

Tenancy Referral Project Report

August 2022



Tenants Victoria acknowledges the Wurundjeri people of the Kulin Nation as the traditional owners of the land on which we practise. We recognise that sovereignty was never ceded and pay our respects to their Elders past, present and emerging.

About Tenants Victoria

Tenants Victoria is the peak body for the state's renters, who number almost 2 million people. Our vision is for a safe, secure and affordable home for Victorian renters in a fair housing system. For many renting is a permanent situation rather than a transition from the family home to home ownership. We believe all renters should be able to afford a home that allows them to live full lives and contribute to their communities.

Founded in the 1970s by renters, we aim to empower all renters and make sure their voices are heard in our advocacy. We work in partnership with other community legal centres and housing sector organisations, and strategically with government to inform policy development and enhance service delivery.

Our services include information, legal representation and advice, financial counselling, and outreach. We aim to make the housing system fairer in several ways. We advocate for practices and attitudes that respect renting and for policies and laws that support the rights of renters. We increase the skills of the community workers who assist renters. We provide information that encourages rental providers and real estate agents to act responsibly.

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Acronyms and abbreviations

ABS	Australian Bureau of Statistics
AHURI	Australian Housing and Urban Research Institute
CALD	Culturally and linguistically diverse
CAV	Consumer Affairs Victoria
CHO	Community Housing Organisation
CLC	Community Legal Centre
DFFH	Department of Families, Fairness and Housing
HAAG	Housing for the Aged Action Group
FCLC	Federation of Community Legal Centres
LAW Survey	Legal Australia-Wide Survey
LHO	Legal Help Online
RHAAP	Retirement Housing Assistance and Advocacy Program
SHASP	Social Housing Advocacy and Support Program
TAAP	Tenancy Assistance and Advocacy Program
VCAT	Victorian Civil and Administrative Tribunal
VLA	Victoria Legal Aid

Executive summary

The renter support sector, of which Tenants Victoria is a key part, is a network of organisations that provide both legal and non-legal support to renters in Victoria. The sector has a long history, stemming from the tenants' rights movement in the 1970s, and now encompasses a diverse range of organisations. This includes legal assistance services (including community legal centres), non-legal organisations such as those providing Tenancy Assistance and Advocacy Programs (TAAPs) and Tenancy Plus services, and others.

During the COVID-19 pandemic, from early 2020 onwards, demand for renter support expanded, as new cohorts of renters found themselves struggling financially and facing housing uncertainty for the first time. High quality and effective referrals to organisations that could help renters became increasingly important, given the dwindling supply of services relative to demand. Tenants Victoria service experience during this period suggested that there was minimal coordination of referrals throughout the renter support network, and that this was having an adverse impact on renters, whose engagement with and trust in support services was diminished through incorrect referrals, the 'referral roundabout', and 'referral fatigue'. It also resulted in inefficiencies in the sector, including through incorrect referrals, duplication, and client complaints.

The Tenancy Referral Project aims to map the renter support sector, investigate the challenge of more effective coordination of referrals within the sector, and make recommendations about the ways in which these challenges can be met. Through this project, Tenants Victoria is aiming to contribute to a more efficient, coordinated, and collaborative sector, that can and does assist more renters, more effectively.

Key findings

Referral approaches

- Effective triage, referral and follow up procedures are crucial to matching client need and capability with the appropriate level and model of service. Referral approaches need to be tailored to the needs of the client.
- Effective referral systems depend upon good relationships, knowledge and trust. This requires proactively managing client expectations to ensure they understand why and to where they are being referred, the nature of the service they are being referred to, expected wait time and any costs.

Rental legal need in Victoria

- There is limited available data on the number of renters who experience legal issues and require assistance.
- A report by Consumer Affairs Victoria found 57% of renters had experienced legal issues in the last two years (Briarbird and the Evolved Group 2019). However, only a small number took legal action or sought legal advice. The most common action was to complain to a real estate agent, followed by doing nothing. Many sought advice outside the rental support sector.

Accessing legal assistance

- Recent capacity shortages in the sector may negatively impact on referral quality.
- Eligibility for services and level of support for renters differs depending on tenure.
- A recurring message from stakeholders was that the renter support sector needs to develop consistent referral guidelines.
- There is no single-entry point for renter referrals in Victoria, which can make it challenging to find legal support.
- There is no centralised renter-support referral directory or online tool. Different systems have different levels of functionality or are not regularly updated. Legal Help Online by Victoria Legal Aid incorporates some rental support elements which is well-used by legal assistance organisations.
- Stakeholders recommended the development of centralised directories, online triage systems, and other resources for renters and workers to use.
- Non-legal professionals play a role in identifying legal issues. Additional support services may also be needed to assist with the resolution. There are opportunities for greater collaboration with organisations beyond the legal profession that provide referrals and support services.
- Many renters do not use passive referrals (where a service provides a service user with the contact details of another service to make contact themselves). For some, this is because they feel they are being passed from service to service without getting the help that they need ('referral roundabout' or 'referral fatigue').
- Stakeholders supported implementing client-centred referral practices. This includes using facilitated referrals where useful, following up on the efficacy of referrals, and using internal referrals within integrated services to support clients with complex needs.
- Many stakeholders indicated there was a lack of clear, up-to-date and accessible information about what services are available, what their intake criteria is and how to access them. This diminishes renters' ability to independently find the right service and increases the likelihood that a referral will be required. In addition, it makes it difficult for workers to identify the place to refer renters as it is difficult to know capacity or operational guidelines of other support services.
- Fostering relationships between rental support services was seen as an important opportunity by stakeholders for addressing issues regarding capacity, common issues and criteria.

Summary of recommendations

The report identified the following opportunities for reform to improve referral practices and client outcomes.

Offer consistent services and referral practices

- Recommendation 1: The renter support sector advocate to the Victorian Government to align the scope of renter support services available to social housing renters and private renters.
- Recommendation 2: The renter support sector advocate to the Victorian Government to align TAAP and Tenancy Plus Operational Guidelines, intake criteria and referral processes.

Provide centralised renter support service directories and self-help tools

- Recommendation 3: Create a publicly available and suburb-searchable renter support directory for renters.
- Recommendation 4: Develop an online triage tool for all renter support services.

Cultivate a more flexible and resourced approach to referrals

- Recommendation 5: Renter support sector organisations shift the referral approach to resource more facilitated referrals and follow-ups on the efficacy of referrals in priority cases (particularly in the case of CALD renters and family violence survivors).
- Recommendation 6: Tenants Victoria commit to shifting the referral approach to more facilitated referrals and follow-ups and share learnings with the sector.

Implement a centralised, and standardised, approach to facilitated referrals

- Recommendation 7: The renter support sector work with the Victorian Government to implement a standardised and centralised facilitated referral tool and referral protocol for the renter support sector.

Support stronger sector relationships and joined-up services

- Recommendation 8: The renters support sector engage in regular renter support sector networking activities to support stronger relationships and communication across the sector.

Develop referral training

Recommendation 9: Tenants Victoria to develop and deliver sector-wide renter support referral training.

Encourage consistent use of Legal Help Online (LHO) across the renter support sector

Recommendation 10: Recommendation 10: Train and encourage the renter support sector to use the LHO tool for referrals.

Recommendation 11: Recommendation 11: All renter support services to implement processes to ensure that their LHO entries are current and include up-to-date information about capacity where possible.

Build relationships with diverse referral points

Recommendation 12: Renter support sector to build referral relationships and partnerships with more diverse referral points, including local government, the police, Centrelink and others.

Recommendation 13: Tenants Victoria to engage with VCAT to understand existing triage processes in its Registry and identify opportunities to improve effectiveness for determining whether a legal assistance referral is required and to make a referral where appropriate.

Improve monitoring and evaluation

Recommendation 14: Renter support network to implement procedures for follow-up and data collection to assist with monitoring and evaluation.

1 About the Tenancy Referral Project

1.1 Introduction

During the COVID-19 pandemic, demand for renter legal support increased, as new cohorts of renters experienced financial hardship and housing uncertainty. Tenants Victoria service experience during this period suggested that there was minimal coordination of referrals throughout the renter support sector. This had an adverse impact on renters, whose engagement with and trust in support services was diminished through incorrect referrals, the ‘referral roundabout’, and ‘referral fatigue’. It also resulted in inefficiencies in the sector, including through incorrect referrals, duplication, and client complaints.

Tenants Victoria initiated research as part of the Tenancy Referral Project to better understand the legal services provided by the renter support sector, the experience of people seeking legal support and the effectiveness of outcomes.

1.2 Aims and objectives of the project

Through this project, Tenants Victoria aims to increase efficiency, coordination, and collaboration within the referral system, to improve access to and the effectiveness of support services for renters in Victoria.

The project objectives are to:

- Map the renter support services available in Victoria
- Investigate how renters find or refer themselves to renter support services
- Assess the efficacy and timeliness of referrals between renter support services
- Investigate the eligibility requirements and referral processes of the renter support sector
- Understand the impact of ineffective referrals on accessibility of renter support services
- Investigate the challenges in more effective coordination of referrals within the sector
- Make recommendations about ways in which these challenges could be met.

1.3 Methodology

The following research was conducted to understand the experiences of those accessing renter support services and professionals who deliver existing referral systems.

Renter user experience study

In October 2020, Tenants Victoria lawyers and intake workers were asked to provide details of outgoing referrals made to other tenancy support services to the Tenancy Referral Project. In total, outgoing referrals were recorded for 64 participants.

Between mid-November and early December 2020, participants were contacted to provide feedback on the efficacy of the referrals made for them by Tenants Victoria. 30 interviews were conducted, with the findings recorded and summarised to generate a picture of how effective outgoing referrals were in getting renters the support they needed.

At the time of contact, few cases had progressed to VCAT, making it difficult in some cases to assess the efficacy of the assistance and referrals provided by Tenants Victoria and other services. In general, many cases had not resolved or did not result in a substantive dispute. While the number of interviews conducted was relatively small, the data offers some insight into the experience of renters seeking legal assistance.

Analysis of these experiences is discussed in chapters 3, 4 and 5. A series of client journeys derived from this study is included in Appendix C.

Consultation with renter support services

Renter support services surveys

Tenants Victoria conducted several surveys between January and April 2021, to understand how renter support referrals were made across the renter support sector. This included surveys of:

- TAAP and Tenancy Plus providers about their renter support and referral practices. 20 responses were recorded, including 5 that were anonymous. 6 TAAPs and 7 Tenancy Plus providers did not respond.
- Generalist and tenancy specialist CLCs, including Justice Connect, about their renter support and referral practices. 18 responses were recorded, while 8 CLCs did not provide a response.
- Internal lawyers and intake workers at Tenants Victoria. The survey asked several questions about how Tenants Victoria workers make referrals and use referral resources.

Roundtable consultation

In May 2021, Tenants Victoria hosted the Tenancy Referrals Roundtable Consultation. The purpose of the session was to present findings on the current state of renter support referrals in Victoria, and to gather participants' feedback on proposed recommendations for reform. Participants included workers and managers from renter support services throughout Victoria, representatives from Consumer Affairs Victoria (CAV), and a representative of the Officer of the Commissioner for Residential Tenancies.

A list of the discussion questions and attendees is set out at Appendix D.

Interviews with renter support services workers and managers

Over the course of the project, Tenants Victoria interviewed several workers and managers at renter support services about their reflections on how renter support referrals worked from the perspective of their individual organisations. Interviews were conducted with:

- Tenancy Plus managers
- An Initial Access Point (IAP) program manager
- A Private Rental Assistance Program (PRAP) manager
- A TAAP worker
- Representatives from Consumer Affairs Victoria.

1.4 Structure of this report

Chapter 2 explains different types of referral approaches and discusses principles underlying an effective referral system.

Chapter 3 describes the demand for legal services by renters in Victoria. It highlights research exploring the key legal issues renters experience and how they seek help. This chapter also provides an overview of the rental support sector in Victoria and the services provided. From consultation responses, issues regarding service provision are discussed including support levels, capacity, timing of intervention and conflicts of interest.

Chapter 4 discusses key themes that were identified through analysis of the renter user experience study and consultation with renter support services regarding the effectiveness of referrals.

Opportunities for reform are canvassed in Chapter 5.

2 An effective rental service system

This chapter explains types of referrals and identifies principles which underpin an effective referral system.

2.1 Types of referrals

There are many types of referrals, each differing in degree of resources, engagement and collaboration required. Table 1 provides a description of different types of referrals, which have been adopted in this report, and their potential advantages and disadvantages (Commonwealth Attorney-General 2015).

Table 1: Referral types

Possible term	Characteristics	Possible advantages and disadvantages
Passive referral	The client is given contact information for appropriate service(s) and is left to make her/his own contact at a time that best suits the client.	This process gives responsibility to the client to take action on their own behalf. However, there is a greater likelihood that the referral will not be taken up.
Facilitated referral	The client is helped to access the other service, for example, the referring organisation makes an appointment with the other service on the client's behalf, asks the other service to make contact with the client/s or a caller is transferred to the other service.	The other service is made aware of the client, and the client is helped to access that other service. The client may need to wait for a response to the other service.
Active referral	The referring organisation, with the client's consent, provides the organisation to which it is referring the client with information that it has collected about the client or with its professional assessment of the client's needs.	The client does not need to repeat all of their story and the agency to which the client is referred has relevant information about the client. However, there is a risk that the information is communicated out of context and therefore misinterpreted by the service which is receiving the referral, especially if not done as a 'warm' referral (see below).

