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Community Support and Services Committee
Parliament House
George Street
BRISBANE QLD 4000

Response to issues raised in submissions to the *Residential Tenancies and Rooming Accommodation (Tenants' Rights) and Other Legislation Amendment Bill 2021*

Dear Community Support and Services Committee,

I am writing to thank you for your work in conducting an inquiry into the *Residential Tenancies and Rooming Accommodation (Tenants' Rights) and Other Legislation Amendment Bill 2021*, the private member's bill that I introduced to Queensland parliament in May. I'm also grateful for this opportunity to respond to issues raised in the submissions to this inquiry.

I note that as of the deadline given for this written response, we did not have access to all the submissions that were made. Submissions between 474 and 575 were not available until very late, and submissions between 742 and 859 are not available. This, combined with the short inquiry time, is not only disappointing, it diminishes the quality of engagement, and means that the voices of many Queenslanders are not fully captured. Given the vital role that parliamentary committees can play in scrutinising prospective legislation, I urge the government to resource them properly to perform these functions.

Background

Right now, the situation for renters in Queensland is becoming more and more dire. A year ago, when the COVID-19 crisis hit, the government responded quickly by committing to measures to ensure renters

weren't left in the cold by the looming economic crisis. Ultimately, those measures were heavily modified in light of a campaign by the Real Estate Institute of Queensland and other real estate advocates. As Queensland has started to recover from COVID-19, we've seen our state's housing market increasingly squeezed, as investors take advantage of low interest rates and grants schemes like the federal government's HomeBuilder, and as our state becomes more attractive to interstate buyers in a world changed by the pandemic.

The housing market is incredibly competitive, and the rental system is stretched to its absolute capacity. In Brisbane, vacancy rates are as low as 1.5 per cent. In my electorate, they are as low as 1.2 per cent in Annerley. For people on JobSeeker or the Disability Support Pension, there are next to zero affordable rental properties and rents are increasing three times faster than wages. In every major population centre in Queensland, rents have grown faster than the median wage over the last decade.

This is of course set against a broader housing crisis – 47,000 people waiting for social housing, some waiting for years. Rising levels of housing stress among people paying a mortgage, and critical levels of household debt. Rising numbers of people who are homeless, most notably, the growing rates among women over 50. Of course many of these issues are outside the scope of this bill, but transforming our rental system is a crucial part of tackling the housing crisis in Queensland.

Renting in Queensland isn't uncommon or just temporary. For me and many of the 1.8 million Queenslanders who rent, it is our only option. In my electorate, nearly 60 per cent of households rent. Across the state 36% of households are renting, making renters the largest group in terms of housing tenure. Despite this, our tax system makes it easier to buy your fourth property than your first, and our rental system puts tenants through undue and at times extreme stress.

It is with these issues in mind that I prioritised introduction of my private member's bill in May 2021. The government introduced its *Housing Legislation Amendment Bill 2021* just a month later, purporting to also improve rights for renters. I will refer to the two as my private member's bill and the government bill respectively.

Against that backdrop, I will now turn to the issues raised in submissions to the bill.

Submissions by renters on the need for this bill

I want to thank every renter - over 800 - who shared their story with the Committee by making a submission to this bill. My office supported 714 submitters to do so, and the experiences that people shared painted a vitally important picture of what it is like to rent in Queensland. People talked about their treatment from landlords and property managers, the constant uncertainty caused by the threat of a no-grounds eviction, the inability to keep a pet or make minor modifications to their homes, the poor standard of rental homes and various other issues.

Ms Robyn Evans not only submitted (in submission #360), but also presented early in the day of the inquiry hearing, and contrasted just how differently our laws treat investors as opposed to renters. In her experience, of trying to find housing for her elderly parents, despite all of the avenues they explored, the best option ended up being for her sister managing to purchase an investment property for them to live in. Of course, an option like this is not available to many people. Our laws roll out the red carpet for investors to grow their wealth, while failing to provide basic housing for those who need it. Given the huge advantages conferred by the federal taxation system on investors, including negative gearing and permissive capital gains concessions, our tenancy laws are extremely weak in ensuring housing for renters.

The mental health impacts on tenants

One of the most striking, and yet unsurprising themes to emerge from the submissions, was the number of submissions from renters stressing the impacts Queensland's rental system has had on their mental health. This was reflected also on the committee page, which included links to Lifeline Crisis Support, Beyond Blue Support Service, DVConnect, 1800RESPECT and the Sexual Assault Helpline. For many tenants, challenges that they have faced with evictions, unsafe properties, and bullying treatment by real estate agents, have caused severe mental health pressures. Below is a snapshot from tenants. Submission #117 writes:

"I still have to try and clean the property on top of relocating and the stress levels and anxiety are through the roof. PLEASE PLEASE HELP".

Submissions #122 writes:

"The situation for renters and is dire. having unsafe/ insecure housing leads to constant anxiety".

Submission #114 writes:

"Let's now talk about mental health, THIS IS GOING TO KILL PEOPLE. THIS IS GOING TO BREAK PEOPLE, IN FACT IT ALREADY HAS. THIS IS GOING TO FORCE PEOPLE INTO SUBSTANCE ABUSE! Which is only going to cost taxpayers more money in mental health and welfare programs".

