

HOUSE OF ASSEMBLY

TUESDAY 09TH FEBRUARY 2016

HOUSING IMPROVEMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 23 September 2015.)

Mr PEDERICK (Hammond) (11:56): I pay due respect to the member for Bright and the significant amount of his life that he has spent in relation to this legislation in a former life. Be that as it may, he is always very insightful, especially in the work that he has done in the past, and he is doing very good work in the parliament. We are here today in regard to the Housing Improvement Bill. It is quite interesting. This is a bill for:

An Act to provide for measures to address housing that is unsafe or unsuitable for human habitation; to control the rent of unsafe or unsuitable housing; to amend the Residential Parks Act 2007 and the Residential Tenancies Act 1995; to repeal the Housing Improvement Act 1940; and for other purposes.

We are certainly long overdue for the Housing Improvement Act to be upgraded and improved. However, one thing that does concern me—and I will certainly be interested in the minister's response down the track—is that, from my reading of it, this looks like it applies to every habitation in the state. I know there is a lot of talk about rental accommodation, but there are many and varied ways in which people want to live their lives, and we have freedom of choice. If people want to live in a tent by the river, or a humpy—some sort of primitive man-made construction—that is their choice. Obviously, not many people do that, but some feel that that is how they want to live, so we should let them be.

In other cases, people may be living in fairly rudimentary accommodation while they wait until they secure enough of their own funding to build better accommodation. That is certainly something that comes to the fore in opening up this great state, especially in the agriculture realm. Even only one generation back, I can recall many families who basically lived in the end of a shed. Yes, it was done up and most of them were lined accommodation—houses, for want of a better word—but they were essentially living in the end of a shed.

Many of these houses, sheds—whatever you like to call them—still exist today. Not a lot of them are lived in, from my knowledge, but that is only one generation back from me. People were living in these things in the 1950s, 1960s and, I would suggest, even into the early 1970s, until they found time, once they had cleared their properties and managed to do enough to get some reasonable accommodation.

As I said before, housing and accommodation is all in the eye of the beholder. It would not matter which suburb you went to, whether it was Burnside, Port Adelaide, Clarence Gardens, Windsor Gardens, or places throughout the country such as Mount Gambier, Murray Bridge in my electorate, Port Augusta, Port

Lincoln—all around the state. There are many varied styles of accommodation, and then you get to Coober Pedy where they have that unique underground accommodation.

Ms Redmond: Dugouts.

Mr PEDERICK: Dugouts, as the member for Heysen suggests, because of the climate. So, there are many and varied means of accommodation. In fact, we used to use camp accommodation back in the days when I worked in the Cooper gas fields. There are many versions of that—the old huts or the ATCO huts. We have Australian Portable Camps right on the edge of my electorate that builds mining camps that are used right across this nation, and they do a fantastic job. Some people choose to live in accommodation like that. Why do we need to have big brother dictating what the minimum housing standard is? I know I am posing some broad questions here, but is there going to be an—

Ms Redmond interjecting:

Mr PEDERICK: Yes. Is there going to be an easy answer to this or is the government trying to fix the severe unemployment problem that we have in this state by hiring all these authorised officers to inspect every place of habitat in this state? I wonder because there are so many styles of accommodation and even if people live in a relatively modern home. A lot of homes were built during the 1950s, 1960s and 1970s. In the farming areas, a lot of the brick homes in my area were built by the Trotta family, a great Italian family. They built many homes in my electorate, fantastic double brick houses, and I believe pretty well all of them are still being lived in today because they have been well built and they do a great job.

They were replacing some of these styles of accommodation I talked about before where people were living in the end of sheds and that kind of thing. What worries me as far as the construction of housing is concerned is that there does not seem to be any longevity built into housing construction these days in some of the ways they are constructed. My farmhouse at Coomandook is 80 years old. It is a fantastic house and it should go for another 160-plus years.

I shudder when I look at how we seem to have backtracked—and I am sure some builders will have a crack at me but that is fine—in the way that building styles have changed because of the cost of housing. We have gone from double brick to brick veneer and now we have blue board which I think seems like glorified cardboard. It worries me when I speak to some people in the industry who suggest that a lot of the modern homes being built today may only be there for 30 to 50 years. That is a pretty short life span for a house, in my mind.

It is very subjective in regard to how you measure the suitability of how someone lives. Yes, in rented premises especially, you expect that they comply and be tidy and that sort of thing and that can be relative as well. I am not an extreme hoarder personally but I tend to hoard a few things. Thankfully I have a good wife who cleans out the cupboard occasionally, and I am sure there some things that I do not miss that I should miss that have disappeared from the house.

The Hon. S.W. Key: What are we talking about?

Mr PEDERICK: You just have to listen. I am just talking about how it is all subjective on the quality of how people live their lives.

Members interjecting:

The DEPUTY SPEAKER: Yes, I am just wondering if the member for Hammond needs protection.

Mr PEDERICK: Thank you, ma'am, and I do appreciate your protection.

Members interjecting:

The DEPUTY SPEAKER: Order! On 131. Let's not start off the year badly.

