

TRANSCRIPT

LEGISLATIVE COUNCIL LEGAL AND SOCIAL ISSUES COMMITTEE

Inquiry into the Rental and Housing Affordability Crisis in Victoria

Melbourne – Wednesday 23 August 2023

MEMBERS

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WITNESSES

Sam Floreani, Program Lead, Digital Rights Watch; and

Emma Bacon, Executive Director, and

Sophie Emdar, Community Campaigner, Sweltering Cities.

The CHAIR: Welcome, members of the public with us here today and those watching via the live broadcast, to our seventh session for the day of the inquiry into the rental and housing affordability crisis. With us in this session we have representatives from Sweltering Cities and also Digital Rights Watch. For the recording, would you mind stating your full name and your role, please?

Sophie EMDER: Yes. My full name is Sophie Emdar, and I am the Victorian Community Campaigner with Sweltering Cities.

Emma BACON: And I am Emma Bacon. I am the founder and Executive Director of Sweltering Cities.

Sam FLOREANI: My name is Samantha Floreani, and I am the Program Lead at Digital Rights Watch.

The CHAIR: Welcome. Before I proceed, I just want to introduce you to my committee members. There should be Mr Michael Galea on the Zoom. Michael is a Member for South-Eastern Metropolitan. To my right is Mr Aiv Puglielli, Member for North-Eastern Metropolitan Region, Dr Sarah Mansfield, Member for Western Victoria and Ms Rachel Payne, Member for South-Eastern Metropolitan Region.

Just before we proceed with questions for the panellists, I would like to read some information to you. All evidence taken is protected by parliamentary privilege as provided by the *Constitution Act 1975* and further subject to the provisions of the Legislative Council standing orders. Therefore information you provide during this hearing is protected by law. You are protected against any action for what you say during this hearing, but if you go elsewhere and repeat the same thing, those comments may not be protected by this privilege. Any deliberately false evidence or misleading of the committee may be considered a contempt of Parliament.

All evidence is being recorded. You will be provided with a proof version of the transcript following the hearing. The transcript will ultimately be made public and posted on the committee website. For Hansard record, when you answer your question and speak, could you please just state your name.

For the committee members, we have got till 4:15, so if you could just keep it to about 5 minutes, then if there is any extra time, I will open up to the rest of the committee. Dr Mansfield, please.

Sarah MANSFIELD: Thank you. Thanks so much for your submissions to the inquiry. I might start with Sweltering Cities. Can you outline the key impacts that inadequate housing has on renters, particularly through, say, a hot summer like we saw a few years ago and like we are expecting this year?

Emma BACON: Sure thing, of course. Sophie is our local campaigner, and she is running a lot of the programs here, so I am going to leave some of the questions around the campaign impacts and local stories to her. But I am here to provide some of that health information about the impacts, so I will start with that. When it comes to what we can expect, we are looking at unprecedented heat in the coming summer, so longer heatwaves, hotter heatwaves. The impact in Victoria – we are expecting that by 2050 there is going to be a doubling of average heat deaths in Melbourne, but what we are going to see is that creep up over time. When it comes to the physical health impacts, you have got the direct impacts – heat exhaustion, dehydration, heat stroke – but you have also got secondary impacts: things like people with cardiovascular respiratory illness being put under more pressure. We know that ambulance call-outs increase during heatwaves. We know that mental health impacts increase. We have heard from people across the country, including Victoria, that their anxiety and their depression is exacerbated. We know assaults, domestic violence and mental health emergency presentations all go up in the heat, and we know that renters live in less energy efficient housing and are more likely to be part of a vulnerable community, so they are going to be more affected by these health concerns than people who live in owner-occupier homes.

Sarah MANSFIELD: Great. Look, we know that the quality of a lot of housing across our country is really poorly built and not really energy efficient and well designed. Obviously people who rent are often more likely to have poorer housing and have got less agency over how that is addressed. What are some measures that you think could be introduced in the short term and then in the longer term to try and overcome that poor-quality housing?

