

# *New Country – New Home*

*Renting a home in Victoria:  
A guide for landlords and  
estate agents*



DEPARTMENT  
OF JUSTICE



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This guide is also available in:  
Chinese, Vietnamese

# Estate agents – invest in your business

## Tapping into the potential market of renting to newly arrived migrants and refugees is a business investment.

After all, the statistics show that many newly arrived migrants seek to buy a property quite quickly, within two or three years of arriving in Australia.

They may also know of other people wanting to rent property.

Who better to turn to than the estate agent they have a good relationship with?

To enhance your reputation in the community, why not:

- recruit bilingual workers from different cultural communities in your area to help rent property to newly arrived migrants and refugees
- get to know the settlement workers at local agencies such as the Migrant Resource Centre
- contact your local Migrant Resource Centre or settlement office to advertise properties that are available for rent
- run a workshop on equal opportunity for newly arrived migrants and refugees for all of your staff.

# Migrants and refugees make good tenants

Each year, 15,000 to 16,000 people arrive as migrants or refugees to Victoria. This is approximately 25% of Australia's annual intake.

The private rental market is the main housing option for the majority of newly arrived migrants and refugees.

This booklet gives you practical advice on:

- how to tap into this significant potential market
- dealing professionally with newly arrived migrants and refugees
- processing applications
- your rights and responsibilities as a landlord or estate agent.

## Rights and responsibilities

The law that outlines the rights and responsibilities of tenants, landlords and estate agents in Victoria is the Residential *Tenancies Act 1997* (Vic). Consumer Affairs Victoria administers this Act.

The principal law that outlines discrimination in accommodation in Victoria is the *Equal Opportunity Act 1995* (Vic). The Equal Opportunity Commission Victoria administers this Act. The Commission also provides information and advice in relation to federal discrimination law where this is relevant.

For more information on Victoria's *Equal Opportunity Act* see page 18.

# Down to basics – practical information

*As a first step, there is a **New Country – New Home** guide for prospective tenants available called **Renting a home in Victoria: A guide for newly arrived migrants and refugees**.*

It includes practical information on preparing identity documents and filling in application forms, signing Residential Tenancy Agreements and Condition Reports.

The guide is available in English, Chinese, Vietnamese and Arabic. If you would like to give a copy to your prospective tenant, call (03) 9627 7126 to request the guide for migrants and refugees.

## Communication

If you are having trouble communicating with a non-English speaking migrant or refugee use the Translation and Interpreting Service (TIS).

TIS is Australia's only national translating and interpreting service.

You can ring TIS on 131 450 and organise a three-way conversation between you and your tenant or applicant.

You will be connected to an interpreter within three minutes (average time 30 seconds).

TIS translators and interpreters are fully qualified professionals available to help migrants and refugees smooth out misunderstandings due to limited English.

The commercial rate is \$21.70 per 15 minutes (including GST) between 9am - 5pm, Monday to Friday. After hours the commercial rate is \$34.70 per 15 minutes.

As a business cost, using TIS may be tax deductible. Call the Australian Tax Office to confirm the details.

## Settlement services

There is a range of settlement services in Victoria that work closely with migrants and refugees. These services can help newly arrived migrants and refugees when applying for a home in the private rental market.

As a landlord or real estate agent you can contact them if you want to:

- know about an applicant's ability to pay rent regularly, maintain the property and abide by the terms of the Residential Tenancy Agreement
- refer prospective tenants who are newly arrived migrants or refugees to their local Migrant Resource Centre.
- The centre will guide them to the local settlement service that can assist with finding a property in the private rental market. (See Migrant Resource Centres on pages 22 – 23 for contact details).

## Identity documents

REIV suggests the following photo identity documents can be used to confirm identity:

- a Victorian driver's licence
- a passport photo page
- a Document for travel to Australia issued by the Australian Government
- the PLA56 form issued by the Australian Government.

Take the time to familiarise yourself with the range of identity documents.

## References

REIV suggests the following references be used for a prospective tenant:

- the name and phone number of people who know them such as a sponsor or people who have known them since they arrived in Victoria (a teacher, employer, settlement officer or worker at their local Migrant Resource Centre)
- a reference letter from a settlement officer. (See sample reference letter on page 13).