Possible term	Characteristics	Possible advantages and disadvantages
Cold referral	The client is transferred to another service, without any immediate communication between the Centre or Advice Line and the other services, for example, by putting the client into a call centre queue.	The other service may be unaware of the nature of the call or of any information or services that have already been provided. The client may be frustrated that they have to re-tell their story or may not communicate their needs in a way that allows the other service to see why the client has been referred.
Warm referral	A 'live' three-way conversation in the presence of the client (whether face to face or by telephone) in which the referring organisation introduces the client, explains what has already been done to assist the client and why the client is being referred.	This provides an open and transparent process in which information can be exchanged between the Centre, the client and the other service. Issues can be clarified immediately. The client does not need to repeat all of their story. The process relies on someone being available at the other service at the time the client is to be referred

2.2 Referral methodologies

Effective triage, referral and follow up procedures are crucial to matching client need and capability with the appropriate level and model of service (Pleasence et al. 2014: 151). This approach is likely to involve making different types of referrals for different clients (e.g., where a client is not capable of taking steps to resolve an issue or contact another service, a warm referral may be required) (Pleasence et al. 2014: 151). Effective referral systems also depend on knowledge and trust, and therefore client expectations must be managed to ensure that they understand why and where they are being referred, the nature of the service they are being referred to, expected wait time, and any cost involved (Pleasence et al. 2014: 153).

2.2.1 Triage

Triage, in a civil justice context, 'refers to assessing a person's problems and needs, directing them to the most appropriate destination for support and resolution, irrespective of how the person makes contact with the justice system' (Department of Justice and Regulation 2016: 153). Not only can triage lead to a more efficient allocation of resources for support services, but it can help ensure that clients' problems are recognised and appropriately addressed through assistance and/or referrals.

Triage is vital given that ‘studies show that people rarely seek assistance from more than one source for a legal issue’ (DJR 2016: 151), and each time a person is referred from one adviser to another, their prospects of obtaining support in dealing with legal issues is further constrained (Commonwealth Attorney-General’s Department cited in Pleasence et al. 2014: 27). These observations underline the importance of an effective triage system across the renter support system, and, as far as possible, implementing a ‘no wrong door’ approach, so that no matter how a person enters the renter support system, they end up in the right place.

Each ‘door’ in the renter support system must be adequately resourced to offer the appropriate assistance or referral in a timely manner (DJR 2016: 153). The Victorian Access to Justice Review recommends strengthening referral pathways across the justice system – both between service providers, and between VCAT and community organisations (DJR 2016: 150). It is important to note that effective triage is highly dependent on the training and experience of staff (DJR 2016: 176).

2.2.2 Following up

In circumstances where ongoing assistance is not being provided by a service, follow-up procedures are a mechanism by which a service can attempt to ensure that a client has understood advice or a referral and is willing and able to act on the advice or referral (Pleasence et al. 2014: 160). Following up with clients can also be an effective way to learn ‘what works, and for whom’ in order to remain flexible and adaptive to the needs of clients (Pleasence et al. 2014: 160). Where it is not feasible to follow up with every client, as is the case with many renter support services, Pleasence et al suggest that a random follow-up system could be used for the purposes of monitoring and evaluation, or a ‘red flag’ system could be developed on the basis of sociodemographic indicators and legal capability (2014: 161).

2.2.3 Entry points

Currently there is no single-entry point for renter referrals in Victoria. Finding legal support can be fraught where entry-points into the legal services sector are not adequately sign-posted. Fewer referrals between services are likely to be required where it is clear to service users what the appropriate service is to meet their needs and what type of assistance the service will be able to provide them.

In confronting and potentially synthesising the multiplicity of entry points into the renter support system ‘[t]he most straightforward strategy from the public’s perspective may be to have a single gateway or a few major gateways ... that are well-recognised, well-resourced and well connected’ (Pleasence et al. 2014: 33). Pleasence et al set out a number of features which tend to make entry points into the legal service system more efficient and effective (2014: 33).

1. Entry points must have high visibility and accessibility, in that they must be ‘well known to the public and efficient to use’ (Pleasence et al. 2014: 33).
2. Entry points must be able to act as triage point and perform legal diagnosis.
3. Entry points must be connected to a wide range of legal and, ideally, non-legal human services.
4. Entry points must be resourced well enough to fulfil these roles and meet the demand for legal services.

Ultimately, however, ‘even if well publicised, not all individuals will enter the system through a central contact point. Effective referral processes will be required to connect people to the assistance they need – there should be no wrong door to enter the system’ (Productivity Commission 2014: 8).

2.2.4 Referral databases

While there is no centralised renter-support referral database, the legal- assistance referral database coordinated by Victoria Legal Aid's Legal Help Online incorporates some rental support elements and is used by many legal assistance organisations (including VLA and CLCs). In the context of referral reform, awareness of the existence, coverage, and eligibility criteria of other organisations is vital, making the development of service directories an appealing option. Nevertheless, the compilation, dissemination, and maintenance of directories is resource intensive and is likely to require additional funding to produce and maintain (Pleasence et al. 2014: 90). The use of directories may also be impacted by a lack of awareness of the utility of referrals, limited access, or competing information sources (Pleasence et al. 2014: 90).

2.3 Client responsiveness

Relative advantage and disadvantage can have a significant impact on the ways that people interact with the legal system. Unresolved legal problems can tend to entrench disadvantage and can cause legal and non-legal problems to cluster (Robins cited in Pleasence et al. 2014: 12). As a result of this tendency, there has been a move in recent years away from standardised and towards more personalised services (Accenture cited in Pleasence et al. 2014: 121), which focus on tailoring the delivery of legal services to the capability of clients (Robins cited in Pleasence et al. 2014: 121).

Capability is likely to change over the course of a particular person's life and may be substantially impacted by negative life events such as family violence, eviction, or illness (Pleasence et al. 2014: 125). Life events like eviction can cause people to become caught in a cycle of disadvantage. For example, eviction may result in homelessness, which may have an impact on health, ability to work, and potential to be rehoused (Pleasence et al 2014: 125). Demographics that tend to have lower capability due to both systemic and individual factors include people with disabilities, people with mental illness, some Indigenous people, homeless people, young people, seniors, people with drug or alcohol addictions, people unable to get work, humanitarian arrivals, victims of family violence and sexual assault, and people living in poverty (Pleasence et al 2014: 125-6).

Where renters do not have the knowledge or skills necessary to identify a renting problem as legal in nature, they often seek assistance from the wrong service. This means that unless they obtain the necessary referrals and have the persistence to continue to attempt to seek assistance, they may not end up arriving at the right service. The Legal Australia-Wide (LAW) survey report, conducted in 2008, found that respondents' advice-seeking behaviour was influenced by beliefs about law, lawyers, and dispute resolution, including whether respondents were able to identify their problems as legal problems, as opposed to moral or social problems (Pleasence et al. 214: 23). In the context of renting, this may be particularly relevant to people in informal share house arrangements, those with no formal written agreement, or those in social housing where internal policy is concerned, who may see their problem as an interpersonal or organisational dispute rather than a legal issue.

Various studies have also shown that a 'lack of psychological readiness to take action (e.g., feeling despair, overwhelmed, unworthy of justice, fear, intimidated by or distrustful of the legal system)' negatively impact legal capability, which leads to poor outcomes (Pleasence et al. 214: 31). Where people receive multiple referrals to different services or where access to legal services requires waiting for long periods, psychological readiness, resilience and persistence are likely to be required. Where an

inappropriate referral is made in the first instance, this may have a negative impact on a person's psychological readiness and may cause a person to lose trust in the legal service system (Pleasence et al. 2014: 145 and 147).

The appropriate mode of service delivery is likely to depend on a person's legal capability. Telephone services, online services and printed information are more likely to be ill-suited to people with low legal capability (Pleasence et al. 2014: 146). In-person advice has been found to be preferred for younger people and those with poor English language skills, lower levels of educational attainment, mental health problems, or lower incomes, those living outside of major cities, and men, in-person advice was more likely to be preferred (Pleasence et al. 2014: 23-24). For Victorian respondents to the LAW Survey, in person communication with a legal adviser was more common than other methods of communication, such as telephone, email, or post (Coumarelos et al 2012).

While current and emerging technology can expand service availability, (Commonwealth Attorney General's Department cited in Pleasence et al 2014, 29) 'empirical evidence points to there being vulnerable population groups that can face even greater marginalisation through retreat towards more efficient and broader reaching technology-based service delivery' (Pleasence et al 2014: 29). Some clients may not be willing to attempt to make use of a telephone service or online self-help resources because they perceive them as being inadequate to meet their needs (Pleasence et al. 2014: 146).

2.4 Collaboration between services

Methodologies of integrating or 'joining up' services are particularly relevant for considering ways to improve referral relationships between renter support services. Complete integration of services in the context of the Victorian renter support system is neither desirable nor practical. However, creating opportunities for renter support workers to collaborate and learn from one another can build trust and relationships for improved referrals between organisations.

2.4.1 Working with non-legal organisations

A significant barrier to justice for many people, particularly those experiencing disadvantage, is the inability to diagnose a problem as legal in nature. As such, it is relevant to consider how people with legal needs can enter the legal service system in circumstances where they are unlikely to identify that they have a legal problem.

Given the vastly smaller role that legal services play in most people's lives in comparison to non-legal services, it is suggested that 'non-legal professionals are ideally placed to "notice" legal problems and to act as significant gateways to legal services for people who may otherwise fail to access justice' (Pleasence et al. cited in Pleasence 2014: 34). These, they suggest, may include doctors, community health services, Centrelink, crisis accommodation services, and welfare support services. However, they note that these types of services are likely to require training and support to play this role. A review by the NSW Department of the Attorney General and Justice in 2012 recommended mechanisms should be developed 'to help non-legal professionals who deal with disadvantaged people to identify legal issues faced by their clients and to refer those clients to appropriate legal services' (NSW Department of the Attorney General and Justice cited in Pleasence et al. 2014: 27).

Considering the likely complex and demanding priorities with which these types of services already contend, any plan to use non-legal touchpoints as gateways into the legal services system should be

simple and ‘not overly onerous’ (LAW Report cited in Pleasence et al. 2014: 34) (e.g., directing clients to an accessible legal-services entry point, or distribution of legal information such as factsheets).

The Access to Justice Taskforce concluded in their 2009 report that a ‘no wrong number, no wrong door’ approach that promotes warm referral and focuses on building trust between the public and service providers is the most effective way to prevent people from falling out of the system (Pleasence et al. 2014: 35).

2.4.2 Challenges of joined up services

There are several potential impediments to collaborative working between community support services (Pleasence et al. 2014: 73).

Knowledge and attitudes

Differences in professional language, culture, ethics, communication and behaviour can negatively impact the ability to build relationships between professions (Pleasence et al. 2014: 77).

This may be relevant where lawyers, who are subject to specific professional rules and use particular legal language, encounter non-lawyer advocates working in other renter support services. Differences in philosophies and objectives, and a lack of trust and commitment to the collative relationship may cause tension between partners (Pleasence et al. 2014: 75). Additionally, where organisational relationships are dependent on individual relationships between workers, changes in membership are likely to impact the quality of the relationship (Pleasence et al. 2014: 76).

Practical impediments and funding

Limited resources present another barrier to collaboration, given that time and funding are usually required to establish a joined-up relationship of any degree (Pleasence et al. 2014: 73). Establishing relationships takes time and resources, both of which are significantly constrained at all levels of the renter support system. Changes in policy and funding can similarly cause partners to doubt the longevity of a partnership, or fear that their funding could be placed at risk as a result of the partnership (Pleasence et al. 2014: 79-80).

Distance may impact the extent to which workers are able to engage in genuine collaboration and sharing (Pleasence et al. 2014: 74), although it bears noting that due to the changing nature of work in the context of the COVID-19 pandemic, structural and technological changes have taken place which may facilitate better collaboration from a distance.

Poor or unrecognised outcomes can also affect the long-term sustainability of a partnership where expectations are too high and/or inadequate monitoring and evaluation mechanisms are put in place to demonstrate the value of a relationship (Pleasence et al. 2014: 81).

2.4.3 The role of funders

As well as working to foster opportunities for collaboration themselves, services can be encouraged or compelled to join up by external influences such as funder or government expectations/requirements. Progress towards joined up services is ‘contingent on overcoming fragmentation of accountability, policy and funding at national, state, regional and local levels’ (Pleasence et al. 2014: 88). Joined up services can in many cases be attractive to funders as they:

potentially provide time- and cost-efficiencies in assisting with a range of linked problems, through swifter and more effective problem noticing and referral, economies of scale ... and, where underlying problems are consequently dealt with, better and more enduring outcomes (Pleasence et al. 2014: 163).

The Victorian Access to Justice review similarly recommends that ‘governments consider providing more sustainable forms of funding to support integrated and holistic service delivery’ (DJR 2016: 152).

Pleasence et al identify several models by which joining up can be facilitated or required from the outside, including (2014:70):

- Development of infrastructure, which involves developing resources that services can use to support collaboration, but which do not in themselves amount to services
- Incentivisation, which involves providing financial or other incentives to increase collaboration
- Compulsion, which involves collaboration being a mandatory aspect of service provision.

Funding of infrastructure

Funders may support joined up services through the funding of relevant infrastructure. This may include ‘the production of issue awareness resources for professionals, the production of service directories for use by the public or service providers, the making available of office space to bring about co-location, or the provision networking/joint planning’ (Pleasence et al. 2014, 89).

Incentivisation

Incentivisation aims to overcome the barrier that a lack of resources often places in the way of effective collaboration between services. Importantly, the Victorian Access to Justice Review notes that ‘developing and maintaining referral networks is resource intensive, and the performance of effective triage requires specialist skills and training’ (DJR 2016). In their submission to the review, Consumer Action Law Centre submitted that ‘successful relationship building requires time, a good experience, and trust. One-off contacts are rarely enough to build long-term successful relationships. Long-term partnerships require long-term funding and integration’ (DJR 2016, 183). The review notes that effective service delivery and data collection are undermined by limited and short-term funding arrangements (DJR 2016: 182).

