COMMUNITY SUPPORT AND SERVICES COMMITTEE

Members present:
Ms CP McMillan MP—Chair
Mr MC Berkman MP
Mr MJ Hart MP
Mr JM Krause MP
Mr RCJ Skelton MP
Mr CG Whiting MP

Visiting Member:
Dr A MacMahon MP

Staff present:
Ms S Galbraith—Committee Secretary
Mr K Holden—Committee Secretary
Ms R Stacey—Assistant Committee Secretary
Ms C Furlong—Assistant Committee Secretary

PUBLIC HEARING—INQUIRY INTO THE HOUSING LEGISLATION AMENDMENT BILL 2021; RESIDENTIAL TENANCIES AND ROOMING ACCOMMODATION (TENANTS' RIGHTS) AND OTHER LEGISLATION AMENDMENT BILL 2021

TRANSCRIPT OF PROCEEDINGS

TUESDAY, 20 JULY 2021

Brisbane

FRIDAY, 20 JULY 2021

The committee met at 9.31 am.

CHAIR: Good morning. I declare open this public hearing for the Community Support and Services Committee's inquiry into the Housing Legislation Amendment Bill 2021 and the Residential Tenancies and Rooming Accommodation (Tenants' Rights) and Other Legislation Amendment Bill 2021. I would like to respectfully acknowledge the traditional custodians of the land on which we meet today and pay our respects to elders past, present and emerging. We are very fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander people, whose lands, winds and waters we all share.

My name is Corrine McMillan, the member for Mansfield and chair of the committee. With me here today are: Michael Hart MP, the member for Burleigh, who is substituting today for the committee's deputy chair, Stephen Bennett MP, the member for Burnett—welcome and thank you; Jon Krause MP, the member for Scenic Rim; Michael Berkman MP, the member for Maiwar; Robert Skelton MP, the member for Nicklin; and Chris Whiting MP, the member for Bancroft, who is substituting today for Cynthia Lui MP, the member for Cook. The committee has also granted leave to Dr Amy MacMahon MP, the member for South Brisbane, to attend and ask questions at the hearing today.

The purpose of today's hearing is to assist the committee with its consideration of the Housing Legislation Amendment Bill 2021 and the Residential Tenancies and Rooming Accommodation (Tenants' Rights) and Other Legislation Amendment Bill 2021. While the bills address similar themes, for clarity I will ask each witness to confirm which bill they wish to talk to today. I also ask that any responses to questions taken on notice today are provided to the committee by Friday, 23 July 2021.

The committee's proceedings are proceedings of the Queensland parliament and are subject to the standing rules and orders of the parliament. The proceedings are being recorded by Hansard and broadcast live on the parliament's website. Media may be present and will be subject to the chair's direction at all times. The media rules endorsed by the committee are available from committee staff if required. All those present today should note that it is possible you might be filmed or photographed during the proceedings by media and images may also appear on the parliament's website or social media pages. I ask everyone present to turn mobiles phones off or to silent mode.

Finally, while the current COVID-19 restrictions for South-East Queensland remain in force, all persons present at committee proceedings will be required to wear a face mask, to be removed only when speaking during the proceedings. We will also be adhering to limits on the number of people present in the hearing room today. I thank everyone for their understanding.

BARTLETT, Ms Julie, Principal Solicitor, Tenants Queensland

CARR, Ms Penny, Chief Executive Officer, Tenants Queensland

EVANS, Ms Robyn, Private capacity

MATTHEWS, Mr Eilisha, Renter, Tenants Queensland

CHAIR: I welcome representatives form Tenants Queensland and Robyn Evans. Good morning and thank you all for appearing before the committee today. I invite you to make a brief opening statement, after which committee members will have questions for you.

Ms Carr: Thank you, Chair. I will be making the opening statement for the three of us from Tenants Queensland. Good morning to all committee members and thank you for giving us the opportunity to speak with you today. Firstly, I would like to acknowledge the traditional owners of the land upon which we are meeting and pay my respects to elders past, present and emerging, and those who may be in another room or on other lands and listening in today.

Tenants Queensland is well placed to represent the interests of Queenslanders who rent their home. Alongside providing advice and support to individuals, the issue of rental reform in Queensland is something that Tenants Queensland has actively lobbied government for for many years. We have been at the forefront of all the improvements for Queensland renters since we formed in 1986 around the issue of the centralised collection of bonds.

I have two quick stories. An older man renting a property for seven years had an issue with the lock on the garage door resulting in the property being insecure. After unsuccessfully asking several times for it to be fixed, he issued a notice to remedy breach, which is the correct process. The same afternoon he received a notice to leave without grounds. His fixed-term lease does not end until October. A man renting for about five years, living on a disability support payment and with the part-time care of his teenage child, just received a rent increase notice of $55 per week. This represents 10 per cent of his income. I did not have to look far for these stories. They were callers to our service yesterday afternoon. As one of our advice workers left for the day, I asked them, 'What happened today? Can you give me two stories?' They are typical stories—nothing unusual. They are stories that we are hearing every day.

The common issues that we hear are termination, bond disputes and repair issues. Rent increases are also more commonly occurring, as is notice to leave without grounds. Rent increases of $10 or $20 per week were common in the past, but now we are frequently hearing of increases of $30 and $50 per week and even higher. The worst I have heard is $300. I have to say that that is an outlier, but $100 per week is not uncommon. Many tenants simply cannot afford to pay these amounts, especially living on low incomes or government payments. Many are staying on anyway as they are too scared to refuse the offer of a renewal because of the low vacancy rates and no power to negotiate or bargain the increase down.

Last year Tenants Queensland talked to 33,000 renting households through our service entry point—our 1300 advice service. Callers received advice about their tenancy issues and approximately one in three were then referred to a regional office for further advice and support. Another 7,000 households did not get through. In the 12 months to March 2021, there were 123,000 attempted calls to our service—a 53 per cent increase on the preceding 12 months. Tenants are afraid to take action on repairs. They are afraid to take action or refuse requests by agents and landlords, whatever their nature—unreasonable or not. They do not dispute rent increases for fear of receiving retaliatory notices to leave.

The need for support is great out there. It is not uncommon for renters who have been given a notice to leave without grounds to subsequently see the property readvertised at a significantly higher weekly rent. Significant numbers of clients receive a notice to leave without grounds, the vacate date has arrived or is looming and, despite their best efforts, they have been unable to find another property to move to. It is extremely stressful for renters. It is resulting in a sharp increase in the number of tenants at risk of or experiencing homelessness. We are seeing people living in cars, living in tents, couch surfing or standing on roads with their family with a sign asking for a house to rent.

Improving our tenancy laws and fixing them for renters will not solve all the problems being experienced in the housing market, but it is a very important and crucial part of the solution—empowering renters to assert their rights, stabilising households. We cannot let this important opportunity—a once-in-decades opportunity—to pass us by without providing safe and stable homes for the increasing numbers of long-term renters in our state.

More than any other state, Queensland is becoming a state of renters. Some 1.8 million people, or 36 per cent of all households, are renting their home. As of the last Census, more of us are renting a home than are in the process of purchasing one. About a third of renters have been renting longer than 10 years. Renting is on the rise in all age groups. We are ageing in our rented homes. We are raising our children in our rented homes. About 43 per cent of households include dependent children. Imagine raising your children in a rented home and having to move every 17 months. That is how often battling Queensland renters are having to move on average. The costs of moving are great—not just the disproportionate financial burden of frequent displacement but also the social and emotional, the inability to develop links in the community and the disruption to education and health care.

Our housing policies are, by design, relegating more and more people to lifelong renting, made worse by tenancy laws that were intended for the short term, not the long term. The state and federal housing frameworks have created and continue to protect a housing market that privileges the concentration of housing ownership into the hands of fewer people. This leads to some of us relying on the private rental market for our housing futures, and we need better laws.

Much is made in the media of mum-and-dad investors. The term is used to project the image of investors being the same as you and me—ordinary people on average incomes working ordinary jobs. This is not the case. Arguments against tenancy law improvements to better protect renters usually result in claims that investors will be scared off. There is no evidence to support this. Evidence shows that renters are more likely to have a landlord who owns multiple properties than a landlord

who owns one. The number of investors with four or more rental properties is increasing at a much greater rate than the number of investors owning only one. Investors have a far greater average income than noninvestors. They are high income and high wealth compared to the average person, and particularly compared to renters. Most landlords have other jobs and are not retired. The minority who are retired—about one-sixth—have a very high wealth. A small group of high-income professionals, medical specialists and legal professionals receive the greatest financial benefit in offsetting losses against income or negative gearing.

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.

A truly modernised tenancy law means to have laws that support renters to create homes that are stable and safe and meet their needs—where they can secure furniture to a wall lest it fall and injury someone or make their own decisions about whether to keep pets. Decisions about the future of our tenancy law must focus on the issue of housing as a home, not simply on housing as an investment vehicle to build another's wealth.

The changes proposed in the Housing Legislation Amendment Bill need to go further. Whilst we welcome many things in the bill, without requiring a just and reasonable ground for every tenancy termination—a process we call just-cause evictions—the improvements are worth much less. Renters are too scared to assert their rights if their tenure is constantly under threat. It is reasonable to expect that a fair reason exists to end a person's tenancy and make them leave their home. We reject any assertion that providing a just and reasonable ground to evict someone from their home will discourage investment in rental housing or is a threat to the viability of residential investment.

Compared to nearly every other industrialised nation, Australian tenants have very little protection as far as tenancy rights go. Of the 38 OECD countries, Australia is one of the few that allows no-grounds evictions. Australia provides little security for tenants when compared to the laws successfully operating in Western Europe that generally do not permit no-grounds eviction.

TQ notes that arguments have been raised that removing end of a fixed term or no-fault ground for evictions impinges on a lessor's liberty and the flexibility of their commercial right to accept a better offer or structure an agreement to their wishes with respect to their personal property. TQ does not consider these arguments persuasive. It is appropriate to impose restrictions on landlords having unfettered rights to terminate a lease because tenants face higher risks than lessors. In this regard, residential tenancy differs and should appropriately differ from contract law as it deals with households rather than commercial parties.

There is a greater need for security and continuation of agreements. Tenants are at risk of losing their homes, whereas parties in contract law are only at risk of losing goods and services. It is not unusual for statute to restrict a party's right to contract on any terms where there is such a power imbalance. We must stop unfair evictions, we must stop unnecessary churn in the markets, and we must improve our tenancy laws to support people who rent their home, to make the place their home. Right now we have an opportunity to create real, long-lasting, intergenerational change that will result in a better life for all Queenslanders through enhanced connections to homes, families and communities. Thank you.

CHAIR: Thank you, Ms Carr. I will now ask Ms Robyn Evans, who is an individual submitter, to make an opening statement. Once Robyn has done so, we will then turn to the committee for questions.

Ms Evans: Thank you very much for the opportunity to speak today. I would also like to acknowledge the traditional owners of the land on which we meet.

I am here because I have always rented. As a professional Queenslander I have never had the opportunity to get into the housing market. That has not been an opportunity for me. I really participated in this campaign—and I thank Amy MacMahon for running the campaign and therefore giving me this opportunity—because of what my parents experienced. They are in the public gallery watching.

As a professional in an above-average paid, permanent job—I was working for a university—it is bad enough that I could not get a lease longer than six months for love nor money. I was begging. I wanted secure housing but I could not get it. One of the ways that landlords allow themselves the freedom to churn is to keep kicking people out. In Springfield, where I was close to my employment

at the University of Southern Queensland, I was forced to move four times in five years. Only one time was it my choice, and that was because my partner bought a mobile business and we did not have space for it in the house we were living in.

I knew it was bad, but then I started trying to find accommodation for my parents when my mum was facing dialysis. They only had a caravan. They had been grey nomads since Mum became eligible for the pension. Then in November 2019 she was told that she had to go on dialysis soon. In the same month my landlord—who had actually been quite decent to us—gave us notice that he wanted to sell the property and that we would have to move out at the end of our lease, which was coming up in February. So the four of us were there in our tiny little rental home in Springfield trying to find accommodation. My first instinct was to get a dual-living property so Mum could live with us and Dad could carry on being a grey nomad, but that proved impossible even by combining our budget with the budget that Mum and Dad could afford on the pension.

We were looking quite widely. I left my full-time employment and started my own business, so we felt we were flexible. We looked from probably up the Sunshine Coast down to the Northern Rivers region of New South Wales. After COVID hit we stopped looking at the border. We looked at granny flats. We looked at leasehold communities for over-55s. We looked at every single option we could find for low-cost, affordable housing. My siblings and I made an agreement that we would put in money each week to supplement Mum and Dad's income. Even at $120 a week above what they could afford, we still could not find anything much they could get into. When we did find places, as pensioners they just did not get a look-in with the competition. We applied to inspect so many houses, but we could not even get to the inspection before it was taken off the market. We learned the technique of buddying up to the agents and we found a few sympathetic ones. We finally got them into the granny flat of some people who were planning to go to America to be with their kids, but then when COVID hit that all fell through so they were homeless again.

I think the lowest point was probably when Queensland had come out of lockdown and we were looking at trying to inspect places. We had a really depressing day looking on the Gold Coast at some miserable houses. We were at home and I was trying to fill out all of the applications for state housing—it took us quite a long time to do that—and the National Rental Affordability Scheme, which asked so many invasive questions and so much private information about their finances and so forth, but it had to be given—when they are on the pension, for goodness sake—and then to get through and there are no properties. They do not allow pets. They do not really want pensioners. So we were going through all of this, and we were having a day of this, and on the news there was talk of the aged-care deaths in Melbourne because of COVID. Mum burst into tears in front of my niece, who is 10, and said, 'I don't know why they don't just put us down if they want us dead.' That is how distressing it is.

Every time we had to move house it cost us thousands of dollars. The last place we were in, even though the landlord was pretty decent—I met him because he would always come to the inspections every three months. Frankly, that is invasive, in my opinion, but I met him and I chatted with him. The whole time we were there, there was a stained toilet in the en suite. I just knew—I got a 'Spidey sense'—that this was going to be an issue. It was on the inspection report when we moved in. It was on all of our paperwork. It had always been there. When we moved out we paid for the bond clean and then the next thing was, 'No, that's not clean enough. The toilet's not clean.' 'Well, we used your cleaner,' we said, 'and we've been saying that it's stained all along.' The cleaner told us, 'I bleached it. It was stained.' 'Oh, that's why we paid you.' This is the bullying that goes on.