## Rental record

Some migrants and refugees may have a limited rental history in Australia:

- in these cases, you should give more weight to references and identity documents
- it is worth noting that many new arrivals will have owned a home in another country and this is why they don't have a rental record.

## Bond Loan Scheme

If a newly arrived migrant or refugee cannot afford the bond, they may be eligible for a Bond Loan from the Victorian Government's Office of Housing.

### **What it is:**

- a bond issued under the Bond Loan Scheme is just as secure as a cash bond because the Victorian Government Office of Housing pays for it
- an interest-free loan obtained by the tenant to cover the cost of the bond

- the tenant is responsible for repaying the full amount of the loan to the Office of Housing at the end of the tenancy even if you apply to the Residential Tenancies Bond Authority (RTBA) to withhold some of the bond.

#### **How it works:**

- a prospective tenant cannot apply for a Bond Loan until you have approved the application to rent a property
- all Bond Loan applications must include a copy of the Residential Tenancy Agreement or a letter from the landlord or estate agent including:
  - the name and address of the landlord or estate agent
  - the address of the property they have applied to rent
  - the landlord or estate agent's telephone number
  - the names of everyone to be housed
  - the amount of rent and bond required
  - the tenancy start and end date
  - the number of bedrooms in the property.

### **Arranging an inspection**

A prospective tenant has the right to inspect a rental property before signing the Residential Tenancy Agreement.

If you are not accompanying them to the property, you can ask them to leave a refundable cash security deposit (usually \$50) or identity documents in exchange for the key.

You have to return the cash deposit in full and all identity documents when the key is returned.

If the prospective tenant is using public transport they may take longer to return the key.

# Processing applications and tenancy agreements

## Application forms

When you give out an application form, explain how the form should be filled in completely.

If you receive an incomplete application form from a newly arrived migrant or refugee let them know. If they need help, refer them to their settlement officer (see page 22 for contact details).

Only ask questions that relate to the person's ability to pay the rent and look after the property.

For more advice, see the section *Treating newly arrived migrants and refugees fairly*. (See page 9).

## The Residential Tenancy Agreement

Make sure you use the standard form for written Residential Tenancy Agreements.

The standard forms for all landlords and estate agents are available from Consumer Affairs Victoria.

Before signing, you must give the prospective tenant a copy of the unsigned Residential Tenancy Agreement to read.

If a landlord or estate agent adds a clause to the Residential Tenancy Agreement that excludes, restricts or modifies the provisions of the *Residential Tenancies Act 1997* (Vic) that clause will be invalid.

If the reason for adding a clause is that the applicant is not from Australia or has only recently arrived in Australia or has any of the other characteristics listed on page 9, then it may be discriminatory.

## Refundable security bond

By law, a tenant only has to pay the equivalent of one month's rent for the bond, unless the rent is more than \$350 a week.

You cannot ask any tenant for both a bond and a guarantee: this is contrary to the *Residential Tenancies Act 1997* (Vic).

## Lodging the bond

When you receive a bond, either directly from the tenant or from the Bond Loan Scheme, you and your tenant must sign a Bond Lodgement Form. (A definition is provided on page 15.)

### Points to note:

- this form is sent with the bond to the RTBA (see definition on page 16)
- you cannot spend this money—the bond money stays with the RTBA until the end of the tenancy.

## Condition Report

This is an important document that must be filled in correctly by you and the tenant before the property is rented out.

### Points to note:

- the Condition Report will be used as evidence in any dispute about cleaning, damage or missing items
- you must provide a copy for the tenant to fill out
- keep a copy safe for your records.

# Treating newly arrived migrants or refugees fairly

In Victoria it is against the law to discriminate or treat someone unfairly when providing accommodation because of their:

- race
- age
- religious belief
- political belief
- gender
- sexual orientation/lawful sexual activity
- gender identity
- physical features
- impairment/disability
- pregnancy
- breastfeeding
- marital status
- parental or carer status
- membership of a union or professional body
- personal association with anyone who has any of these characteristics.

## **How can discrimination in accommodation occur?**

It is against the law for a landlord or estate agent to refuse to sell or rent out a property to someone because of that person's race or religion or any of the other characteristics listed above.

