



Redfern Legal Centre

# International Student Accommodation: who is responsible

**Sean Stimson**

Senior Solicitor for International Students

Redfern Legal Centre

# Acknowledgement of Country

I would like to acknowledge the Gadigal People of the Eora Nation, who are the traditional custodians of the lands upon which we are speaking today.

I would like to pay my respects to Elders both past and present and extend that respect to other Indigenous Australians who are present.

# Redfern Legal Centre

## International Student Legal Service NSW (ISLS)

- Established in 2011
- Only free independent statewide specialist legal service for international students in NSW
- Available to 278,000 international students enrolled to study in NSW (onshore and offshore)
- Resolve legal issues before escalation
- Legal assistance, law reform and stakeholder engagement
- Benefits of receiving legal assistance include: health, well-being, education, overall student experience

# Impact of Unresolved Legal Issues on International Students

- Risk of departure from Australia
- Incomplete studies due to unresolved legal matters
- Health and well-being issues
- Unresolved legal issues are prevalent to crisis of mental health concerns among this demographic. Studies, such as Orygen 2020, indicate that international students face a higher risk of experiencing mental health challenges compared to domestic students. Additionally, they exhibit a notable tendency to underutilise mental health services, often seeking assistance only when symptoms reach debilitating levels (Forbes-Mewett & Sawyer, 2016)."

# Australia as an International Education Destination

- Australia ranks among the top three countries globally hosting international students, both in sheer numbers and as a percentage of the overall student population (OECD 2022 data).
- Except for temporary declines caused by the pandemic and a student safety crisis spanning from 2009 to 2013 (Ramia, 2021), the consistent long-term pattern indicates significant growth in international student enrollments.
- According to the Department of Education 2023, international students make up **27%** of tertiary student enrollments nationwide, and in certain universities, this percentage exceeds **30%**.

# International Student Enrolment in NSW (Jan-Aug 2023)

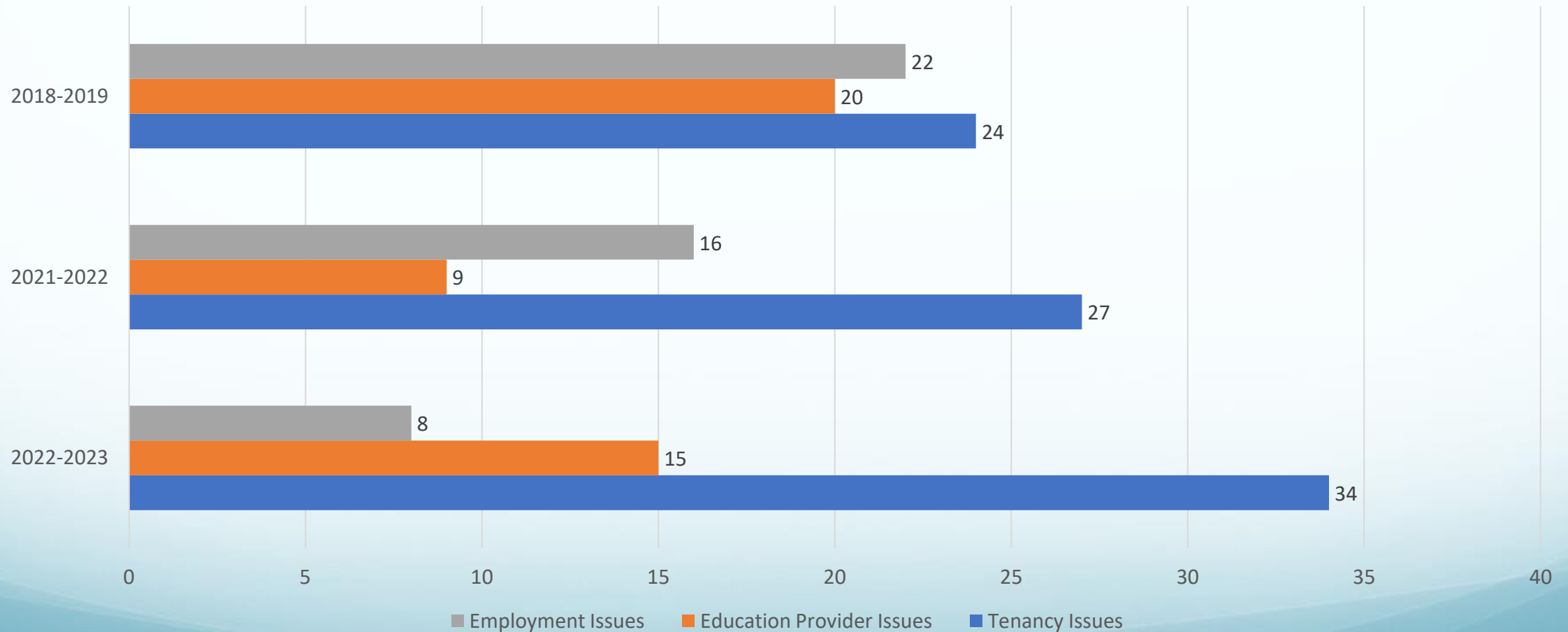
- 277,597 students enrolled to study in NSW
- NSW has the largest share: **38%** of Australian student numbers