Sophie EMDER: We have heard from hundreds of renters since 2020 about what it feels like to live in really dangerously hot homes and what solutions they want to see. So number one, Victorian renters want to see cooling included in the minimum standards alongside heating. We have heard from hundreds of renters that their homes are ill-equipped to withstand the heat, and when they have tried to advocate to their landlords to try and get cooling modifications put in – things as simple as curtains and flyscreens and window coverings – they have been routinely refused. So putting cooling into the minimum standards will go a long way to protecting renters from heat-related illness and death.

Another important solution that renters want to see is insulation standards being brought in. We know that that is already on the table, but renters in Victoria are urging for the implementation of insulation standards, because right now renters in Victoria are footing the bill and facing the health consequences, as Emma alluded to, as a result of the lack of insulation in their homes. For example, I have spoken to a renter called Madeline. She is living with long COVID, and the heat is already exacerbating her symptoms. The temperature in her home gets up to 31 degrees during summer. There is no insulation in her house, she has single-glazed windows and she, along with so many renters – I have plenty of stories here – feels like the burden to keep herself safe during the summer is placed upon her, and she do not have leverage to get improvements from her landlord.

The third solution that renters want to see is for targeted funding for the VCAT backlog to be cleared. We know that many renters are dealing with the VCAT process, which is putting immense financial stress on them. Many of these renters are already dealing with the financial stress that comes with the cost-of-living crisis, and having to spend weeks and months in the VCAT process is just exacerbating that. For example, we know that this coming summer is expected to be extremely hot. If the air conditioning in someone's rental home breaks, which we have heard many stories of, having to wait for weeks and months if there is a dispute with the landlord and having to go through that process and not knowing when it is going to be fixed is placing really, really significant stress on renters, and it is exacerbating the physical and mental effects on many of them.

The fourth key solution that renters in Victoria want to see is for cooling-related complaints to be seen legally as urgent repair issues. Plenty of renters that we have spoken to have told us that. For example, Logan lives in a rental with his family, and with his windows the draft just comes in all summer, so it is impossible to deal with the heat. When they put the fans on, it does not do anything, because the windows are broken and there are holes in the floorboards. Many renters have told us that they have tried to get this actioned by their landlords and nothing has happened. So the solution to this is for these heat-related complaints to be seen legally as urgent repair issues, like mould would be.

Sarah MANSFIELD: Sorry, just a quick one – I am putting you on the spot, Emma. I do not know if you have got figures on how much it is estimated to cost, I guess, in terms of, say, health costs for the broader system as a result of poor and inefficient housing.

Emma BACON: Unfortunately, I do not have an exact figure for that. As I said, we do know that physical and mental health hospital presentations go up. You talk to GPs, and they say that they are on the front lines of dealing with patients who are facing that. Unfortunately, we do not capture information about heat-related illness very well. You know, when people turn up to a hospital with cardiovascular or respiratory illness or a mental health presentation, it is not like, 'Ah, this is because of the current heat wave.' So there are big problems in data capture that mean we are not able to link, 'We're having a heatwave right now, and this many people are sick or have died.' That is another problem. But we have plenty of studies from Victoria, from Australia and from around the world demonstrating that people living in hot homes and people being vulnerable to heat-related illness are having a big impact on our health system, and it is only going to get worse.

Sarah MANSFIELD: Yes. Thank you.

The CHAIR: Any more questions? Do you want another one?

Sarah MANSFIELD: I think the timer went off.

The CHAIR: Do you want another quick one?

Sarah MANSFIELD: All right, I am happy to keep going. I guess, further to that: are there any programs that you have seen or any models, whether it is in Australia or elsewhere, where some of these issues are being addressed that we could look to to start rolling out maybe on a larger scale?

Emma BACON: I think fortunately Victoria is actually in a position where, because there are existing minimum standards, Victoria is in the best position to have leadership on this issue. There is no jurisdiction with proper heatwave safety for renters. Because we have got the existing minimum standards that say things like ‘cooling’, you could add ‘thermal efficiency’ to existing provisions – things like ‘blinds for privacy and thermal efficiency’. There is an existing template which you could add language to, which makes it easier than in lots of other jurisdictions for Victoria to take the lead on this.