I am sure the committee has received a lot of submissions about the horror stories. I do not want to pretend that nobody knows that renting in Australia is not [redacted]. It is. The idea that you need three-monthly inspections when you are a long-term tenant? I have never damaged a house in 35 years of renting, yet I would have three-monthly inspections and they would feel obliged to comment on my housekeeping. That is not the purpose of an inspection; it is for damages.

As somebody with a master's degree who knows my rights, I have felt intimidated about making a report when I was abused by one agent. There was one place we looked at at Wynnum for Mum and Dad. It was a great location for them. There were holes in the wall. The stove, which was one of those old electric stoves, was pulled out from the wall. It was filthy. There was a cupboard hanging off the wall. But we decided that, because it was the right price and it was in a good location, we—the kids—would fix up the house for them if we could make that work. I rang the agent to put that to them. I was abused and told that if I felt that house was not good enough for me I should not apply. There is no comeback. I looked up how to complain about this agent. There is no penalty for that. The agents just churn as well. They blame the last property person or whatever. There is never any comeback, and it has been like this for years and years.

My perspective is that this is really an historic opportunity to make a difference. At the moment I do not think the Labor bill can go forward in its current form because it allows eviction without cause at the end of a tenancy. There is already ample opportunity for an investor with a genuine cause to allow their property to be used for a change of purpose or to be renovated or whatever. That is already amply provided for, as I showed by being forced to move four times in five years.

What we need to do is focus on housing security. I do not really see anything that says, 'What we want to do is put people in secure housing for the long term.' We want a mum and dad with a baby in a rental home to expect that they can go to the school in that catchment. In the Scenic Rim, Mr Krause, my sister-in-law tells me that there are at least three schools that do not have a primary school teacher because there is no housing. She is a former primary school principal and she is asked to do supply teaching at those schools. That is because there is no teacher housing and it is too far for young teachers who are renting in Brisbane to travel on a daily basis or they cannot get into the rental accommodation that is available out there.

We have problems all over the state with this. To me, it seems that, with 47,000 people on the state housing list, we could knock that over in a couple of years with will, innovation and creativity, but there has to be the will there. I do not see anything in the current bill that really makes a difference for my parents or much difference for me.

Mr HART: Robyn, thank you for your story. There are real problems in the rental market; I think we all appreciate that. I just want to play the devil's advocate for a moment. Penny, as Robyn said, it is very hard to find rental properties at the moment. My concern is that if we go too far with this legislation, as we have talked about before, it may impact on the amount of investor rental properties out there. There is no doubt, as Robyn said, that we could fix this housing problem if we had enough public housing, but we do not. We have a massive shortage of that. From talking to people in my electorate, I get the sense that if we go too far with this people will pull out of the rental market. I know you do not agree with that, but can you just talk about that for a moment?

Ms Carr: Yes. Whenever there is a proposed change to tenancy law, that is exactly what the industry says: there will be disinvestment; you cannot do that; it will go too far; people will pull their properties out of the market. We have done desktop research—and I am going to table it today—of all the research on investors' motivations done over the last 10 or 20 years. Constantly and consistently the research shows that tenancy law factors nil or marginally in investors' decision-making. They are much more interested in capital gains and negative gearing.

The other thing is that we have the system pretty much in Victoria right now. It is operating. It commenced in March. We have a very similar system to many of the provinces in Canada. They have the same amount of private rental, social housing and home ownership. They have just-cause evictions. They also have rent control. There is lots of precedent in systems that are very similar to ours where this already exists. In fact, if we move forward with tenancy laws in Queensland that do not have just-cause evictions and allow evictions without grounds, over the next 10 years we are going to be the backwater in terms of tenancy laws. Victoria is moving, ACT has a discussion paper underway, and there is a private member's bill in New South Wales looking at this issue that has put forward just-cause evictions. I think we will be behind the times and we will not have laws for the modern age.

Ms Evans: My parents' problem was solved by my sister in the US getting a mortgage and buying them a house out at Redland Bay. The balance is so swayed in favour of investors that it is easier for somebody from overseas to get a loan to buy an investment property to rent to somebody than it is for a low-income person to buy a house. At the time we started looking for Mum and Dad, they had just been working out in the Northern Territory at a boarding school to supplement their pension. They had some money and they would have liked to invest in a low-income place like a caravan site or something, but you cannot get loans because it is skewed towards getting investors to invest in properties, not home owners. If we want to solve the housing problem, which is the thing here, and give people housing security, we need to enable renters to get equity.

I know there is a Build to Rent scheme going on in Treasury at the moment where we are going to give Mirvac incentives to make profit. Why not convert that to Build to Rent or Buy? Let's say that if anybody who goes to live in a place can pay anything above their pension then they get to build equity in that home. What we want to do is focus on getting people into housing for the long term. It is not about tweaking it to make it slightly more attractive for somebody who wants to negative gear their portfolio. This is about homes, not about investments.

Mr HART: That is a very sensible suggestion.

Mr WHITING: Penny, thank you again for what you have said. You said you would give us some information on lessor motivations. You talked about a range of other statistics and findings. Would it be possible for you to share what you have referenced, because they are important facts or opinions for us to consider?

Ms Carr: A lot of the things I spoke to today are probably referenced in our submission. If not, if I know what you are referring to specifically, I can make sure that we have a reference to it.

Mr WHITING: We can have a look at that. Eilisha, I know that you have been active in many parts of the community over the years. Do you have anything to add or would you like to tell us a bit about your story? I know that you always have a compelling story.

Ms Matthews: I have over 25 years experience of renting as an adult. Life circumstances have never given me the opportunity to retain home ownership. I did own a home once, and unfortunately the GFC hit and, being self-employed at the time, we were impacted greatly. I was also made homeless after that by domestic violence. I have been renting for quite some time. Only just recently have I been put in the privileged situation that allows me housing security, because my family have bought a property for the purpose of me renting it from them so that I have housing security and I never have to worry about them selling it. You will not get too many renters wanting to speak up against landlords, because we know that if we are outspoken we get identified and people do not want to rent to us.

You probably would have heard about some of the most significant issues I have had from everybody—such as overzealous property managers who walk through your property at an inspection with a white glove showing you where you have not dusted, or breaches for not bringing the bin in on time. I am in a wheelchair and we know that is going to be difficult, but there was no leeway given at all.

Some of my most difficult times trying to find a property to rent have been since I acquired my disability. Being on a disability support pension and only working part-time has kept my income quite low, so that makes it difficult already to be able to secure a rental property. The belief is that your rent should only be 35 per cent or less of your income. Currently, I pay 50 per cent of my income in rent. I have been doing that for a long time because I have had to. I live a very modest life so that I can retain that housing security.

The problems advanced for me in renting with my disability as it became more prevalent and mobility issues were acquired. 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 requested for grab rails to be installed in a bathroom at my cost. The landlord did not want to change the look of the bathroom and he was not confident that I could return it to its original state when I left as the tiles would need to have holes drilled in them, so that request was denied. The property manager asked me why I could not just use a shower chair.

I requested for a temporary ramp to be installed at my front door so I could actually use my front door to get in and out of my home, but it would require for the screen door, the security door, to be removed. The request was approved if I could find a way to install it without removing the screen door, so I continued to use the garage and sometimes that meant having to wait for one of the car owners at home to come and move their car so I could get in and out of my own home.

I requested in my last property to remove the door on the shower screen for safe access. There was absolutely no purpose to the door on the shower screen. The screen came halfway out past the showerhead. It was a wet area in the entire bathroom. It was denied with no reason, so I had to resort to holding onto glass that was floor to ceiling to get in and out of my shower safely so that I could access the shower chair.

Renting with a disability, aside from income, is a big impact on people with disabilities in Queensland. Currently, properties are not built disability accessible so we are forced to rely on public housing. When I contacted public housing a few years ago when I became homeless, there were no properties available for me. They would have had to retrofit it. When I moved into my new apartment, I can tell you that I cried. I cried because I never have to go through any of these issues again. I have

since made the adjustments that I need to be able to live in that property safely and securely. I have grab rails in my bathroom and it is a blessing. I no longer have to have my son come over in the morning to help me shower. I can live independently in my home because of these minor things; they seriously do not have any impact for the owner of the property. Grab rails are going to be something that we will see in all bathrooms in the long term as we age in home. They are not something that is going to impact on the value of the property.

Ms Evans: Can I just add—

CHAIR: Sorry, Ms Evans, we do have to move on. Member for Scenic Rim, do you have a question?

Mr KRAUSE: Ms Evans, it would be good to catch up with that issue you raised earlier about the Scenic Rim. I have a question more generally that relates to the changes to the grounds for ending a periodic tenancy, and this is probably best addressed to Ms Carr. Are you concerned that with the changes to grounds for ending a periodic tenancy there may be an increase in fixed-term agreements and routine terminations of fixed-term agreements at the end of terms because property owners will not want to see a tenancy shift onto a periodic tenancy? In effect, that would mean reduced options for tenants and reduced flexibility for shorter term leases and also perhaps chances of break costs accruing to tenants.

Ms Carr: Can I clarify? Is the question about if the Housing Legislation Amendment Bill goes through as it is?

Mr KRAUSE: Yes.

Ms Carr: Yes, I would think we would see an increase. Queensland more than other states has people on fixed-term agreements back to back, without allowing people to go onto periodic agreements. That is just a practice of the industry. It was not the practice of the industry 20 years ago. You would sign up for one fixed term. After the end of that fixed term, you would roll over and it would continue on periodic until somebody decided they needed the property, they wanted to move or something. In the last 15 to 20 years, the practice in Queensland more than other states has been back-to-back fixed-term agreements. We have something like 89 per cent of properties managed by real estate agents. It is a practice that they want because they want tenancies to end in January and July because more people are moving in those times and it gives them the biggest pool of people to choose from.

We already have that situation and there is little flexibility for renters. Even if they have been there for five years on five or 10 back-to-back fixed-term agreements and they know they cannot stay for the next one because they are going to move interstate to study or something, they never get a periodic agreement. This will probably make it more so, but there are only a few who get periodic agreements anyway.

Mr KRAUSE: And just—

CHAIR: We are out of time. Member for Nicklin, do you have a question?

Mr KRAUSE: Are you serious? One question? This is great scrutiny, Chair.

Mr SKELTON: Obviously, that seems like a bit of a loophole, but do you think the government bill provides more protection to Queensland renters than they are currently getting?

Ms Carr: I think there are very good things in the government bill. Things around pets and repair orders are really positive. The problem with it is that, at the last minute, 'end of a fixed term' has been added in there as a ground to end tenancies, and it undermines the other things that are good in the bill. Just like Eilisha and Robyn said, the experience of renters is that they do not want to stick their head up above the parapet because they are worried about not getting their tenancy renewed. If you have a ground in there that is effectively not a ground—because end of a fixed term is not a ground; there is no reason for it—then you are still in the same situation. The proposals that came out in the regulatory impact statement in 2019 did not have 'end of a fixed term' in there, and they were well supported. It is just that it has suddenly been put in, so what we are ending up with now in the government bill is more reasons to end tenancies rather than less.

Dr MacMAHON: Thank you to everyone for sharing your stories today. My question is for Tenants Queensland. In your submission you say that without genuinely ending no-grounds evictions other improvements in tenants' rights are undermined by the continuing fear of eviction without fair reason. Can you detail how the Housing Legislation Amendment Bill fails to genuinely end no-grounds evictions? In your experience, how will failing to end no-grounds evictions impact tenants in Queensland?

Ms Bartlett: The current bill allows the status quo to be perpetuated. Normally, what happens is that lessors will give a notice to leave without grounds towards the end of a fixed-term tenancy, often months prior to the end of the fixed-term tenancy. The tenant will get a renewal possibly with a rent increase. This legislation does not really change that status quo. Sometimes a tenant is also given a form 13, which is a notice of intention to leave, essentially signalling to a tenant—

Ms Carr: It just emphasises a power differential so you have no bargaining power. If you know at the end of a fairly short fixed term you are going to be asked without being given any substantive reason—that the property needs to be used for something else or the owner wants to move in—you have no bargaining power. It undermines your ability to even assert the rights that you have.

There are even things like third-party rent payment platforms. That is basically cost shifting the cost of collecting rent from the agents to the tenants. If you do not want to do that because you are already paying 50 per cent of your income on rent and you do not want to pay that extra bit, and if you do not have the money in on that day, it is going to cost you $33 in a fee. That is not even in the lessor's interest. You cannot stop those things because you do not want to be seen as problematic. You are trying to do the best you can to get on with everybody and you shuffle around and you still upset someone somewhere. You are vulnerable to unreasonable eviction, unfair eviction.

Ms Bartlett: It perpetuates the power imbalance, as I was saying. If a tenant does not accept the terms, does not accept that notice to leave without grounds, they have to accept the renewal with an increased rent. As we are seeing at the moment, the rent increases are quite substantial. It is the lessors' market and they are taking advantage of it, and this bill is not going to help that situation.

Ms Carr: Even the retaliatory eviction provisions do not protect people. We have a case study in our submission, actually. You can go to the tribunal. It is very hard to prove something is retaliatory, but you can occasionally achieve that. You can go there and it is retaliatory one time, but you can get a notice to leave without grounds again or with end of a fixed term again when you get home—that is what happened to the client we put in our submission—and eventually the tribunal will award the notice because the act allows you to end a tenancy without grounds or end of a fixed term. The retaliatory provisions are a very poor second cousin to actually preventing unfair evictions.

CHAIR: We have time for one more question. I note that in your submission you support property owners having only two reasons to end a tenancy. Has Tenants Queensland done any recent analysis on the impact this may have on the availability of rental stock and rent increases, given the high demand in the current market?

Ms Carr: I think you are asking a question about whether introducing just-cause evictions is going to mean people withdraw their properties from the market. I just come back to the research we have done. All the research shows that investors barely know what tenancy law says. They are not driven by tenancy law when making decisions about whether they invest or not. They have much bigger financial and fiscal concerns when they make those decisions. We have this happening in Victoria now. Victoria has introduced end of a fixed term—that you are actually able to end a tenancy in Victoria for the end of a fixed term but only after the first fixed term. After that, it has to have a just reason.

Mr BERKMAN: Penny has referred to research that has not been tabled. I was wondering whether that can be tabled.

CHAIR: I was just about to note that, member for Maiwar. I note that the member for Bancroft had a question in relation to evidence of the statistics provided. Are all of the statistics in that submission?

Ms Carr: There are many statistics in the submission. You may have been referring before to the income levels of people who invest in residential property.