Submission #112 writes about the stress of frequent moves, writing:

"I have had to move 3 times in the last 4 years. The stress and anxiety is numbing. Moving, cleaning, packing while knowing that in 12 months time I may need to move again is very very worrying. The uncertainty makes me want to leave all of my belongings in the boxes - what is the point of unpacking".

Submission #93 writes about the stress of eviction, writing:

"We were given two months notice during the peak of COVID rental market In November 2020 to leave our five year property because the owner wanted to renovate & increase the price for the market....The real estate agent we had caused us so much stress and had been so inappropriate and unprofessional".

Submission #380 writes about the impact of a lack of stability and the fear of unjustified rent increases:

"With the state of renting in QLD as it currently is, I am left often homeless, my health disintegrating constantly, in poverty, share housing in often bad situations, and unable to start a family as I dream of. I beg, all I want is stability and not to be kicked out of a home I've made without notice, or having constantly increasing rent costs".

Submissions #554 stresses the impact that renting has on young people, writing:

"My current rental feels unstable and I am scared that I will be forced to move again. This instability of living situations is very taxing emotionally and financially. In my current rental, the house has not been properly cared for by the landlords, the appliances and utilities are outdated and when we are for a repair it is done poorly. Just because I rent, doesn't mean I should be living with poorly functioning utilities. For some people, especially the young, the only option is to rent. This way of living is making us uncertain of our futures".

Submission #556 writes about the stress of potential homelessness, writing:

"I am an educated woman who used to work in the community sector but due to long-term illness have not been able to buy a house and so have to rent, it is as simple as that. I know all this sounds far fetched and unbelievable but it is the truth, it is basically what happens when there is gentrification in an area and rentals become in short supply and very expensive. But it is more than gentrification of an area, the situation for renters has become

impossible across the board... due to a lack of care from government towards one third of the population ie. people who rent. are living in inhumane circumstances”.

Many submissions noted the impacts of short notice periods, or landlords and real estate agents showing up to properties unannounced, causing significant mental distress, and invasion of privacy. This underlines the need for **extended notice periods for inspections and end of leases**, as included in my private members bill.

Impact on Families

Many submissions detailed the impact that evictions, instability, rent increases and poor quality have on families. For many, the ability to maintain a home to let kids go to their local school uninterrupted was a key consideration, as well as the ability to make minor modifications for the safety of children.

Submission #350 writes about the disruption of multiple moves on her daughter, writing,

“I need the opportunity to secure a long term lease. My daughter has lived in 5 houses through primary school, and I’d like her to have secure housing throughout high school. I’d like to spend the thousands it costs me to move each year on a deposit for a home”.

Submission #367 talks about the stress of short-term leases on her and her daughter, writing,

“I have been living at this address with my 6yr old child for 3 1/2 yrs, I can only get 6 month rental agreement, the last 2 renewals have been at an increase, makes it hard to organise her schooling etc...”

Submission #372 talks about the prospect of having to move jobs, and her daughter shift schools,

“The situation is looking dire and it’s incredibly worrying because the only places looking possible are very far away and I’ll have to quit work and my daughter will have to change schools because she will be out of the catchment area for PBC High. It’s pure greed and money is being put before the welfare of human beings and that’s all that needs to be said. Thank you for hearing my story”.

Submission #376 writes about the stress of needing to make minor modifications for the safety of her young son,

“I haven’t persued (sic) asking ‘permission’ to install any safety-neccessary things like furniture or TV anchors, despite my son becoming more active and adventurous. I had a family member put in a baby gate to prevent my son from getting into the kitchen, where he can now reach the gas stove and open the oven....When will a line be drawn? When will people have to stop worrying about being evicted from somewhere for simply wanting to be able to feel at home in a house, that they are indeed paying to occupy, not to mention, paying ridiculous amounts for at this stage?”

Submission #532 also discussed the importance of minor modifications for families, and the impact of slow maintenance:

“Getting repairs done in a timely manner is not in my control as a renter, and it SUCKS. Right now, I’m bathing my child in a bucket because the bath tub is broken and the landlord’s plumber hasn’t fixed it yet....As a mum, it’s really important to me that I be allowed to bolt furniture to the wall or floor for my toddler’s safety, but I’m not allowed to, as a renter”.

Submission #526 talked about the impacts of invasive house inspection on their children, underlining the need for **extended notice periods**, writing,

“My children have all had negative experiences while renting, having to deal with things like landlords showing up unannounced on their properties and real estates demanding that they pay for damages which are not theirs”.

Impact on rental housing supply and affordability

I will now turn to some arguments made by the real estate lobby against the bill.

The Real Estate Institute of Queensland (REIQ) raised concerns in their submission (#661) that the *Residential Tenancies and Rooming Accommodation (Tenants’ Rights) and Other Legislation Amendment Bill 2021* would discourage property investment in Queensland, and that this would reduce the supply of rental properties.