Sarah MANSFIELD: Great. Thank you.

The CHAIR: Fantastic. Thank you. Michael, would you like to continue with questions?

Michael GALEA: Sure, thank you, Chair. I might start with Sam from Digital Rights Watch. It was a very interesting submission. We have touched on in previous hearings, just in very brief detail, issues around renters’ privacy when using these, I think you called them, prop tech and rent tech services. The other thing I keep thinking about too is that we have already had three high-profile data breaches from Optus, Medibank and Latitude this year, and it seems like it is an absolute treasure trove of information that people have on these services. Should people be concerned about their data on these services not being properly regulated or not being properly tracked?

Sam FLOREANI: Thank you for that question. Yes, I think people should be very concerned about this. We have a culture of immense over-collection of personal information generally but especially in the rental sector. Renters are asked to provide enormous amounts of personal information, sometimes just to be able to inspect a house, not even at the application process. This goes well beyond what would be expected to be reasonably necessary to assert that they are who they say they are, that they are able to pay rent and that they are a suitable applicant. It goes well beyond that, so that is an issue that has existed before I guess the increase of rent tech, which we loosely use to define any sort of digital intermediary between renters, landlords, agents, property managers and so on. But the increasing use of these third-party platforms is making this over-collection worse in a number of ways and also creating sort of downstream issues around protecting privacy and protecting digital security and then the flow-on effects of how that data is then used in ways that might not be fair or reasonable in algorithmic decision-making systems and so on. So yes, I think there are lots of reasons to be concerned.

A key part of this issue is that it stands to both exacerbate pre-existing issues of inequality in terms of housing justice and also potentially create new ones as well. As you mentioned, there have been some high-profile data breaches, so I think renters are more aware than ever of the risks that are associated with handing over their personal information, especially to third-party intermediaries, but they are left in a position where they have very, very little power to sort of push back on that or to self-advocate. Because of the housing crisis, because of the pressure and the competition, there is this very real sense that if you say no or if you question – like, ‘Why are you asking me for this information?’ – that you will be seen as being burdensome or troublesome, or if you do not complete the full form, then you will just get pushed to the bottom of the pile and you will miss out completely.

Michael GALEA: And especially as you note, that a lot of this happens at the application stage, let alone all the further stages of a tenancy.

Sam FLOREANI: Yes, absolutely.

Michael GALEA: You cannot opt out – effectively the only way to opt out is by refusing the property, which is not really much of an option for most people.

Sam FLOREANI: Yes. *Choice* did a survey earlier in the year, and one of the findings that they found was that 29 per cent of renters had opted not to apply for a rental because they did not trust the third-party platform being used. That is a lot of people potentially missing out on securing housing.

Michael GALEA: Are you aware of any examples from here or around the world where this sort of software has been either wilfully or negligently leaked and the data has gone out?

Sam FLOREANI: We note there were a few smallish data breaches that happened last year with real estate agents. It is unclear whether that happened because of just their internal processes or the third-party platforms. A lot of this is really challenging to interrogate because it does happen kind of behind closed doors. You know, there is a real lack of transparency about what is happening with the data, who it is being shared with, what it is being used for, which makes it really hard to assess the real tangible harms that are happening to people.

Michael GALEA: Yes. And you have also called for effectively a two-way database, a publicly managed one, for landlords/agents and tenants. How would that work? Would you have data uploaded centrally and then accessed on request or by permission?

Sam FLOREANI: Yes, so basically – and this idea has been explored in other jurisdictions – one of the issues is that there is such a huge knowledge imbalance between renters and landlords and agents and also these third-party companies. Renters are really put at a disadvantage where they do not have access to readily available data about the housing market, about what is on offer, about real estate agents and landlords, so the idea would be to create more publicly available data so that renters can be more informed. It would also additionally help us to better understand some of these issues in the housing sector, because looking at it, often we get sort of stuck with pretty unclear data, to be honest. So we were looking to increase that for public interest use and for better policymaking in addition to supporting renters to make informed choices.