Mr WHITING: Yes. I see a few of the notes in there specifically, but that might be useful if you provide those articles.

Ms Carr: What I have just tabled is an everyman archetype piece of research. That has a lot of that information about the income levels of investors in residential property in Australia.

CHAIR: Thank you. As the time is 10.15, we do have to move on. Thank you sincerely for your submissions and for the time you have taken today. Committee members, is leave granted to table those submissions? Leave is granted.

GREENHALGH, Ms Emma, Manager Strategic Projects, Q Shelter

MOSS, Ms Michelle, Director, Policy and Strategic Engagement, Queenslanders with Disability Network

CHAIR: Good morning and thank you for appearing before the committee today. I invite you to make a brief opening statement, after which committee members will have questions for you.

Ms Greenhalgh: Thank you, Chair. Before I make my statement I would like to acknowledge the traditional owners of the lands we are meeting on, the Turrbal and Jagera peoples, and pay respect to elders past and present. I would also like to acknowledge any Aboriginal and Torres Strait Islander people participating in this hearing today.

Q Shelter welcomes the opportunity to be invited to appear at the Community Support and Services Committee on the Housing Legislation Amendment Bill and to provide an opening statement. Q Shelter is a statewide industry and peak body for the Queensland housing and homelessness sector. We provide an independent and impartial voice on behalf of affordable and community housing providers and the homelessness sector. We also act on behalf of those Queenslanders who do not have access to secure and affordable housing. Q Shelter's vision is that every Queenslander has a home. Our interest is in a healthy housing system for Queensland. This includes a healthy rental housing system, given the important role that it plays in Queensland's housing landscape.

Q Shelter supports a tenancy sustainment framework that ensures long-term sustainable housing solutions. This includes a favourable legislative framework that prevents evictions and improves security of tenure. While we have noted some specific elements of the legislation in our submission, we draw the committee's attention to the fact that insecure housing, particularly in the private rental market, can be a contributing factor to homelessness, a pathway into the housing and homelessness service sector, and that housing instability particularly affects lower income households and those with complexity.

Security of tenure is vitally important to prevent lower income households and households with more complex needs from bearing the costs of multiple moves in the private rental market with associated instability and disruption from relationships, support and education. Households in private rental move much more than households in other tenures. We would like to reiterate that it is difficult to establish a home that provides identity, security and a sense of belonging when housing is insecure. It is difficult for households and families to become contributing members of communities when there is housing precarity.

Housing transition is a critical life event, and moving from a tenancy can be problematic if it is not voluntary or clearly stated. It can have long-term impacts on the wellbeing of households. That includes physical and mental health as well as household stability and a sense of control. It can disrupt access and attachment to place based services, and this has considerable impact on vulnerable households, families, older people and people with disability.

Ending a tenancy can also precipitate a crisis in a household leading to failed tenancies and homelessness. This creates downward pressure to not only the community but ultimately government through increased demands on homelessness services, increased demand for social housing and increased demand for other products provided to support households to sustain tenancies in the private market. We ask that the committee consider the legislation as housing is a home, an investment in communities, attachment, stability, wellbeing and security. Thank you.

CHAIR: Thank you, Ms Greenhalgh. Ms Moss, would you like to provide an opening statement?

Ms Moss: Thank you, Chair, and good morning to the committee. I would also like to acknowledge the traditional owners of the land on which we meet and pay my respects to elders past, present and emerging. I start by thanking the committee for the opportunity to address you this morning. Queenslanders with Disability Network welcomes the reforms and the bill; however, we would like to address some of the key elements, from the perspective of Queenslanders with disability, that we would like to see—

CHAIR: Can I make it clear that you are commenting on the government bill?

Ms Moss: Yes—to strengthen the reforms. Housing is an important issue for people with disability. People with disability want a place to call home. One in five Queenslanders has a disability. This equates to almost one million people in our community. People with disability see that there are four key principles around housing: their rights, choice, inclusion and control. It is really important that

people with disability have the same rights to housing and housing assistance as other people; that they have choice about where, how and with whom they live; that their housing enhances independence and social and economic participation in family and community life; and that the provision and management of housing is separate from the provision and management of paid supports. It is really important that these four principles are part of people's access to private rental as well.

We know that there are multiple issues that impact housing affordability and security of tenancy. I know that the committee heard from Eilisha Matthews in the previous session. Eilisha is also a member of QDN. Tenants with disability in the private rental market need to have protections in place. It is important to note the issue of minor modifications in the bill. Lots of members and Queenslanders experience the same issues that you heard from Eilisha in trying to get minor modifications made to their rental property. Minor modifications are often health, safety and wellbeing issues. Often those minor modifications help people achieve more independence in their home, whether it is safe access to the house through the front door—it is the same right that is afforded to other people without disability—or security and safety in the bathroom. These are really important day-to-day issues for Queenslanders with disability. I would ask the committee to consider the issue of minor modifications, which is currently not addressed in this bill, as an important issue. We know that the national building code has recently been endorsed to include minimum accessibility standards; however, this is only to address future new builds. Therefore, it is really important that existing structures can be included so that tenants can have minor modifications for their safety and wellbeing.

Other people have mentioned the issue of the end of the fixed term. Security of tenure, as has been already discussed, is a very important issue for Queenslanders with disability. It is really important that people can have security of tenure. Costs impact low-income earners when their tenancy ends—often they have made minor modifications to the property—and there is also a lack of accessible housing in the private rental market. This limits people's choice and access to those rental properties.

Pets is also an important issue. Often people with disability may have pets that may not be defined as assistance animals or therapy animals in a professional sense, but they are an important part of people's lives. People with disability feel that that is an important consideration.

Lastly, 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.

Mr HART: Michelle, with regard to the disability sector, I take your point about minimum standards. Do you think we should go further than that? Should there be any requirement for a percentage of private rental facilities to have set disability standards or something like that? It is in the public sector, but should we also do that in the private sector?

Ms Moss: I think we would welcome any targets that are set to ensure that properties have a minimum standard of accessibility. The National Construction Code changes for new builds I think will contribute in the future to bringing about more stock that is built to minimum accessibility standards. In terms of regulating that minimum standard around accessibility, I think that would need some consideration but it would certainly be welcomed.

Mr HART: New facilities, not necessarily retrospective?

Ms Moss: Retrospectively, if minor modifications and accessibility changes are made to properties, what would help tenants with disability is to understand where they are. When they are looking at properties, they need to know that they have a minimum standard of accessibility. There are different interpretations, as you can probably well imagine. What some people see as accessible may not actually be to that standard. There should be a consistent definition of minimum standard and information available. Those standards that are in the bill to address some of the basic rights to health and safety issues could be considered.

Mr WHITING: Ms Moss, we have talked a bit about minimum standards and other things that have been added into the government bill, such as reforms around pets and the DV provisions. In general, do you think it is an advancement for people with a disability to have those things added to the suite of improvements for people who are renting?

Ms Moss: Certainly. What has been included in the bill is a progression and an enhancement. QDN certainly acknowledges the changes and what has been included. The domestic violence provisions in particular are very welcome. We acknowledge the importance of those. With regard to pets for tenants, it is more about starting from the basis that pets are allowed in that provision of how you would negotiate. Certainly, the inclusions in the bill are acknowledged.

Mr KRAUSE: I want to ask about social housing, in particular social housing with specific features for people with impairments or any type of disability. It is my understanding that it has more or less been a government responsibility in the past to provide that type of accommodation. Do you see that there is a push or some move towards making this more of a private sector responsibility, because government is not meeting the needs of the particular people with disabilities or impairments?

Ms Moss: We would see it as a whole-of-community responsibility to ensure there is an adequate supply of accessible, affordable and secure housing. In terms of social housing, about 46 per cent of those in social housing would be identified as having some form of disability, but we know that the majority of people with disability are renting in the private rental market. Previously, we have had aspirational goals about increasing the stock of accessible housing to a silver level standard, which has recently been addressed by all the state and territory ministers who have agreed to the changes to the national building code to mandate minimum accessibility standards. As I mentioned before, I think that will go some way to addressing that into the future, but at the moment we still have that issue of lack of accessible stock of housing. As the committee would be well aware, the influx of people moving to Queensland and the disappearance of the National Rental Affordability Scheme in the coming years—that will impact on the 10,000 Queenslanders who currently access that scheme with the 20 per cent reduced rent—will add that extra impetus to the importance of this bill and the once-in-a-generation opportunity to make those changes.

Mr SKELTON: My background is in firefighting. I had a look at the NCC material you were talking about in terms of having the states and territories agree on a minimum standard for all new buildings in terms of disability access. That is still in the pipeline. As you said, that is about two years off legislatively. As we know with smoke detectors et cetera, it takes a few years. It is obviously very promising for people with disabilities that it will become enshrined in law that new houses are inclusive of everyone and there is no need for modification. When we use the term 'minor modifications' and things like that, there is obviously a very big need for disabled people to be able do that in their home. Obviously you would support that part of our government bill?

Ms Moss: We support that people should be able to make those minor modifications to their home for their safety. As I said, often it means that the person does not need a family member or a support worker to come into the house for them to be able to transfer safely to use the bathroom. It is really important that those minor modifications are included.

Mr SKELTON: They are modifications of need; they are not aesthetic modifications or anything like that.

Ms Moss: No.

Mr BERKMAN: I want to clarify: given that the committee has granted leave for the member for South Brisbane to be here and to ask questions, if I defer to her first will I have the opportunity to ask a question?

CHAIR: You will have either/or.

Mr BERKMAN: I am sorry, so when the committee grants leave to a visiting member to come and ask—

CHAIR: It is the same as during estimates. If you choose to ask the question, good. If you would like to defer to the member for South Brisbane, you are able to do that.

Mr BERKMAN: Chair, the committee granted leave for Dr MacMahon to appear and ask questions. At no point was there any suggestion or any stipulation that that would come at the expense of any permanent committee member being entitled to ask questions.

CHAIR: Member, ask your question. As you indicated, you have a question. Ask your question.

Mr BERKMAN: I am going to defer to the member for South Brisbane again, but I want to put on the record that I think there is no basis in standing orders for any permanent member of the committee to be denied the opportunity to ask a question on the basis that we have a visiting member.

CHAIR: Member, we still have 20 minutes to go. You did ask me earlier. I am comfortable with your asking a question.

Mr BERKMAN: I will hand over to Dr MacMahon to ask hers first, though.

Dr MacMAHON: QDN's submission expresses concern that the government's bill does not allow tenants to make minor modifications to their properties. It was initially suggested as part of the government's legislation but seems to have been removed in response to pressure from the real estate industry. Are you able to explain the impact of this on accessibility outcomes for tenants with disabilities and how important it is for tenants with disabilities to be able to make minor modifications to their home, particularly in reflection on hearing Eilisha Matthews' story this morning?

Ms Moss: As I said in my statement and in response to questions, minor modifications is of critical importance for Queenslanders with disability who need those modifications—as Mr Skelton said, not for changing the aesthetics of the property but for need around their functional and disability needs and as a matter of safety. Without those minor modifications, people often have to rely on a family member or a support worker to come and assist them with safe transfers. As we talked earlier about the impacts of not having enough accessible properties for people, not only with disability but older Queenslanders, one would see modifications around things such as grab rails or other safety issues actually benefiting the property because it broadens it for the broader population of people who have those needs. Where we do not have enough accessible properties, it means that the property would be more marketable because of those modifications.

CHAIR: Thank you, Ms Moss. Member for Burleigh?

Mr HART: I will give my question to the member for Maiwar.

Mr BERKMAN: Thank you, Deputy Chair. That is much appreciated. I will put this question to both witnesses but it more directly addresses issues raised in QDN's submission. Both submissions state that the government's bill should go further to genuinely end no-grounds evictions in Queensland and that it adds as a ground the end of tenancies. Can you explain to the committee the impact of no-grounds evictions or no grounds at the end of a fixed-term tenancy on people with disability and more broadly?

Ms Greenhalgh: As we have stated in our submission, having no-grounds evictions or just having no clear statement for those households, not making it clear why it has ended, creates an amount of stress. Our biggest issue with that is that any housing transition leads to homelessness. It is about just having really clear statements about why a fixed-term tenancy is ending, whether that is for sale or whether it is for other reasons. It does not necessarily stop the householder having to leave, but what we are seeing through our sector, through homelessness services, is an incredible amount of stress brought about to households that are having to move for what is no clear reason.

Mr WHITING: One of the things the government bill has brought about is the expanded list of specific reasons that a tenancy can be ended. That would be an improvement, because there is more clarity with a list of definitive reasons a tenancy can be terminated. It does ensure a higher level of transparency and fairness; would that be correct?

Ms Moss: I think the additional grounds that are included in the bill are important; however, we do think the end of a fixed-term clause needs to be removed because of the impacts on people. Where people are forced into six-month leases that are ended just because it is the end of the fixed-term arrangement, it has an impact on people who have to continually move. As Emma talked about, there is cost and stress. The uncertainty that it places people in is a really critical issue. Queenslanders with disability say that they want a place to call home. To have a place to call home means that you need to be able to plan to live there for longer than six months and be able to build your life around that community and the supports you need to live your life there.

I think removing the fixed-term grounds would enable the security of tenure and tenancy for people. That would remove some of that uncertainty in their lives, particularly considering the housing crisis and rental affordability crisis that we are in, let alone the other impacts we are seeing that COVID and different circumstances have thrown at us. I would encourage the committee to think about that place to call home as something really important, not only to Queenslanders with disability but more broadly to Queenslanders who are renting in the private rental market.

Ms Greenhalgh: In relation to adding the end of a fixed-term tenancy as a no-grounds eviction, there is still no clear reason. People want choice and control in their housing. While people might have to move for a stated reason, they might not have a choice about it but I think it makes it really clear. We would still like to see the removal of the ending of a fixed-term tenancy and some very clear stated reasons.

Mr KRAUSE: I have a question for Ms Greenhalgh following on from what Ms Moss was saying about a place to live for longer than six months. In Australia traditionally it has been about home ownership, so affordability and housing supply are real issues on that front. If an owner does not wish

to sell, renovate, move in family or undertake any of the options set out in the government bill for ending a tenancy, in what scenarios do you think property owners should be able to end a tenancy, or are you in favour of creating a perpetual lease environment?