Ms Antonia Mercorella, Chief Executive Officer of the REIQ told the public hearing into this bill:

“The impact of these changes could result in investors withdrawing from the permanent rental market. Additionally, we are concerned that some of these reforms could deter future investment in Queensland. In our view, the combination of these factors would detrimentally impact the residential real estate sector, resulting in reduced housing supply and higher rents potentially”

Similar concerns were raised by the Property Owners Association of Queensland, the Urban Development Institute of Australia (UDIA) and the Property Council of Australia. The UDIA describes in their submission (#722):

“Risks such as substantial changes to the certainty of the length of leases, rent rises, and the balance between the roles of renters and lessors can reduce confidence in rental housing, impinge on the supply of capital for housing and in the Institute’s view, lessen the number of new dwellings developed, increasing pressure for higher rents.”

Ms Roslyn Wallace of the Property Owners Association of Queensland mentioned throughout her statements to the public hearing that members of her association were thinking of selling if some of the measures outlined in the *Tenants' Rights Bill* were passed, including minor modifications and pets. Ms Wallace was asked by a committee member if she would sell her properties if this law changed. Ms Wallace said she would not.

Tenants Queensland disagreed with the claims that strengthening tenants rights would discourage property investment in Queensland, and described how there was no evidence to support them. Ms Penny Carr, CEO of Tenants Queensland, explained to the hearing:

"There is no evidence to support claims that tenancy law changes will see investors exit the market. In terms of investment decisions, research shows that landlords make decisions based on fiscal and financial policy, with tenancy law having little if any impact. Research also shows that, while individual investors move in and out of the market with some frequency and for varying reasons, overall for many years investment in residential housing continues to increase."

Tenants Queensland proceeded to table a collection of research on investors' motivations conducted over the last two decades. To be clear: the real estate lobby has argued against any advance in renters' rights since at least the 1980s, on the basis it would shrink the housing market. **This has simply never eventuated.**

During the public hearing, Mr Michael Berkman asked the REIQ if they could provide evidence to support their assertions that the proposed changes would reduce housing supply and drive up rents. Ms Mercorella said beyond a survey of their members in 2019, they had no additional research on this matter.

I note that the research tabled by Tenants Queensland describes that property investors are more motivated by long-term capital gains than short-term rental yield. It also states that *"the relationship between investment and tenancy law reform continues to prove weak."*¹

¹ Seelig, T., Thompson, A., Burke, T., Pinnegar, S., McNelis, S., Morris, A. (2009) *Understanding what motivates households to become and remain investors in the private rental market*, AHURI Final Report No. 130, Australian Housing and Urban Research Institute Limited, Melbourne, <https://www.ahuri.edu.au/research/final-reports/130>.

Additionally, if strengthening tenants' rights does end up leading to some property investors selling their properties, the most likely scenario is that these properties will be bought by another investor, or someone who is currently renting but looking to purchase their first home.

Balancing the needs of tenants and property owners

The Property Owners Association of Queensland and Australian Proprietors Alliance Incorporated (APA) both raised concerns in their submissions that the measures outlined in the *Tenants' Rights Bill* would have an unfair impact on property owners.

The REIQ has similar concerns, and describes in their submission (#661) that:

"...the Bill seeks to severely restrict key lessor rights and commercial benefits associated with property investment. The lack of balance and total oversight of lessor rights is very concerning."

Form Submission A, Form Submission D and Form Submission H also echo these concerns that the private members bill would have an unjustifiable, negative impact on property owners. Form Submission I states that property owners take all the risk and financial burden of owning a property.

Ms Bridget Noble describes in their submission (#3) that *"it seems that the tenant has all the rights, the landlord who has worked hard to put money into an investment is being heavily penalised by supplying a roof to a person/family..."*. Similar concerns were touched upon by Ms Nita Skewpeck (#6) and other individual submitters.

I note that tenancy laws are one of many government mechanisms that influence Queenslanders' experiences in the housing market. The enormous taxation concessions available to real estate investors have a much greater bearing on the housing market than tenancy law. Currently homeowners and investors receive 90% of the benefits from federal government housing policies, like negative gearing and capital gains tax concessions, while renters receive next to no benefits. It is estimated that federal government expenditure on property owners amounts to \$36 billion per year, and that this is primarily

delivered through tax concessions.² The Australia Institute modelled in 2015 that these concessions cost taxpayers \$7.7 billion per year and inflate housing prices across the nation.³

Another key piece of information I note is that over 80% of property investors are high income earners and the majority already own their family home.⁴ On average, the net wealth of investor households is triple that of the average Australian household.

When determining what legislative changes would strike a fair balance between property owners and tenants, the often significant wealth disparity between property investors and renters must be taken into consideration. Housing justice means different things for different groups, and those who are already marginalised because of low income, disability, cultural and linguistic diversity, Indigenous or other status will be disproportionately impacted by unstable housing.

Mr Greg McCosker (#15) describes in their submission:

“...landlords face much more severe financial disadvantage than tenants as the worst thing for the tenant is to be evicted and possibly have a judgment against them which most likely will never be satisfied.”

While Mr McCosker’s submission seeks to highlight his concerns that the *Tenants’ Rights Bill* contains too much bias towards tenants, this statement highlights to me the core of the underlying imbalance between property owners and tenants. Tenants are at risk of losing the roof over their family’s head, and in many cases, risking homelessness.