Michael GALEA: And I guess if I can mirror Dr Mansfield's question just before at the end, is there a jurisdiction that has effectively regulated this space, both in Australia or abroad?

Sam FLOREANI: In Australia, no. It is an emerging issue. We are seeing more and more examples happening overseas where these technologies are causing really material negative impacts on people and there are steps being taken. For example, the US Federal Trade Commission is looking into it. But essentially what I would strongly suggest is that we look at these examples of harm or the potential for harm and learn from them so that we can sort of be proactive in preventing some of them before they get really bad in Australia. In Australia the prop tech and rent tech market is not as entrenched as it is overseas, but we have seen, I think it was, about a 400 per cent increase in prop tech companies over the past 10 years or so in Australia, so it is certainly growing, yes.

Michael GALEA: Yes. Very interesting. Thank you. And if I could ask Emma and Sophie – I have got to say, reading the submission and all the examples I actually saw my old uni mentioned, and I had some flashbacks – it was private accommodation not on campus – no ventilation in my little flat room that had a single window, and it was absolutely sweltering. And being 19 at the time I do not think I did much but move out. But it really brought back memories of that as well. In terms of student housing we have also heard that we are seeing some different regulatory aspects to it. Is this a particularly strong area that you have seen issues in, or is it no more or less than in the broader private rental market?

Sophie EMDER: Yes. We have spoken to renters who are living in various types of rental accommodation – so student accommodation, public housing, community housing and private rentals – and the stories that are coming out of all of these different rental types are really the same, and the solutions that we are putting forward can be applied over these different rental types. So really the points that I was saying about putting cooling in the minimum standards and implementing the insulation standards that are already on the table, these solutions are applicable to these varied types of rental accommodation, whether they be private rentals or public housing.

Emma BACON: And I think just to add on to that, as Sophie was saying, we know that any type of housing where there are lower regulatory standards, that is where people will be more vulnerable; you look at student housing when it comes to international students who might not know their rights, who might not have any other options. We have also been talking to Tenants Victoria, and people living in boarding houses are facing similar issues. It is like, well, you move out because you do not have power to compel your landlord and there are lower standards for some of these accommodation types. We know that student housing is in that category of both vulnerable community members but also lower standards, and so we need to really address that.

Sophie EMDER: I was also going to say that it is worth emphasising that the Victorian renters that are most vulnerable to the heat are, like Emma was saying, international students with limited leverage to negotiate with their landlords but also older people, people with disabilities, people with chronic illness and babies and young children. I have spoken to dozens of renters over the past few months, many of whom are older – 50, 60 and above – who spoke about the inability to escape the heat during summer because of mobility issues. Not everyone can leave their homes and go to an air-conditioned space – a cinema, a library, a shopping centre. So for someone like Peter, who is a renter in Victoria, his rental home reached the mid-30s. He has had to do all sorts of things – wrap towels around his whole home, pour water on himself throughout the day, put cardboard all around his bed. For older Victorians who are renting and people with mobility issues, it is not always possible to escape the heat. So that is worth mentioning.

Michael GALEA: Good point too. Thank you, all. Thank you, Chair.

The CHAIR: Thank you, Michael. Aiv.

Aiv PUGLIELLI: Hi. Aiv here. I might begin with Sam. Hi. I can say this from personal experience: we see that current loopholes within the particularly digital applications space for rentals enable – what is meant to be, to my understanding, illegal – rent bidding in Victoria to continue. I have seen unfortunately personally in an application for my recent lease that that practice still occurs even in my own region. You reference this in your submission; could you go into a bit more detail of the impact that that current loophole is having on the rental market?