Discrimination can also occur when a landlord or estate agent does any of the following because of a person's race or religion or any of the other characteristics listed above:

- processes an application differently from other applications for the same property
- changes the terms upon which accommodation is offered, such as setting a higher bond
- changes the terms upon which the property has already been provided
- denies or limits access to accommodation or facilities that are available to other tenants
- uses unreasonable selection processes that disadvantage particular groups of people
- evicts the person
- refuses to extend/renew the provision of the accommodation
- refuses to allow guide dogs.

The *Residential Tenancies Act 1997* (Vic) also covers some forms of discrimination. An example is if a landlord or estate agent refuses to rent a property to tenants with children. However, this would not be considered discrimination if:

- the landlord lives in the same property
- the property is unsuitable or inappropriate for children
- the government has provided the property exclusively for single people or childless couples.

## If a person believes that they have been discriminated against?

If a person believes you have discriminated against them they have the right to lodge a confidential complaint with the Equal Opportunity Commission.

## Discrimination and business reputation

A confidential complaint against you can end up at the Victorian Civil and Administrative Tribunal (VCAT) where once the hearing starts, it becomes public knowledge.

Once a complaint is public, it can be damaging for your reputation or your business reputation and for staff morale.

A complaint against you or your company can be time consuming and expensive.

## Who is responsible if an Equal Opportunity complaint is lodged?

Anyone who discriminates or sexually harasses in providing accommodation can be held liable if an equal opportunity complaint is lodged. This can include individuals, their employers and anyone who may have authorised or assisted the behaviour. This means that if a landlord's instructions to a real estate agent are discriminatory, or potentially discriminatory, both the landlord or estate agent could well be found liable if a complaint is lodged.

# Checklists

## Down to basics

**Communication:** ring TIS on 131 450 for an interpreter

**References:** call the local settlement officer or Migrant Resource Centre

**Bond Loan Scheme:** call the Office of Housing.

## Signing up a new tenant

**Agreement and other forms:** ring Consumer Affairs Victoria for the correct documents

**Want to put the bond money in the bank?** You cannot. The law says you have to lodge it with the RTBA.

## Treating people fairly

- approach each applicant with an open mind
- ensure your decisions are based on merit and not on the basis of prejudice and stereotypes about skin colour, clothing, size of families and names
- only ask questions that are relevant to the person's ability to pay rent or to look after the property, and their ability to abide by the terms of the Residential Tenancy Agreement.

# Sample rental application reference letter

This is a sample of a standard reference letter that could be written by a settlement service or community agency that has been dealing closely with your prospective tenant.

The letter gives relevant details of the applicant/s, including their name, origin, time in Australia and current address.

*From: address of Settlement Service/Community Agency*

*Date:*

*Dear (name of landlord or estate agent)*

***RE: Reference for rental accommodation for (name of applicant)***

*The Migrant Resource Centre/Community Centre is happy to support (name of applicant/s) application for private residential tenancy.*

*(Name of applicant and his/her family) arrived in Australia on (date), from (last country of residence). The (applicant/family) is currently living at (local address) and has been at this address since (date).*

*For your information, the Migrant Resource Centre (or other agency) is a community-based agency assisting migrants and refugees who have recently arrived in Victoria.*

*We work closely with our clients on a range of issues including help with finding adequate accommodation. We offer advice and services throughout the process of settling into life in Victoria.*

*If you require more details on this applicant's ability to pay rent regularly, maintain the property and abide by the terms of the Residential Tenancy Agreement, please contact me on (telephone number) during business hours.*

*Yours sincerely*

*Name*

*Job title (eg Housing Support Worker)*

# Useful definitions

These are the definitions of terms in the tenant's version of this guide, *New Country – New Home: A guide for newly arrived migrants and refugees*.

**Bond** – a refundable security deposit that is paid at the start of a tenancy and is repaid at the end of the tenancy unless a tenant damages the property or fails to pay the rent. The bond is usually equal to one month's rent. The landlord or estate agent cannot spend this money.