The measures outlined in the *Tenants’ Rights Bill* are critical to correcting the inherent power imbalance that exists between property owners and tenants, and ensuring every Queenslanders has a secure home.

Relying on the market to provide affordable and secure rental properties

² The great Australian lockout: Inequality in the housing market, March 2015, Molly Johnson and David Baker, <https://australiainstitute.org.au/report/the-great-australian-lockout-inequality-in-the-housing-market/>

³ Top Gears: How negative gearing and the capital gains tax discount benefit the top 10 per cent and drive up house prices, April 2015, Matt Grudnoff, <https://australiainstitute.org.au/wp-content/uploads/2020/12/Top-Gears-How-Negative-Gearing-and-CGT-benefits-top-10-per-cent.pdf>

⁴ Household, Income and Labour Dynamics in Australia Survey, the Melbourne Institute

Real Estate Excellence Academy Pty Ltd (#121) emphasises in their submission the key role of market forces in regulating rental pricing. They state that increasing the supply of housing is the solution by providing more incentives to invest. A range of submissions with copied text from submission #121 also presented this as the solution.

The Australian Proprietors Alliance Incorporated (APA) states in their submission (#575) that:

“The property market is driven by supply and demand, private sector investments to provide more rental properties is crucial to add to the supply and stabilise rental market.”

Similar sentiments are raised by a number of individual submitters as well, most of whom have identified themselves as real estate agents or property investors. These submitters posit that the best way to provide renters with affordable rental properties is through maximising investment in the private market with little restrictions.

Increasing private supply is considered to have some small beneficial impacts on housing affordability, however entirely leaving housing prices to the whims of the market has not proven to be a successful public policy.

There has been estimated to be 164,000 excess dwellings in Australian from 2001-2017⁵. Over this same time period, the median rent in Queensland rose from \$200 per week to \$330 per week⁶.

I note that what these submitters are describing is the long-term status quo in Queensland: a heavy reliance on the private market to provide housing. There have long been significant tax incentives in Australia to invest in property. Apart from a brief period in 1985-1987, negative gearing has been a part of the Australian tax system since 1922. Capital gains tax loopholes have been present since 1999. Property developers have also long had favourable conditions in Queensland, with a flexible performance-based planning system and caps on the infrastructure charges they can be asked to pay. A number of submissions reflected on this commodification of housing. For example, submissions #112 said,

⁵ Regional housing supply and demand in Australia, Phillips, B & Joseph, 2017

⁶ Australian Bureau of Statistics

“The whole idea of using housing to gain wealth instead of housing being a right for all is a total (sic) shame on our society”.

Submission #104 talked about the fears facing young people who don't have housing wealth, in an economy that prioritises housing wealth,

“Unfortunately, it is really daunting to be 20 and already terrified of how I am going to afford my future. With this, along with the reality that I may never be able to own a home (and have stability in retirement), the reality of superannuation for a woman and also the low pension rates - looking forward to the future in our current state is not great....We can do better. Why do some people get to make profits or utilise negative gearing and pay little or no tax, from other people having to have just have the basic human need of a home?”

Submissions #90 reflected the fact that many tenants are now renting long-term, and de-commodification of housing was a key priority,

“Renting is increasingly becoming a permanent reality for more and more Queenslanders as the federal government chooses not to take steps to de-commodify housing and guarantee safe, secure, comfortable, and convenient housing for all Australians. The real estate lobby represents the interests of people who regard our homes as financial assets....We need the government to protect us against those economic interests and the predators of the real estate lobby”.

I note that the status quo has also left us 47,000 people on the social housing waiting list in Queensland and critical levels of household debt. In every major population centre in Queensland, rents have grown faster than the median wage over the last decade.

The most compelling reason why rental affordability cannot be left up to the whims of the private market is that we are already leaving rental affordability to the market, and this pathway is catastrophically failing to provide affordable and secure housing to a growing portion of Queenslanders.

Hundreds of submissions called for a **cap on rent increases**, with dozens of stories of people being priced out of their homes due to rent increases, and the upward pressure practices such as rent bidding are having across the state. Submission #526 wrote,

“The rental bidding wars are getting out of hand and the fact that many real estate agencies do not even offer a free payment method for renters is not acceptable. Please do something to increase the amount of rights renters have”.

One landlord (#535) wrote,

“I am dismayed to see my fellow landlords responding to the rental squeeze by raising their rent demands. Several of my friends with families have been forced into parental/friends homes, tents,

dongas and caravans as there is no housing stock they can afford. This makes living conditions pretty rough on all parties. (Mind you it would be nice if wages were also tied to CPI instead of having to fight for every single little cent!)"

No-grounds evictions

Many renters shared their stories about how the constant threat of being evicted made it hard to feel secure in their home, or to enforce their basic rights. Tenants Queensland gave a powerful summary at the inquiry hearing of this issue, sharing the story of someone they had spoken to the day prior.