Ms Greenhalgh: What we are in favour of is more stability. Given what is going on in the current market and what is happening with owners and how they are ending tenancies, there is always a reason that relates to a sale, some sort of renovation or something else. To me, ending a fixed-term tenancy with a tenant points to an issue with a tenancy, whether or not there is another reason for the ending of that fixed-term tenancy, that might relate to the behaviour of a tenant. I would find it really difficult to think: why is a property owner ending a fixed-term tenancy with that tenant that is not for a reason relating to the property or the tenant? It does not make sense to end a tenancy for no particular reason if there is no stated reason for doing so.

Dr MacMAHON: I wonder if you could both comment. In your professional knowledge, would you say that including minor modifications, genuine long-term leases and inclusion of minimum standards such as lighting and ventilation results in savings in other sectors such as the health sector, the mental health care sector, rehabilitation and so on?

Ms Moss: We would see savings particularly in other sectors if people's needs around their disability or their mental health were addressed. We know that for the one in five Queenslanders with disability who live in our state, only 10 per cent access the National Disability Insurance Scheme. Only 10 per cent of people would have access to the assistance around assistive technology or modifications that might be afforded in that scheme. We do know that when people's needs are well supported, when their independence, their participation and their housing as a foundation is there and in place, that does have flow-on effects to the other parts of their lives and they are less likely to access health services or other services because their needs are being met in their home environment.

CHAIR: Member for Maiwar, do you have a question?

Mr BERKMAN: I do, but I did note that the question was to both witnesses. Perhaps Ms Greenhalgh could have the opportunity to respond before I ask my question.

CHAIR: Sorry, I missed that.

Ms Greenhalgh: From Q Shelter's perspective, the ability for security of tenure for households, to be able to live in a home for a greater length of time, and the quality of that home will see a reduction of costs in other portfolios and services, so people would have a greater attachment to their local services. If they are a vulnerable household, they would retain that attachment to that service that is supporting them to sustain their tenancy. There is the ability for children to continue to have an education in one school rather than having to move multiple times. I think particularly around the health outcomes—and this was in our submission—that relates to better quality dwellings. There are clear health outcomes in having better quality dwellings. I think broadly in terms of the health and wellbeing of communities, where people can remain and have an attachment to that community, that would result in savings in a whole range of different portfolios across human services in service delivery.

Mr BERKMAN: This has been touched on briefly in your testimony here today, but both submissions outline the importance of being able to keep a pet for housing fairness. QDN states that tenancy laws should start from the basis that renters are allowed to keep pets. Could you both comment on how this would improve housing fairness for people with disability?

Ms Moss: As I said in my opening statement, often for many people with disability it may not be the accepted definition of an assistance animal or a therapy animal; however, pets play a really important part in people's lives and in their health and wellbeing and often do relate to helping people in their home environment. We would certainly support that it starts from the basis that people are able to keep a pet and then those negotiations occur around how that happens and the conditions that are outlined in there to ensure there is respect for the property and any other conditions relating to damage and issues that occur. It is certainly an important thing in people's lives, and QDN members have raised that as an important issue.

Ms Greenhalgh: I would just add that we are thinking about where it starts with a tenancy but also what that means when it is, for example, the end of a tenancy and the stress that creates for that family or household who may have a pet and then wonder, 'What does that mean for our next home? Do we get to take the cat or the dog with us? Do we have to surrender that animal?' There is the stress of them wondering what happens for their next home and whether they are taking what is essentially a loved family member with them or having to consider the surrender of that animal.

Mr HART: I am not sure whether you have had an opportunity to read the Community Housing Industry Association submission. They are suggesting they would not like to see the removal of the ending of a tenancy without grounds because they have used that for COVID related reasons to reduce their occupancy levels. They have also used it for managing 'interpersonal dynamics'—their words, not mine—in rooming accommodation. Do you think there is a need for there to be a separate set of rules for the community housing industry and rooming accommodation versus the rest of the industry?

Ms Greenhalgh: That is a really good point. I have read the submission. I think it goes to the complexity that community housing providers deal with in terms of their tenancies. We would probably not be supportive of having residential tenancy legislation in Queensland that is separated according to particular sectors of whether it is social housing or community housing. I also note some other aspects of their submission relating to NRAS and eligibility. That then creates an additional element of complexity that I would not be particularly in favour of if we were going to be consistent, particularly for tenants. If a tenant is living in a community housing dwelling with a view that that person might transition into private rental tenure at some point, there is an understanding in relation to that consistency. They are not going from one residential tenancy regime into another, so they would understand from the outset that that consistency of legislation goes across various forms of tenure and rental scenarios.

Mr WHITING: Just briefly to wrap things up, there are a couple of things in what is being introduced in the government bill that will assist all sides of this. One is the ability to use up to four weeks instead of two weeks rent for emergency repairs. That will obviously be of benefit to many people. There is also that clarity of being able to evict someone on a serious breach such as when a crime is committed on the property. Both of those things are going to add clarity and are going to make the whole renting system a little bit clearer and easier for both sides. Would that be correct?

Ms Moss: Having provisions in the legislation that enable tenants to understand clearly what their rights are and having those particular safeguards and protections in place is really important. Being able to have a system where people's rights and responsibilities are clearly defined and to have some clear governance and arrangements around that I think is really important and welcomed.

Mr KRAUSE: Ms Greenhalgh, are you concerned that the changes in how to end periodic tenancies—where there is basically only a prescribed list of reasons they can be ended—may actually lead to an increase in fixed-term tenancies? Do you think that will lead to routine terminations at the two-month period before the end of lease by property owners and the potential for that to lead to decreased flexibility for people, especially for short-term leases, and the chances of great costs being incurred by people if they need to leave during a fixed-term tenancy?

Ms Greenhalgh: I will be perfectly honest that we have not looked at periodic tenancies as much as fixed-term tenancies. I would prefer not to answer that one.

Dr MacMAHON: Ms Greenhalgh, Q Shelter's submission details the importance of minimum standards including lighting, ventilation and privacy. Could you detail the importance of these standards?

Ms Greenhalgh: Not just in relation to private rental but I think in the sort of home that you inhabit you would anticipate that it is a home that allows you to live in a healthy way in relation to light and ventilation with regard to mould, that you have privacy in relation to your neighbours but also around the privacy of the people who live in those homes so you can have quiet enjoyment within your own home. When we think about the standards of the homes that we inhabit, it is not just the homes that we buy. If someone is paying to live in a property, there is an expectation that there is a reasonable standard to that dwelling, that they can live there in a private way but also that it does not adversely impact on their health and wellbeing.

CHAIR: Thank you to both Ms Greenhalgh and Ms Moss. The time for this session has expired. Thank you sincerely for assisting the committee today.

Proceedings suspended from 11.00 am to 11.15 am.

BEAUMONT, Mr Rob, Member, National Affordable Housing Providers Ltd

DUPREE, Ms Lorraine, Executive Director, Queensland Youth Housing Coalition Inc.

FERGUSSON, Ms Sue, Representative, Industry Advancement Committee Queensland and State Operations Manager, Scape Living Student Accommodation, Asia Pacific Student Accommodation Association (via videoconference)

McCARTHY, Mr Patrick, Manager, Asia Pacific Student Accommodation Association (via videoconference)

WEST, Ms Jane, Queensland Board Member, Community Housing Industry Association of Queensland

CHAIR: Thank you all for appearing before the committee today. I invite you to make a brief opening statement and cite the bill that you will be speaking to, after which I am sure committee members will have questions for you.

Ms Dupree: We are speaking to the Housing Legislation Amendment Bill. We certainly are not gurus in legislation so we defer to our colleagues at TQ for that and hence we are members of Make Renting Fair in Queensland so that we can use their brains trust in that process. We are really conscious that young people typically have severe difficulty accessing the rental market, full stop. That is often for financial reasons. However, the lack of rental history and references is also an issue. In such a competitive market as this, they face even more significant barriers. This includes young couples and young families. We also recognise the desire of landlords and real estates to be mindful of their investment and that this is a business transaction, but to young people and renters it is their home. Our young people are likely to be long-term renters into the future, and ensuring their right to have enjoyment and security in their home is essential.

Mr Beaumont: Firstly, I acknowledge and thank the traditional owners of the land on which we gather today. I am a member of National Affordable Housing Providers Ltd, NAHPL, which is the peak body for organisations that perform compliance management work for the National Rental Affordability Scheme, NRAS. Forgive me if I am telling you things that you already know. NRAS has about 30,000 dwellings across the country with low-income households. In Queensland there are about 10,000 households. Of those 10,000 households, for about 5,000 households the compliance work is done by community housing providers. We are talking about households there, but if we convert that to tenants we are talking about probably 20,000 tenants across Queensland.

I am speaking to the Housing Legislation Amendment Bill and the Residential Tenancies and Rooming Accommodation (Tenants' Rights) and Other Legislation Amendment Bill. We have identified a couple of potential unintended consequences with the bill in its current form. We are talking about vulnerable tenants in these dwellings, low-income earners by definition. We are talking about tenants who are already in those dwellings. Those tenants are deemed as eligible tenants based on their incomes before they move into the dwellings and then annually their eligibility is reconfirmed—once a year. They understand that process before they move into the dwellings. We need to support and protect those tenants to confirm their ongoing eligibility so that they can stay in their dwellings.

If we cannot determine that eligibility each year then they become ineligible and noncompliant. If they are unable to or do not provide the information that is required to determine that eligibility then they are in jeopardy of that tenancy not continuing. That is because the NRAS is underpinned by an incentive provided to the owner of those dwellings, whether it is a community housing provider or a mum-and-dad investor in fact. Those tenants are provided with a discounted market rent while they are in those dwellings of 20 per cent. For example, if the market rent was $400 then they are paying $320, so it is a different slice of the tenant demographic in Queensland. We are specifically talking about those tenants. If the incentive for a noncompliant or ineligible tenant is put in jeopardy, the incentive and the motivation, or the ability in fact, for the owner of that dwelling to continue subsidising that tenant at a lower rent is put in doubt. We are hopeful that there could be an amendment to say that if a tenant has not provided that information within a reasonable time, say a month, there could be grounds for a notice to leave to be provided to those tenants.

One other aspect is: when we are determining the eligibility of a tenant, whether it is before they move in or at the annual eligibility test, one component they need to provide evidence of is their income, typically with a pay slip or maybe a tax return or a Centrelink income statement to determine

their income. Other items are required to be included as income as part of their assessment. Some of those items can only be determined by them providing their bank statements to us so we can see, perhaps, a private child maintenance payment or maybe some family support payments if they are on a low income. NRAS requires that those are included in the assessment of their income. We are specifically looking at their income. We are not seeking bank statements to look at their expenses or anything else; it is to determine their ongoing eligibility to protect them in that dwelling. We are looking to see our ability to continually confirm their ongoing eligibility by them providing the information that we need in a timely manner.

Ms West: I, too, would like to acknowledge the traditional owners of the land on which we meet today. I am here as a director of CHIA Queensland representing community housing providers in Queensland. We manage or own approximately 16,000 dwellings, mainly used as social housing, so obviously for the most vulnerable people in our community. I would like to say at the outset that we recognise that it is our relationship as landlord with the tenant that is being discussed and considered.

We do not just manage individual tenancies; we manage communities of tenants. A lot of what we do is balancing the interests of the individual tenant with the community of tenants that they are living in, often in unit complexes and in close proximity to other tenants. Our submission is informed by that and, I guess, a balancing of an individual tenant's rights with the rights of a community of tenants. In terms of our own interests as organisations, we are not-for-profits; we are not businesses. We have to survive, but we are not motivated by financial issues. It really is human rights and balancing different interests that we are motivated by.

In terms of the particular issues, community housing providers headlease properties from private owners and landlords. I think there are about 2,000 properties across Queensland. We headlease under a commercial lease arrangement. We then sublease to a social housing tenant under a residential tenancy agreement. We are concerned that there is an alignment possible so that we can meet our contract obligations, for example, to return a property to an owner under commercial lease terms and be able to secure vacant possession of that headlease property from the tenant. We will always do everything we can to rehouse that tenant and offer alternative accommodation. It is a process that we go through. We do not exit people to homelessness if it can possibly be avoided. In terms of that contract—those obligations that we have in our commercial lease and our residential tenancy lease—we need to be able to discharge both obligations. That is probably our key issue.

The Housing Strategy has an expansion of headleasing proposed. There might be another 2,000 units over the next couple of years so we need a structure that we can operate under. We have a similar issue around social housing eligibility so that if somebody is no longer eligible for social housing—perhaps they are earning a good income—we need to be able to secure possession of that property. Again, we work with people over months to assist them to other forms of accommodation, but at the end of the day social housing needs to be for people who are eligible for social housing. We have an obligation to the department of housing to deliver that.

Some of our other points around notice to leave for rooming accommodation and pets are again, I guess, informed by trying to balance the rights of the individual with the rights of the people who live around them. With pets, for example, we do have concerns and we have asked for further guidance. If you have a unit complex of 40 studio units then we need to ensure that the number of pets in that complex is okay for everybody living there. If everybody had two dogs or whatever, that would be very difficult to manage. It would have an impact on the other people living there. It does not have an impact on us. It might have a slight financial impact, but I go home at night and it does not bother me. However, it is an issue for the people living next door, and we are really concerned to get that balance right.

The only other quick point that I would make is around security provisions, whether for people in a DV situation or anybody else. We have some other obligations that we have to make sure we discharge, particularly around fire compliance. We do need to make sure that, whatever provisions are in the legislation, we can discharge our duty around making sure that any locks put on doors are compliant with fire-exit requirements and, therefore, people's safety.

Mr McCarthy: I will make some initial comments and then my colleague may have some additional comments. I acknowledge the traditional owners of the land that I am joining you from today, the Wurundjeri people, and pay my respects to their elders past and present. I also acknowledge the owners of the traditional land on which you are all gathered. I thank the committee for the opportunity to speak to our submission today and acknowledge the other organisations that have presented for their thoughtful comments on these bills. We will be making comment mostly in regard to the Residential Tenancies and Rooming Accommodation (Tenants' Rights) and Other Legislation Amendment Bill.

As stated in our submission, APSAA is the peak body and membership organisation for tertiary level student accommodation providers in the region. We represent universities, colleges and purpose-built student accommodation providers. Our members in Queensland collectively manage 14,640 beds across the state. The work of those organisations is essential to maintain Queensland's reputation as an attractive education destination, both domestically and globally, in a very competitive market. Our membership does not include boarding houses or other private rental accommodation situations where students may reside. I wanted to provide some clarity on that.