The Bond is returned to the tenant in full at the end of the tenancy unless the landlord or estate agent makes a claim for damages that the tenant may have caused to the property or there is unpaid rent. This can only occur if the tenant agrees to that claim and VCAT orders that part of the bond be returned to the landlord.

**Bond Claim Form** – when a tenant moves out of the property, the tenant and landlord sign a Bond Claim Form for the money to be released from the Residential Tenancies Bond Authority.

**Bond Loan Scheme** – an interest-free loan paid by the Victorian Government Office of Housing that covers all or part of the cost of the bond. At the end of a tenancy, the landlord or estate agent will apply to the Residential Tenancies Bond Authority for the bond money to be repaid to the Housing Office. If the landlord or estate agent withholds some of the bond because of unpaid rent or damages, the tenant is still required to repay the Bond Loan to the Office of Housing.

**Bond Lodgement Form** – when a tenant pays a bond, both the tenant and the landlord or estate agent must sign a Bond Lodgement Form, which is sent with the bond to the Residential Tenancies Bond Authority.

**Condition Report** – a checklist of the condition of the property (inside and outside) when a tenant moves in. At the end of the tenancy, the Condition Report is used to decide whether there are any cleaning or damage costs the tenant might have to pay.

**Discrimination** – treating a person who has certain personal characteristics (including gender and religion) less favourably than a person who does not.

**Estate agent** – the person who acts on behalf of the landlord to rent a property to a tenant.

**Landlord** – the person who rents a property to a tenant.

**Property** – buildings such as houses, units, apartments or flats that people rent or buy.

**Rent** – the money that a landlord or estate agent receives from a tenant.

**Residential Tenancy Agreement** – this is also known as a lease or an agreement. An agreement is a legal contract that you sign when you rent a property that outlines the terms and conditions of the tenancy. The Residential Tenancy Agreement is usually in writing but it can also be a verbal agreement to rent a property.

**Residential Tenancies Bond Authority (RTBA)** – the RTBA holds all residential tenancy bonds in a neutral capacity as a trustee for landlords and tenants. The RTBA can only repay bonds as agreed by the landlord and tenant or as directed by VCAT or a court.

**Sponsor** – a person who undertakes to provide a wide range of settlement support for a sponsored migrant.

**Tenant** – someone who pays rent and has a Residential Tenancy Agreement to live in a property.

**TIS** – Translating and Interpreting Service, better known as TIS. It is Australia’s only national translating and interpreting service.

**Victorian Civil and Administrative Tribunal (VCAT)** – this Tribunal is an informal and inexpensive way to resolve disputes between a tenant, landlord or estate agent.

# For more information

## Consumer Affairs Victoria

Located within Consumer Affairs Victoria, the Estate Agent Resolution Service is a dedicated service for advice, information, complaints, conciliation, investigation and dispute resolution on real estate matters.

Consumer Affairs Victoria produces a range of information products for landlords and estate agents. It also has all the standard residential tenancy forms and notices.

Landlords and estate agents have to give new tenants a copy of the 'red book' called *Renting a Home: A guide for tenants and landlords*, which is available in English, Greek, Italian, Chinese, Vietnamese, Arabic, Russian, Spanish and Turkish.

Call the Helpline (see the number below) or, if you need an interpreter, call TIS on 13 14 50 and ask to be put through to Consumer Affairs Victoria.

### **Consumer Affairs Victoria – Estate Agent Resolution Service**

Level 2, 452 Flinders Street

Melbourne 3000

Helpline: 1300 737 030

Email: [consumer@justice.vic.gov.au](mailto:consumer@justice.vic.gov.au)

[www.consumer.vic.gov.au](http://www.consumer.vic.gov.au)

## Equal Opportunity Commission Victoria

Landlords and estate agents can approach the Equal Opportunity Commission Victoria for advice and information on their rights and responsibilities in relation to anti-discrimination laws.

The Commission is an independent body set up to eliminate unlawful discrimination and promote equal opportunity in Victoria by:

- providing a fair, impartial, confidential and low-cost complaint resolution service
- informing and educating Victorians about their rights and responsibilities under equal opportunity laws.

Anyone who believes that they may have experienced discrimination can contact the Commission for confidential advice and help with lodging a complaint.