Compulsion

Compulsion involves government or other funders requiring legal support services to act in a certain way through the explicit or implicit threat of loss of funding or withdrawal of opportunities. Pleasence et al note that this type of step towards joining up is unlikely to result in the collaborative group addressing ‘the collaborative purpose with ownership or commitment’ (2014:97). A further potential drawback to this approach is the risk of disruption to existing cooperative practices due to the perception of competitive threat from partner organisations.

Nevertheless, the authors point to successful examples of joining up through compulsion in which ‘service levels [are] defined from above, and delivery solutions [are] devised from below’, allowing service providers to remain flexible and responsive to the needs of their client base, while abiding by service levels and reporting standards set by funders.

2.5 Measuring the success of referral reforms

A common setback to the longevity of efforts to join up services is the difficulty of evaluating and demonstrating the impact of such initiatives, which can be difficult to attribute to specific interventions (Pleasence et al. 2014: 99). Part of evaluating the efficacy of referral reforms is likely to be centred on network analysis, the unit of analysis being the relationships between individuals and organisations (Pleasence et al. 2014: 99). While the goal of the present project is to improve outcomes for renters in Victoria seeking support, monitoring, and evaluating the number and quality of referrals made between services, as well as the underlying relationships which facilitate those referrals may act as a valuable proxy in the absence of clear or easily obtained data about whether the outcomes have improved overall for tenants.

3 Service demand and delivery

This chapter highlights research into the nature of demand for legal services by renters in Victoria, identifying the common issues experienced. A comparison of the services provided by the rental support sector provides insight into the complexity of eligibility and accessibility for renters. The research findings from the interviews with tenants and surveys of professionals provide insight into some of the challenges encountered with services.

3.1 Renter legal need in Victoria

There are more than 600,000 rental households in Victoria (Residential Tenancies Bond Authority 2021)¹. Among these 2.9% are social (public or community housing) renters and the remainder are renters in the private market². There is limited data on the number of renters in Victoria who require legal advice. However, there are several reports which highlight the issues renters experience with their tenancies and the avenues they seek to address these.

3.1.1 Tenancy issues

Research conducted on behalf of Consumer Affairs Victoria in November 2019 found that 57% of private renters surveyed had experienced an issue with their tenancy at some point over the previous two years (Briarbird and the Evolved Group 2019: 44). The top problems in terms of severity and incidence included (Briarbird and the Evolved Group 2019: 52):

1. Repair and safety issues
2. Notices to vacate
3. Unexpectedly high rent increases
4. Problems with other renters or residents.

This is similar to the experience of Tenants Victoria, which found the top five reasons that renters called the service in 2020-21 were regarding:

1. Repairs
2. Enquiries relating to COVID-19 renting problems
3. Lease breaking
4. Compensation claims by renters.
5. Eviction.

The CAV report found that renters took a variety of approaches to attempting to address their renting problems. The most common action taken was to complain to a real estate agent (44%), followed by doing nothing or leaving the issue unresolved (23%) (Briarbird and the Evolved Group 2019: 55). Renters

¹ In March 2021, the Residential Tenancies Bond Authority held 631,156 bonds for rental properties which provides an indication of the number of active tenancies in Victoria. Residential Tenancies Bond Authority, Annual Report 2020-21. In 2017-18, nearly 30% of Victorians were renters, with private renters making up 26.6% of the Victorian population, and social housing renters making up the remaining 1.7%. Assuming a roughly steady proportion of renters in the state, the number of renters in Victoria would be approximately 1.9 million.

² Council to Homeless Persons (2022) New data shows almost one in three Victorians feel rental pinch as availability of social housing drops (media release), <https://chp.org.au/article/one-in-three-victorians-feel-rental-pinch-as-new-data-availability-of-social-housing-drops/>

also sought support from sources other than renter support services, such as the police, body corporate, or government. Notably, only a small percentage of responses involved taking legal action, seeking legal advice, or accessing other types of renter support services. Of the responses, 5% mentioned either going to or threatening to go to VCAT, 3% mentioned engaging a lawyer/legal aid, 2% mentioned engaging with CAV, 2% mentioned engaging with some type of advocacy organisation, and 1% mentioned contacting Tenants Victoria.

There were similar findings in the 2008 Legal Australia-Wide (LAW) Survey, which was commissioned by 8 state and territory legal aid commissions across the country. The LAW Survey was the most comprehensive legal needs assessment in Australia's history. The results showed that in general renters were more likely to have had one or more legal problems in the preceding 12 months than non-renters.

The LAW survey found that legal issues related to housing, along with consumer issues, were more likely than others to be handled by respondents without advice. Of the LAW survey respondents who did seek advice, 30% sought advice from a legal adviser and 70% sought advice only from a non-legal adviser. The most common non-legal advisers with respect to housing matters included local government, the police, doctors, trade unions or professional associations and financial advisers (Pleasence et al. 2014: 18). Public housing renters were found more likely than others to seek advice from a non-legal adviser, and private renters were more likely than others to handle problems without formal advice (Macourt and Iriana: 9). For the renters who attempted to seek advice from a legal adviser, a dispute or complaint handling adviser, or a government adviser, the two most prevalent barriers to them obtaining advice were 'difficulty getting through on phone' and 'took too long to respond' (Macourt and Iriana 11).

3.1.2 Rental stress

Rental stress and a lack of affordable housing in Victoria are major issues confronting Victorian renters. The Homes Victoria Rental Report (March 2021: 13) found that only 9.4% of all new lettings in Victoria in the quarter were affordable for lower income households, which was the lowest percentage of affordable housing recorded since the rental report series began in 2000. This was echoed in the national Anglicare Rental Affordability Snapshot (2021), which found that rental affordability for low-income earners had dropped in all categories, and that only 3 of 74,266 properties surveyed on 26 March 2021 were affordable for a single person on JobSeeker, none of which were in Victoria.

3.1.3 Renting and COVID-19

Studies indicate that a high number of renters experienced financial stress due to the impact of the COVID-19 pandemic, including cohorts who had not previously experienced rental hardship. Research by AHURI highlights the ways in which an already vulnerable rental population has been adversely impacted by the pandemic, concluding that 'a policy-important cohort of tenants in Australia are lined up on the brink of a financial precipice' (Baker et al. 2020: 2). The report concluded there was 'clear evidence of increased stress and anxiety across Australia's renting population, with almost half of all households surveyed reporting experiencing stress and anxiety as a result of COVID-19 and about a third of tenants [saying] they struggled to make ends meet or had skipped meals' (Baker et al. 2020: 12). AHURI found that the pandemic has caused broader financial hardship, with over 60% of households having experienced some change to their employment or income circumstances at the time they engaged with the study (Baker et al. 2020: 2). The report also found that 5% of respondents had

received an eviction notice since the start of the pandemic, and one in 3 respondents had requested, or were planning to request, a rent reduction or deferral (Baker et al. 2020: 3).

Similar issues were identified in a series of research reports by Tenants Victoria exploring the impacts on the pandemic. In 'Portraits of a pandemic' (Tenants Victoria 2020), respondents spoke of their financial loss due to the pandemic, and the difficulties in obtaining a rent reduction, particularly when negotiating with real estate agents. 'Under pandemic pressure' (Tenants Victoria 2021a) found these challenges continued at the point where a set of COVID-19 renter legislative protections were coming to an end. This report highlighted the systemic issue of rental housing affordability and security at a time of global pandemic, and again identified challenges with real estate agents' conduct. 'Pandemic pain: Victorian renters in lockdown' (Tenants Victoria 2021b) found that 69% of 684 renter respondents had been financially impacted by the cumulative rolling lockdowns experienced in Victoria. Challenges when negotiating with landlords and real estate agents continued to pose difficulties for fair rental outcomes.

3.2 The rental support sector

The rental support sector is expansive and encompasses a breadth of different agencies that provide legal and/or non-legal advocacy and other support to renters. Renters are eligible for different services depending on tenancy type (i.e., private or social housing rental) and other intake criteria (including financial hardship and other factors). This section provides an overview of the main support services for renters in Victoria, with further detail in Appendix A. A map of the sector is included in Appendix B.

The table below summarises the organisations that provide rental legal support in Victoria and their eligibility criteria for services. It highlights that:

- Many agencies offer information and referral however the format varies from chat lines to online.
- Most services involving advice, case-work and representation are eligible for tenants experiencing disadvantage, but the criteria varies.
- There are a few generalist providers, but specialisation also occurs with programs/organisations focused on the needs of social renters (Tenancy Plus), Homeless (Justice Connect), Aboriginal persons (VALS), Older people in retirement housing (HAAG).

Organisation / program	Services and eligibility criteria
<i>Tenancy Assistance and Advocacy Program (TAAP) providers</i>	<p>TAAP's primarily provide advocacy support to private renters who have a rental dispute and are experiencing financial disadvantage or family violence (regardless of financial circumstances).</p> <p>The program includes 3 service types:</p> <ul style="list-style-type: none"> • Information and referral – (can also be provided to renters who do not meet criteria and should be limited to a maximum of one hour of information and referral). • Negotiation assistance - usually with their rental provider or real estate agent.

Organisation / program	Services and eligibility criteria
	<ul style="list-style-type: none"> • VCAT assistance and representation – provides for an advocate to prepare for a VCAT hearing and represent the renter at that hearing (or hearings).
Tenancy Plus	<p>The Tenancy Plus program provides early intervention and support to social housing (including public and community housing) renters to sustain their tenancy and reduce the risk of homelessness.</p> <p>The program includes four activity streams:</p> <ul style="list-style-type: none"> • Support establishing successful tenancies (long-term engagement, with a maximum of 40 hours allocated) • Intervention for at risk tenancies (long-term engagement, with a maximum of 40 hours allocated) • Assisting tenants with priority transfer applications • Advocacy (short-term engagement, with a maximum of 10 hours funding allocated). <p>For the long-term programs, the Tenancy Plus Operational Guidelines prioritises people who:</p> <ul style="list-style-type: none"> • are experiencing family violence • have left care before 1990 • have a prolonged history of homelessness • have an eviction imminent or in process • lack of support and / or connection to the area • have a VCAT hearing pending • have poor engagement with support workers • live in a premise that is a risk to health and safety.
Tenants Victoria	<p>Tenants Victoria provides support to:</p> <ul style="list-style-type: none"> • private and social housing renters • rooming house residents • caravan park residents • other residents to which the Residential Tenancies Act 1997 applies. <p>It prioritises intensive assistance to renters who are experiencing hardship or disadvantage.</p> <p>It provides information, referral, advice, legal representation, and other support to renters. Tenants Victoria also provide a worker advice line, offering secondary consultations to workers who support renters, a specialised phone advice line for social housing</p>

Organisation / program	Services and eligibility criteria
	renters, a series of specialist legal programs (including a VCAT Lawyer and Outreach Lawyer programs) and provides extensive information resources for renters on our website.
Community Legal Centres (CLCs)	<p>Many generalist CLCs provide advice and representation services to residents in a particular geographical catchment across a range of legal subject areas, including renting. Some CLCs provide support to social housing renters only whereas others to private renters only. The level of support offered by each service varies. Some CLCs provide advice only, while some provide ongoing assistance including VCAT representation.</p> <p>Specialist CLCs provide advice and assistance to one or more demographic groups in relation to a range of legal areas.</p> <p>Examples of specialist CLC's and their services include:</p> <p>The Victorian Aboriginal Legal Service provides legal support exclusively to Aboriginal and Torres Strait Islander Peoples.</p>
Victoria Legal Aid (VLA)	<p>VLA is a statutory authority and offers the following support services to renters:</p> <ul style="list-style-type: none"> • Legal help – Legal Help Chat (via the website) and Legal Help phone line offer information and referrals. Lawyers provide advice through the Legal Help Line to renters who meet VLA's priority guidelines. • Casework, including representation, to Victorians who qualify for a grant of assistance. • A VLA lawyer provides information, advice, and representation to eligible parties in proceedings before VCAT, including representing renters in the Residential Tenancies List, through the Duty Lawyer Program.
Consumer Affairs Victoria (CAV)	<p>CAV offers:</p> <ul style="list-style-type: none"> • Information and referral phone service to renters and residential rental providers regarding rental agreements. • Website information.
Housing for the Aged Action Group (HAGA)	HAAG delivers the Retirement Housing Advocacy and Assistance Program (RHAAP). This is a state-wide service that supports financially disadvantaged Victorians who are 50+ living in

Organisation / program	Services and eligibility criteria
	retirement village or rental village, or a permanent resident of a caravan or residential park. HAAG provides casework and a worker advice line.
Anika Legal	Anika Legal provides a free online legal service which includes negotiation, casework assistance (not including VCAT representation) for matters regarding repairs, evictions and bond disputes. The service is for renters in Victoria who are being evicted because they are behind in rent payment or cannot afford to pay a private lawyer.

3.3 Collaboration and coordination within the rental support sector

3.3.1 Working groups, user groups and communities of practice

Currently, there are several groups through which the renter support sector coordinates and collaborates, including:

- **Tenancy Coordination Group** – an informal and unfunded group of leaders of legal assistance services with significant rental law practices that meets bi-monthly to collaborate on advocacy and service coordination. Currently convened by Tenants Victoria.
- **Tenants Working Group** – an informal and un-funded working group of the Federation of CLCs, in which rental lawyers from the legal assistance sector meet monthly in order to share rental law updates, opportunities and service experience, and to collaborate on advocacy opportunities. Currently convened by Tenants Victoria.
- **Community of Practice for Tenants Education** – The Commissioner for Residential Tenancies established the Community of Practice in late 2019 with the purpose of providing an information-sharing and collaborative forum for stakeholders to consider the broad information needs of renters, particularly with respect to the implementation of the new Victorian rental laws. The CoP is comprised of senior representatives of the agencies responsible for generating information for Victorian renters.
- **VCAT Residential Tenancies (RT) User Group meetings** – quarterly meetings convened by the Head of the RT List at VCAT, bringing together a number of rental sector stakeholders (beyond the renter support sector) to hear updates from VCAT and to provide feedback on the VCAT RT List.
- **Public Housing User Advisory Group** – a high-level user group convened by the Office of Housing in order to monitor the implementation of new and improved public housing management practice following a Victorian Ombudsman’s investigation and report titled ‘Investigation into the management of maintenance claims against public housing tenants’ (2017).