Mr PEDERICK: Thank you, ma'am. They are out of control on the other side. As I started in my contribution, I am really concerned as to how it will affect private dwellings. Not just that, how will the government, if there is a distinction (and I need to be convinced that there is a distinction), know whether houses are rented or are owner occupied, and that kind of thing? Another issue we have, especially in the country, is that, as country populations have diminished (and in my local area it has probably diminished by 50 per cent in my lifetime, which is sad) it leaves the opportunity for housing to be rented out, and sometimes the houses are just walked away from, but they may be picked up later for very low rent and with minimal work done.

It worries me what enforcement may be put in place if too high a standard is put up, especially where people are only getting very minimal rent. When I say 'minimal rent' I am talking in the realm of between \$80 and \$120 a week, and there would be quite a few properties right across the state in rural areas, and especially on farms, that are rented out for that amount. So, I will be very interested in the response from the minister.

A range of orders can be placed with this bill. There are housing assessment orders, and I guess once you get an assessment order you are probably likely to get a housing improvement order, unless you are really unlucky and you get a housing demolition order. Whatever happens with these orders, there will be a cost. As we heard earlier, fines have increased significantly from around \$100 in the 1940 act. It is certainly noted in the bill that actions will be taken by the minister if orders are not complied with, and also recovery of costs.

It was interesting to note in the minister's second reading speech the mention of housing in rural areas and the need sometimes for mining. That is needed for mining and other issues that can be happening out in rural areas. That can see tenants moved out, so they need to find other accommodation. Some people are much more comfortable in taking perhaps a lower quality of style of dwelling than others, and it is all in the eye of the beholder.

Certainly in relation to any homes that get sold there has to be a disclosure about orders or notices for lease or for sale. With all these questions and comments I am making I certainly want to get some insight into what the minister thinks about owner occupiers in relation to everything I am raising here today. I look at the explanation around clause 5 related to the prescribed minimum housing standards, and it states:

This clause sets out a power to enable the making of regulations to establish prescribed minimum housing standards that must be met for residential premises to be considered safe and suitable for human habitation.

It sets out a list of matters that may form the subject matter of such regulations, including matters relating to construction, amenity, cleanliness, sanitation, safety and access. Certainly this is a very overarching clause, and I note that we have about 50 amendments posed by the shadow spokesperson, the member for Adelaide, and it is in the eye of the beholder. I will be very interested in that, because we all have a different level of what we think is a minimum housing standard. In relation to clause 11, relating to the powers of authorised officers, the explanation states:

This clause sets out the powers of authorised officers in connection with the administration and enforcement of the Act. Such an officer may —

enter and inspect residential premises at a reasonable time;

ask questions of any person found on the premises;

inspect any article or substance found in the premises;

take and remove samples from any substance or other thing found in the premises;

require any person to produce any plans, specifications, books, papers or documents;

examine, copy and take extracts from any plans, specifications, books, papers or documents;

take photographs, films or video recordings;

take measurements, make notes and carry out tests;

Also, they can remove any article that may constitute evidence of the commission of an offence against the act, and require a person to answer any question that may be relevant to the administration or enforcement of the act. This clause further provides that an authorised officer may use reasonable force to enter residential premises if the officer has a warrant or the officer believes it is necessary.

Subclause (6) makes it an offence attracting a maximum penalty of \$10,000 for a person to hinder or obstruct an authorised officer, or a person assisting an authorised officer, in the exercise of power under this section, or fail to answer a question put to him or her by an authorised officer to the best of his or her knowledge, information or belief, or fail to provide reasonable assistance in relation to inspection of premises. The ground of self-incrimination cannot be used as an excuse for failure to furnish information required under this clause, and the standard provisions regarding the evidentiary use that may be made of information provided by a person in compliance with the clause apply.

Well, here we do not even have the right to remain silent. I believe this is similar to legislation involved with the fisheries act and the Natural Resources Management Act, with regard to the simple fact that people do not have the basic human right to stay silent. Essentially it has very overarching provisions, such as entry to the house, that are very similar to issues involved in relation to fisheries. So this bill will give the minister wide ranging powers; not only that, they will be to everyone who is delegated under the minister's authority to carry out this task.

People do not like Big Brother government, and they certainly do not like people coming in and just taking over their lives, having a fair crack at them. If, for some reason, they do not want to speak, they want to hold their peace, that becomes an offence. I call that Big Brother government. I think people deserve the right not to speak and they certainly deserve the right to have legal representation, and have time given to them to have that representation in order to defend themselves. It is a basic human right and should be afforded to these people.

I know we are going to agree to a heavily amended bill but we need to get through a whole raft of amendments and have a whole lot of questions answered that will, hopefully, ease some of the assumptions—or not—that I and others have made in regard to this legislation. I believe this will affect everyone in South Australia, not just renters but also people owning their own homes, and there is a mix right across the state. I certainly have a broad mix throughout my electorate, whether it is in residential parks or residential tenancy situations, whether it is government housing or private rental. We have all of that, but we also have very many private residences that are owned by the people who immediately dwell in them.

I hope that gives the minister and her department little bit of homework to do. I will be interested in the continuation of the debate.