# Accommodation Distribution

(RMIT University Survey 2019)

- **18%** in PBSA
  - **11%** in university housing
  - **7%** in commercial PBSA
- Remaining **82%**:
  - Independently organized accommodations:
  - **36%** in share houses
  - **18%** with friends and family
  - **14%** in private rentals

# Demand for Legal Assistance comparison chart in %



# International Students Tenancy Issues

- **Bond disputes**
  - bonds not lodged
  - bonds not returned
- **Rent increase**
  - often unlawful, exceeds legislated limits, 'excessive'
- **Share housing disputes**
  - lack of written tenancy agreements
- **Evictions**
  - arbitrary, retribution for raising issues, lack of notice, no grounds
- **Repairs**
  - landlords refusing to make reasonable repairs
- **Purpose Build Student Accommodation (PBSA) disputes**
  - onerous PBSA agreements

# International Strategy for Accommodation Support

## France

- Financial Assistance available through the national family allowance fund
- Up to €200/month for studio apartments
- €180/month for shared housing

## The Netherlands

- Reported shortage of 26,000+ student rooms
- Dutch government's rental subsidy (huurtoeslag) for eligible students
- Resource platforms like Check-je-kamer to ensure fair rent

## **Norway**

- Guaranteed Student Housing: Provided via Student Welfare Organisation (Sammen)
- Recent capacity issues may lead to shared room allocations

## **England**

- University of Manchester (UoM) offered subsidies for housing shortages
- University College London (UCL) provides Rent Guarantor Scheme for rental property seekers

## **Scotland**

- University of Glasgow (UoG) faced accommodation challenges, urged students without housing to reconsider studies

# International Student Housing Support in Australia

## **Victoria**

- University of Melbourne: Means-tested scholarships (400 given annually)
- Monash University International Travel Assistance Grant (\$2,000 one-off payment)

## **Western Australia**

- Government established International Student Accommodation Subsidy in 2022
- One-off payment of \$1,500 for eligible students

## **Northern Territory**

- Government introduced Study NT International Student Accommodation Grant, 2022
- Covers first 6 weeks of accommodation fees for eligible students

# Case studies

- Rama – thrown out of PBSA accommodation after a fight with another student, couch surfing while looking for a suitable rental he can afford
- Jane – in dispute with her landlord who keeps entering her flat without notice and refuses to repair the leaking toilet
- Li – reticent to leave her partner despite domestic violence because she cannot afford private rental
- Liam – trying to get his \$2000 bond back but the landlord is claiming he has damaged the unit
- Claire – and three other international students evicted for having a party given 3 day notice

# What are the solutions?

- Improve regulation of PBSAs
- More on campus accommodation
- More accommodation – Robin Hood tax?
- Crisis accommodation services for international students
- International student hub with accommodation information & support
- Government collaboration with stakeholders and Policymakers

# Improve regulation of PBSAs

- Student accommodations (PBSA, Residential Colleges, Hall of Residences) are exempt from *Residential Tenancies Act 2019* (NSW) under Regulation 31 of *Residential Tenancies Regulation 2019* (NSW).
- Applies if accommodations are:
  - Owned by the education provider (e.g., university)
  - On-site (within education provider grounds).
- PBSA providers can choose to be covered by the *Residential Tenancies Act 2019* (NSW) but most do not opt for this.
- Exemptions also under *Boarding Houses Act 2012* (NSW).
- RLC submits that student accommodation be regulated by the *Residential Tenancies Act 2019* (NSW)

# More on campus accommodation

- PBSA provides a place for students to study, socialise and work together and integrate easily with domestic students.
- Students are surrounded by other young people, close to study and transport connections and protected and supported by professional staff 24 hours a day.
- The supply of on campus accommodation has not kept pace with the escalation in the numbers of international students.
- Should education providers be required to provide ample on campus accommodation options for the number of international students they enrol?

# Robin Hood tax?

- Victoria University's Centre of Policy Studies modeling indicating a
  - **5%** levy on international student fees for each university in 2021 would have collected over.
  - **\$430** million, half of which would come from just five universities.
- This levy could be used to fund student housing.
- Potential detrimental impact on Australia's attractiveness.
- The study went on to say that a
  - **5%** tax on international student fees would result in a
  - **6.6%** drop in international student numbers

# Crisis accommodation

- Students face eviction due to:
  - unstable accommodation arrangements
  - inability to pay rent
  - domestic violence and
  - breakdown of relationships
- Can propel students into homelessness, unsafe living arrangements and mental health crises.
- Need safe temporary housing designed for international students, with wrap around services to help them get back on their feet.

# Student accommodation hub

- Students need access to information about:
  - housing options
  - tips for a good tenancy (eg bonds, written agreements)
  - where to get legal advice
  - crisis accommodation
- There is a need to create hubs or expand existing hubs with dedicated staff to assist international students with accommodation and housing issues.

# Government & stakeholder collaboration

- A short and long-term comprehensive student housing strategy is required
- Collaboration between government, universities, accommodation providers and developers and local councils is needed to consider all proposals and identify and implement reforms

## Contact Redfern Legal Centre



## Information resources



**Questions?**