I highlight as well that our definition of 'student accommodation', as mentioned in our submission, is 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. Each of those elements, I think, is quite important to understanding what student accommodation providers do as a sector. As outlined in our submission, the needs of student accommodation are highly specific to and quite different from much of the accommodation landscape that you have heard about today. Central to the work of student accommodation providers is the provision of pastoral care, student welfare and academic support programs. This residential life work, as it is known in the industry, constitutes the majority of the work that staff in student accommodation do on a day-to-day basis.

We know from research that students living in student accommodation have higher rates of retention in university courses and higher levels of academic achievement. This support work is potentially jeopardised by the significant cost burden of leases being broken. We urge the committee to consider the potentially unintended consequences when reviewing the legislation. We believe that it is appropriate for student accommodation to be listed as an exempt asset class, with particular reference to the clauses detailed in our submission. We believe that these requests are reasonable and proportionate and will create positive outcomes for both providers and residents of student accommodation. It is really that balance that we want to try to strike and emphasise today—that is, between the needs of providers and students to create those really strong communities that exist in student accommodation and that support students at such an important time in their lives and support educational outcomes as well. Sue, I do not know if you have anything that you want to add to that?

Ms Fergusson: Good morning, everyone. Thank you for the opportunity to speak this morning. Similarly with Patrick, I am speaking to the Residential Tenancies and Rooming Accommodation (Tenants' Rights) and Other Legislation Amendment Bill. From our perspective, I think student accommodation buildings, whether located on or off campus, differ greatly to the general residential property rental market. These buildings are considered by the students to be an extension of university or college campus, not in addition to it. Student accommodation delivers a comprehensive pastoral care program comprising a range of support and services that are provided for students that you do not typically find in the residential property rental market. Student accommodation typically offers onsite, 24-hour pastoral care support to student residents and support services including things like the provision of community events in the building that support lifestyle, wellbeing and academic success and welfare support. We have dedicated community managers who work in these buildings who provide a residential community experience and collegiate atmosphere. They are specifically designed for university and college students. There is extensive peer support, mental health support and organised social wellbeing, sport and fitness activities that promote personal development and growth for students.

Whilst the student accommodation asset class is broadly governed by the RTA, as an operator in Queensland, as well as representing APSAA, we are finding it increasingly challenging to be able to deliver the pastoral care support and engagement that is crucial to the sector whilst adhering strictly to the terms and conditions of the residential tenancies act. A number of these proposed changes to the act have a potential to interrupt that pastoral care and support and hinder the ongoing service delivery and student support to our sector generally.

One example I would use is that I know it is proposed to improve tenant privacy by increasing notice periods for entry to premises. In a student accommodation scheme, one example is that we may have a student who advises us that they have a welfare concern for their neighbour. The neighbour has not left their room for some time, the room is a mess and the neighbour is not doing so well. Under the act currently, we would be obliged to provide a notice to enter, providing seven days notice to the occupant to inspect their room. Under our pastoral care support program, we would knock on the door on the same day that it was brought to our attention, check in with the student, encourage them to spend time out of their room, offer assistance perhaps with cleaning, and offer food and other support services to get them back on track. This is a semi-regular occurrence in a

student accommodation setting, particularly around a highly stressful exam period, and delay in providing support to students in this type of situation—unfortunately I can say from firsthand experience—can lead to catastrophic consequences.

CHAIR: Ms Fergusson, I will stop you there. I know that the committee members have many questions. I might get them to direct questions to you at the relevant time, but thank you sincerely.

Mr HART: Jane, I am interested in point 5 of your submission that talks about not agreeing with without-grounds terminations with respect to you using that for COVID related reasons and managing interpersonal dynamics. Can you give us a scenario where this would impact on your ability to manage your properties and tell us how that ultimately affects the owner of the property at the end of the day?

Ms West: This is just for rooming accommodation. We very rarely use without-grounds notice. Even under the current legislation, it is purely a backstop for us if all other avenues have failed. I will give you a recent example. We had a tenant in a boarding house who was causing significant disturbance to other tenants. It is very hard sometimes to get all of the proof that you need to issue a serious breach notice. That is a very high bar for us to meet—and rightly so. We were getting a lot of complaints from other tenants in that building and also from surrounding neighbours, and the local member as well asked us to address the issue with him. We made him a number of offers of alternative accommodation which he did not accept. At the end of the day, we made him another offer of alternative accommodation but we issued a 30-day notice to leave at the same time, because the level of disruptive behaviour had gone on for a very long time. Again, it is just us trying to balance the interests of the person with the interests of the people who live around him.

Mr HART: Does that damage your ultimate reputation with the owners if you cannot manage that?

Ms West: The department of housing is the owner. We have a long-term lease, so effectively we are the owner of the building, as in the long-term operator. It damages our reputation if we cannot address issues that are causing significant community concern in that kind of environment where people are sharing kitchens, sharing bathrooms—there is a significant impact of their lifestyle on the people around them. As I say, I understand it is difficult because we might use that ground in a different way to how other people might use it, but we do feel that, to get this balance of interest in that kind of environment, it is used, as I say, only in very exceptional circumstances and certainly aligned with offers of alternative accommodation.

Mr WHITING: Mr Beaumont, I am seeking a quick expansion on the issue you brought forward. You said that for NRAS tenants you need to confirm ongoing eligibility each year, and that is regarding income. Expanding on that, is that a national standard, one that is agreed between the federal government and all jurisdictions around Australia? Is that a standard where there is any flexibility?

Mr Beaumont: Correct. It is standard across the country enforced by the federal government and supported by the individual state governments—Queensland as well. It is standard across the country, yes. The tenants must provide evidence of their income for the previous 12 months, and that will confirm their ongoing eligibility for the next 12 months. If they are over the income threshold at that point, there is in fact a 12-month grace period where they can stay in the dwelling. If they are again over the income threshold at the end of that 12-month grace period, they become ineligible and they would have been noticed to vacate during that grace period. If they are under the threshold at the end of that 12-month grace period, they become eligible again and the clock starts again. They can have another 12 months, be over again, and get another grace period. It is pretty generous in that regard.

I will pull some figures. The thresholds vary, depending on the make-up of the household. For a single person, for example, the threshold is about $52,000 to qualify to get into the dwelling. At the end of the 12 months, that threshold is increased by 25 per cent, so that is about—help me with the maths—$67,000, something like that. That is pretty generous. It allows them to perhaps get a better job, increase their income, do some more overtime—whatever—and they will still be eligible.

Mr KRAUSE: My question is to Ms West in relation to the Community Housing Industry Association submission. In particular, there are provisions there around properties not being able to be re-let for six months if they are being sold or the owner or their family want to move in or anything like that. You said in the submission that you understand the intent of the provision but believe it would be hard to ensure compliance with those provisions. Would you be able to elaborate on that submission, please?

Ms West: I understand that point to be around who is going to check that—who is going to be checking around what has happened to that property six months after the possession has been obtained.

Mr KRAUSE: Fair enough. We explored this with the department last week about people making complaints. I will ask another a quick question. There are 16,000 properties, I think the submission said, that you manage. With these provisions enacted through the government bill, do you think it will make it harder for community housing associations to source properties to go into those pools?

Ms West: I talked about the particular issue of headlease properties. We do not source all properties through headleasing from private owners, but for that component, as the bill currently stands, yes, that would make that harder.

Mr KRAUSE: What is the make-up, if you do not mind me asking?

Ms West: Approximately 6,000 units are owned by community housing providers, so they are ours in perpetuity; another 6,000 or 7,000 are leased from the department of housing, usually on long-term leases; and then another 2,000-odd—do not do the maths—are headleased from private owners.

Mr SKELTON: Ms West, one of my first conundrums as a new MP was having a disruptive tenant in social housing. You have highlighted a problem that I could not foresee in the bill. What would you propose as an amendment as an exemption? As we have seen, the without-grounds provision has been abused by some and that is what we are aiming to prevent. How could we amend it, for the purpose of community, social, disability and student housing, so that it is a separate clause and can be dealt with as a separate issue?

Ms West: We support the removal of 'without grounds' for general tenancy agreements. This is only around rooming accommodation that our submission discusses. I totally accept that those provisions are abused; however, in the context of managing accommodation facilities with tenants who have high and complex needs, often active addiction issues, often mental health issues or a combination of the two, we need to get that balance of protecting everybody's interests. One potential solution is to retain the ground for social housing.

Dr MacMAHON: Ms Dupree, your submission states that the government bill should go further to genuinely end no-grounds evictions in Queensland. Are you able to explain the challenges facing young people in the rental sector and the impact of no-grounds evictions on young people?

Ms Dupree: I think the reality for young people, as I said in my introduction, is that the rental space is already really fraught. Last year, colleagues from Tenants Queensland, Youth Advocacy Centre and Community Living Association did a first-time renter's video. It was young people talking to young people about becoming renters for the first time. We released that last year. Since then it has become almost impossible for a young person to become a renter. Our concern is that once they do enter the rental market they are very reticent to make any complaints about any unfair behaviour and they will put up with just about anything. Really, what we are saying is that we think the more security they have and the more protections they have the better.

Mr HART: Rob, I want to dig a bit deeper into the consequences for someone no longer being eligible for NRAS. If you cannot find out the information you need to find out, what are the consequences for the tenant and what are the consequences for the owner? Is the tenant all of a sudden likely to get a bigger bill than they were expecting?

Mr Beaumont: Potentially, yes. I refer to the example I used before. If the market rent is $400 and they are paying $320, there is potential for that to increase. It sounds like a 20 per cent rent increase, but it is actually a 25 per cent rent increase—80 over 320 is a 25 per cent increase. No-one can afford a 25 per cent rent increase. That is one potential consequence.

The other consequence is that the owner of the dwelling—whether it is a community housing provider or a mum-and-dad investor—will not receive their incentive from the Commonwealth and state governments because the dwelling is housing an ineligible tenant. The ripples go from there. If you have an ineligible tenant in a dwelling for two months, six months or 12 months, that means that there is an eligible tenant out there somewhere who cannot be placed in that dwelling. The investor—the owner—becomes disenfranchised with the scheme because they are not getting the incentive so potentially pulls it out. A dwelling may have two, three or four years left in the scheme to house a low-income tenant. If that incentive is pulled, that two, three or four years is no longer available under the scheme. It has some ripple effects.

Mr HART: This is something we need to fix, for sure.

Mr Beaumont: That is right. We are talking about a small percentage of tenants who do not provide that information. Most of them are really good. They provide their information, their ongoing eligibility is confirmed and everything is sweet. Some of our complexes have 100 NRAS dwellings in

the complex. The tenants obviously talk to each other. If one says, 'Don't worry about providing that information. There are no consequences,' then it is going to spiral. We need to catch it before that happens, I feel.

Mr WHITING: Ms Fergusson and Mr McCarthy, the government bill includes new standards for accommodation. That is going to be of benefit for the people your association represents; is that right? It is going to be a net improvement in their experience living in that accommodation; is that correct?

Mr McCarthy: Yes, I think so. The view—and Sue can probably expand on this—amongst our membership is that the quality of the accommodation provided is already of a very high standard and would meet a lot of the requirements outlined. As an association, we have industry guidelines that we publish and work with our members to deliver upon. They deliver what we would consider to be a best practice model for student accommodation. I do not think we highlighted any concerns in our submission around those requirements. Sue might be able to expand on that.

Ms Fergusson: No, I agree.

Mr HART: Jane, who else do the rooming accommodation problems apply to—youth hostels and things like that? You said before that the no-fault grounds were being abused by people. I cannot imagine that your group is abusing those. That is not the business you are in.

Ms West: No, I was just acknowledging that in the broader private rental market I am sure all sorts of things happen.

Mr HART: I just want to make a point there. It is not you guys—

Ms West: We are narrowly focused on what makes it possible and effective to manage our accommodation for the very vulnerable client group that we deal with.

Mr HART: It would also be a problem in youth hostels and things like that; would it not?

Ms West: To be honest with you, I do not know what youth hostels are covered by. I would imagine they would have similar issues.

Mr BERKMAN: Lorraine, your submission expresses some concern that the government's bill does not allow tenants to make minor modifications to their properties. As was mentioned earlier, we have seen this effectively removed through the reform process as a consequence of an effective real estate lobbying campaign. Can you explain the impact of this on housing fairness, specifically for young people?

Ms Dupree: For young people, having their own home is a pretty big deal and it is a huge part of their income to pay for it. Making your house a home is essential for a whole host of wellbeing indicators. For me, it is actually that simple. It is actually about making a house a home. I have rented many times, and not being able to put your photographs on the wall and simple things like that is tricky. Putting hooks behind doors to hang up your nightgown or whatever are simple modifications. They are not a big ask. Before you leave the property, it is easy to make it not even noticed that a modification was made.

Mr SKELTON: Obviously there are a lot of different types of tenancies out there. Maybe the detail needs to be fine-tuned. I refer to social and community housing and the legislative provisions around pets. We are saying that there is no assumption that you will have a pet but you can negotiate to have one. We are obviously trying to reach a balance between the two. You are specifically talking about the fact that in communal environments and student accommodation it is not probably appropriate at all. Do you think that is a fair way to go, rather than having it as an assumption?

Ms Dupree: Is that a general question?

Mr SKELTON: The housing bill says that for pets it is an arrangement—

Ms Dupree: I am just wondering whether the question is to all of us.

Mr SKELTON: Yes, pretty much. You are all in different spaces; I understand that. We have found from the questioning that there are certain things that are applicable in a general sense but then you have complications like those around NRAS, social and community housing and people living together. Pets add another complexity. With regard to you managing social housing, do you think our bill strikes the right chord?

Ms Dupree: We would argue that for a lot of young people pets are their family. We would like to see pets as an assumption. They are a major part of lots of young people's lives—not all young people but some young people. I think pets are vitally important. They really are a family member. The reason a number of people stay in violent situations is that they cannot leave with a pet, because it is so hard to rent with a pet.

Mr McCarthy: I wanted to make a quick comment off the back of that. I completely appreciate and understand the comments made in regard to pets. Again, this probably comes back to the nuance of the bill. As has been discussed today, in the student accommodation context we are usually talking about high-density environments and they are usually the first place students live after living at home with family. The nature of the buildings that we are talking about in colleges and purpose-built student accommodation—usually high-density environments and in the city near university campuses—means it is not appropriate for people to have pets most of the time. That is why our request for exemption in that regard is there. There are a whole range of concerns around safety, pet welfare, hygiene and the general wellbeing of students who are living in close proximity. They are often sharing rooms within an apartment set-up. It varies. Some people have individual rooms where it is just them, but others are in a shared environment. That is the basis of our request for exemption from that for student accommodation specifically.