There was an issue with his garage door, which he asked several times to be fixed. After issuing a notice to remedy breach, the correct process, he received a notice to leave without grounds the same day. The provisions in my bill which operate to remove no-grounds evictions would ensure that people can enjoy security in their own homes, and would ensure that no one is evicted in such a situation.

As the submission from Tenants Queensland states, although the government has pledged to remove no-grounds evictions in its bill, it simply has not. Without addressing this power differential, the other advances in rights for renters are undermined by the continuing fear of eviction without fair reason. Making Renting Fair in Queensland (#720) similarly argue that in failing to end no grounds evictions, the government's bill fails to meet its stated objectives.

LawWright, an independent community legal centre and the leading facilitator of pro-bono legal services in Queensland, reiterated there should be no provision for no-grounds evictions. They spoke of how their casework showed that vulnerable tenants will frequently tolerate poor treatment or conditions due to the fear of retaliatory action. They state that allowing landlords to evict a tenant without grounds at the end of their lease agreement will discourage tenants from asserting their rights, and undermine other protections with regard to minimum housing standards and repair orders. As they state, unfair evictions are often explained by another pretext, come at great expense, and cause significant disruption to tenants' lives.

The Law Society of Queensland opposed the abolition of no-grounds evictions, commending the government for effectively maintaining them. It cited the need for contractual certainty as the reason that

landlords should be permitted to evict a tenant for any reason. Instead of ending no-grounds evictions, the Law Society suggested that community legal centres should be funded to assist tenants to enforce their rights in the case of a retaliatory termination, or that landlords should be encouraged to consider offering longer fixed-term leases.

These are wholly unsatisfactory alternatives to law reform. The community legal sector is already drastically under-resourced, and contractual certainty is present in many other instances where the parties' agreement is subject to legislation. Further, it is hard to reconcile the fact that options for renewal are a key feature of any commercial lease, but the real estate lobby, the government and the Law Society do not wish to confer the same rights on a family or individual that they would expect for a business.

The right to rent with pets

The right to rent with pets was an important consideration for hundreds of submitters, who stressed the importance of having the right to have pets as the base assumption, with the onus on lessors - not tenants - to challenge this. Pets have significant health benefits for owners⁷ and Queenslanders with Disability Network (#638) note that *"Many people with disability have animals which may be considered by them as an essential part of their assistance and therapy"*.

A number of submitters detailed the challenges and discrimination facing tenants renting with pets. The submission from Robyn Evans (#360) details the challenges associated with finding a property that will accommodate pets for her ageing parents. QDN (#638) wrote that

"QDN members have raised issues of their experiences where they have had to surrender their pet companion or be limited in their options for a property in order to acquire rental housing, especially if the pet would not be obtrusive or any trouble if they continued to live with the person with a disability".

AWLQ (#711) note that

"Many people are homeless because they refuse to give up their pet" and "It is inhumane to expect renters to give up their pets. Pets are considered their family. They are essential to their well-being and it is detrimental to their mental health to have to be separated from them".

⁷ <https://www.ahuri.edu.au/research/ahuri-briefs/understanding-pet-policies-for-australian-households>

Submission #465 writes,

"I was able to negotiate with this landlord about keeping a kitten I rescued while at this property. He threatened to kick me and my husband out if we kept the kitten. We ended up paying an extra \$50 to keep one small kitten at the property. He stated this would cover the costs of damages at the end of lease".

Submission #99 wrote,

"The agreement changed to no dogs allowed indoors or on ant covered decks. We took this house because we could have our old dogs here. There has never been any damage whatsoever by our dogs, or us. We signed the new lease agreement due to the rental crisis and now need to dispute it. We don't need this stress. (My daughter is unwell & disabled and the property manager is aware of this). We are worried we won't have lease renewed now next year or there will be some retaliation. We really are very good tenants and have been treated like we are worthless".

Submission #95 wrote,

"As a renter with pets we've continually found pet friendly rentals to come with a higher price point. Having pets is important to us as we raise a family, for both their proven physical and emotional benefits, yet this comes at a huge cost to us. Over the years we've had to pay more weekly rent than would have been necessary had we not had pets".

Submission #94 wrote,

"We were homeless after that for 3 months because we owned a dog and real estate don't like dogs. We had to pay for storage as well and were denied a good job because we had no place to live".

Queenslanders with Disability Network (#638), for example, write that, *"It is important that having a pet starts from the basis that you can have a pet and work to establish what the fair conditions and restrictions are".* The AWLQ note that our Bill provides certainty that tenants are allowed to have pets, reducing discrimination. In contrast, they note that the government's Housing Legislation Amendment Bill *"is NOT going to alleviate the current situation"* given that the onus remains on less powerful tenants to argue their case against powerful lessors and real estate agents. Similarly, Making Renting Fair Queensland (#720) write that a fair Bill should *"start with an assumption that renters can keep pets if they choose; require the lessor to seek orders to restrict pets if there is a dispute".*

AWLQ write in support of the Bills proposal for dealing with pets, writing,

"We therefore strongly support the proposal in the Residential Tenancies and Rooming Accommodation (Tenants' Rights) and Other Legislation Amendment Bill 2021 (Sections 221B and 221C) be accepted, which reflects the Victorian and ACT legislation i.e. that a tenant is allowed to keep a pet and when they apply to the lessor, if the lessor wants to exclude the pet, the lessor can

apply to the Queensland Civil and Administration Tribunal (QCAT) for an order to exclude the pet based on reasonable grounds and conditions”.