- **TAAP Managers' meetings** – regular meetings of TAAP managers to share updates, opportunities and service experience.
- **Tenancy Plus meetings** – regular meetings of Tenancy Plus managers to share updates, opportunities and service experience.
- **Rental lawyers' community of practice** – a community of practice of rental lawyers in the CLC sector, with the aim of facilitating rental law knowledge sharing and capacity building, convened by the Tenants Victoria Outreach Lawyer Program.
- Other purpose-specific meetings, as convened from time to time.

3.3.2 Current facilitated referral processes and practices

Between TAAP and Tenants Victoria

The TAAP Service and Operational Guidelines (current version 2021-24) for the TAAP and Tenancy Central Service (part of Tenants Victoria legal practice funded by CAV) programs provides when and how facilitated referrals are to be made between TAAP services and Tenants Victoria. The relevant referral forms are provided by CAV through the Funded Services Portal.

Five TAAP organisations who responded to the TAAP and Tenancy Plus survey indicated that they do not usually use the outgoing referral form, and no TAAP respondents used the TAAP referral form exclusively to make active/facilitated referrals. Most respondents preferred to use a mixture of methods, including contacting the service by phone or email, and reaching out to a professional contact within the organisation receiving the referral.

More than half of Tenants Victoria's lawyers and intake workers also indicated that they sometimes make referrals by reaching out to a professional contact within the organisation receiving the referral. This type of referral was often considered more effective, as it allows the referring organisation to check directly whether the referral will be accepted and allows for the organisation receiving the referral to give feedback about whether the referral is appropriate. One Tenants Victoria worker noted that this process gives them more confidence in the referral.

To Tenancy Plus:

A referral form for facilitated referrals into Tenancy Plus can be found in the Operational Guidelines for the Tenancy Plus program.

To and from CLCs

There is no consistent process for facilitated referrals into CLCs. Most CLCs use an informal process whereby the organisation seeking to make a referral contacts the CLC directly, either by phone or email. In the CLC survey, most CLCs reported that they used the same process for making outgoing referrals. Some also reported that they would reach out to direct contacts within the organisation to which they intended to make the referral.

From CAV

Through its phone information services, CAV provides both passive referrals to a range of services and facilitated referrals to organisations that deliver TAAP services.

The consultation highlighted that only a relatively small proportion of calls to the CAV advice line result in a facilitated referral. To make a facilitated referral to a TAAP service, telephone service workers input information about a renter's circumstances into an automated system and a referral form to their local TAAP provider is generated. The form is sent as a Word document to the relevant TAAP provider, which then makes contact with the renter directly.

From VCAT

There is an inconsistent approach in relation to referrals from VCAT. Some VCAT Members refer renters who may require advocacy support into rental legal assistance services, but this presents as discretionary and without a policy underlying it. Regular referrals of renters requiring legal assistance are received by Tenants Victoria from the VCAT Family Violence Workers (for example, in the year 2020-21 Tenants Victoria received over 93 referrals from these workers), and it is our understanding that the Koori Support Workers also work closely with Victorian Aboriginal Legal Service in relation to supporting renters.

While the number of referrals made by VCAT to Tenants Victoria is not insignificant, this number of referrals is dwarfed by the number of proceedings finalised in the Residential Tenancies List in the 2020-2021 financial year, being 34,132 (VCAT 2021). The most common type of RT application to VCAT in 2020-2021 was for possession and/or rent arrears, with 8,424 applications being made on these bases.

3.3.3 Renter support referral directories and online tools

There are a number of directory-style resources for different types of renter support services. The following publicly available directories exist for different service types:

- CLCs: The Federation of Community Legal Centres (FCLC) publishes a suburb and postcode directory of community legal centres searchable online.
- TAAP providers: CAV publishes an online directory of TAAP providers which, while largely accurate, is not searchable, and in some cases does not contain up-to-date information about the names of services. Services are listed by local government area and DFFH area, rather than by suburb.
- Tenancy Plus providers: The Director of Housing publishes an online directory of Tenancy Plus providers which is organised by DFFH service areas, rather than suburb or local government area. As with the TAAP directory, this directory does not contain a search function and in some cases does not contain up-to-date information about the names and coverage of services.

Along with publicly available directories, Legal Help Online (LHO), an initiative of Victoria Legal Aid that arose from the Federation of CLCs Referrals Working Group, was established in about 2015. While it is not specific to renter support services, it contains a wide array of renting and other support services organised by suburb and allows practitioners to refine referrals according to circumstances, demographics, and occupation/income. LHO is a referral tool which has the functionality to allow services to give timely updates about the types of services they offer, opening hours, expected wait times, and current capacity. It allows workers with access to find an appropriate service for the client for whom they want to make a referral by entering details about the client's location, legal problem type, demographic information, and vulnerability factors. The program then generates a list of services which may be appropriate and allows the worker to generate a text and/or an email referral containing the contact and service information of the relevant service, which can be sent directly to the client seeking support.

Justice Connect also offers an online referral tool, which allows workers from other organisations to make active/facilitated referrals into their support programs, including the Homeless Law program (Justice Connect 2022a). Justice Connect also offers an online triage tool for renters seeking support from their service (Justice Connect 2022b).

3.4 Inconsistent support available to different types of renters

Findings from the consultation with renter support services highlighted that the eligibility for services and level of support for renters is dependent upon their tenure.

3.4.1 Broader and more consistent support available for private renters than for social housing renters

Stakeholders from renter support services noted an inconsistency between the TAAP and Tenancy Plus programs resulting in inconsistent levels of service being available to private renters vis-à-vis social housing renters. This adds complexity to the making of renter support referrals.

From the perspective of Tenancy Plus providers, one Tenancy Plus manager confirmed that the Tenancy Plus program will generally only assist with issues that place tenancies at risk, establishing tenancies, or transfers, noting that funding limits what providers have the capacity to assist with. The manager observed that, while previously the program had been funded to assist with issues like repairs under the Social Housing Advocacy Support Program (the previous name for Tenancy Plus), this was no longer the case. This responsibility now falls to the maintenance team of their housing provider.

Another Tenancy Plus manager stated that, while their service can provide advocacy for renters around repair issues, tight timeframes for advocacy stream cases and pressure to meet targets make it difficult to advocate for renters' legal problems. They noted that a maximum of 10 hours was allocated to each renter assisted through the advocacy stream of the Tenancy Plus program, which can be insufficient to render assistance to the renter, and that where this happens the renter is often transferred to the 'Intervening when tenancies are at risk' program.

This was echoed in the experience of Tenants Victoria workers. For example, one Tenants Victoria survey respondent noted that for every warm referral that they recall making to the Tenancy Plus program, the renters requiring support were either waitlisted for up to 3 months or the Tenancy Plus provider rejected the referral on the basis that the support sought could not be provided by the program (in most cases, assistance with seeking repair orders at VCAT). Another Tenants Victoria survey respondent noted that they found it difficult to refer clients to the Tenancy Plus program because different services lacked consistent intake guidelines, which were not always transparent.

By contrast, the TAAP program is funded to provide support to eligible private renters with a wide range of problem types, including issues that are unlikely to involve the risk of a tenancy ending, such as repairs and compensation. An Operational Guideline is in place between Tenants Victoria, as the Tenancy Central Service, and TAAP providers that requires agencies to assist with referrals made between agencies and in accordance with those guidelines. Tenants Victoria staff have reported greater ease and consistency in referrals made to TAAP agencies, suggesting more predictable and consistent renter support services for private renters.

With no central and up-to-date database of all renter support services intake criteria, service guidelines, and current capacity, the inconsistency of service between Tenancy Plus providers, as well as between Tenancy Plus and TAAP, results in challenges in the making of accurate renter support referrals in some cases.

3.4.2 Broader support available for public housing over community housing renters

An additional complexity in the making of renter support referrals is a perception within the renter support sector that community housing renters had access to a lower level of renter support than public housing renters. We acknowledge that there are far fewer community housing renters than there are public housing renters in Victoria, so the extent to which this impacts on service numbers has not been analysed.

The perceived disparity may be due in part to the fact that DFFH itself provides a number of supports for public housing renters who face a higher risk of encountering renting problems. For example, the Tenancy Plus guidelines recommend that '[r]eferrals for hoarding and squalor in public housing properties should be directed from the Department's Tenancy Manager to a Support for High Risk Tenancies program coordinator', but this is only available to public housing renters.

Another possible cause of the reported disparity of renter support between community and public housing renters may be that it was reported that community housing providers do not make as many referrals for their renters to obtain support. In the TAAP and Tenancy Plus survey only one Tenancy Plus provider mentioned receiving referrals from community housing providers, and 2 of the 3 Tenancy Plus managers interviewed stated that referrals for community housing renters are extremely rare, with one provider noting that their program had only ever received one referral of a community housing renter. One Tenancy Plus manager noted, in contrast, that their Tenancy Plus service tries to take a collaborative approach with DFFH so that early intervention can take place, and DFFH regularly makes referrals to Tenancy Plus to enable this.

Operational Guidelines for the Tenancy Plus program state that '[t]he primary point of entry into the program is through a tenant's social housing provider, that is either the department's housing program, via a community housing provider or a Homeless with Support Case manager' (Department of Families, Fairness and Housing, 2021: 2-3). Findings from the TAAP and Tenancy Plus survey reflect this, with a majority of Tenancy Plus providers who participated in the TAAP and Tenancy Plus survey indicating that most renters find their service through a referral directly from DFFH.

3.5 Capacity shortages throughout the sector impede effective referrals

Many of the renter support services stakeholders expressed that improving referral processes and relationships requires time, resources, and expertise. With renter support services facing significant demand growth due to the disproportionate impact of the COVID-19 pandemic on renters, recent capacity shortages in the sector may negatively impact on referral quality.

TAAP and Tenancy Plus survey results indicate that capacity is low in these programs. All the TAAP providers who responded to the TAAP and Tenancy Plus survey indicated that they were either at capacity or over capacity, and just under half indicated that they were over capacity. Similarly, all but one of the Tenancy Plus providers who responded to the TAAP and Tenancy Plus survey indicated that they were either at capacity or over capacity, and more than half indicated that they were over

capacity. Similarly, all CLC survey respondents stated that there was unmet need for tenancy law assistance in the catchment area or community they served.

One Tenants Victoria survey respondent noted that program guidelines tend not to recognise the issue of capacity, meaning that even if an appropriate referral is made, a renter might not get the level of service that they need because the receiving service does not have capacity to provide it. For instance, a referral may be made with the expectation that a client will receive representation, but they may end up only receiving information or advice because of low capacity. This can lead to renters getting stuck in the referral roundabout or having to contact services multiple times.

When asked what we can do to build better relationships between renter support agencies, one group of stakeholders who participated in the roundtable consultation stated that the value of referrals should be recognised in program guidelines. They noted that for facilitated referrals to be made effectively, time needs to be allocated by both the referring and the receiving organisations.

When asked about what barriers the sector faces, one group in the roundtable consultation stated that ‘resources, funding, time, [and] willingness across bodies to reimagine how we conduct referrals’ are significant barriers. Another group noted that resources would be required to leverage existing relationships with partner agencies, while another, taking a pragmatic approach suggested that ‘in effect, in order to do better quality job with referrals, may need to do fewer overall numbers for effectiveness. Issue of extending resources if there is more demand’. They acknowledged that if demand for some services increased as a result, this might result in over-extending resources.

3.5.1 Demand for more intensive assistance

Six people (20%) in the renter user experience interviews commented that they had sought assistance in many places, and that it had been hard, or impossible, to find the ongoing assistance that they were looking for (in particular assistance of a representative nature, including representation at VCAT). This was due to these clients not being eligible for these services, due to their personal circumstances or the nature of their dispute, which were as follows:

- Repairs and associated compensation application – 3 (1 with medium income)
- Rent reduction due to COVID-19 financial hardship – 1
- Family violence – reduction of tenancy – 1
- Entry into property – 1

This reflects, to some extent, the limited resources of the renter support sector and the prioritisation by many services of intensive assistance to those experiencing financial hardship who are at risk of homelessness. It also raises the questions of how client expectations could be better managed to avoid such expectations in future, and to what extent more sophisticated or customised self-help resources would assist renters with the following types of disputes.

3.6 Lack of early intervention

The renter user experience study highlighted that some participants first sought assistance when their tenancy issue had been ongoing for some time. This trend presents an opportunity for early intervention by renter support services to help renters resolve issues before they escalate to a point where tenancies are placed at risk.

3.7 Potential conflicts of interest between community housing renters and Tenancy Plus providers

One issue that had been identified through the Tenants Victoria legal practice is that for some community housing renters, referrals to Tenancy Plus organisations are difficult where the local Tenancy Plus provider is part of the same organisation as their rental provider. Tenants Victoria lawyers have found that those who seek advocacy support in relation to a dispute with their community housing provider are often hesitant to engage Tenancy Plus support from that same organisation, or report having a difficult experience where they have done so. As part of the TAAP and Tenancy Plus Survey, respondents were asked:

If your organisation also provides community housing, what type of assistance and/or referrals do you usually provide for a tenant who is seeking assistance through your Tenancy Plus program but is also a tenant of your organisation's community housing program? Please include excerpts from internal policies where relevant.

Most respondents did not record a response, however of those who did respond, one stated that the issue had not come up yet, but that if it did, they would ask the client if they were comfortable with being assisted through the Tenancy Plus program and would be especially mindful of privacy and confidentiality. Another respondent stated that their community housing managers were aware of the Tenancy Plus program and how it could support renters, and that the referral would be sent through, outlining the supports needed by the renter. These comments suggest that a consistent approach is not taken to managing potential conflicts of interest in such circumstances.