Mr Beaumont: There are maybe two perspectives here. I believe that typically an owner would be fearful of the pets damaging the dwelling. That is probably the only reason they would object to a pet being in a dwelling. I would say that in the majority of cases they really do not cause a whole lot of damage. In terms of the tenants' perspective, if people are living in close proximity—high density—I do not think pets are appropriate in that scenario because it impacts on neighbours and neighbours have no control over that. I just wanted to offer that view.

CHAIR: Ms West, did you have something to offer?

Ms West: We fully recognise how important pets are to people and we want to support people having pets as far as possible. It is just this issue about unit complexes and not just properties with shared facilities. It takes a lot of management, even with the rules around pets that we have at the moment. We will always approve a pet where we think it is appropriate, but it does cause issues and it does take time to manage those issues. That is okay; that is our job. For small units in a dense unit complex we are asking for ground rules—guidance for us—on whether we can put limits, for example, on the number of pets in a unit complex overall. That is just one example of how we might do that. It could be the size of pets.

Mr HART: Jane, for the public housing properties that you manage for the government, are pets allowed in 100 per cent of those? What conditions does the government put on them?

Ms West: We do not have conditions imposed on us by government. Our rules around pets are decided by individual community housing providers. At the moment, we will allow a pet where there is not a reason not to. We will consider it on a case-by-case basis. The only restriction we have at the moment is that for a lot of our headleased properties, where we are headleasing from private owners, they specify that they will not allow pets in the property. That is quite an interesting one. If the rules change and they do not headlease to us, they are going to be headleasing in the private market and they will have to allow pets. I am quite interested to see what impact that has. It may give us a bit more leeway in terms of allowing pets in headleased properties. Our headlease properties tend to be standalone, so they have the same issues as anywhere else. It is not dense unit complexes.

Mr BERKMAN: Jane, you have already addressed in some detail and in your submission the way that providers like yourselves use the 30 days notice without reason in managing interpersonal dynamics. We have engaged directly with you wearing your brick hat dealing with high-needs tenants and especially in the context of COVID-19 rooming accommodation. I am interested in the alternative policies and processes community housing organisations use to manage those interpersonal dynamics in rooming accommodation. Where does eviction fit amongst those and how might alternatives to eviction be better resourced and facilitated so that eviction is not required as a regular lever?

Ms West: Our approach is very much to engage with support providers. We have very strong relationships with support providers. We do early intervention as soon as we can and as effectively as we can with our vulnerable tenants, whether that is in rooming accommodation or in general tenancy agreements.

I think as I said earlier, the use of 'without grounds' would be extremely exceptional. It is only as a backstop. Normally the things that lead to an eviction from a rooming accommodation facility or building are where there has been an incidence of violence, intimidation or harassment of other tenants, suspicion of illegal activity, or evidence of drug dealing and drug paraphernalia. It is not the drug paraphernalia itself—we do not evict people for that—but we evict people if the behaviour is such that it is having an impact on the safety and wellbeing of the people living there or the staff. We would use serious breach for those sorts of examples.

For us as a community housing provider, it is just about having that backstop. You get people with addiction probably more so than mental health issues. It brings a lot of visitors in, it brings standover tactics or there may be threatens or intimidation of other people who live there. That is what we need to deal with. We will not necessarily have the proof to deal with it as a serious breach, and people will not talk. People will not tell us as a housing provider what is going on because they fear for their own safety. It is more appropriate for social housing than private rentals, but we need a backstop so that, if we have offered people alternative accommodation and we have tried to link in with support but there are still ongoing issues, we have a backstop provision.

CHAIR: The time allocated for this session has expired. I thank you all sincerely, including our teleconferencees, for assisting the committee today.

DEVINE, Ms Wendy, Principal Policy Solicitor, Queensland Law Society

DUNN, Mr Matt, General Manager, Advocacy, Guidance and Governance, Queensland Law Society

GRACE, Mr Steve, Managing Lawyer, LawRight

HANCOCK, Ms Nikki, Senior Lawyer, LawRight

MAROSKE, Mr Kurt, Project Officer, LawRight

SHEARER, Ms Elizabeth, President, Queensland Law Society (via videoconference)

CHAIR: Thank you all for appearing before the committee today. I invite you to make a brief opening statement, after which committee members, I am sure, will have many questions.

Ms Shearer: I would like to thank the committee for inviting the Queensland Law Society to appear at the hearing today. I would like to recognise and acknowledge the traditional owners and custodians of the land on which this meeting is taking place and pay deep respects to their eldest past, present and emerging.

As outlined in our submission, the Queensland Law Society supports the intent of the bill to modernise laws in Queensland and we welcome the reforms to support tenants to escape domestic and family violence. Effectively, the bill seeks to redraw the balance between the rights of landlords and the rights of tenants and offer some additional protections to tenants. We think that mostly this balance has been drawn correctly. For example, we think the provisions around pets have found pretty much the right balance, and we believe that the retention of the rights of either party to end a fixed-term agreement when the term expires is appropriate and important. However, as you will note from our submission, we think that in some respects the bill gets the balance wrong.

Our principal concern relates to removing the right of a landlord to end a periodic agreement unless it is for one of a few specified reasons. We think this is inconsistent with the essential feature of a periodic agreement, namely, its flexibility. We think the right to end a periodic agreement without grounds by either party should be retained. We also have concerns about the operation of the new section 246A, which deals with retaliation, in that the test it imposes is a low threshold to find retaliatory action but the consequences are significant to the rights of the landlord if retaliation is found.

Essentially, we agree that the policy objective of security of tenure for tenants is an important one, and we agree that more can be done to facilitate long-term tenancy arrangements where both the tenant and the landlord are willing to enter into them. What we disagree with is using the mechanisms in this bill to achieve that policy objective. We think there are other policy levers that can be applied to achieve security-of-tenure objectives without restricting the property rights of landlords in this way. We are concerned that the legislation will have adverse unintended consequences; for example, discouraging periodic tenancy, increasing the loss of housing stock for short-term rental, and requiring parties in conflict to remain in a landlord/tenant relationship. The law generally aims to facilitate the resolution of conflict, but this bill has the potential to entrench a conflictual relationship.

As noted, I am joined today by Matt Dunn and Wendy Devine, and we welcome any questions the committee may have.

Mr Maroske: Thank you for the opportunity to speak this afternoon. My name is Kurt Maroske, and I am the project officer for LawRight Community and Health Justice Partnerships, which includes the formerly named Homeless Persons' Legal Clinic. I am joined by two of my colleagues: my managing lawyer, Steven Grace, and the senior lawyer of our QCAT service, Nikki Hancock.

LawRight is a not-for-profit community legal centre that provides legal advice, assistance and representation to Queenslanders who are impacted by homelessness, mental health issues, domestic and family violence and other forms of vulnerability. Many of our clients have a history of housing instability, and we have seen how unfair tenancy laws contribute to housing insecurity and perpetuate the cycle of homelessness.

We understand that other organisations have appeared this morning to discuss the importance of minimum housing standards, minor improvements, pets and protections for people experiencing domestic violence. While reform in these areas is necessary and important, these additional protections for tenants are significantly weakened if without-grounds evictions remain lawful. While

many proposed changes in the government's bill seek to strengthen and sustain tenancies, these will have limited practical benefit if tenants can be evicted for no reason at the end of their tenancy agreements, which for many Queenslanders will be as short as six months.

Families who have paid their rent, maintained their property and otherwise met all of their obligations as tenants should not face the fear of arbitrary eviction; nor should they bear the costs and disruptions associated with relocating their lives and their households. We know that many tenants are reluctant to assert their rights for fear of retaliatory eviction, particularly in such an uncertain and often unaffordable rental market. Many clients who engage with our services report that they were evicted into homelessness after requesting repairs or maintenance or that they fear to make these requests because they do not want to lose their homes.

We would encourage the committee to reconsider this approach and adopt the recommendation of the 2019 regulatory impact statement which would require property owners to end tenancy agreements only for approved reasons. This will ensure that the threat of groundless eviction does not erode or undermine these other necessary protections and that families who are good tenants are confident they will maintain their homes. We thank you again for the opportunity to engage in this vital area of law reform and we welcome any questions from the committee.

Mr HART: I address my question to somebody from the Law Society. My question relates to the right to end a periodic tenancy without grounds. I understand that the government have been negotiating or consulting on this bill or the changes they want to make to rental reforms for quite a while. The Law Society would have been involved in that consultation, I would assume. Have you raised this with the government previously, and what was the result of that consultation around this particular issue?

Ms Shearer: I understand we have raised it previously. The result is that our concerns have not been adopted in the bill and that the right to end a periodic tenancy without grounds is removed in this bill.

Mr WHITING: Ms Shearer, we now have two bills in front of us: the private member's bill and the government bill. The private member's bill proposes that a lessor cannot end a tenancy at the end of a fixed-term lease agreement. How does that sit with existing contract law? If that did become law, could we expect this to be challenged legally?

Ms Shearer: We think it is inconsistent with fundamental principles of freedom to contract. We think it would undermine the very notion of a fixed-term tenancy. As to whether it can be challenged, if it was a law of the parliament it would be a law of Queensland.

Mr WHITING: To be clear, there is some conflict or inconsistency with contract law if this particular provision became law.

Ms Shearer: In this case the contract is the lease and the lease is for a fixed term, whether it is six months, one year, five years or 10 years. The idea that when your contract is up you cannot end the contractual relationship is quite inconsistent with how the law of contract operates generally. Generally, once a contract is ended it is ended and people are not obliged to remain in that contractual relationship.

Mr KRAUSE: Mr Maroske, I think I heard you correctly in relation to fixed-term tenancies. If parties agree to a fixed-term tenancy and the owners want to end that at the end of the fixed term, why would that not be a legitimate ground for ending the lease? Surely, that is a fair bargain entered into by the parties. Are you suggesting that once people enter into a tenancy it should prima facie—except for those limited grounds set out in the government's bill—not be able to be ended except when a tenant wants it to be end?

Mr Maroske: Thank you for the question. My colleague Mr Grace will answer that.

Mr Grace: In essence, yes, our position is that there should be greater protections for tenants to recognise the importance of the home and the fact that, although there is that contractual arrangement, there is a difference in the position of power between a landlord and a tenant. The decision to end the tenancy, even at the end of the fixed term, has different impacts on those two parties.

I would go a little bit deeper to say that, although there are some inconsistencies between that position and established principles of contract, it is also well established that parliament has the power to move away from those established principles of the right for two parties to contract those types of agreements. In fact, the existing legislation is a prime example of parliament limiting the powers of those two parties to make decisions about what those contracts contain.

Mr KRAUSE: We understand that parliament has that power, but what you are just advocating for is essentially a perpetual lease arrangement being set up; is it not?

Mr Grace: I would frame it that it is putting limitations on how one party can end that lease arrangement to the limitations that are outlined in the bill as they stand, which include quite a number of reasons—including the sale of the property, including having family members move into the property, including having significant changes to the property. There is also within the bill as it stands an expansion of the reasons somebody can end the tenancy. There is the inclusion of proposed section 297B which means that you can also end the tenancy if there is an illegal activity. That does not currently exist. There are a number options for a landlord to end a tenancy as a just-cause tenancy—if there are any breaches of the agreement, there is. What we are advocating for is protections to tenants to allow them to remain in the property where there are not any breaches or where there are not other factual situations that would justify an eviction.

Mr BERKMAN: I really appreciate all of you for your time in being here today. I want to pick up on something Ms Shearer said in her introduction comments—that the QLS's view is that there are alternative mechanisms that could be used to provide greater security of tenure for tenants. First of all, can you give us an overview of what those alternative mechanisms are? Have these been proposed to the government in consultation around reform on renters' rights previously?

Ms Shearer: I guess it operates in two spheres: the private rental market and social housing. In the private rental market, I think there could be a lot more done around the promotion of long-term tenancy arrangements. We know that fewer people will be able to purchase a home and that some people are long-term renters and they should be able, with a willing landlord, to enter into a long-term lease. The other aspect is in public and social housing. More can be done there to support vulnerable people to have security of tenure in public and social housing.

Mr BERKMAN: I want to pick up on that in terms of promoting longer term lease agreements. Obviously, you might use legislative mechanisms to require those. I am not sure exactly how else you might promote those kinds of longer term leases in a private market without impinging on what you have described as principles of freedom to contract. Is there any comparison to be made between commercial tenancy agreements, where options are very common, as I understand it? It is much easier, as I understand it, to have security of tenure as a commercial lessee—you will have, more often than not, options built into a lease—but those do not seem to exist in the residential tenancy space. Is that something that could potentially be mandated as an alternative?

Ms Shearer: Yes, I think that is an example. Part of it is I think landlords and the community generally getting their heads around the idea that residential tenancies can be long-term tenancies as well. We tend to think of them as short term for people before they buy a house, whereas we know now that many people outside of social housing still want to remain in long term. It could be something like an option that empowers both parties. In fact, an option is probably the better way to go because few tenants or landlords would be prepared to sign a very long lease before they had tried it. If they have lived in the property and it is all working and everybody agrees to them staying, then something like an option would be an appropriate mechanism, or just entering into a further long-term fixed agreement.

The use of the term 'eviction' at the end of a fixed-term agreement or during a periodic tenancy is a bit emotive. It is not an eviction. An eviction is what happens if there is a breach of the agreement and somebody has to leave. Periodic tenancy is essentially from one period to the next and currently can be ended on two months notice. A fixed term is for the fixed term, and at the end of the term it comes to an end.

We are all in favour of a whole lot of mechanisms that increase security of tenure, but it should be willing parties entering into that. Many landlords would really enjoy having long-term tenants who were good tenants and paid their rent. In an appropriate arrangement we can do more to promote that sort of mechanism, and options is one of those things. As you say, what we have concerns about is that policy objective being achieved without the landlord being a willing party in a private rental situation.

Mr SKELTON: Ms Shearer, you are obviously trying to find a balance between the tenants and the lessors. Do we need some public education? We need to understand that people are renting now longer term, and the landlords and tenants need to get in and go, 'How can we fix this fixed-term situation?' I do not know. Obviously, from the government's perspective, we are trying to find that middle ground but it does not please everyone. How can we get this sorted? We have two lots of lawyers here with different positions and they are both right because they are lawyers. How do we get it right?

Ms Shearer: I think it is a matter for the parliament to determine what the correct balance is. I can give you our views about where we think it is. I think there is probably more to be done at government level and also at industry level around promoting long-term tenancies.

