a family's ability to pay other household bills, food, education and healthcare needs. Despite all the efforts that a family might make, being unable to afford to pay for and provide for these needs can very easily be interpreted as neglect or abuse. In order to avoid this, it is essential that every effort is made to ensure that families' housing, material and financial needs are adequately met. This needs to be supported by a significant investment to increase the net stock of public housing in South Australia; streamline concessions and increase the Cost-of-Living Concession for renters to the level that is paid to homeowners; and an increase to the Commonwealth Rent Assistance (SACOSS 2021).¹²

CAFFSA supports this call for systemic action required by both the federal and South Australian Government, alongside the more specific changes to the RTA as outlined in the submission to the current review by Shelter SA (attached.)

¹¹ Malvaso C, Montgomerie A, Pilkington RM, et al, Examining the intersection of child protection and public housing: development, health and justice outcomes using linked administrative data, BMJ Open 2022;12:e057284. doi: 10.1136/bmjopen-2021-057284

¹² SACOSS, 2022, SACOSS Submission to the Review of the Children and Young People (Safety) Act 2017