4 Effectiveness of referrals

This section discusses key themes that were identified through analysis of the renter user experience study and consultation with renter support services regarding the effectiveness of referrals.

4.1 Many referrals are ineffective

The Tenants Survey indicated that 90% of referrals (58 of 64) were ‘passive’ referrals, meaning the client was given contact information for an appropriate service(s) but left to make contact themselves. About 9% (6) were ‘facilitated’ referrals, where contact details for the client were provided to the other agency with consent and that agency was asked to make contact with the client.

28 of the 30 renters interviewed by Tenants Victoria received passive referrals and 2 received facilitated referrals to TAAP services.

Outcome	Number	Percentage	Referral was effective
Did contact and received assistance	10 (includes 2 warm referrals)	33%	Yes – 10
Did contact and did not receive assistance – resolved dispute	1	3%	No – 1
Did contact and did not receive assistance – ongoing dispute	3	10%	No – 3
Did not contact – resolved dispute	8	27%	NA – 8
Did not contact – ongoing dispute	8	27%	No – 4 NA – 4
TOTAL	30	100%	Yes – 10 No – 8 NA-12

10 people (33%) were considered to have received effective referrals – i.e., they received assistance after contacting a referral point. Of the 20 people who did not receive assistance from the referral point or did not contact them, 8 (27%) were ineffective referrals (i.e., the referral was incorrect and/or did not provide the assistance sought), and 11 (40%) were neither ineffective or effective, because the matter was resolved by the provision of advice or did not otherwise require escalation through referral.

Over half of those receiving passive referrals (16 of 28, or 57%) did not take up the referral. However, for the 75% of those that did not do so this was because their matter resolved in some way.

Of the two warm referrals, one was considered effective, and one was ineffective as only information was provided when extended assistance was required, however this was not provided due to a conflict of interest between the client and an existing client of that TAAP service. Unfortunately, no referral back to Tenants Victoria was provided.

Of the 8 ineffective referrals:

- 1 matter involved the only social housing renter in the study and was ineffective due to the absence of response from the Tenancy Plus provider referred to.
- 3 matters involved family violence survivors. One of these renters did not receive substantive assistance from a TAAP service due to a conflict of interest and was not provided with further referrals. The two other renters did not contact the referral points due to a stressful experience of 'referral roundabout'.
- 2 matters involved people of culturally and linguistically diverse (CALD) backgrounds, and one of them required an interpreter. Neither made contact with the referral points, and both expressed that the number of telephone numbers they had been given created confusion and hesitancy to seek further assistance.
- 1 participant was experiencing financial hardship and was referred to a service that provided only limited assistance to him that he found dissatisfactory and did not resolve the issue.
- 1 participant was referred to a TAAP service when they were ineligible, likely due to their financial position.

4.1.1 Referral 'roundabout'

Seven participants (23%), including one that received assistance through a referral, expressed frustration about being referred to multiple agencies, with one renter stating:

Not really any problems were resolved and it's frustrating to go through so many different places and it almost seemed impossible to find people who could actually help.

Another participant told us:

I found it frustrating to go through to so many different places when it almost seemed impossible to find people who could actually help. I felt like I was given information, not explained information.

Yet another participant said:

I found it pretty depressing and distressing that I couldn't receive help. Ultimately I was put on the referral roundabout and I decided had to do something practical about it myself and put trust in system to find a remedy and it failed me.

4.2 Passive referrals not preferred

There was wide support among stakeholders for greater use of facilitated referrals. One group of stakeholders who participated in the roundtable consultation acknowledged that there is a temptation to rely mainly on cold referrals, as they are usually easier and quicker. Another group noted that cold referrals are not ideal for many clients. This is confirmed to some extent by the user experience study, in which 16 of 30 interviewed renters did not contact the service that they were referred to. Several participants observed that they became frustrated after a few referrals and stopped trying to seek help, and in some cases where a cold referral was made, participants fell through the cracks and did not end up receiving any assistance.

Interestingly, facilitated referrals were also preferred by many workers. One respondent in the TAAP and Tenancy Plus survey stated that they preferred receiving warm referrals, where a step-by-step process has been developed and followed by the referring organisation, ideally by making initial phone contact with the client to seek consent for a referral, while a referral form is used to make the referral to the relevant organisation. Similarly, one Tenants Victoria survey respondent suggested that they prefer to receive referrals by email with a summary of the issues, along with confirmation that the renter has consented to being contacted.

Another respondent to the TAAP and Tenancy Plus survey stated that it would be helpful if referrals included more information about a client, including challenges, background, history, any high risk or complex issues identified, and a description of the problem for which they are seeking support.

4.3 Consistent referral guidelines and flexible referral options

4.3.1 Limited knowledge of other service guidelines and intake criteria by tenants

Many participants in the renter user survey became frustrated when they contacted the service to which they were referred and found that they were eligible for only one-off assistance or advice, rather than ongoing assistance or casework. One renter, who was an international student from a CALD background, told us:

I don't believe that the process is working and have been having a very difficult time. I feel like I have been inundated with calls but nobody can actually agree to assist. I get many calls from different services through private numbers, and no-reply emails and this has contributed to my confusion and not seeking any further assistance though the TAAP referral.

Several participants reported that they had contacted the service to which Tenants Victoria had referred them and the service was not able to assist to the degree to which the renter required. This meant that the renter was either provided with no assistance due to ineligibility or limited capacity, or with one-off assistance (i.e., information and referral), rather than ongoing assistance.

This feedback indicates there would be value in greater sharing, and knowledge of, service guidelines of other services within the sector so that expectations can be set at referral point about what level of service will be provided.

4.3.2 Referral guidelines should be aligned, particularly for facilitated referrals

A recurring message from stakeholders was that the renter support sector needs to develop consistent referral guidelines, particularly around the process for making facilitated referrals between services. Currently, as noted by one group of roundtable participants, ‘different agencies have different process’ and there is ‘no standard dataset for referral and handover [or] output requirement’. Stakeholders’ views of this variegated approach were as follows:

- It would be helpful to have one uniform procedure for referring to other TAAP and Tenancy Plus providers.
- Filling out different forms for each organisation is complicated, and access to webforms would be helpful.
- Formal and/or binding referral arrangements are desirable. The referral guidelines for the TAAP program were found to provide ‘certainty and consistency’ around expectations, and so facilitate effective referrals. The ‘broader, non-binding’ guidelines for Tenancy Plus were found to cause confusion about what types of matters can be accepted.
- Stakeholders also observed that complex referral pathways are a ‘bigger picture’ driver of poor referrals. One group of stakeholders in the roundtable consultation observed that ‘there is scope for those pathways to be better organised with a higher-level authority to oversee that’.

4.4 Referral processes should focus on the needs of renters

Various stakeholders consulted over the course of the project, both within Tenants Victoria and across the renter support sector, emphasised the need for referral process to be human-centred and focussed on the needs of the client. This aligns with best practice thinking, as set out in chapter 2. Several of the messages around the importance of clearly communicating the process, managing expectations and follow up were also captured in responses through the renter user experience study.

4.4.1 Tailoring referral type and clear communication about the process

A key theme which emerged through consultation with stakeholders was the value of clear communication and a tailored approach to referrals. One Tenants Victoria survey respondent observed that, for clients with higher need and/or lower capability who may be engaging with renter support agencies with the support of another worker, it can be helpful for the referring renter support organisation to obtain consent to include the contact details of the renter’s support worker to the referral point. This can minimise the risk of services losing contact with the client.

Another Tenants Victoria survey respondent observed that referrals were more effective when they limited the need for a renter to repeat their story to multiple workers – i.e., when referrals were facilitated, rather than passive. However, one roundtable participant noted that guidelines may need to be flexible on occasion to ensure that clients’ needs are considered.

A group of stakeholders who participated in the roundtable consultation noted that communicating clearly about what to expect of the referral process to the client at the outset was valuable. This echoes the findings of the user experience study, in which participants reported better experiences when the worker they spoke to set manageable expectations during the initial contact about (1) the limits of the Tenants Victoria phone advice service and (2) what to expect of the referral process (including eligibility requirements). For example, one renter said:

There was a period of time [between the referral and being contacted by the TAAP] when there was no contact between myself and [the service provider] and I wasn't really sure what was going on.

Conversely, where participants were not given clear information about these factors, some reported that they became frustrated when they contacted the service to which they were referred and found that they were eligible for only one-off assistance or advice, rather than ongoing casework.

4.4.2 Following up with clients

Some stakeholders observed that referrals are often more successful where the service making the referral follows up with the client about the efficacy of the referral, particularly when making cold referrals. This reinforces findings in the user study. One Tenants Victoria survey respondent noted that in their experience, renters were more likely to contact the service they were referred to if they knew that they would be getting a call back about the referral from the referring organisation.

In the renter user experience study, a number of participants, in particular all 3 family violence survivors in the study, and 2 renters who were identified as having a CALD background of 3 identified in the study, did not receive assistance through the referrals they received. The discussion with the renter requiring an interpreter was confused, and it was unclear whether he could easily distinguish between the different services to which he had been referred or understood what each could help with. In 3 cases, referral fatigue had meant the renters had not called the referral point, and a more facilitated form of referral may have been useful. In one case the referral had not provided ongoing assistance due to a likely conflict of interest but had not provided the ongoing assistance the renter needed to make her compensation application, resulting in her returning to Tenants Victoria to seek phone-based advice. In each of these cases, an initial facilitated referral, or subsequent check-in on efficacy of the referral and offer of a facilitated referral, may have assisted in responding to these challenges, while of course noting this would have required significant additional resources to implement.

The one social housing renter in the study unfortunately received inadequate service after being referred for assistance with an urgent VCAT hearing. He reported that he was given an assurance from the receiving organisation that someone would attend the hearing with him, but never heard from them again (see Appendix C, client story 1, for a journey map of his story). When asked about this experience, he stated:

Even talking to you now stresses me out ... I've done it before – it makes me sad.

His experience demonstrates how ineffective referrals may impact on service users' trust in institutions and community services going forward, as well as on service outcomes. It also raises the question of what mechanisms are available to provide feedback in such instances, so that the reason for service failure can be identified and remedied.

4.4.3 Integrated services

A Tenants Victoria survey respondent emphasised the desirability of services and the sector more broadly offering a holistic model of support, the lack of which affects outcomes for renters, both generally and at VCAT. They noted that better referral connections would assist with this, as well as having different types of services (such as financial counsellors and housing support workers) integrated in-house across the sector. The participant also stressed the value of appropriate and local

services, which are better placed to build relationships of trust with clients than larger state-wide services.

4.5 Centralisation, communication and feedback loops

A number of stakeholders suggested that there should be a mechanism in place for services to report back on referrals that they have received to the services that make referrals. Several stakeholders stated that they had had experiences of making referrals and subsequently following up with the client or being contacted by the client and discovering that the service to which they had made the referral had not reached or been in contact with the client.

One Tenants Victoria survey respondent suggested that a shared log and referral ID system in the sector would enable services making outgoing referrals to track important information such as the referral date, whether the referral has been accepted, level and type of assistance, and the date of matter closure. They also suggested that more regular meetings between renter support services could help the sector gauge the capacity of other services in the renter support system, which may in some cases avert the risk of unsuccessful referrals due to capacity issues. The respondent also suggested that a centralised, online directory of contact details for all renter support services in Victoria would encourage lawyers and advocates to communicate more directly and readily at the preliminary stages of referrals.

Further, the respondent suggested that a common feedback protocol between renter support services would enable constructive feedback to be given where referrals have been ineffective or inappropriate. This was also raised by one group of roundtable participants, who noted that feedback loops are not well-established between renter support services, meaning that referrers need to be proactive about seeking and providing feedback in order to ensure that referrals are effective. Another group of stakeholders at the roundtable consultation observed that feedback loops are not standardised and in some renter support services are not required at all.

4.6 Improved online resources about renter support services are needed

Many stakeholders complained of a lack of clear, up-to-date and accessible information about what services are available in the renter support sector, what their intake criteria is and how to access them. This information is unavailable both for renters and workers within renter support organisations. Firstly, this diminishes renters' ability to independently find the right support service for them and increases the likelihood that a referral will be required. It also makes it more difficult for support workers to find the right place to refer renters that come to them for help. During the roundtable discussion it was noted that often renter support workers are not familiar with the capacity or operational guidelines of other renter support services, which can have a chilling effect on referrals. An effective online resource could help support greater sector knowledge in this area.

4.6.1 Lack of information for renters about what services are available

One Tenants Victoria survey respondent note that government bodies, such as CAV and DFFH, generally only provide incomplete lists of services available to renters, and mainly provide links to state-wide services such as Tenants Victoria and Victoria Legal Aid. The respondent suggested that if contact

information for Tenancy Plus and TAAP services were published in a more accessible way, the sector would be more balanced, and many renters would be able to navigate to the appropriate local service without taking the additional step of contacting Tenants Victoria or Victoria Legal Aid only to receive a referral.

Several respondents suggested that a postcode or suburb search on the Tenants Victoria website displaying all the relevant renter support services would be easier for renters to navigate. One noted that it would also be useful to include the eligibility criteria for different services online.

Another roundtable group observed that it will be easier to simplify the client-facing side of the referral process once organisations have aligned on who provides what services and have developed a shared language when it comes to referrals. The group suggested that it would be helpful for renters to have a publicly available logic map, or other document that sets out what the different organisations are in the renter support sector, and what services they provide.

Similarly, some respondents suggested that it would be useful to develop online resources to help renters to understand what the referral process looks like, and what to expect when meeting with a lawyer or other renter support worker, including information about what documents and information to bring to an appointment.

A number of stakeholders in both the surveys and in the roundtable consultation observed that it is often not easy to find eligibility criteria for different services, or information about what services they provide (i.e., whether they provide advice only, or representation). One group in the roundtable consultation noted that ‘clients need [a] clear picture of what is available [and] what they are eligible for. This will also reduce the referral roundabout’.