Sam FLOREANI: Yes, absolutely. Thank you for that question. Yes, we are seeing – by platform design – regulatory evasion, I suppose we could frame it as. The example you mentioned is a really good one. In Victoria you are not allowed to solicit rent bidding, but many of the application platforms will include an editable field where you can put in whatever rent amount you want to pay. Say it is for \$520 a week, you could put it up to however much you are willing to offer. In the current climate it is extremely common for people to be offering more rent in order to try to secure a rental, and the way this works is that it kind of circumvents that prohibition on soliciting rent bidding. They are not technically asking for it, but because it is editable and there is that mounting pressure, surrounding contextual pressure, it ends up working in effect that way.

Aiv PUGLIELLI: To your knowledge – I mean, I cannot think of this off the top of my head – is there any reason why that field is editable in the first place?

Sam FLOREANI: I mean, it is hard not to take a cynical look that they would be seeking a higher rent. I do not know why else you would put that in there. Also, it could be used to help differentiate between applicants. Someone who is willing to pay more might have a higher paying job or something, and so that might be an additional data point that can then be used to assess the riskiness of your potential renter, for example.

Aiv PUGLIELLI: Thank you. Something you have already touched on, which is in your submission as well, is this idea of the landlord-renter relationship, that power imbalance. We have heard it so much through the course of the hearings so far, the way that the digital space is impacting and influencing that relationship and that intersection there given that environment where, as I think you have already noted, that access to information is skewed so that the renter is disempowered even in terms of what information is available to them. Do you think that, in a scenario which we do not currently have in Victoria, when rents increase we are able to know by how much it will increase rather than an unforetold amount – if that became policy in Victoria where there were either caps on rent increases or some kind of rent control that gave people that information, do you think that would go to improving that power imbalance in terms of information for the renter?

Sam FLOREANI: I think it would certainly help to empower renters to be able to make more informed choices or to be able to anticipate what is coming. It would not necessarily go far enough to address some of the other informational power imbalances that we have between renters, agents and landlords in terms of just the sheer volume of information that they have about renters – their personal information. You know, I am personally a renter, and I have been in situations where I have handed over pretty much my entire life story to apply for these rentals, and you may never know your landlord's name. The huge imbalance there is quite pronounced, and it can contribute to not just potential misuse of that data down the track, which we can get into if you would like, but also just a real undermining of renter dignity as well.

Aiv PUGLIELLI: Thank you, and look, I can confirm I do not know my landlord's name. In terms of data minimisation, which you also referenced, people give over on these forms what feels like every detail about themselves, and it is purely meant to be for the purpose of the rental provider knowing that this is someone who would be a viable tenant and having some kind of security there. Could you go into a bit more detail with your concerns about both how much information is having to be given but then also how it is being stored and how much actually needs to be kept?

Sam FLOREANI: Yes, absolutely. Referencing that Choice survey that they did earlier again, just because I think it is interesting, 60 per cent of renters were uncomfortable with the amount and type of personal information that is being collected. So it is not just what is being asked for, it is the amount as well – all kinds of identity documents. We have got stories of people being asked for medical records; social media handles; car registration details; cat – I have a cat, so I think cat – or pet registration details; marriage certificates; credit checks; visas; evidence of your past employment and past living arrangements; and all of these things. There might be some elements that are reasonable, but it is an issue of collecting so many of those different parts and in aggregate how much data is being collected. What was the second part of your question?

Aiv PUGLIELLI: Then once they have got the information, how much actually should be kept once they are a tenant?

Sam FLOREANI: This is a really important part in terms of the secure storage of the personal information and how long they need to retain it for. One of the key issues with the Optus data breach, for example, was that people were really outraged because they were like, 'Why do you still have my personal information after 10 years or so? Why are you still holding this when it's no longer necessary and I'm no longer a customer?' So it varies really greatly between agents and between third-party platforms how long the information is stored for and how it is stored. Renters in general are left in a position where it is extremely hard to know how long it has been stored for, what is being done with it and when it will be deleted. I think it is entirely reasonable to expect that if you apply for a rental and you have not opted in for them to keep it for future applications, they have no other purpose for that information and so should be required to delete it really quickly. I think something that should be considered in this is making really clear rules about the period in which it is necessary and reasonable to hold onto that information and making sure that when it is being held it is done so securely.