Submission #424 refers to the new Victorian legislation regarding pets, writing,

“Other states have made it easier to rent with pets, why can't Queensland? Labor in Victoria led the way on that reform”.

I note that some submissions from landlords noted potential damage by pets. However, I contrast this with evidence from Australia and abroad suggesting that pets are no more likely to cause damage to a property than tenants without pets.⁸

I note the challenges associated with pet ownership with regards to strata title properties, noted by the Strata Communities Association Qld (#730). The *Residential Tenancies and Rooming Accommodation (Tenants' Rights) and Other Legislation Amendment Bill 2021* acknowledges this challenge.

Minor modifications

Hundreds of submissions reflected the argument that tenants should be able to make their rental house feel like a home, as well as improve safety, and make minor modifications like hang pictures, paint walls, and install furniture anchors. Many people are now renting long term, and should be able to make a house feel like a home while they are living there. This includes both rental properties and rooming accommodation. This will improve people's wellbeing and quality of life, particularly for:

- Parents of young children, able to install furniture anchors and baby gates
- Ageing and elderly people, able to install safety and mobility aids
- People with disability, to install safety and mobility aids
- Victim/survivors of domestic violence, able to install safety equipment

For people living with disabilities, being able to install things like grab rails can mean the difference between living independently and with dignity, or not.

In the 'Open Doors to Renting reform' consultation, conducted by the government in 2018, 65 per cent of respondents thought that a property owner shouldn't be able to stop tenants from making minor

⁸ <https://www.ahuri.edu.au/research/ahuri-briefs/understanding-pet-policies-for-australian-households>

modifications. Both Victoria and the ACT have provisions to allow renters to make minor modifications, and Queensland should follow suit. I also note that while allowances for minor modifications were flagged in the 2019 C-RIS, these are not present in the government's proposed legislation, a move supported by organisations such as REIQ. As Tenants Queensland (#723) wrote,

"TQ calls for the ability for minor modifications to be undertaken by the tenant to be included in the Bill, as it was in the 2019 RIS. This is a matter of priority as its exclusion is a major omission in the Bill as it leaves some renters to living in unsafe and inappropriate circumstances".

Tenants Queensland (#723) provided this list of minor modifications that should be allowed:

- installation of picture hooks or screws for wall mounts, shelves or brackets on surfaces other than brick walls;
- installation of wall anchoring devices on surfaces other than brick walls to secure items of furniture;
- installation of LED light globes which do not require new light fittings;
- replacement of halogen or compact fluorescent lamps;
- installation of blind or cord anchors;
- installation of security devices;
- replacement of curtains if the original curtains are retained;
- installation of adhesive child safety locks on drawers and doors.
- modifications assessed and recommended by an Australian Health Practitioner's Regulation Agency practitioner;
- installation of low flow shower heads where the original is retained;
- installation of non-permanent window film for insulation and reduced heat transfer;
- installation of flyscreens on doors and windows; and
- installation of a vegetable or herb garden.

PropertySafe (#633) made the case for minor modifications on their evidence to the committee, for both tenants and lessors, from a safety standpoint, saying,

"Any modification that is going to help prevent injury and potentially save lives is something we would support. I do not see that landlords particularly should have major concerns with minor modifications to premises, especially if it is for the wellbeing of the tenant. I think it serves both parties' interests for that to be the case".

Ms Eilisha Matthews, a tenant who accompanied Tenants Queensland to the public hearing, provided detailed evidence of the impact of not being able to make minor modifications to her home, on her as a person with disability. She detailed shocking treatment by her landlord who refused things like grab rails, which put her safety at risk. QDN similarly made a compelling case for allowing minor modifications, to ensure the safety, independence and dignity of people with disabilities, stating in their submission,

“Many people with disability require minor accessibility modifications to their rental properties, as finding ready accessible rental housing that meets their needs is very difficult. Minor modifications sought include handrails, ramps, and safe seating (showers)”.

In the public hearing, QDN similarly **made a case for minor modifications being a health and safety issue**, offering people independence, and allowing people to reduce their reliance on carers, or family members, for support. QDN also made the case that accessible properties, with safety features like grab rails, make these homes more appealing to a wider group of prospective tenants. Both QShelter and QDN confirmed that allowances for minor modifications would allow for cost savings in other sectors, including the mental health and broader health sectors.

I note the evidence given by the Women’s Legal Service regarding the right for tenants to install safety equipment, such as cameras, locks and lighting, stating,

“We would also like to see provisions to make it easier for tenants to make minor modifications such as installing security devices like sensor lights and cameras, as was proposed in the consultation regulatory impact statement released in 2019”.

This was supported by QCOSS, who stated their support for safety modifications in the hearing,

“In particular, we think tenants should be allowed to make minor modifications for security purposes. We would like to see that people who do stay in properties [are] able to install security cameras, deadlocks or security doors— whatever they need to stay safe and secure in their property—immediately and without the permission of the property owner”.

