

EQUAL SERVICE

Responsible approaches to consumers
experiencing homelessness

Guidelines for caravan park operators



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*Responsible approaches to consumers
experiencing homelessness*

Caravan Parks

The Victorian Government has developed these guidelines to help you manage a business that is fair and respectful of all consumers, regardless of their social status. These guidelines have been developed in consultation with business owners and operators throughout Victoria and with people who have experienced homelessness.



Homelessness can happen to anyone

Losing your job, getting sick, relationship breakdowns, domestic violence, financial strain, and emotional breakdowns all can lead to homelessness. Some people are more at risk of experiencing homelessness because of a lack of support services, sustained and institutionalised discrimination, and/or negative community attitudes.

Homelessness is a term used to describe people who do not have access to, safe, secure or affordable housing. This includes people sleeping rough on the streets or in squats, people staying with friends or families, people living in crisis or transitional accommodation, and those staying in boarding houses or in caravan parks without security of tenure. These people include Indigenous Australians, people with disabilities, people from culturally and linguistically diverse backgrounds, people with mental illness, older or younger people, transgender and intersex people.



Why provide EQUAL SERVICE?

EQUAL SERVICE guidelines are consistent with anti-discrimination and residential tenancy laws that you are already required to comply with. Providing EQUAL SERVICE does not mean that you do not have rights as a business owner – it is about treating people with respect and not judging them based on their appearance, background or social status. In following the guidelines you will open your business to the broadest possible client base and build your local reputation as a fair and responsible business leader.

People experiencing homelessness are often treated unfairly and harassed, which can add to their difficulties. While discrimination on the basis of homelessness is not against the law, under the *Equal Opportunity Act 1995* you must not discriminate against people because of their race, disability, physical features and gender identity, just to name a few of the personal characteristics covered by the Act. Adopting a policy of treating everyone fairly and equally is a good first step towards minimising the risk of a complaint of discrimination being made against you.

Guidelines to providing EQUAL SERVICE

I. Meet the basic statutory requirements that govern your industry

Under the *Residential Tenancies Act 1997*:

- You or your manager must respond to requests for urgent repairs without delay and to all reasonable requests for general repairs.
- Personal property cannot be held until rental arrears have been paid.
- You must ensure resident's have 24 hour access to his or her caravan, toilets and bathroom facilities.
- Reasonable access to any communal recreational or laundry facilities must also be provided, and cannot be withdrawn if a resident falls behind in rental payments.
- A resident can only be evicted after correct written notice.
- You may charge a fee for additional guests to meet amenities costs and to charge for gas and electricity usage.
- Where utilities are not separately metered, you cannot charge a resident more than the supplier would have charged them for the utility.

Under the *Equal Opportunity Act*:

- You cannot refuse tenancy or otherwise disadvantage someone in accessing your services because of a personal characteristic covered by the Act.
- You cannot demand sexual favours in return for tenancy.

2. Provide all consumers with the same level of service

All residents are entitled to be treated with dignity and respect. This means:

- A consumer is entitled to a vacancy regardless of whether they require the assistance of an advocate or support worker.
- You cannot charge more rent or bond based on your assumptions about an applicant. You are entitled to charge more for services during peak/holiday seasons and to determine a sliding scale of fees for levels of accommodation provided. However, you must disclose your fee policies prior to them entering into a tenancy agreement.
- A consumer is entitled to choose from the range of accommodation that is available and within their budget.
- All relevant business policies relating to consumers must be fair, equitable, clearly displayed, applied uniformly and comply with the *Equal Opportunity Act*.

3. Accept all legal forms of payment for your service

If a resident can pay for a service, they should have the right to access that service.

- Cash, Housing Establishment Funding (HEF) and charity cheques should all be accepted as payment for accommodation.
- Centrepay is an option for rental payment but you cannot insist on using Centrepay facilities as part of your lease agreement.

Tips

Work together to maintain a tenancy

- If a resident is experiencing problems including rental arrears, you should try and work with them to identify solutions that promote sustainable tenancies.
- Providing residents with a range of information and referral to support services can be useful in promoting sustainable tenancies.
- Providing consumers appropriate referral to emergency and advocacy services on serving an eviction notice can assist in securing alternative accommodation.
- Developing robust policy and practises for conflict and dispute resolution will help ensure a fair and respectful environment.

Resources

Consumer Affairs Victoria

Provides free information and advice on the Residential Tenancies Act. They also publish a useful resource guide *Caravan Parks: A guide for residents, owners and managers*.

113 Exhibition Street, Melbourne.

Telephone 1300 5581 81

Website www.consumer.vic.gov.au

Victorian Equal Opportunity and Human Rights Commission

Provides free information and advice on the *Equal Opportunity Act*. Investigates and conciliates complaints of discrimination, sexual harassment and racial and religious vilification.

Advice Line 03 9281 7100

Toll Free 03 1800 134 142 (country callers)

Website www.humanrightscommission.vic.gov.au

PILCH Homeless Person's Legal Clinic

Provides free legal information and advice to people who are homeless or at risk of homelessness.

Free Call 1800 606 313

Website www.pilch.org.au

Council to Homeless Persons' Homelessness Advocacy Service

Provides information, advocacy and advice to improve outcomes for people experiencing homelessness or at risk of homelessness.

Phone 03 9419 8529

Website www.chp.org.au

Department of Human Services

To assist someone access housing and support services, call 1300 650 172 and ask for the Community Housing and Homelessness Programs area of your regional office.

Dispute Settlement Centre of Victoria

Can deal with a wide range of disputes including matters between caravan park residents. For free mediation and dispute resolution advice call 9603 8370 (metropolitan), regional 1800 658 582.

Disclaimer

The information contained in this brochure is intended as a guide only and is not a comprehensive account of the law or a substitute for professional advice.

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PILCH

Homeless Persons' Legal Clinic



STREET **SMART**
HELPING THE HOMELESS