4.6.2 Lack of information for workers about other renter support services

Many stakeholders raised the point that workers in renter support services would also benefit from a readily available database of services that are available to provide support for renters, including more in-depth information about organisations’ services, priorities, and capacity. Several groups in the roundtable consultation observed that there is a lack of understanding in the sector about what other services are available to renters, and that there is no central body that publishes all information about different services.

Some online resources do compile information about renter support and other services that renters can access, as discussed in section 2.3, above. These include Victoria Legal Aid’s referral tool Legal Help Online (LHO), and Justice Connect’s online referral tool, which allows workers from other organisations to make active/facilitated referrals into Justice Connects support programs, including the Homeless Law program. One Tenants Victoria survey respondent suggested that more services should use LHO to find information about renter support services. Another Tenants Victoria survey respondent observed that LHO, while useful, is time consuming, and mainly useful where a renter support worker is unsure what service might be appropriate. There may present an opportunity to streamline the LHO process where the referral point is known and a more sophisticated approach is required.

When asked about what existing resources we can leverage to improve the ways that we make referrals, one group in the roundtable consultation stated that, ‘at the moment, this offers the opportunity for supported referrals across the sector, but it needs to be built out with consistent uptake to be a useful

and robust tool across the sector. This could assist with consistent support and standards.’ Another group observed that having a central communication point (such as LHO) is very important, noting that ‘if we had more people using that and a particular format re eligibility info being presented, those using the tool could ascertain more easily who can help each client’.

Another Tenants Victoria survey respondent noted that it would be useful if workers in renter support services could have access to information about capacity and wait times at different renter support services, as well as information about what types of support different services offer.

Similarly, another Tenants Victoria survey respondent suggested that it would be useful to have access to guidelines about what types of matters are prioritised at different services. This respondent also suggested that, particularly when it comes to matters in which a VCAT hearing is pending, it is essential to have information about how much lead time services need between a referral and a VCAT hearing.

4.7 Internal referrals within integrated services can respond to the interconnected nature of rental law issues

Many stakeholders emphasised that rental problems often do not stand alone and tend to intersect with other types of problems, both legal and non-legal.

4.7.1 Tenancy matters intersect with other types of legal and non-legal issues

Often renters will prioritise housing over other expenses. This means that where someone presents with a Notice to Vacate due to rent arrears, they are also likely to have many other debts that require consideration and payment. Experiencing financial hardship is an evidence-based risk factor for family violence (Victorian Government 2022). This was confirmed in the roundtable consultation, during which one group observed that since the onset of the COVID-19 pandemic tenancy issues have more often been intertwined with other problems, such as family violence.

Another group in the roundtable consultation observed that, fundamentally ‘tenancy matters are often deferral of a situation, not a resolution. Sometimes other services are needed to do planning of what final resolution may be’, and this is ‘often underdone in this area’. Ultimately, renters and renter support services ‘need help resolving the bigger picture issues of the client’.

One stakeholder observed at the roundtable consultation that different types of services tend to offer different solutions to the same problem, depending on whether their focus is directed towards social or legal issues, and that the sector needs to think about the possibility of rolling these two solutions out together.

4.7.2 Role of referrals to and from non-legal services

In keeping with the general recognition amongst stakeholders that renters often need different types of support for a variety of legal and non-legal problems, some spoke about the need for renter support services to be able to make effective referrals to services outside the sector, or within integrated services. One roundtable stakeholder noted that many renter support services have integrated practices, involving both legal and non-legal services, which they observed improved outcomes for clients as they were able to assist renters in a holistic way.

One group in the roundtable consultation noted that, while it is important to have a broader discussion about referrals outside the legal assistance sector, it may be difficult to coordinate these on a state-wide basis. They also noted that a lot of renters would benefit from facilitated referrals to non-legal service providers where a rehousing option is required.

4.8 Create opportunities to build inter-agency relationships

Several stakeholders consulted observed that renter support service organisations need to ‘talk more’, either through informal networks or more formal groups. One roundtable attendee suggested that such meetings could enable organisations to speak directly with referrers about capacity, expectations, common issues, and any updates in service criteria. The group also suggested that the sector would benefit from holding bigger regional organisational meeting that could include a wide range of organisations and give services an idea of ‘who is who’ in the space.

Similarly, a Tenants Victoria survey respondent emphasised that building relationships with other renter support services is key – when the support types offered or capacity changes at a particular renter support service, having established lines of communication to relay this to other renter support services means that ineffective referrals can be avoided.

5 Opportunities for reform

This chapter presents potential opportunities to reform referral process for renters, based on issues identified through a review of literature, the renter user experience study, and consultation with renter support services.

5.1 Offer consistent services and referral practices

5.1.1 Standardise service offering across tenure types

Private renters and social housing renters are serviced by two different support programs. These programs have different funders, objectives, and levels of support. Findings from the consultation highlighted that this results in an inconsistent level of service for renters depending on tenure, which adds complexity to the rental support referral landscape. The divergence of these services does not seem to arise out of consideration for renter needs and capabilities but may be the result of a historic difference in funding arrangements and expectations. As the outcome creates uncertainty and inconsistency in the service offering for social housing renters, greater alignment between the service offerings for renters of varying tenure types should be explored.

Recommendation 1: The renter support sector advocate to the Victorian Government to align the scope of renter support services available to social housing renters and private renters.

Private renters currently receive a support for a wider range of renting disputes through the TAAP program than social housing renters do through the Tenancy Plus program. There are also some discrepancies between supports available for public housing and community housing renters. The Tenancy Plus program could be expanded to provide social housing renters with a consistent level of support for a wider range of renting matters, including non-urgent repairs, complaints about their housing provider, and problems with the calculation of rental rebates.

The Operational Guidelines for the TAAP program provide clearer eligibility guidelines than the Tenancy Plus program. It could be useful to have a uniform procedure for referring to other TAAP/Tenancy Plus providers.

Recommendation 2: The renter support sector advocate to the Victorian Government to align TAAP and Tenancy Plus Operational Guidelines, intake criteria and referral processes.

The TAAP Operational Guidelines set out clear eligibility criteria for the different levels of service offered, along with circumstances in which referrals should be accepted by a TAAP service. The Operational Guidelines for the Tenancy Plus program should be further developed to the level of the TAAP Operational Guidelines.

5.2 Provide centralised renter support service directories and self-help tools

The findings through consultation indicate that online renter support service information is at times fragmented, with information about different services located across various organisations' websites. To obtain information about the range of services and support available in particular circumstances, renters must either contact a service such as Tenants Victoria to be referred to the correct service(s) or visit different websites and conduct their own research of different programs to determine what service(s) they are eligible for. Many renters seeking support may not have the resilience to persist when pathways to assistance are unclear (Pleasence et al. 2014: 124). Triage is a valuable strategy for understanding client need, and tailoring solutions to it. Currently, Justice Connect uses an online triage tool. This could be a part of an online triage tool for renters.

Recommendation 3: Create a publicly available and suburb-searchable renter support directory for renters.

The directory should share information about the TAAP and Tenancy Plus services that are available in all Victorian suburbs. This should include general information about the eligibility criteria for these services and for casework.

Recommendation 4: Develop an online triage tool for all renter support services.

Develop an online triage tool that could be used for a wide range of renter support services and rental problem types. This could incorporate the above directory.

5.3 Cultivate a more flexible and resourced approach to referrals

In its submission to the Victorian Access to Justice Review, the FCLC notes that:

It is too common for individuals to be passed from one service to another on the basis that the next service 'may be able to assist'. There is scope to improve:

- The effectiveness of referrals from [community legal centres] to other [community legal centres]
- The effectiveness of referrals from [community legal centres] to Victoria Legal Aid, and
- The effectiveness of referrals from Victoria Legal Aid to [community legal centres] (DJR 2016: 175).

The literature review, user study and stakeholder consultation confirm that too often, a renter with low capability may be provided a passive referral, when a facilitated referral with a follow up may have been more appropriate. As our user study found, passive referrals may be ineffective. Of course, such an approach to referrals ordinarily reflects the limited capacity of organisations and the competing demands on their resources. It may also be compounded by inexperienced or under-resourced volunteers or junior staff providing those referrals. However, we see value, where organisations have the capacity to do so, to consider shifting their referral approach to resource more facilitated referrals. While initially more time-consuming, these are often more effective, and so more likely to reduce resource strain on the system as a whole. In addition, our research suggests that using scheduled follow-ups to check on the efficacy of a referral, particularly in the case of CALD renters or family violence survivors, may also support increased referral efficacy and improved practices.

Recommendation 5: Renter support sector organisations shift the referral approach to resource more facilitated referrals and follow-ups on the efficacy of referrals in priority cases (particularly in the case of CALD renters and family violence survivors).

Recommendation 6: Tenants Victoria commit to shifting the referral approach to more facilitated referrals and follow-ups and share learnings with the sector.

5.4 Implement a centralised, and standardised, approach to facilitated referrals

There is great value in facilitated, and warm referrals, particularly for those renters with capability who may benefit from such an approach. However, again, there is no standardised or centralised mechanism for making such referrals in the renter support sector. This results in many such referrals relying on personal or informal relationships between workers within organisations. While the value of individual relationships is clear, these relationships are not scalable and make relationships vulnerable where there are staffing changes.

There is value in developing a standardised referral protocol for the sector, together with a referral tool that facilitates both passive and facilitated/warm referrals, and so develops a record of the referral relationship between the organisations that sits outside individual relationships. While one option for this may be expanding LHO to include a facilitated referral option, another option would be to create a bespoke referral tool for the renter support sector. We note that currently, LHO does have an internal facilitated referral mechanism available to VLA staff only. Additionally, there is value in a mechanism for providing referral feedback to other organisations. This could be part of the referral tool and included in the standard referral protocol discussed above.

Recommendation 7: The renter support sector work with the Victorian Government to implement a standardised and centralised facilitated referral tool and referral protocol for the renter support sector.

One option may be to consider expanding LHO to include facilitated referral functionality for all renter support services. This should include a mechanism for the exchange of feedback about the referral outcome.

5.5 Support stronger sector relationships and joined-up services

The literature review and stakeholder consultation highlighted the value of joined up and coordinated service delivery across the sector to support more effective referrals. Some options for actions that could be taken to strengthen relationships across the sector include:

- A semi-regular whole-of-sector meeting that would support referral feedback exchange and stronger communication and relationships within the sector.
- A networking conference or event, that could perhaps include a theme relating to cultivating effective referrals and joined-up services.

Recommendation 8: The renters support sector engage in regular renter support sector networking activities to support stronger relationships and communication across the sector.

5.6 Develop referral training

While referrals can be improved through the implementation of clear and consistent guidelines, to an extent the efficacy of triage and referral procedures is dependent on the ability of the worker performing triage to identify the needs and vulnerabilities of the client.

Recommendation 9: Tenants Victoria to develop and deliver sector-wide renter support referral training.

Tenants Victoria should develop of training module on effective human-centred referral practices. This module should be made available to renter support services across the state.

5.7 Encourage consistent use of Legal Help Online (LHO) across the renter support sector

Effective referrals of all kinds are not possible where up-to-date information about the referral point's eligibility criteria, and capacity (where that is available), is not known. Transparency of eligibility criteria is vital to ensuring that appropriate referrals are made. In its submission to the Victorian Access to Justice Review (2016: 176), Justice Connect emphasise the 'the importance of organisations developing transparent eligibility criteria to provide clear guidance to referring agencies about the scope of assistance' that services are able to provide.

There is currently no one approach to referrals, either passive or facilitated, in the renter support sector. One tool that is used by many, but not all, organisations, within the sector is VLA's referral tool, Legal Help Online (LHO). Increasing uptake of LHO across the renter support system may increase greater transparency of eligibility criteria and improving communication about capacity across the renter support system.

Recommendation 10: Train and encourage the renter support sector to use the LHO tool for referrals.

Tenants Victoria should work with VLA to ensure that all renter support services have access to LHO and have adequate training to enable them to use LHO to make passive referrals.

While all renter support services in Victoria currently have LHO entries that include, at a minimum, basic information, many entries do not include information about expected wait times and capacity. All CLCs in the CLC survey which reported that they used LHO also reported that their entries in LHO were up to date. However, given that use of LHO is not yet universal, many entries do not include vital information about service eligibility and capacity. Often a referral is ineffective where a client would otherwise be eligible for a service, but that service has no capacity to assist, or to assist at that time. Given the fluid nature of capacity, there is a challenge about how information about capacity would be kept up to date and relevant via a shared online tool. However, improved communication about this would assist in avoiding ineffective referrals on this basis.

Recommendation 11: All renter support services to implement processes to ensure that their LHO entries are current and include up-to-date information about capacity where possible.

Where services are appointment-based, entries should be updated regularly with information about wait times for appointments.

5.8 Build relationships with diverse referral points

5.8.1 Non-legal organisations

The literature review highlighted there are a diversity of potential organisations that encounter clients in need of rental law services, including police, trade unions, local government, professional associations, trade unions, police, owners corporations, the health sector (including GPs and community health services), Centrelink, welfare support services and even financial advisers. There is value in looking outside the renter support, and legal assistance sector when considering potential partners and opportunities for strengthening and developing referral pathways and networks.

Recommendation 12: Renter support sector to build referral relationships and partnerships with more diverse referral points, including local government, the police, Centrelink and others.

5.8.2 VCAT

The Victorian Access to Justice Review (2016: 177) discusses triage and referral processes at various Victorian courts, and at VCAT, and observes of the Magistrates' Court that '[t]riage usually occurs relatively late in the process, after a person interacts with a magistrate, rather than at an earlier opportunity when interventions could reduce contact with the Court'. It is unclear whether, with the exception of the specialist Family Violence and Koori teams, the VCAT Registry undertakes any triage in relation to legal assistance referrals, and referrals for assistance, if they are made at all, are often made by a Member.