Minimum standards

For hundreds of the submissions, the poor quality of rental properties, lack of maintenance, and unresponsiveness from lessors was a major issue. This feedback underlines the importance of legislating

key minimum standards, beyond the half-measures in the government's bill and to the extent covered in my private member's bill, including:

- sanitation, drainage, cleanliness, repair;
- ventilation, insulation;
- protection from damp;
- construction, condition, structures, safety, situation;
- room dimensions;
- privacy and security;
- water supply, storage and sanitary facilities;
- laundry, cooking facilities;
- lighting;
- freedom from vermin infestation; and
- energy efficiency.

The following submissions, among the many hundreds, provide a snapshot of the experience of tenants living in unmaintained, poor quality homes. Submission #119 notes issues with mould and unsafe floors,

"When I was renting in Coorparoo we had a unsafe house that had mould, leaking roof and stairs about to collapse, at one point during the tenancy my foot feel try (sic) the rotten floor boards, upon asking for maintenance I was informed there was nothing wrong with the premise by a unlicensed handy man".

Submission #106 notes issues with poor-quality repairs,

"In Indooroopilly I had a landlord who carried out his own repairs to save money. He was not a handyman and caused damage to his own property by trying to fix it. This included causing leaking behind walls in the shower. He eventually had to call in a plumber who sighed and said this was a classic example of the owner".

Submission #92 writes about a lack of hot water, and long response times after requests for maintenance,

"Every maintenance request we put in was unattended, which the real- estate insisted was due to the owner of the house. We lived there for a year, mostly without hot water, locks on the back door faulty, consistent flooding inside the house....The current house we are in is the same. Although a lot more functional, any maintenance request are gone unanswered for long periods of time. For example, the recent weather caused a tree to fall over causing damage to the fence between us and the neighbours. This was over a month ago and the tree still remains in the yard untouched".

Submission #102 writes about unsafe floors, mould and a lack of responsibility by lessors,

"I've lived in houses with such destroyed floors that we had to cut grass growing into our kitchens and bathrooms. Houses that regularly flooded in summer storms, houses that are covered in mould, houses that have doors and windows unable to be shut. It's understandable that as buildings age, the needs for their maintenance increase...One landlord, after I requested that some floorboards were replaced as they were rotting & dropping rusty nails, simply stated that "you don't need to walk there". Never mind that we pay hundreds of dollars a week to live there, we shouldn't have the threat of falling through our floors".

For PropertySafe (#633), safety was an important factor, stating in the hearing,

"In reading some of the submissions that have been presented to this committee, I am reminded of how difficult the lives of some renters are when the stress of making weekly rent payments is exacerbated by the inherent risks of living in properties that are neither well maintained nor safe. We also know the comfort that many home owners and landlords derive from knowing that probably the single biggest investment in their life is safe and secure".

A number of submissions highlighted the importance of minimum standards, beyond what is included in the government's bill and to the extent covered in my private member's bill. The following submissions, for example, highlight the importance of **temperature control** and **insulation**. Submission #107 writes about the challenges of lack of temperature control for older people,

"My current rental has NO insulation, nor any other kind of temperature control. NO decent curtains, NO ceiling fans (in spite of recent, strong requests), NO roof spinners and certainly NO AC! Last February, on an average day, the floor temperature was around 33 degrees Celsius. While three weekends ago my place was simply too costly to heat all of the evenings, and I contracted a dose of the 'flu.. Potentially, a serious concern when I live on my own, and will be 82 years of age, next November".

Submission #124 notes,

"In our last place, getting repairs was like getting teeth pulled... often the property manager would just ignore my emails (but if you call, they ask to please email and send photos because it's their policy). The screens on the windows were broken and all sorts of bugs came in before it got fixed. Why aren't fly screens a requirement in QLD? We have mosquito borne diseases! The aircon wasn't working properly...".

Queenslanders with Disability Network (#638) also stressed the importance of **lighting, ventilation and protection from mould**, for people with disabilities in particular, writing,

"Adequate lighting, ventilation and environments free from mould are important standards for people with disability, and issues with these things can significantly impact upon their

disability, access, and health and well-being. It is important to recognise that these are basic to a reasonable standard of living”.

QDN reiterated the importance of **ventilation and lighting** in the hearing, stating,

“I would like to draw the committee’s attention to the minimum standards regarding ventilation and lighting. This is an important health and safety issue that often impacts on people with disability in different ways because of their visual or sensory impairments. It is really important that ventilation and lighting be considered as a key issue of health and safety within those minimum standards”.

QCOSS similarly stressed the importance of **lighting and ventilation** in the public hearing, stating,

“I did note that REIQ provided some information earlier today to say that lighting and ventilation are not linked to health and safety. Our own common sense tells us that light and ventilation are connected to health and safety. This is true for all of us but it is particularly true for people living with chronic illnesses or disability and older people. It is also completely out of step with community attitudes. We know that three-quarters of landlords and property managers actually support proper lighting and ventilation as a minimum standard”.

