



**Australian Resident Accommodation  
Managers' Association**  
PO Box 4953  
GCMC Bundall Qld 9726  
Tel: 1300 ARAMA Q  
Email: [national@arama.com.au](mailto:national@arama.com.au)  
[www.arama.com.au](http://www.arama.com.au)  
ABN: 21 618 111 238

12 July 2021

## **ARAMA Submission to the Housing Legislation Amendment Bill 2021 - July 2021**

The Australian Resident Accommodation Manager's Association (ARAMA) is the peak body for the management rights industry. We are proud to represent more than 2500 Resident Managers across Queensland. Our members manage buildings and act as the letting agent for lot owners in relation to both short term letting and long term letting (residential tenancies) in community title schemes and are well placed to understand the needs of tenants, property owners and their agents.

ARAMA would like to provide its feedback on the *Housing Legislation Amendment Bill 2021* (Bill) introduced into the Queensland Parliament on 18 June 2021 by the Hon Leeanne Enoch MP, Minister for Communities and Housing, Minister for Digital Economy and Minister for the Arts.

ARAMA has reviewed the Bill and generally has some serious concerns with the proposals, with the exception of the proposed minimum maintenance standards.

ARAMA is pleased to see that there has been some effort to take on board comments from past consultations and to create some balance, however the Bill does not go far enough. The proposed amendments do not strike, what we consider, a fair and balanced approach between the rights of tenants, landlords and their agents.

ARAMA has concerns about: -

1. **Ending Tenancies, in particular: the removal of an owner's right to terminate a tenancy agreement without grounds and to use and enjoy their property by reducing the owners' control over their own property;**
2. **Domestic and Family Violence, in particular:**
  - (a) **the failure to protect the owner in potential misuse of Notice to Leave on the grounds of Domestic and Family Violence (DVF);**
  - (b) **any potential exposure to violence being enacted on property owners/property managers by the requirements for notification to co-tenants in DVF circumstances.**
3. **Pets, in particular: the automatic approval of pets in the absence of a reply and the limited circumstances in which an owner can refuse a pet.**

With the exception of the minimum maintenance standards, ARAMA does not support the Bill.

### **1 ENDING TENANCIES**

---

The Bill includes further grounds on which a property owner may end tenancy agreements, including the end of the fixed term, but removes a property owner's right to terminate a tenancy agreement without grounds.

In consideration of the 'additional grounds', ARAMA believes that previously raised concerns have not been adequately addressed and the Bill fails to properly consider not only the removal of a property owner's right to determine the use of its own property, but also the practical implications these reforms will have on the industry and its members. The Victorian reform allowed a one off window after the first 12 months of a tenancy to provide notice to leave without grounds. This should be adopted in Queensland.

## **2 DVF**

---

The Bill allows those experiencing domestic and family violence to:

- (1) end a tenancy at short notice;
- (2) more easily access rental bond funds; and
- (3) change the locks without the consent of the owner or property manager.

ARAMA commends the effort to address the very real concern for the safety of those suffering from DVF and supports the introduction of further provisions to that affect. Notwithstanding, ARAMA believes that the proposed reforms, although well-meaning, fail to consider the impact on owners' rights, safety and other practical implications. The rights of owners and members will be clearly encroached upon in circumstances where:

- the Notice to Leave is misused, the owner would not know where to start to contact the tenant to serve an urgent QCAT application after they vacate the property and will be forced to forfeit or absorb rent owed, advertising or reletting fees and costs of disposing abandoned goods;
- the owner/property manager is made responsible to notify the purported abusive co-tenant, it will place the owner/property manager in severe risk of retaliatory violent behaviour. Further, the owner is not allowed to charge break lease fees or reletting fees or even the costs of dealing with the tenants property left at the goods. The owner will be forced to forfeit or absorb same.
- IT is neither fair or balanced for the property owner and their agent to be forced to accept the financial burden of DVF. A satisfactory compromise might be for the Landlord or the Landlords agent to make a claim on the OFT's fidelity fund or on the RTA's funding so that the cost burden is shared more equally across society rather than just that particular landlord or the landlords agent.

## **3 PETS**

---

The Bill introduces a number of reforms in relation to the keeping of pets, but includes only limited grounds for refusing pets. We are pleased that the Bill does allow an owner to refuse a pet where the keeping of a pet would contravene a body corporate by-law.

Of most concern is an automatic approval in the event of a failure to respond.

Whilst the tenant will be responsible for all damage caused by their pet, there is no mechanism to ensure that this is able to be enforced to ensure that the tenant can afford to pay for all repairs, professional cleaning and fumigation. It is foreseeable that owners will be forced into allowing pets and exposed to costs beyond what is reasonable in addition to the restrictions placed on an owners' right to control their own properties.

Submitted by Trevor Rawnsley  
CEO ARAMA