Mr SKELTON: Some more education out there. Some of the levers that we are trying to pull are obviously building more social housing et cetera. You are talking policy initiatives and education.

Ms Shearer: Yes. I am not sure whether Matt or Wendy want to add anything.

Mr Dunn: I would not mind adding an extra thing. During the COVID emergency we saw that the land tax measures that were brought in in the commercial and the residential space to incentivise landlords to take certain types of behaviours with respect to tenants were quite an effective measure at changing the behaviour and dynamics of the market. There is an opportunity to use a measure such as a land tax lever to incentivise certain types of longer term tenancies if that is what is desired, or alternatively to create in legislation a long-term ongoing tenancy if that is what is desired as well so that it is clear that that is the type and nature of tenancy that people are going into.

The point that the president raised was that if you have a perpetual tenancy, as the member for Scenic Rim described, but call it fixed term, there is a bit of an issue there because it is not really fixed term; it is really perpetual—or, alternatively, periodic when it is not really periodic; it is actually perpetual. If you call it perpetual, you call it ongoing, or if you want to incentivise through land tax measures and other things, you have some powerful tools there to shape behaviour.

Mr KRAUSE: Set up the framework properly.

Dr MacMAHON: Thank you everyone for being here today. My question is for LawRight. Your submission outlines how your casework shows that tenants frequently tolerate treatment or conditions that are quite poor due to fear of retaliatory evictions. What impact would the government's bill have on tenants' experiences, particularly with regard to no-grounds evictions?

Mr Maroske: Obviously we cannot prognosticate or predict with entire accuracy. However, our expectation is that that type of behaviour would continue under the proposed framework—that tenants would tolerate conditions or circumstances which might not be strictly lawful because they fear the threat of an eviction at the end of their tenancy, which may be for many Queenslanders as short as six months. We expect those additional protections would be eroded and undermined by the existence of the continuance of without-grounds evictions at the end of a fixed-term tenancy.

Mr Grace: If I may, I would add to that to say that our position at LawRight is not wholly different to the position the Law Society has taken. The idea of a perpetual tenancy does raise some concerns. It is a matter of a balance between the rights of the tenant and the protections required to allow them to enjoy the benefits of that tenancy and to assert the rights that the bill is trying to create and then also balancing the rights of a landlord to reach an agreement with the tenant about the length of the agreement and things like that. We would, I suspect, support other options that are not currently in the proposed bill, similar to the approach that has been taken in Victoria. Another approach which does have additional options—that was the question put to Ms Shearer—would be another way of addressing that imbalance.

One thing I would add is that, from our perspective, it is that imbalance that is really at the heart of this conversation. One of the reasons we do not possibly see options or other types of arrangements in the residential tenancy space is that there is not the same type of power balance that you see in a commercial situation. I think we would all agree—although obviously I cannot speak for the Law Society or others—that that does not exist in residential tenancies. That is, from my understanding, what we are trying to address with a bill like this. Whether that is by entirely removing without-grounds evictions or by allowing a landlord to end a tenancy at the end of the fixed term or through another mechanism, it does seem that that is where there needs to be some work, to find a more appropriate balance for those rights.

Mr HART: I have a question to the Law Society. With regard to the changes that are proposed around the sale of a property and ending the tenancy and then not allowing the property to be rented for six months, can you talk about how appropriate that might be and whether it breaches any existing laws?

Ms Shearer: If I could just add one thing to the previous discussion before addressing that question, there is often an imbalance in the exercising of rights between tenants and landlords. One way to correct that imbalance is to provide adequate funding for services like LawRight, the Tenants' Union and community legal services for the assertion of rights by tenants. We know that there are bad landlords and that more needs to be done to assist tenants to assert their rights. I just wanted to make that comment.

In relation to the question you have just asked, I am not familiar with the provision you are referring to. Is that in a penalty if the property is sold? Perhaps you could direct me.

Mr HART: No. If a tenancy is ended for a sale reason and then the circumstances change, you are not going to be able to rent the property for six months after that time. That is in the proposed legislation.

Ms Shearer: That is not a provision I have noted, but it sounds to me like it could be unduly punitive—although obviously you could see a policy reason to impose that as a disincentive for people saying they are going to sell and then not selling. That is exactly the sort of problem that you get into, I think, if you remove the without-grounds right to end the tenancy, because you will have people doing all sorts of things to fit within the few listed things there are, like listing their property on Airbnb for a short-term rental rather than a long-term rental.

I think the problem springs from the 'without grounds'. You have these few grounds and people will try to bring themselves within them and then you have to have a whole regime to see whether they have done it properly or not and those sorts of provisions. I think it is all a problem created by removing the 'without grounds'.

CHAIR: The time allocated for this session has expired. I thank you all for your time this afternoon and for assisting the committee with the bills.

Proceedings suspended from 12.30 pm to 1.15 pm.

CHAIR: Welcome back to this public hearing for the Community Support and Services Committee inquiry into the Housing Legislation Amendment Bill 2021 and the Residential Tenancies and Rooming Accommodation (Tenants' Rights) and Other Legislation Amendment Bill 2021.

IRONS, Mr Chris, Director, Strata Community Association (Qld)

MARLOW, Mr Kristian, Policy Officer, Strata Community Association (Qld)

WALLACE, Ms Roslyn, Secretary, Property Owners' Association of Queensland

CHAIR: Good afternoon to all of you and thank you for appearing before our committee today. I invite you to make a brief opening statement, after which committee members will have questions for you.

Ms Wallace: Thank you very much for inviting the Property Owners' Association of Queensland to your meeting regarding the legislation. We represent property owners in Queensland. All we ask is for a fairer act. Thank you very much. That is all I have to say.

Mr Irons: Again, thanks very much for the invitation. Strata Community Association (Qld) represents not just strata managers but also community titles schemes, committees, individual lot owners and service providers to the strata industry. That includes: specialist insurers, painting suppliers, energy suppliers, solicitors, accountants, water and plumbing providers, banks, elevator maintenance professionals, cleaning providers, surveyors, valuers, glaziers, IT providers and pool servicing and maintenance providers. There are a few of them!

Queensland's strata sector is comprised of over 50,000 schemes and over 500,000 individual lots, including duplexes, townhouses, villas, high-rises, suburban six-packs, short-term holiday letting, hotels and commercial complexes. The strata sector significantly underpins the tourism and property development sectors. Increasingly, high-density housing as part of a body corporate, is going to be the norm for property owners, investors and tenants.

Our interest in both bills today stems from the oft-ignored fact that tenants, who are known as 'occupiers' under body corporate legislation, have significant rights and responsibilities in the body corporate, particularly in relation to things such as by-law enforcement and improvement to common property. Another sometimes overlooked aspect is that an occupier/tenant with a lease of six months or more must have their details on the body corporate roll. That roll is open to inspection by an interested person.

Body corporate properties are slated to be an ever-increasing slice of the housing pie. This is a deliberate policy of government. We note that the South East Queensland Regional Plan has a preferred future which has a goal of 60 per cent of dwellings being within existing residential areas and that the vast majority of these will be properties as part of a body corporate.

Bodies corporate, represented by their body corporate managers, can engage directly with tenants on all of those matters I mentioned before. Ideally, that would happen in cooperation with the letting agent or landlord, but that is not always the case. Confusion about roles and responsibilities can lead to significant disharmony and dispute in a body corporate. A very prominent and common example of that kind of dispute is the keeping of an animal. In the vast majority of instances, an occupier will need two sets of approval to keep an animal in a strata scheme. They will need approval from both the landlord and the body corporate, which are two distinct things. Body corporate committees are the day-to-day decision-makers for bodies corporate and they make decisions subject to statutory timeframes. A committee can have as long as two months to make a decision on keeping an animal. This would be a challenging time frame for most occupiers wanting to resume on the premises. To keep the animal without body corporate approval—even if the landlord has approved—would likely be in contravention of body corporate by-laws, which in turn leads to a dispute resolution proceeding. In some cases a body corporate can refuse to keep the animal.

Finally, similar to the Residential Tenancies Authority, there is an entity called the Office of the Commissioner for Body Corporate and Community Management. I used to be the commissioner. That is the government agency tasked with providing information and dispute resolution to the strata sector in Queensland. Occupiers have the rights to take disputes to that office. The SCA want to acknowledge the outstanding work of that body. They do a great job, but they are under a lot of pressure to deliver that job under increasing workloads.

While we are generally supportive of the bill and what it seeks to achieve, we are concerned with any residential tenancy reform which opens up further possibilities for dispute and, thus, additional demands on the commissioner's office, especially if there are no resources to accompany

that demand. SCA's members will always be central in the management of body corporate processes, so we would also be concerned with any reforms that have the potential to put more demand on our members.

Mr HART: Roslyn, it is great to see you again. I note from your submission that you have rejected basically everything the bill. You have said that you think a lot of property owners will sell their property if this bill passes. What are you hearing from your members with regard to them moving out of their investment properties because of this bill?

Ms Wallace: Yes, they feel it is most unfair, because it is putting a lot of pressure on them. Most of our members have bought rental properties for their retirement, so that they have a comfortable retirement and do not rely on government to support them. They are just so horrified that the bill is taking away lessors' rights. It gives more rights to the tenants and very little to the actual owner of the property.

Mr HART: Your members are saying that they will withdraw from the investment properties?

Ms Wallace: They will sell their properties, which will put more pressure on the government to provide—

Mr HART: How many members do you have?

Ms Wallace: About 500.

Mr WHITING: Mr Irons and Mr Marlow, you speak well on the vexed issue of pets. Do you believe that the body corporate should still have the ability to decide not to have pets in a complex?

Mr Irons: Currently, in the vast majority of situations, there will be very few instances where the body corporate can refuse an animal. Where refusal happens, it is usually the exception. The Attorney-General has convened a reform process around body corporate legislation—a community titles working group, and that group is underway. The issue of the keeping of pets will be on the agenda.

Our position, I think it is fair to say, would be that bodies corporate should have the ability to make autonomous decisions regarding a variety of issues, including pets. There are many checks and balances already in the decision-making process. If my memory serves me correctly, some of their proposals include making a special resolution. For the committee's information, a special resolution requires approximately two-thirds approval of all owners entitled to vote, with a few other qualifiers. We think that is probably a reasonable approach.

Mr WHITING: If you had strata title properties owned by one institutional investor, for example, they could unilaterally make that decision not to have pets at this particular complex?

Mr Irons: If they hold the vast majority of voting then, yes, they possibly could.

Mr WHITING: We have one in my area where there are 99-year leases and there are 100 properties owned by one institutional investor. I wanted to highlight what a vexed issue it is when you are dealing with pets.

Mr Irons: It is an incredibly difficult issue. It is one of the most disputed issues that the commissioner's office deals with on a day-to-day basis.

Mr WHITING: I was a councillor for 12 years; I know all about it.

Mr KRAUSE: Are there any changes you would suggest to the Body Corporate and Community Management Act as a result of what is proposed, in relation to pets or anything else?

Mr Irons: I think it is fair to say that our position is largely that prevention is better than cure. We think proactive education and information is absolutely the way forward. The commissioner's office has that role at the moment, but it is not really resourced to go out and be proactive with people. As a result, tenants, landlords or real estate agents are very late in the process, when somebody is about to move in, when the pet issue comes up and you have a committee that is having some concerns—reasonable or otherwise—about the keeping of that animal. At that stage, it is very late in the piece. It is very demanding and very stressful. Our view is that if there could be some focus at the start that would be a much better outcome for everybody concerned.

Mr KRAUSE: Ms Wallace, the bill before us makes it more difficult, I think it is fair to say, to terminate a periodic tenancy. How do you see that playing out in terms of property owners entering into more fixed-term agreements and routinely terminating them in order to ensure they are not trapped, so to speak, in a periodic tenancy that is difficult to end?

Ms Wallace: I do not think a periodic tenancy is difficult to end. I think that is quite simple: you just give them two months notice.

Mr KRAUSE: Under the present law, yes, but not as proposed.

Ms Wallace: No, but I just cannot understand why there is such a problem. When a tenant first takes on a tenancy agreement, they sign a tenancy agreement. There is a start date and an end date. Therefore, the tenant knows they are going to have to leave at that date. Otherwise, they sign another tenancy agreement and that puts them there for another 12 months or two years. I feel it is most unfair. I think the old-fashioned or the periodic tenancy is quite good, because then both parties can leave at any time. If tenants suddenly decide there is something better down the road, they will go. Why can they both be there—a fixed term and then follow up with a periodic tenancy?

Mr KRAUSE: Thank you.

Dr MacMAHON: Thank you to everyone for being here today. My question is for the Strata Community Association. Could you reflect on the challenges that exist around delivering minimum standards in strata properties, particularly for people within building management schemes? What other reforms do you think we might need in order to ensure we are able to deliver minimum standards?

Mr Irons: When it comes to minimum standards in a rental property, generally speaking the SCA sees that as a positive move. Our concern comes at the point where those minimum standards impinge upon common property. By way of explanation, the individual owns their unit and then everything else is common property, which is the responsibility of the body corporate. It is rarely easy to be 100 per cent definitive about where personal responsibility ends and where the body corporate responsibility begins.

There are numerous examples where you would assume that something is definitely the owner's responsibility or definitely the body corporate responsibility. It is rarely that simple. A case in point is locks. It is not necessarily 100 per cent cut and dried that a lock is an owner's responsibility or common property responsibility. If, for example, you have a lot owner who is tasked with meeting minimum standards in a rental property, that is fine so long as it is contained within the boundaries of their lot, but there are numerous examples, again, of owners who go to do renovations not necessarily twigging to the fact that what they are doing has some impact on a piece of common property or a piece of utility infrastructure. At that point, the body corporate has a statutory obligation to do something about that.

On the issue of a BMS, I do not have a lot of data or information about tenants in relation to a BMS. I know that a BMS, a building management statement, is a very specific kind of arrangement which exists in many bodies corporate. Effectively, it is something which is not regulated by current legislation. Certainly, the services of the commissioner's office do not apply to those BMSs. I dare say that a simplified way of dealing with problems in a BMS would be a good start point.

Mr SKELTON: You mentioned some of the complexities with regards to strata. Obviously both bills have provision to make minor modifications to a property. This could be in relation to disability access or to hanging pictures. You are mentioning that it has to go through a couple of sets of hands—the owner and then the body corporate. To me that seems to be a bit complicated.