Aiv PUGLIELLI: Thank you. It is a big issue.

The CHAIR: Thanks, Mr Puglielli. Ms Payne.

Rachel PAYNE: Thank you, and thank you to Emma, Sophie and Sam for coming in today and your submissions. Sam, I might just start with – for me, some of the considerations here, as someone who rented for 25 years, are that not only your data is being collected but that of your references. I have often given references for many people, and I think, 'Why am I completing so much information about myself when I am just verifying either employment or that we used to live together or they're a friend and I can vouch for them?' Just commenting on that, do you think that this is a bigger issue than what is actually considered?

Sam FLOREANI: Yes. Thank you for the question. I think that references, especially oral references, can result in collection not just of additional information about the renter who is applying for the house but also the person who is providing the reference. It again is very unclear what is being done with that personal information, how long is it being stored for, for what purpose and so on. I think it becomes really tricky in verbal reference checks as well to make sure that these questions are reasonable and not overly invasive. There have been media stories in the past of people doing reference checks and asking all kinds of unnecessarily invasive questions about people's character and their work ethic – things that are just not entirely necessary to be able to assess a renter's ability to pay rent. So it is an area that I think is worth further attention, but it can be quite challenging to, I guess, have oversight of.

Rachel PAYNE: To capture, yes. Something else that we have been discussing a lot today is particularly the most vulnerable cohorts of people who are looking for rental properties, and I am thinking specifically towards people who may be escaping family violence. I know one of the recommendations that you made was around investigating the private tenancy application process. Do you think that there is an issue there, of the education of those in the rental provider industry? Do you think there is a lack of education there, around looking after

those that are most vulnerable, or do you think they are just going, 'This is a one-stop shop. You have to complete this form and you have to trust us with your data,' essentially?

Sam FLOREANI: Yes, that is an interesting one. I mean, I cannot make a grand comment about the technical competency or the competency of understanding cross-sections of vulnerability and marginalisation by agents and landlords. But what I will say on these technological systems is we know that they exacerbate bias and potential unlawful discrimination, especially where there are automated decision-making systems or scoring or rating systems in place. We know that that happens in other areas, and there is very little to prevent that from happening in the housing sector as well. One of the tricky things with this is that it is not always clear exactly which data points are resulting in particular decisions. So, for example, if you are a single mother, that might end up impacting the decision negatively, or if you have a potential racial background, that might end up impacting it negatively. That is really, really challenging to interrogate, especially where there are just not enough transparency or accountability mechanisms in place to enable be it the regulator or be it consumer rights advocates or academics to go in and understand how these systems are working.

One final point I would make as well: putting in protections around this kind of stuff, so things like making sure that these systems are auditable, making sure that there are accountability and transparency mechanisms, making sure that there are risk assessments being done. These things would not just help renters, they would also alleviate some burden for real estate agents and landlords, because they will not necessarily understand how these systems are being used either. It is very possible that there are circumstances where real estate agents might want to do the right thing – they do not have any intention to discriminate or to exacerbate bias, but they do not necessarily have the visibility over how these tools work either. So increasing the regulation in this space around renters could potentially help them as well to do a better job.

Rachel PAYNE: And make it more accessible.

Sam FLOREANI: Exactly, yes.

Rachel PAYNE: Yes, definitely. Emma and Sophie, I also want to talk about other jurisdictions, but in looking at that I am thinking more around where governments have incentivised rollouts. In particular I am thinking more around keeping places warm, not necessarily keeping places cool. Do you think there is a role for government here and it is something that we should consider as a committee – the role of government in a holistic approach here, around standardising of the housing?