Information about discrimination rights and responsibilities in 20 community languages is also available from the Commission. Call the Commission for information in your own language.

### **Equal Opportunity Commission Victoria**

3/380 Lonsdale Street

Melbourne 3000

Advice Line: (03) 9281 7100

Telephone: (03) 9281 7111

Fax: (03) 9281 7171

TOLL FREE (country callers): 1800 134 142

TTY: (03) 9281 7110

Email: [eoc@vicnet.net.au](mailto:eoc@vicnet.net.au)

[www.eoc.vic.gov.au](http://www.eoc.vic.gov.au)

## Real Estate Institute of Victoria

The Real Estate Institute of Victoria (REIV) is a member-based peak body, with over 4,000 members.

Visit the REIV website [www.reiv.com.au](http://www.reiv.com.au)

The REIV provides a Public Information Service. Practical information provided includes leasing or renting residential property.

This is not a complaints handling service.

Calls will be charged to your phone account at \$1.93 per minute (including GST). Most matters are dealt with within 3 minutes, at a cost of less than \$6.

For access to the REIV information service, call 1900 937 348.

### **Real Estate Institute of Victoria**

335 Camberwell Road

Camberwell Vic 3124

Phone: 03 9205 6666

Fax: 03 9205 6699

Email: [reiv@reiv.com.au](mailto:reiv@reiv.com.au)

Web: [www.reiv.com.au](http://www.reiv.com.au)

## Office of Housing

The Office of Housing is a division of the Department of Human Services. The Office of Housing provides a range of housing services including the Bond Loan Scheme and public rental housing to eligible residents of Victoria.

For further information on assistance provided by the Office of Housing and application forms for the Bond Loan Scheme, contact your closest Housing Office listed in the White Pages A-K under Human Services, Housing Services or visit their website at: [www.dhs.vic.gov/housing](http://www.dhs.vic.gov/housing)

## Residential Tenancies Bond Authority

The RTBA is administered by the Department of Justice and holds all residential tenancy bonds in a neutral capacity as a trustee for landlords and tenants. The RTBA can only repay bonds as agreed by the landlord and tenant or as directed by VCAT or a court.

### **Residential Tenancies Bond Authority**

Level 2, 452 Flinders Street, Melbourne 3000

Telephone: 1300 137 164

## Translating and Interpreting Service (TIS)

Translating and Interpreting Service, better known as TIS, is Australia's only national translating and interpreting service.

The professional, qualified translators and interpreters are available to help migrants and refugees smooth out misunderstandings due to limited English.

TIS can set up a three-way conversation between you and whomever you need to communicate with. You will be connected to an interpreter within three minutes (average time 30 seconds).

Telephone: 13 14 50 (check the cost when you begin the call).

[www.immi.gov.au/facts/91tis.htm](http://www.immi.gov.au/facts/91tis.htm)

## Tenants Union of Victoria

If your tenant is seeking tenancy advice, you can refer them to the Tenants Union of Victoria.

### **Tenants Union of Victoria**

55 Johnston Street

Fitzroy 3065

Advice Line: (03) 9416 2577

[www.tuv.org.au](http://www.tuv.org.au)

## Useful websites

Information about the Residential Tenancies Act and other Victorian Acts can be downloaded from [www.dms.dpc.vic.gov.au](http://www.dms.dpc.vic.gov.au)

Your Guide to Body Corporate Law and Living (Common Ground), Victoria Law Foundation: [www.victorialaw.org.au](http://www.victorialaw.org.au)

Problems with neighbours: [www.liv.asn.au](http://www.liv.asn.au)

Dispute Settlement Centre of Victoria information can be downloaded from [www.justice.vic.gov.au/disputes](http://www.justice.vic.gov.au/disputes)

Information about Equal Opportunity policy can be downloaded from [www.eoc.vic.gov.au](http://www.eoc.vic.gov.au)

## Migrant Resource Centres

Migrant Resource Centres (MRC) are funded by the Department of Immigration and Multicultural and Indigenous Affairs to help migrants and refugees in their first years of settlement.

The services offered by each may vary but they generally offer multilingual information, advice and referral services for migrants and refugees.

