

Establishment of a NSW Rental Commissioner

A NSW Rental Commissioner could play an effective and timely advocacy role in driving change in our NSW rental system, provided:

- Renters are considered the Commissioner's priority stakeholder, with their role's object or key purpose being to ensure a housing system that delivers secure, affordable and healthy homes for renters in NSW.
- A NSW Rental Commissioner is provided appropriate powers and adequate resourcing to undertake the currently proposed role.
- Establishment of a NSW Rental Commissioner does not delay introduction and implementation of urgently needed reforms.

Background

The NSW Labor government has committed to establishing a NSW Rental Commissioner. They intend the Commissioner to be an advocate and voice for renters.

The current proposal to establish a Rental Commissioner acknowledges that a significant number of people rent their home, and that unfortunately they continue to face significant barriers accessing secure, affordable, healthy homes. It also implicitly acknowledges that renters have not always been well served by government policy or regulatory structures over many decades. Concerted advocacy with decision makers and government agencies is required to address and remove these barriers, and a NSW Rental Commissioner could complement and strengthen current advocacy efforts.

Current proposed role

NSW Labor proposes the Rental Commissioner work closely with government, stakeholders and renters to:

- implement the following tenancy reforms: replace 'no grounds' evictions with reasonable grounds, make tenancy law more pet friendly, introduce a portable bond scheme, better regulate rent bidding, and ensure renters' data and personal information is stored securely, and better protect against data breaches.

It is also intended the Rental Commissioner will play a key role in assisting government:

- Identify barriers to increasing housing supply for renting;
- Identify practices and gaps that erode the rights of renters;
- Identify options for longer term agreements, giving security and certainty to both renters and owners;

- Initiatives including educational resources for renters and owners to increase knowledge of their rights'
- Gather data on renting and survey renters to help inform future policy making; and
- Identify ways for renters to more easily access energy efficiency initiatives.

Appropriately it is not proposed the Commissioner play a role in individual advocacy such as resolving disputes, providing legal advice, representing renters at court or tribunal, hearings or dealing with complaints about government services. However, the Commissioner should have the ability to guide and focus compliance and enforcement efforts within Fair Trading with additional resources made available to Fair Trading.

An effective advocate for renters

The Tenants' Union believes the establishment of a Rental Commissioner could be a positive development, provided the following:

- The role is focussed on considering and delivering good housing outcomes for renters. NSW renters are considered the Commissioner's primary and priority stakeholder.
- Appropriate powers are provided to the Commissioner to ensure they are able to access and gather all data available to the NSW government regarding the rental housing system. This may require legislated power to collect data and government information from government agencies
- Adequate funding is provided to support the establishment of their office. This must include appropriate consideration of the staffing and resourcing required to undertake the role, in particular:
 - Consultation with renters and other key stakeholders
 - Compliance and enforcement powers provided to either the Commissioner directly or the Commissioner of Fair Trading and their Department, for example in relation to investigating complaints raised regarding landlord and/or agent conduct and application of penalties
 - Gathering and analysing data and government information on renting, and sharing findings or insights with government and broader community
- The establishment of a Rental Commissioner and their office does not delay the introduction and implementation of reforms the NSW Labor government has committed to introduce.
- The establishment of a Rental Commissioner is not seen as reducing the need for funded tenants advice services including with a role in law reform and policy development work. External stakeholders will continue to provide advice and expertise that a government entity should value highly. Stakeholders require funding to engage in consultation processes as well as direct service provision.