Emma BACON: Definitely. I think that comes in two parts – sorry, I am writing down notes so I do not forget the second part of the question. I think the quality of housing we build from now into the future is hugely important. We need to be increasing our housing standards in order to make sure everything we build from now on is not only safe in a future climate, but also helps contribute to our net zero 27 – our 2050 goals. When we think about housing, we need to make sure that the planning regulations are included in this. Another thing is around incentives around energy efficiency linked to existing carbon-reduction goals. We frequently hear from renters that they feel excluded from these programs. Even if there is, say, \$1000 to help with solar panels or air conditioning, heat pumps and things like that, they cannot access that. I think you heard from Alison yesterday, who came and appeared. Alison, who we work with, said that she even sent those incentives to her landlord, and they said, 'They've ran out,' which she said she does not believe is correct. There should be targeted programs to support these things. What we are talking about today is literally a reduction in deaths. I know that sounds like a very intense thing to say, but it is. These sorts of provisions, which will improve quality of life and reduce the health impact, will also lead to a more sustainable community. Incentives and the planning system are two big things.

Rachel PAYNE: Thank you. Thanks, Chair.

The CHAIR: Thank you. There are two areas I need to anticipate.

Emma BACON: I know, we are quite different.

The CHAIR: It is fantastic. I am not too clear in relation to this app thing. I have been in the area for a long time. Just with the information gathered, do they actually have to download to verify what you input into that? To see information, do the client or the renters download actual certificates to prove that it is true or not?

Sam FLOREANI: Do renters have to download –

The CHAIR: Yes. Those who utilise the app, for example, who are required to put their details in. Do they need to verify that?

Sam FLOREANI: Yes. Generally you would upload copies of your identity documentation, and then either the third-party platform itself would do the check or the real estate agent would do the check.

The CHAIR: All right. Thank you. With my law enforcement background, I think this is very unnecessary and it is a bit risky. I am quite surprised. You said 60 per cent would not use this. I am probably one of them – I would not. With my experience in law enforcement, I would advise to not ever provide any type of detail through these sorts of methods. That is why I am quite surprised with your recommendation. There was no other mention about options of different methods of actually providing your information or payment or applying for that. You did not put it in.

Sam FLOREANI: As in if there should be both –

The CHAIR: Both, the app –

Sam FLOREANI: a digital and an analog? Absolutely. Not just in terms of mitigating some of the privacy and security and fairness risks, but it is also a digital inclusion issue, because a lot of people do not have access to these technologies or do not have the ability to, so it is really important that there is both.

The CHAIR: I might have misread it, but I cannot see that in your recommendations.

Sam FLOREANI: No, I do not think we have made it in this one, but yes, we would support that.

The CHAIR: Maybe we should support that. I know you mentioned about the bidding offer, and I think the digital landscape will encourage that. It is quite easy to type something in than actually speak on a paper application. That is just my interpretation in relation to the digital world. But from a law enforcement background, it is a very dangerous situation to go down in relation to exposing your information. My question relates to that: what kind of regulation or penalty should be enforced if these were to proceed? Would you see it required on the landlord, or is it on the actual third-party managing the digital world? Should it be anything at all?

Sam FLOREANI: I think there are a few things that can happen. Some of the big ones are – and I am sure potentially others have mentioned this – standardising the application form and standardising the application questions. This is a really popular proposal across other tenants unions as well. I know that in New South Wales they have been looking at this a bit. At the moment in Victoria there are some bits of information that you are not allowed to ask for, for example, full bank statements, or you are not supposed to ask for protected attributes under anti-discrimination law unless you say why. This does still routinely happen, though, especially in these online platforms, especially where there are fields that are ostensibly optional. But again, that pressure to fill out an entire form to be considered means that people are providing more information, even when they are not supposed to be. Something like a standard set of application questions could be really, really beneficial, because this would really clearly outline what can be asked for rather than saying what cannot be asked for, and that would put some really strong guardrails around that. Then you could go a step further and be like, ‘Okay, well, here are some examples of documentation that you could provide to support these answers’ – and prioritise data minimisation so you are not asking for all of them, you are just asking to meet those certain standard questions. That would establish a fairer playing field. You would have a clearer idea of what is and is not reasonable and lawful to be asked for, and it would hopefully reduce the overall amount of personal information that is being collected, which then would also reduce the consequences and risk of, be it, a data breach or the misuse of that information down the track. That is a really key issue, I think, in terms of what we could do to better regulate.