They may also offer employment assistance, assistance in finding accommodation, individual casework support, English language lessons, and information sessions about important issues in your own language.

### **Geelong MRC**

153 Pakington Street  
Geelong West 3218  
Phone: 5221 6044  
Fax: 5223 2848

### **Inner Western Region MRC**

2nd Floor, 289 Barkly Street  
Footscray 3011  
Phone: (03) 9689 2888  
Fax: (03) 9687 9286

**Hoppers Crossing  
Outreach Service**

Central Park  
Community Centre  
80 Lonsdale Circuit  
Hoppers Crossing 3029  
Phone: (03) 9748 3066  
Fax: (03) 9742 0745

**Gippsland MRC**

100-102 Buckley Street  
Morwell 3840  
Phone: 5133 7072  
Fax: 5134 1031

**North West Region MRC**

45 Main Road West  
St Albans 3021  
Phone: (03) 9367 6044  
Fax: (03) 9367 4344

**MRC North East**

251 High Street  
Preston 3072  
Phone: (03) 9484 7944  
Fax: (03) 9484 7942

**Migrant Information Centre**

**Eastern Region**  
333 Mitcham Road  
Mitcham 3132  
Phone: (03) 9873 1666  
Fax: (03) 9873 2911

**Northern Metropolitan MRC**

175 Glenroy Road  
Glenroy 3046  
Phone: (03) 9306 5611  
Fax: (03) 9306 5644

**South Central Region MRC**

40 Grattan Street  
Pahran 3181  
Phone: (03) 9510 5877  
Fax: (03) 9510 8971

**South Central Region MRC –  
Oakleigh Office**

18 Chester Street  
Oakleigh 3166  
Phone: (03) 9563 4130  
Fax: (03) 9563 4131

**South Eastern Region MRC**

Level 1, 314 Thomas Street  
Dandenong 3175  
Phone: (03) 9706 8933  
Fax: (03) 9706 8830

**Westgate Region MRC**

78-82 Second Avenue  
Altona North 3025  
Phone: (03) 9391 3355  
Fax: (03) 9399 1796

## When the tenant moves in

You must give the tenant:

- a copy of the signed Residential Tenancy Agreement
- a completed and signed Condition Report
- a completed copy of the Bond Lodgement Form
- a receipt for the bond money
- a receipt for rent money paid in advance
- a copy of the 'red book' – *Renting a Home: A guide for tenants and landlords* that is available from Consumer Affairs Victoria
- an emergency telephone number for urgent repairs
- written notice of the landlord's full name and address.

*New Country – New Home* is a joint project of the Equal Opportunity Commission Victoria and Consumer Affairs Victoria in collaboration with the Working Group on Discrimination in the Private Rental Market Against Migrants and Refugees.

Members include:

- Real Estate Institute of Victoria
- Department of Human Services, Office of Housing
- North East Migrant Resource Centre
- Department of Immigration and Multicultural and Indigenous Affairs
- Tenants Union of Victoria
- Springvale Community Aid and Advice Bureau.

The Working Group is an initiative of the Victorian Settlement Planning Committee (VSPC), a partnership of Federal, State and Local Government agencies and community organisations that plans for the effective delivery of settlement services in Victoria.

## Funding

The *New Country – New Home* project was funded with a grant by the Estate Agents' Guarantee Fund and approved by the Minister for Consumer Affairs.

## Legal disclaimer

This information is intended as a guide only. It is not a substitute for legal advice.

# *New Country – New Home:* Renting, Rights and Responsibilities

## A guide for landlords and estate agents

This guide provides practical advice on:

- tapping into the potential market of 15,000 to 16,000 people who arrive in Victoria as migrants and refugees each year
- dealing professionally with newly arrived migrants and refugees
- processing residential tenancy applications
- knowing your rights and responsibilities as a landlord or estate agent.

Call the Consumer Affairs Victoria publication line on (03) 9627 7126 to request a copy of either:

- *New Country – New Home: migrants and refugees* (4 languages)
- *New Country – New Home: landlords and estate agents* (3 languages).

Additional information [www.eoc.vic.gov.au](http://www.eoc.vic.gov.au) or [www.consumer.vic.gov.au](http://www.consumer.vic.gov.au)

