

RTRAAB2011 INQUIRY SUBMISSION 004



**PROPERTY OWNERS'
ASSOCIATION
OF QUEENSLAND Inc.**
Watchdog of Rental Property Owners since 1916

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Community Affairs Committee
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Submission – Residential Tenancies and Rooming Accommodation Amendment Bill 2011.

1. Section 463 – Application to tribunal about inaccurate etc. listing.
(3) (b) Example 1.

Section 188 (3) states -The current Residential Tenancies and Rooming Accommodation Act states -The tenant must not maliciously damage, or allow someone else to maliciously damage or allow some else to maliciously damage the premises or inclusions.

Under the proposed changes to this section of the Act, tenants could use the proposed change to avoid being listed on a database when in actual fact the spouse or partner might not be responsible for the damage but the tenant is.

Submission: That this be removed from the proposed changes.

2. Section 464F – Notice of listing if database used.
Section 2 –

By including this proposed change – this is allowing tenants who have absconded from a tenancy owing money or have damaged a property the ability to retaliate on the person/s who has made the listings. If the tenant had been listed previously and had not left a forwarding address, then there could be more persons or property at risk by the prospective tenant having received this information. A tenant likely to be listed on a database usually does not give a forwarding address because of problems during the tenancy and this proposal gives the tenant the power to cause damage to person/s and property.

Submission: That this be removed from the proposed changes



Property Owners Association (Qld) Inc.**3. Section 464J – Keeping personal information listed**

The listing should at least be a 5 year period . Most listings are for rent arrears and this is a form of stealing and if damage has occurred this is a serious offence. Tenants should be held responsible for their actions. If the listing allows for a period of only 3 years this would not deter them from re-offending and leaving a trail of possible rent arrears and damages. Lessors should have the security of knowing that problem tenants will be listed on a database. After a tenancy has terminated and there has been a problem, is it most unusual for a tenant/s to give a forwarding address for obvious reasons leaving the lessor responsible and “out of pocket” to rectify the problem with no way of tracking the offending person.

Submission: Listings should be kept for at least a 5 year period.

4. Section 564 – Keeping existing listing in database.

(2) (a) this should be changed to read longer than 5 years.

(b) this should be changed to read 5 years.

(3) (a) this should be changed to read 5 years

(b) this should be changed to read 5 years.

Hon K. Struthers stated in the second reading “About a third of Queensland households rent their homes and it is important that databases operate fairly and do not become a barrier for people accessing rental housing”. It was also stated “tenancy databases are a legitimate tool that can, in some instances lessen and reduce the risks associated with managing a residential investment property. This legitimate use, however needs to be balanced against the rights of tenants to be protected from unfair or unjust listings that could hinder them from securing a private rental property”.

The Act in its present form allows the tenant/s to have their names removed from databases if they feel that the listing is unfair and unjust. At present under the current Act, tenant/s cannot be listed on a database until a current tenancy has terminated. This gives tenant/s an advantage – they can find other accommodation before a listing on a database is made and the new lessor/agent is unaware of any problems that have occurred in the prior tenancy.

By approving these proposed changes to the Residential Tenancies and Accommodation Act 2011 this removes the protection of owners of investment properties but gives to the tenant the knowledge that the problems caused in previous tenancies will not deter them from gaining accommodation even though they have left rent arrears and possible damage.

Private investment in rental properties should be encouraged. Private investment in rental properties results in less strain on Government funds to supply housing.



B. McBryde
President POAQ and POAA.