This process does not produce consistent outcomes for renters, given that whether a referral is made in this manner is highly dependent on the circumstances of the case and the Member allocated to the matter. Neither is the process necessarily resource-efficient, given that an adjournment is usually required to allow time for the renter to contact the relevant service.

The Victorian Access to Justice Review (2016:185) notes that:

the point at which people enter the formal court and tribunal systems represents a significant opportunity for early intervention, triage, and possible diversion, before matters progress and parties and the courts or VCAT increasingly invest resources in the resolution of disputes.

The Review (2016:185) suggests that:

VCAT could improve processes whereby people are connected with available services, including alternative dispute resolution services and complaint-handling bodies, within and outside the court

or tribunal location. Staff could be better equipped to perform their important triage role by assisting people with appropriate referrals.

While courts and tribunals traditionally take a cautious approach to providing referrals due to concerns about perceived partiality, the Review (2016: 186) argues that performing triage and providing appropriate referrals does not ‘undermine the independence of a court or tribunal, nor does it amount to favouring one party over another’. The Review (2016: 186) suggests that tribunal staff need to ‘understand and perform triage consistently and be equipped to make appropriate referral with the court location and the community’, including by formalising and strengthening relationships with external support organisations. We note the recent introduction of a Self-Represented Litigant Coordinator at the Magistrates’ Court, whose role is to support self-represented litigants appearing in the new federal jurisdiction of that court (including a new residential tenancies jurisdiction) and refer them to legal assistance where appropriate.³

Recommendation 13: Tenants Victoria to engage with VCAT to understand existing triage processes in its Registry and identify opportunities to improve effectiveness for determining whether a legal assistance referral is required and to make a referral where appropriate.

5.9 Improve monitoring and evaluation

There are currently no system-wide mechanisms for tracking the number of renters seeking referrals to gain an understanding of demand, the number who receive assistance, the effectiveness of referrals or measuring the strength of relationships between services. From a monitoring and evaluation perspective, renter support services could implement either random or targeted follow-up procedures to ensure that passive referral procedures are effective.

Recommendation 14: Renter support network to implement procedures for follow-up and data collection to assist with monitoring and evaluation.

³ See for example the Magistrates’ Court of Victoria (www.mcv.vic.gov.au/civil-matters/federal-jurisdiction).

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7 Appendixes

Appendix A: Rental support services in Victoria

Tenancy Assistance and Advocacy Program (TAAP) providers

TAAP providers provide advocacy support to private renters who have a rental dispute and are experiencing financial disadvantage or family violence (regardless of financial circumstances). TAAP is funded by Consumer Affairs Victoria and is delivered by a variety of community support providers and community legal centres throughout the state. There are 13 TAAP providers across the state, with each covering a number of local government areas throughout Victoria. The majority of TAAP providers do not give legal advice, with the exception of about 3 providers that are also community legal centres (CLCs).

The TAAP program includes 3 service types:

1. **Information and referral** – can be provided to renters who are not financially disadvantaged or a victim of family violence and should be limited to a maximum of one hour of information and referral
2. **Negotiation** – only renters who are financially disadvantaged or victims of family violence are eligible for assistance with negotiation (usually with their rental provider or real estate agent) services
3. **VCAT assistance** – only renters who are financially disadvantaged or who are victims of family violence are eligible for VCAT assistance services, which provides for an advocate to prepare for a VCAT hearing and represent the renter at that hearing (or hearings).

Tenancy Plus providers

The aim of the Tenancy Plus program is to provide early intervention to support social housing (which includes public and community housing) renters to sustain their tenancy and reduce the risk of homelessness. Tenancy Plus is funded by the Department of Fairness, Families and Housing (DFFH) and is delivered by a number of community organisations, including community housing organisations (CHOs), across the state. There are 13 Tenancy Plus providers, with each covering one or more DFFH service areas.

The program is split across four activity streams:

1. Support in establishing successful tenancies (long term engagement, with a maximum of 40 hours of funding allocated)
2. Intervention when tenancies are at risk (long term engagement, with a maximum of 40 hours of funding allocated)
3. Assisting tenants with priority transfer applications
4. Advocacy (short-term engagement, with a maximum of 10 hours of funding allocated).

The Tenancy Plus Operational Guidelines set out the following prioritisation triggers/guidance for the long-term programs:

Establishing successful tenancies	Intervening when tenancies are at risk
Escaping family violence	Experiencing family violence, threats to safety
Tenants who are identified as having left care before 1990 who have complex behaviours	Tenants who are identified as having left care before 1990 whose tenancy is at risk
Prolonged history of homelessness (including previous tenancy concerns; debts, breaches)	Eviction imminent or in process
Lack of supports and/or connection to area	Victorian Civil and Administrative Tribunal Hearing pending
Poor engagement with support workers	Condition of premises posing a risk to health and safety, property condition only (hoarding and squalor are referred to the Support for High Risk Tenancies program coordinator)

There are no clear guidelines setting out when a social housing renter is eligible for the advocacy stream, apart from describing the stream as ‘intervention for at risk social housing tenancies or where a public housing resident would qualify as a tenant under the department’s Transfer of Tenancy Policy’ (Department of Families, Fairness and Housing 2021: 4).

Required outcomes for the advocacy stream are as follows:

Tenant supported at the Victorian Civil and Administrative Tribunal, in negotiations with the social landlord and where their tenancy is at risk, including advocating for repairs and compensation. Tenancy sustained for six months (DFFH 2021: 5).

There are no explicit guidelines or restrictions on the types of tenancy matters Tenancy Plus assists with, beyond this statement of outcomes, which suggests that renters can be assisted with VCAT proceedings where their tenancy is at risk, including with repairs and compensation claims.

Tenants Victoria

Tenants Victoria is the specialist tenancy law community legal centre in Victoria and the peak body for renters in the state. It provides legal information, referral, advice, legal representation and other support to Victorian renters who are experiencing hardship or disadvantage. Tenants Victoria offers support to private and social housing renters, rooming house residents, caravan park residents and other residents to which the Residential Tenancies Act 1997 applies. We also provide a worker advice line, offering secondary consultations to workers who support renters, a specialised phone advice line for social housing renters, a series of specialist legal programs (including a VCAT Lawyer and Outreach Lawyer programs) and provides extensive information resources for renters on our website.

Community Legal Centres (CLCs)

There are roughly 44 CLCs throughout Victoria. While specialist CLCs such as Tenants Victoria specialise in a particular area of law, generalist CLCs provide advice and representation services to residents in a particular geographical catchment across a range of legal subject areas, often including renting. Some specialist CLCs provide advice and assistance to one or more demographic groups in relation to a range of legal areas, again often including renting. For example, the Victorian Aboriginal Legal Service provides legal support exclusively to Aboriginal and Torres Strait Islander peoples.

Justice Connect, which is both a community legal centre and not-for-profit organisation, provides a specialist legal service to those who are homeless or at risk of homelessness through its Homeless Law program, with a focus on preventing homelessness by avoiding evictions. Homeless Law also runs a legal program supporting Victorian prisoners with rental law issues, in particular evictions, housing debts and temporary absences. Justice Connect also runs the Women's Homelessness Prevention Project that provides women with legal representation in relation to tenancy legal issues (e.g., eviction and housing debts., together with social work and financial counselling support. Finally, Justice Connect also provide a free online tool for renters called Dear Landlord that can assist Victorian renters with draft letters, making a VCAT application, or lodging a VCAT review application.

For generalist CLCs that offer support to renters, the level of support offered by each service varies, with some CLCs providing advice only and some offering ongoing assistance, including VCAT representation. Some CLCs that offer support to renters only assist particular groups of renters – for instance, Moonee Valley Legal Service provides assistance to social housing renters only, whereas Barwon Community Legal Service providers support to private renters only. This often depends on what programs are funded at a particular point in time.

Victoria Legal Aid (VLA)

VLA, a statutory authority, offers a number of legal support services to renters, including:

- Legal Help: The Legal Help Chat through the VLA website and the Legal Help phone line both offer information and referrals. Lawyers are also able to provide advice through the Legal Help Line to renters who meet VLA's priority guidelines.
- Economic and Social Rights Team: this small and specialised team provides casework, including representation, across a range of areas including rental law, to Victorians who qualify for a grant of assistance.
- Duty Lawyer Program: Through this Program a VLA lawyer provides information, advice, and representation to eligible parties in proceedings before VCAT, across a range of legal areas. This includes representing renters in the Residential Tenancies List of VCAT.

Commissioner for Residential Tenancies

The Commissioner for Residential Tenancies, Dr Heather Holst, provides independent advice to the Victorian Government to recommend changes to renting laws, programs and services to improve the renting rights, practices and tenant experiences across Victoria. The Commissioner:

- Exposes market practices and regulatory gaps that erode the rights of renters
- Furthers initiatives to increase renters' understanding and knowledge of their rights

- Pursues opportunities to strengthen the rights of renters and improve market practices
- Supports the development of improved dispute resolution processes and other mechanisms to better enable renters to exercise their rights
- Assists in the implementation of the amendments to the Residential Tenancies Act to ensure the reforms improve renter experiences as intended
- Works collaboratively with government and rental sector stakeholders for their consideration and action.

Consumer Affairs Victoria (CAV)

CAV, a government agency that is part of the Department of Justice and Community Safety, offers an information and referral phone service to both renters and residential rental providers about their rights with respect to residential rental agreements. It also provide extensive information resources to both renters and rental providers on its website (Consumer Affairs Victoria, 2022).

Other renter support services

There are a number of other organisations that do not fall neatly in the above categories which provide renter support services. These include the following organisations.

Housing for the Aged Action Group (HAAG)

HAAG delivers the Retirement Housing Advocacy and Assistance Program (RHAAP), which is a state-wide service that supports older (50+), financially disadvantaged Victorians who live in retirement housing.

HAAG can provide casework where a client is:

- Financially disadvantaged, and
- A resident in a retirement village or rental village (both ‘for profit’ and ‘not for profit’), or
- A permanent resident of a caravan or residential park and their retirement housing matter is too complex for the TAAP service.

Casework is not available for:

- Older private tenants who live in stand-alone housing and are financially disadvantaged, who are eligible for support from TAAP
- Older residents who live in a caravan or residential park and the matter is not complex, who are eligible for support from TAAP, or
- Older social housing residents (both public and community), who are eligible for support through the Tenancy Plus program.

HAAG also runs a Worker Advice Line.

Anika Legal

Anika Legal is a not-for-profit online legal service that provides negotiation casework assistance (not including VCAT representation) for eligible Victorian renters with the following matter types:

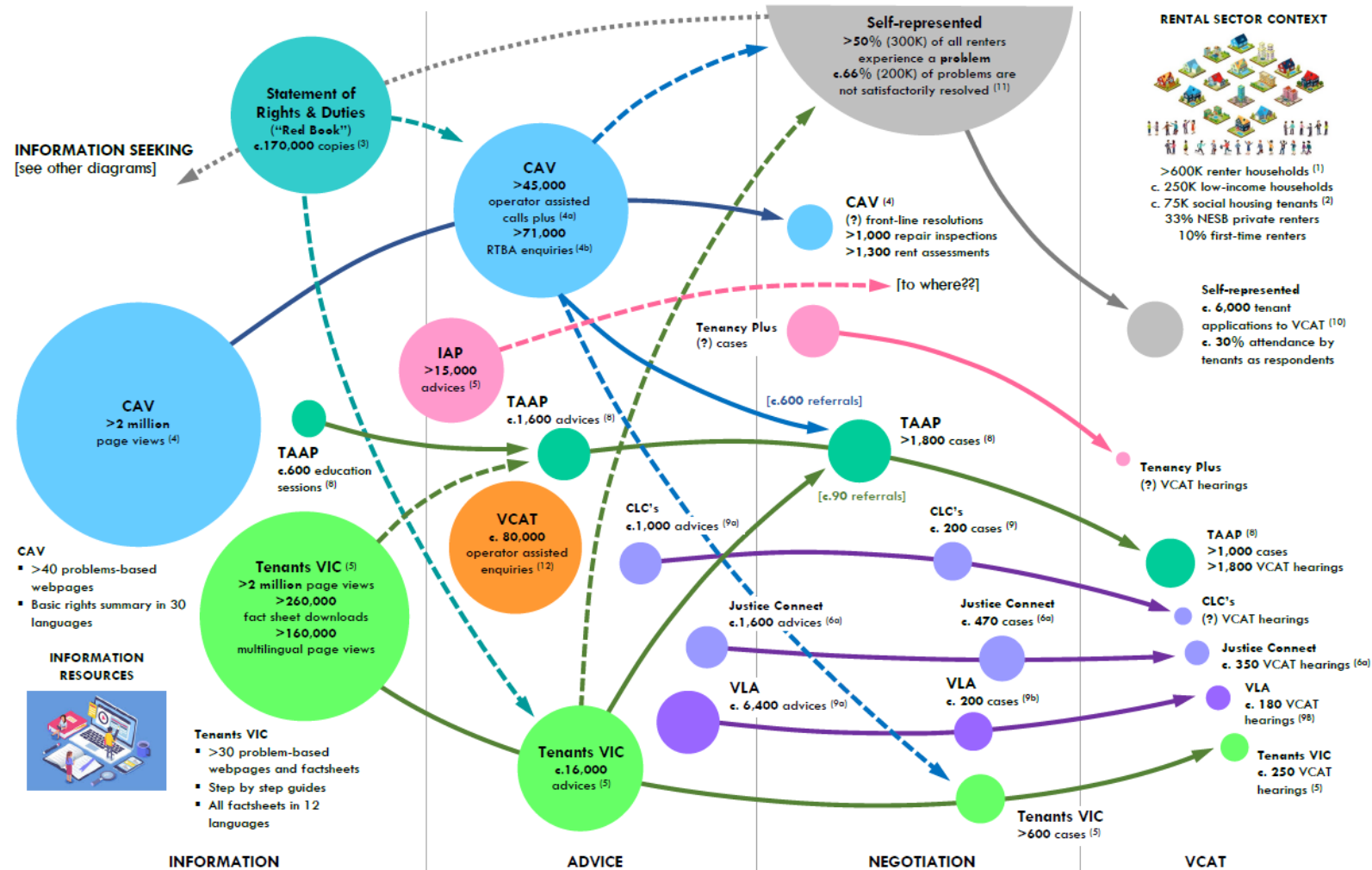
- Repairs

- Evictions
- Bond disputes.