The CHAIR: Thank you. Just to throw my question over to Sweltering Cities: the fact is that a large number of houses are old, and the situation is that the standard is not there in relation to the heating and cooling. That is just the reality. We need to change that situation. I was wondering: how do you see this getting implemented in relation to reaching that standard in relation to cooling, whether it is a 3-star or 4-star or 5-star home – on the one side, the cost to implementing each house and whether the cost would probably go to the owners? And how do you see it being implemented and regulated and managed as well? I am just following up – I know there are

a few more questions – on whether those regulations being implemented will drive away the supply as well due to the cost.

Emma BACON: I would say, just to start off, there are really two ways to approach this. One is to say: should there be a standard for safe house temperature? And if you can demonstrate that your house, your living area, your bedroom gets over that temperature during summer, then you have the ability to go to your landlord and say, ‘This is an unsafe place.’ As we have already mentioned, with the sorts of vulnerable populations, ‘This could cause serious illness, this is an unsafe space. How can we work together to cool down this room?’ We have heard from renters. Some people say, ‘I would like air conditioning.’ A lot of people say, ‘I would like insulation, I would like screen doors to be able to get ventilation through, I would like bars on my windows so I do not need to keep them shut at night, I would like ceiling fans.’ Some people even say, ‘I want to be able to plant trees’ – things like that. So it is about, is there a temperature standard, or can you add on to the minimum standards, like energy-efficient air conditioning and better models of that, and say that people should all have screen doors and, as I said before, things like blinds, not just for privacy but also thermal efficiency? There are two different ways you can go with that: either it is the temperature standard or specific things to put in.

When it comes to cost, we have got existing models around heating. There are rules around energy-efficient heating. You could do the same things with cooling and phase it in over multiple years. Obviously we are not suggesting that every single house in Victoria gets an air conditioner; we know that is not practical. We are not suggesting that every single one should be eight stars; we know that that is not practical. But as we have mentioned, the things that renters are asking for are not \$2000-air conditioning units across the board. They are really simple alterations, and putting heatwave safety in the rental laws will allow them to go and talk to their landlords and have some footing to stand on on that. Is there anything else you want to add to that?

Sophie EMDER: Yes, just to add a human face to that – a renter called Mel who we spoke to has rented in Victoria for 25 years, and in none of her rental homes that she has lived in has there ever been a fan provided or an air conditioner provided. She has noticed that during winter, when she has requested for heating to be put in, that has been actioned really quickly – obviously because there is the legal requirement that heating must be put in. So changing the minimum standards is really the only proven way to actually protect renters from living in these dangerously hot homes. We know that that legal enforcement works by and large. Obviously people do fall through the gaps, but we know that that is working when it comes to heating. But when it comes to cooling, people are languishing in the heat, and they are being refused again and again by their landlords.

Emma BACON: I think the only other thing to say in terms of cost is that someone is paying. Whether it is the Victorian taxpayer through the health costs of people going to the emergency room, whether it is the environment in terms of these low energy efficient systems, whether it is the resident who cannot afford to turn on the air conditioner and is under huge financial pressure, someone is paying. We need to make sure there is an equitable way to improve energy efficiency that also reduces the cost to the health system.

The CHAIR: Yes, I think that is a big discussion in relation to how it is going to be implemented. Just to quickly round up, cooling a room is not just an air conditioner; you can put a –

Emma BACON: Things like that.

The CHAIR: It will go out if it is not insulated properly. There will be a lot more conversation around that, but I do appreciate the approach in relation to cooling houses. It is I think something that needs to be addressed and something that needs to be looked at, but just how it is going to be done will be another discussion.

Emma BACON: As we have said, even if it is a longer discussion around how these standards are approached, adding in things like thermal efficiency to the existing provisions – we think that that is a really simple way moving forward to help this summer and beyond.

The CHAIR: Thank you so much. This brings the panel to a close. I again thank the panellists for coming in and making a submission and for giving your time today. We will now move on to our final session for the day.

Witnesses withdrew.