

Asia-Pacific Student Accommodation Association Submission to the Inquiry into the Residential Tenancies and Rooming Accommodation (Tenants' Rights) and Other Legislation Amendment Bill 2021.

INTRODUCTION:

The Asia Pacific Student Accommodation Association (APSAA) is the peak body and membership organisation for tertiary level accommodation providers across the region. In Queensland, we currently have 15 active member organisations consisting of Universities, Colleges, and Purpose Built Student Accommodation Providers (PBSA). These members collectively manage 14,640 beds across the state and provide a world-leading accommodation experience for both domestic and international students.

APSAA welcomes the opportunity to engage with the Community Support and Services Committee on the Residential Tenancies and Room Accommodation (Tenants' Rights) and Other Legislation Amendment Bill 2021. Having liaised with the Queensland Government over several years regarding policy matters in this area, APSAA wishes to reiterate the need for special consideration to be applied to our industry to allow for the unique characteristics of student accommodation.

For the purposes of our submission, APSAA defines student accommodation as “a residence designed for students, where the majority of residents are attending an educational institution, that provides a safe living and learning environment managed by professionals to support educational outcomes”.

Student accommodation proposed as an exempt asset class.

Student accommodation providers in Queensland provide high-quality housing to thousands of students, delivering not only exceptional facilities but also vital pastoral care programs that support the wellbeing and educational achievement of residents. The buildings that our members run are specifically designed and operated to meet the needs of students, with considerable resources invested to ensure positive outcomes for residents and other stakeholders such as educational institutions and the local community.

The operation of these buildings is unique in the broader accommodation industry. Other accommodation providers have no need to deliver pastoral care programs, educational support, or the 24/7 services that our members supply to their residents. The provision of high-quality student accommodation is crucial to ensuring Queensland remains an attractive

education destination for both local and international students in what is a highly competitive domestic and global market.

Given these operational realities, APSAA and our members believe it would be appropriate for student accommodation to be granted exemptions from several measures proposed in the new legislation. There are a number of changes proposed that do not take the specific needs of the sector into consideration, and will ultimately have negative impacts on both providers and students.

Clauses of Concern

APSAA holds the following concerns regarding the changes proposed by the legislation:

- The restrictions on lessors evicting lessees “without grounds” is not appropriately balanced. Lessees can leave with “no grounds” and very minimal notice, undermining lease security for providers of student accommodation. In the context of student accommodation, it is extremely challenging to find new tenants once the university year has commenced, and this cost burden can potentially undermine student support resources. A more balanced approach needs to be taken for our sector.
- Likewise, minimum notice periods need to be reasonably balanced between lessors and lessees.
- As student accommodation providers already provide significant information to lessees regarding the properties they manage, and also require particular information for the provision of resident services, APSAA requests exemption from subsection 57(c).
- Given the current disruptions caused to the Student Accommodation Sector due to the COVID-19 pandemic, future fluctuations in market conditions are expected pending the re-opening of Australia’s borders to international students. Therefore, the limitations and formulas placed on rent increases by this legislation are unreasonable for the sector and APSAA requests exemption for providers from Section 93 (2) and (3), and Section 105.
- To ensure student safety, providers of student accommodation fulfil their duty of care to residents through the provision of wellbeing check-ins and other safety procedures. This is vital to ensuring appropriate care is provided in a student accommodation environment where young people can experience a range of challenges. Subsequently, it would not be practicable for providers to adhere to S192 and S193, and APSAA requests exemption from these measures for providers.
- APSAA requests exemption for student accommodation providers from clause 209A, as it is not appropriate in a student accommodation environment for residents to be making modifications such as painting, installing shelves, etc. If this request cannot

be met, we would request the insertion of a “make good” clause to return the room to the original state to allow for continuity and uniformity of product by providers.

- Given the communal nature of student accommodation it is not appropriate, nor expected by tenants, for the keeping of pets in such premises. There are a range of issues relating to this regarding safety, animal welfare, maintenance, and cost. As such, APSAA would request exemption from S221a-c. It is not practicable or reasonable for each of these requests to be sent to a tribunal.
- We request the Committee consider the needs of student accommodation providers when determining the requirement to go to a tribunal before removing a resident. This is often done due to safety and wellbeing concerns from other residents, and delays in taking appropriate action by providers due to these changes could compromise student safety.

CONCLUSION

Student accommodation providers have a duty of care to their residents that is above that of a private rental agreement. Mental, social, and physical health are key to this. Working with internal and external providers of specialist services, student accommodation works hard to ensure students are well supported and have skills to access help beyond their student life.

The ability of the sector to provide high quality accommodation to students in Queensland is reliant on appropriate and proportional legislation that allows for reasonable exemptions that are in the best interests of both providers and residents. APSAA has been pleased to provide this submission to the Inquiry and we look forward to being able to engage constructively again in the future for the betterment of student accommodation.

Kind regards,


CS Scanned with CamScanner

Marion Bayley
APSAA President