Ms Eilisha Matthews, who presented at the public hearing, also detailed the importance of **heating and cooling provisions** for people with disabilities, and the challenges she faced from unresponsive landlords not maintaining air-conditioning. She stated,

“Some of the issues I have faced have been things like when I requested for air conditioning that existed in the property to be repaired and time passed and I followed it up, I was told that it was not considered an urgent request as aircon was not a necessity. I had opted specifically to rent a property at a higher price to others because it had air conditioning. My disability prevents me from maintaining my body temperature so air conditioning is a necessity for me, but I had to wait almost six months before they sent a repair through”.

I note that for some submitters, such as REIQ, minimum standards beyond what the government have detailed in the Housing Legislation Amendment Bill 2021 were deemed unnecessary. In the public hearing, REIQ argued that lighting, for example, was not a safety necessity. The above submissions and testimonies clearly contradict this, and I’d urge the government to consider the needs of Queensland tenants, in particular vulnerable tenants, in determining what minimum standards should be implemented, as opposed to the demands of the real estate lobby.

Protection for victims/survivors of domestic violence

I acknowledge the vital importance of protections for victims/survivors of domestic violence. As Women’s Legal Service (#859) note, domestic violence is a leading cause of homelessness for women, and financial liabilities and rental debts can be a huge burden for people leaving DV situations. Key protections include the ability for people to:

- Not be liable for damage caused by domestic violence.
- Change locks.
- The right to leave a tenancy.

I note that many of these measures have been in place under the *Residential Tenancies and Rooming Accommodation (COVID-19 Emergency Response) Regulation 2020*, with positive feedback from the sector about the function of these provisions.

I also note further amendments made by Women’s Legal Service which include:

- The ability to transfer leases into the names of co-tenants and remove perpetrators’ names.
- The right to install safety equipment (lighting, cameras, locks) without requiring lessor approval beforehand.
- Community awareness activities and appropriate training for real estate agents.

I intend to amend the *Residential Tenancies and Rooming Accommodation (Tenants’ Rights) and Other Legislation Amendment Bill 2021* when it comes to parliament for second reading, to include all of these provisions.

Third-party platforms

Another issue that emerged in the submissions, which I intend to incorporate into my bill via amendments in parliament, is the third-party platforms that property managers often require tenants to use. As articulated by Tenants Queensland at the inquiry hearing, these simply shift the costs of collecting rent from property managers to tenants.

These platforms have evolved from the early rental payment platforms, into platforms which support a range of other uses like application processes, document storage and communications. Submitters like

Tenants Queensland have put the view that these platforms should be regulated to mitigate against their unfair and unreasonable aspects.

Critically, there should be a fee-free method of rent payments available, as is mandated in other Australian jurisdictions, and I will be amending my bill, and the government's bill, to require that tenants be offered a free, direct debit to a bank account as an available rental payment method.

Human rights

A fascinating debate emerged in recent weeks, arising from the human rights implications of both my private member's bill, and the government's bill. Of course, all bills introduced to Queensland parliament are required to be accompanied by an assessment of their human rights implications. After the government introduced its *Housing Legislation Amendment Bill 2021* in June, a month after the introduction of my private member's bill, it was roundly criticised by the housing justice sector as not adequately improving tenants' rights.

Media reports emerged of how Labor members of parliament had started to respond with a form email, in response to constituent concerns, stating that for the government to extend the scope of its bill to further improve tenants' rights would be in breach of human rights.

I am thankful that the Queensland Human Rights Commissioner intervened to put this spurious argument to bed, issuing a statement on 8 July 2021. Commissioner Scott McDougall urged parliamentarians to carefully consider a range of human rights - not just the property rights of landlords which Labor MPs had referred to in their arguments. The Commissioner said "there are also rights held by tenants which need to be properly considered - including their rights to protection of families and children, and freedom from interference with their home, which is protected under the right to privacy and reputation".

Commissioner McDougall clarified that for the right to property to be unreasonably limited, a person would need to be arbitrarily deprived of it. Abolishing no-grounds evictions 'may amount to diminishing the property rights of a lessor, but would probably not amount to an "arbitrary deprivation" of the right to property.' In their submission (#716), QHRC note that,

“Since there is a clear justification for a limitation of rights given significant housing instability and homelessness in Queensland, it is unlikely that requiring a lessor to provide reasons to end a tenancy at the end of the fixed term would amount to an arbitrary action”.

In balancing Queenslanders’ right to housing with the property rights of landlords, the Commissioner cited the significant housing instability and homelessness in Queensland as a clear justification for limiting the rights of lessors. As Aimee McVeigh, the Chief Executive Officer of the Queensland Council of Social Service, said in the final testimony of the hearing, the government’s argument about genuinely ending no-grounds evictions is a *“furphy”*. She went on:

“I would also ask: how can a government say that this law will breach or limit human rights in a way that is unacceptable when they are willing to pass a law that puts GPS trackers on children and call that compatible with human rights?”

Again, I thank you for your work on this inquiry, and for this opportunity to respond to the issues raised in submissions. Please do not hesitate to contact my office on 3724 9100 if you would like to discuss this matter in more detail.

Kind regards,



Amy MacMahon
Member for South Brisbane