The service is provided by law students under supervision of Anika's principal lawyer.

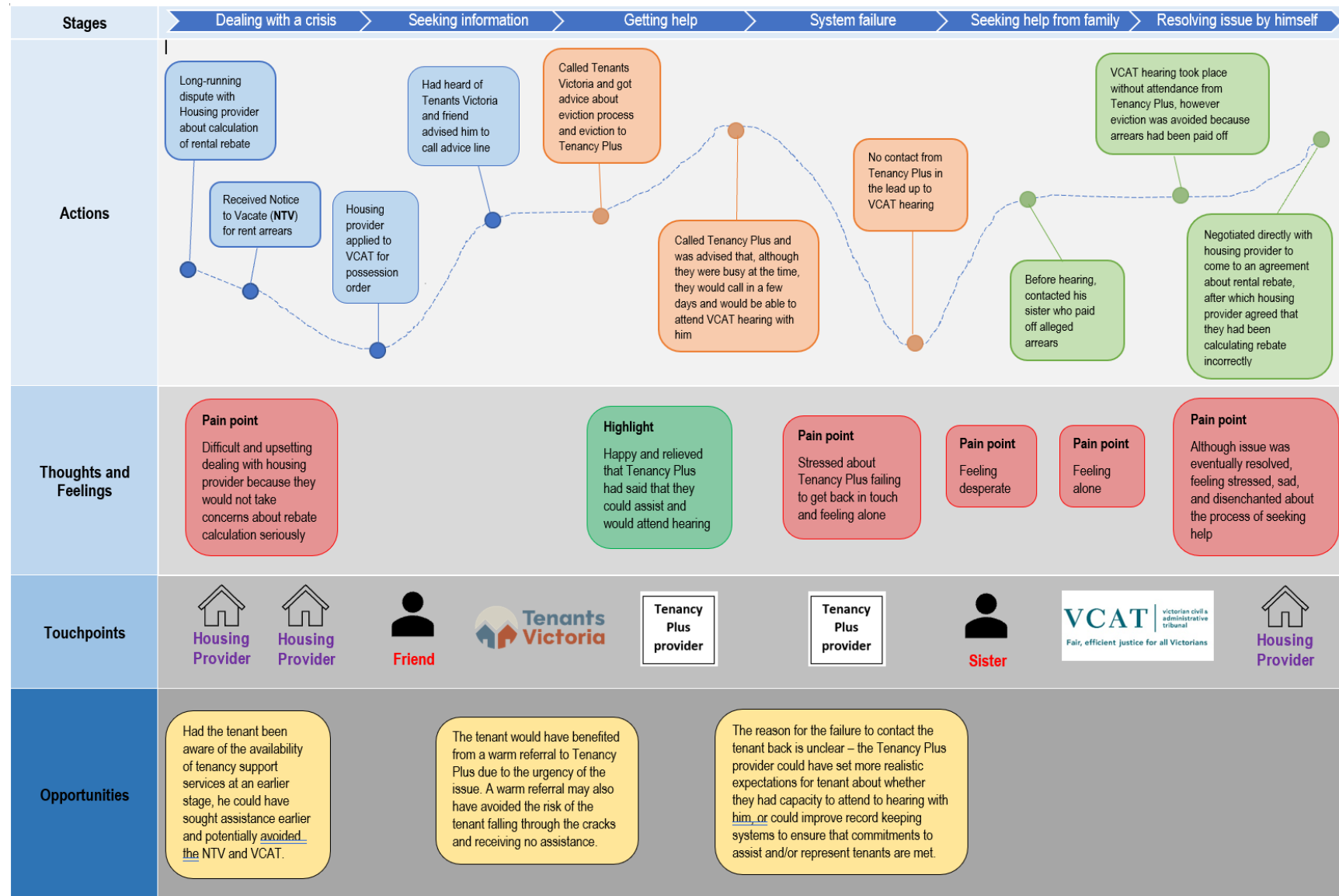
Appendix B – Renter support sector map

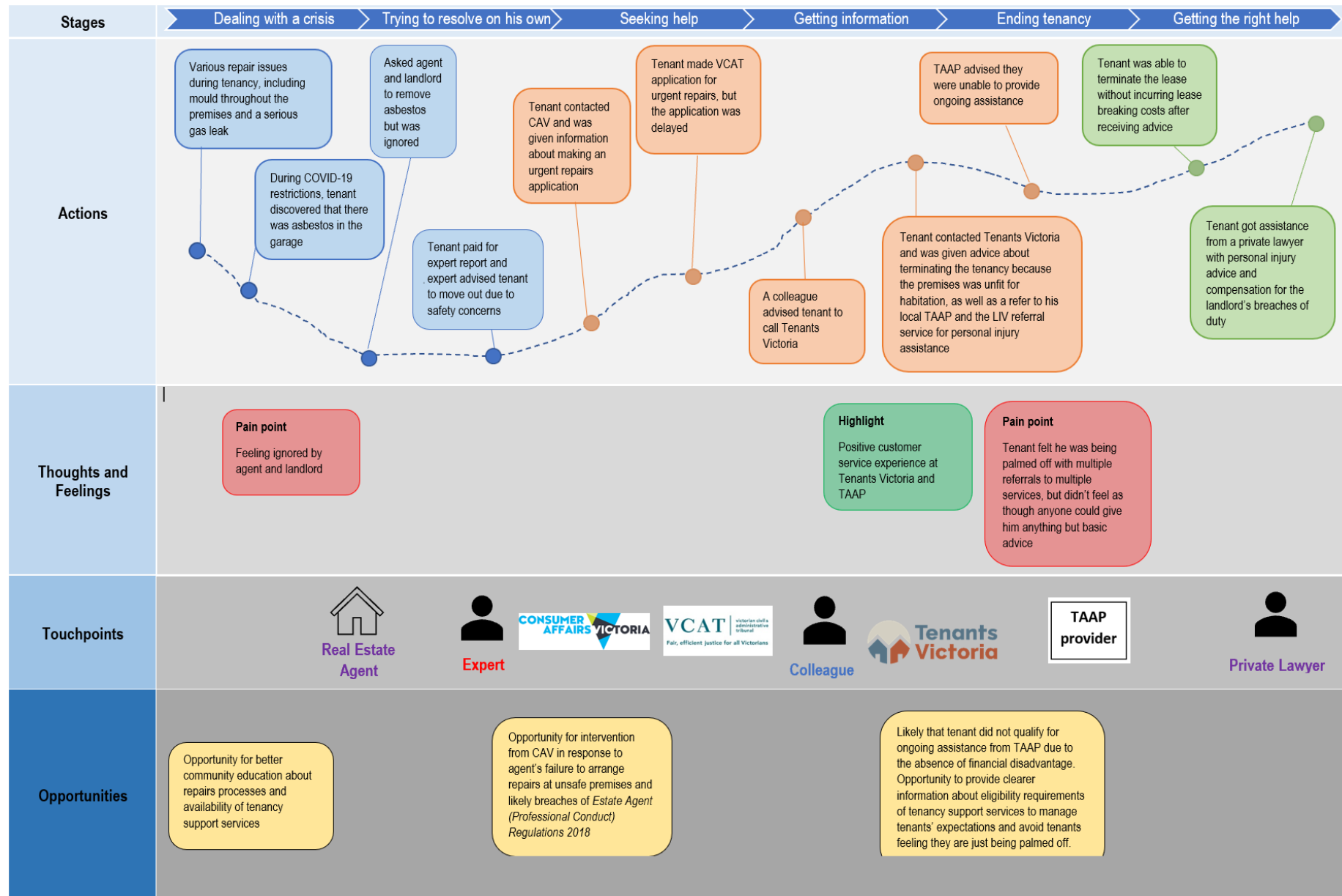
Private Tenant Assistance Map*

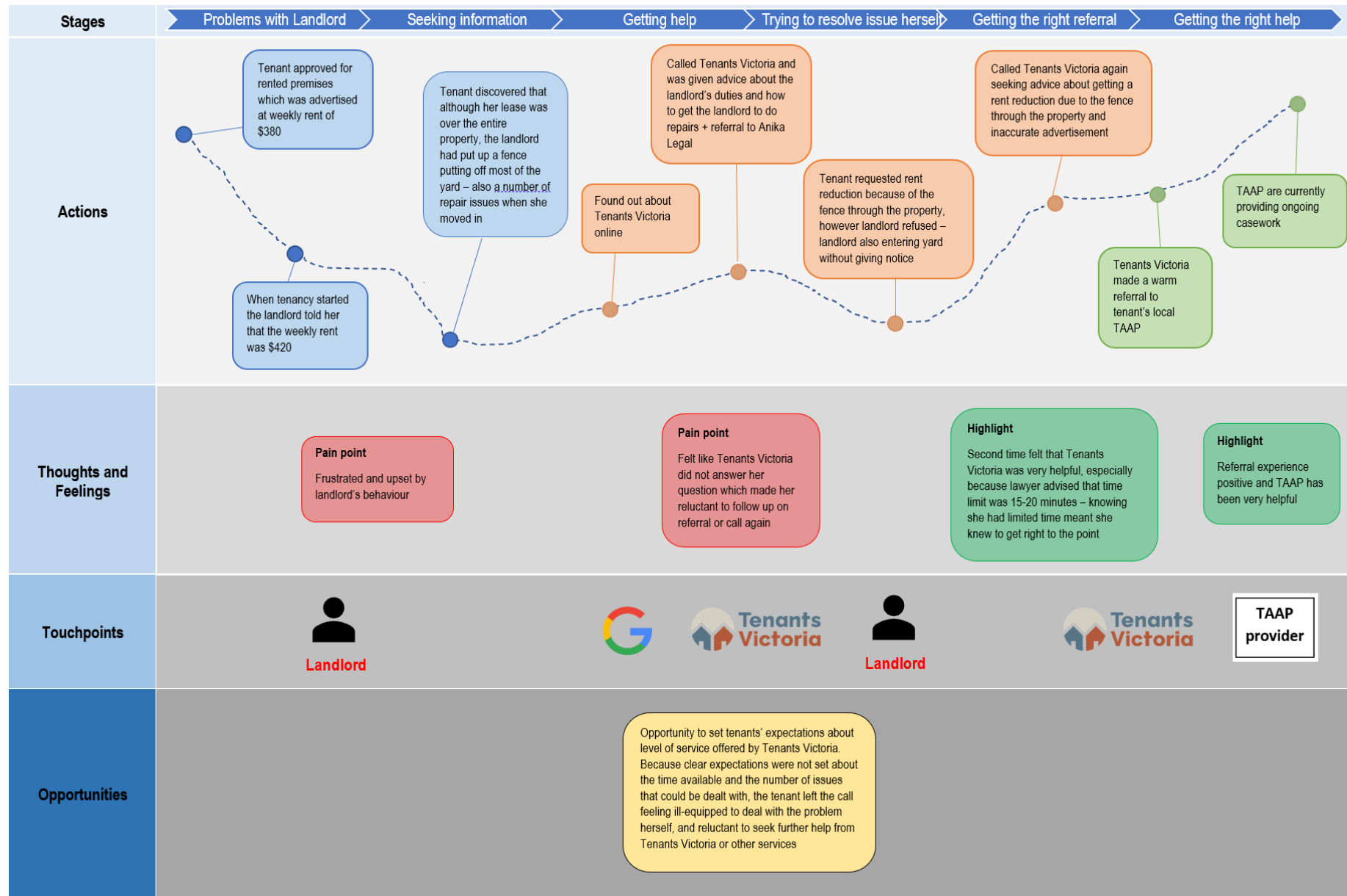


* Results and estimates are for the 2017/18 financial year.

Appendix C - Client Journeys







Appendix D – Roundtable questions and attendees

Marie Baird, Program Manager, Sector Engagement and Service Design, Victoria Legal Aid, and Katie Valenta, Acting Managing Lawyer (then Tenancy Referral Project Lawyer), Tenants Victoria facilitated the session, during which participants were split into small groups and asked to respond to a series of discussion questions about renter support referrals in Victoria.

Discussion questions	Attendees
<ul style="list-style-type: none"> • What are the barriers for improving the ways that we make referrals? • What existing resources can we leverage to improve the ways that we make referrals? • How can we make eligibility criteria more consistent across the system? • What can we do to build better relationships between renter support agencies? • What are some of the bigger picture system drivers of poor referrals? 	<ul style="list-style-type: none"> • Jennifer Beveridge – Tenants Victoria • Sarah Davidson – Tenants Victoria • Agata Wierzbowski – Tenants Victoria • Cindy Nguyen – Tenants Victoria • Craig Nixon – Tenants Victoria • Georga Wootton – Tenants Victoria • Carman Parsons – VLA • Miles Browne – VLA • Noel Lim – Anika Legal • Gwilym Temple – Anika Legal • Chris Carr – WEstjustice • Tim Koerner – CAV • Andrea Ghersetti - CAV • Kathryn Dewberry – CAV • Harley Dannatt – Hume Riverina Community Legal Service • Carmelo Maccarone – Wombat Housing • Cheryle Sebire – Wombat Housing • Emma Stephenson – Haven Home Safe • Brando Smith – Haven Home Safe • Hannah Lewis – Justice Connect • Samantha Sowerwine – Justice Connect • Kirsty Waller – ARC Justice • Mark O’Brien – Office of the Commissioner for Residential Tenancies • Warren Wheeler – Peninsula Community Legal Centre • Sonali Murage – Launch Housing