Mr Irons: It can be depending upon what the improvement or renovation is. Improvements is the technical term used. In terms of some of the examples you just gave, it is fairly straightforward that they would be an owner's responsibility and nothing else after that. There are some areas where it is, yes, very ambiguous when it comes to who is responsible. The general rule of thumb is that if something is within the boundaries of your lot—and boundaries often include a balcony—that is your responsibility. Everything that happens outside of that is generally the body corporate's responsibility. When it is the body corporate's responsibility, the complicating factor is that they make a decision as a group. It takes a lot of time to make that decision. You might have a situation where some repairs are needed, substantial ones at that, but a decision on that may be months away because you need to give notice and go through the process.

Mr BERKMAN: The Property Owners Association of Queensland submission argues that the measures outlined in the tenants' rights legislation will lead to properties being sold, leading to a drop in the supply of rental properties. We have heard this morning from Tenants Queensland. Indeed, its representatives tabled research that refutes that claim and suggests instead that investment decisions are likely to be based on fiscal and financial policy and that tenancy laws are a very minor component in that kind of decision-making. What evidence do you have and what evidence can you provide the committee to support your claims about properties being sold and the drop in supply of rental properties?

Ms Wallace: I am on the support line for the Property Owners Association of Queensland and I get many calls from our members and from nonmembers who all say the same thing. It gets to the stage that they feel this is a dictatorship and they have lost their right to look after their own property. There are minimum standards in this bill, but in the previous bill proposed the minimum standards

were that tenants could repaint walls and things like that. I had one instance recently where a tenant painted all the walls in the property bright colours. We have one wall that is black with stripes. It will cost the lessor a lot of money to repair that property. If they are given the option to carry out these repairs and hang paintings on walls—because we do not know what sort of walls they are—there is going to be damage. Repairing that will cost a fortune. That is why people in those situations are going to sell their properties. They will then not have the situation of having to do all the repairs when the tenant says, 'I have the right to do it.' Do they have the right to do it or not? You have to protect them in some way. This is why people are thinking of selling.

Mr BERKMAN: Your answer is framed in fairly general terms and you have given a few anecdotal examples from your experience on the phone line. Can you present any research based evidence in the same way that Tenants Queensland did?

Ms Wallace: Not at this point in time. This bill only came in recently. Even to prepare our submission, we had such a short time to do it.

Mr BERKMAN: In terms of the assertion in your submission that the bill will lead to properties being sold, leading to a drop in supply of rental properties, you cannot provide any evidence to substantiate that?

Ms Wallace: Due to the time frame, no. In time, we probably could.

CHAIR: Ms Wallace, will you take that question on notice and provide the evidence by 23 July?

Ms Wallace: Yes. 23 July? That is next week.

CHAIR: Friday, 23 July.

Ms Wallace: Friday of this week. It is a short time.

Mr HART: I have known Roslyn for three or four years now. Roslyn operates a volunteer organisation. I think the committee putting a time frame on Rosalyn such as that is completely inappropriate. She has told us that she has 500 members and that her members are telling her that they will sell their properties. Do you own any properties that you rent?

Ms Wallace: Yes, I do. I have been in the rental industry for many years.

Mr HART: Will you be selling your properties if this law changes?

Ms Wallace: Because of my experience, at this point in time I do not think so. I look after my own properties so I know how to handle them.

Mr HART: You have had a good result?

Ms Wallace: I have had good results. I have good tenants. If you have good tenants, there is no problem. It is when you have bad tenants that you will sell the property.

Mr HART: The Body Corporate and Community Management Act has been under review now since 2013?

Mr Marlow: I believe Professor Bill Duncan from QUT began the reform process in 2014. The working group has been set out in several stages at the moment. We are contributing to that working group actively. There is a meeting of that next week, but we look forward to hopefully seeing some reforms which we have been advocating for and which our members, who represent the whole sector, would like to see.

Mr HART: This has been underway now for seven years and there was a former commissioner. Was this issue about pets being allowed in unit complexes ever going to change in any way under that reform?

Mr Irons: It has certainly been included all the way along, yes. Professor Duncan's team, in the various papers that have led us up to this point, did do some work around the keeping of animals. It is on the agenda for the working group that has been convened by the Attorney at this stage. It is fair to say that it is an extremely contentious issue, regardless of whether you are on the committee, are the tenant or the property owner or whether you are a real estate agent. Each of those parties has a very distinct interest. At the end of the day, pets provoke extreme reactions, good and bad, in different people. It is a difficult issue to try and resolve. Other states and territories have had to turn their minds to it as well. There is a notorious case that continues in New South Wales at the moment. I think it ended up in the Supreme Court, if it is not still there. I am not 100 per cent sure on that. It just goes to show the level of feeling around the issue.

Mr WHITING: The government bill includes protections for people undergoing domestic violence. What is your general opinion about those protections that are offered in the bill? Is that something that you are in favour of?

Ms Wallace: We are in support of them. Domestic violence is something that should be addressed. If circumstances are evident, yes, the people suffering domestic violence should be allowed to leave a tenancy.

Mr Marlow: As an aside, we obviously support any and all efforts to end domestic violence. If a tenant or an occupier is resident for more than six months, they are obliged to be entered into the body corporate roll. If there is evidence of someone fleeing domestic violence, we would support their being able to absolve themselves or being a silent person on the roll in a commensurate fashion to victims of domestic violence being silent electors.

Mr Irons: Just to pick up on Kristian's point, there is no option for a tenant not to have their details on the roll if they have a lease of more than six months. As it currently stands, if an occupier says, 'I am fleeing a domestic violence situation,' there is no capacity to redact or to conceal that information. Information on the body corporate roll is available to anybody who qualifies as an interested person. That is defined under body corporate legislation, but it is a fairly wide definition. It includes all other owners, committee members, a prospective purchaser and also the agent of any of those parties. You can see a situation can't you where somebody who has genuine concerns about their safety may have a lot of reservations about their contact details being present on a body corporate roll. That is one example. Then there is the lock example I gave before where it is not immediately evident if the lock is an individual or body corporate responsibility. While we obviously support the policy intention behind the changing of the lock, it has to be recognised that sometimes it is a body corporate responsibility—not an owner responsibility.

CHAIR: Is the issue of tenants' details being kept on the roll something the Attorney-General is picking up on?

Mr Irons: I am not sure on that point, to tell you the truth. I think it is because it is a point that is not well known or well understood in the sector. I have had a lot of discussions over the years with the Real Estate Institute of Queensland. I know that that is a point that we have been trying to work on with that sector as well—the responsibilities if you have a tenant with more than six months on the lease or not. Body corporate legislation is based around the idea of transparency of details. If I am an owner and you are one of my co-owners and we need to speak on something, I can relatively easily get in touch with you if I need to. It is a balancing act about those two things. Obviously fleeing domestic violence would have to take priority under those circumstances. I do not know if it has been specifically addressed to date.

Mr HART: It sounds to me like this bill before the committee could pass at the end of August. If there are no changes to the body corporate legislation to reflect what you have just been telling us, we will be in a world of hurt, are we not?

Mr Irons: There will be some inconsistencies.

Mr HART: This committee needs to consider changes in this bill to allow these things to happen or not happen?

Mr Irons: That will certainly be the quicker outcome. To counterbalance all of that, the government's bill currently recognises the existence and the role of body corporate legislation throughout but probably misses some of those nuances that we have been talking about today. It has the concept, but it has not necessarily got all of the detail.

Mr HART: Are you expecting any changes to the body corporate legislation?

Mr Irons: Not any time soon.

Mr HART: We need to need to fix it now, maybe?

Mr Irons: I would think so.

Mr BERKMAN: Ms Wallace, your submission rejects the proposal that lessors should notify renters if a house contains asbestos. Given the serious health implications of asbestos being disturbed, what is the justification for not providing that information to renters?

Ms Wallace: Are you asking me?

Mr BERKMAN: That is for you, Roslyn. I will go back to the start. The submission we have received from the Property Owners Association of Queensland rejects the proposal that lessors should notify renters if a house contains asbestos. We are all well aware of the serious health implications of asbestos being disturbed, so what is the justification for not providing that information to renters?

Ms Wallace: I would say a lot of people would know they have asbestos in the building because the older buildings did have asbestos in them. If the asbestos is not disturbed, it is well painted and people do not put holes in it, it is not a problem. It is only when it is disturbed by putting nails in it that it becomes a problem. A lot of the older buildings have it and they would not be aware that the building does have asbestos in it.

Mr BERKMAN: If an owner is aware that a building has asbestos—disturbance of asbestos can happen either deliberately or inadvertently. I am wondering why not make that kind of information available to renters?

Ms Wallace: What can people do about it? If the walls are well painted and it is not disturbed, there is no problem. It is only when it is damaged. That is when the problem arises.

Mr BERKMAN: Understood. There is no disagreement about that. Information can be valuable if damage happens by accident.

Ms Wallace: If it is damaged by accident, then that would have to be removed and there are laws about removing asbestos.

Mr BERKMAN: Indeed, but how is a tenant supposed to respond to those laws if they are not aware of the presence of asbestos in a property?

Ms Wallace: It comes back to the situation of the lessor; the lessor might not be aware that there is asbestos in it either.

Mr BERKMAN: If they are aware, why would that information not be made available to tenants?

Ms Wallace: There are a lot of rental properties where they should be advised I suppose. It is up to whomever—the lessor might not be aware themselves because they might have bought the property and it is there. Until it is disturbed, they would not be aware. I suppose it is the situation that it comes under the Queensland Building Act and it would have to be replaced.

Mr HART: Kristian, if I am right you were a real estate agent for a while?

Mr Marlow: Yes, I was.

Mr HART: Is there any requirement in the transacting of a property to advise people if there is asbestos in a building they buy?

Mr Marlow: Not that I am aware in the transacting of a building. I have bought property myself. The property I own has asbestos in it. I was not made aware of that during the transaction. I was made aware of it later. I would have to take that on notice. I am not sure.

Mr HART: There is an issue with the law as it stands that an owner may not be aware there is asbestos in a building they buy unless they maybe live there?

Mr Marlow: Like I say, I would have to take that on notice. I was a real estate agent for a while and I was never aware of that.

Mr HART: I accept you may not know.

Mr WHITING: I have been listening to the line of questioning going back and forth there. Ms Wallace, on the private member's bill, would you see any advantage to property owners if that bill became law?

Ms Wallace: Certain parts of it, yes.

Mr WHITING: That is the private member's bill, not the government bill?

Ms Wallace: Yes, I think there would be. Yes. It would have a devastating effect because people feel as if they have lost their power. They own the property and yet they have lost the power to manage their property.

Mr HART: Roslyn, have you spoken to your members about whether they are happy to allow pets in their properties and, if they are, whether they think there should be some kind of extra bond for pets or some sort of extra payment?

Ms Wallace: Yes, probably an extra bond. Pets can be a problem. If you have pets in a property and they wet a carpet on the floor and the fungus goes into the concrete, it grows. Therefore, it is the situation that after you clean it you can never remove the stain, you can never remove the smell, so you would have to repair or replace the carpet. We have had members whose tenants have locked animals—dogs particularly—in bathrooms and they scratch at the walls to get out after they have been locked in. The next person who comes along might be allergic to the animal. Therefore, a new tenant might not realise there has been an animal in there. I think it is the owner's choice to allow a pet. That is the way it should be.

I have pets in my own home—did have—but I kept them rather clean and we did not have a problem. It was my choice. However, I do not think the tenant has a right to have a pet, particularly in rooming accommodation. Say, there are four bedrooms in a rooming accommodation and four people all want a pet. One dog might not get on with another one and all hell would break loose.

Mr KRAUSE: What about if there are cats and dogs?

Ms Wallace: Cats and dogs, that is right. It is a particular situation when you are looking at it like that. Someone might come home, particularly in rooming accommodation, who does not like the dog and give it a kick and all hell breaks loose. How can you keep an animal in a room? You might have four dogs in a property all running around. It is a health hazard to a certain degree.

Dr MacMAHON: My question is for the Strata Community Association. In Victoria they have legislation around owning pets which requires landowners to make an application to QCAT if they do not want those pets. I wonder if you have any evidence from Victoria about how this is working in strata properties and what some of the challenges might be.

Mr Irons: I do not have any specific information about how that has gone. I know that that is only relatively recent. The situation there is quite different to how things tend to operate in Queensland. If it is okay, I will spend a very short minute explaining.

In Queensland it all comes down to by-laws and whether the by-laws allow the animal from a body corporate perspective or do not and then under what conditions they would allow the animal. There are certain parts of that by-law which would generally be found to be unreasonable and depressive depending upon the by-law. A great example is if there is a weight limit of, say, 10 kilograms for a dog. That is an arbitrary weight limit; that will generally be found to be oppressive and unreasonable. Banning a particular breed simply because there are some issues with it would potentially also be oppressive and unreasonable. The size of the animal is also one of those categories.

This is just a general response, but I think any move that clarifies the distinction between what a tenant must go through to secure approval for an animal as opposed to what the tenant must do to secure approval from the body corporate—any move that explains that much more clearly and makes that a much more streamlined process is always going to be welcomed. However, as it currently stands, it can be a very long and very difficult process in Queensland to achieve that outcome.

CHAIR: Ms Wallace, can you highlight briefly some of the things that investors consider before they enter or leave the rental market? Anecdotally, what are investors saying to you in terms of your membership?

Ms Wallace: I had one person today from New South Wales who has bought a house. Now the tenant has started to demand things from her. The property was under real estate management, but now they are demanding things and saying that everything is wrong. She has only owned it a fortnight and she is considering putting it back on the market because of the demands of the tenant. There is no hot water, the walls are damaged and there is mould in the place, but this was not divulged at the time of the contract of sale. They will not let her or a representative in to have a look at the property. This is one case. She asked how she gets rid of them. What can she do about it? They are demanding a reduction in rent, but she has only owned it a fortnight. So she is putting it on the market. That is a situation that I do not know how you would address. I think this is what is going to happen. Tenants will start to demand things.

Mr BERKMAN: Can I ask a follow-up on that answer before the member for South Brisbane asks a question?

CHAIR: Sure.

Mr BERKMAN: Do you think it is unreasonable that tenants should expect to live in a property where they have hot water available—

Ms Wallace: This has only just—

Mr BERKMAN: Excuse me, sorry. Can I just finish the question? Do you think it is reasonable for tenants to expect hot water in a property they are paying rent for and that it not be affected by mould, which we know can cause pretty serious health ramifications, too?

Ms Wallace: Mould can appear because of the ventilation. In this instance she had someone look at the property and there was nothing wrong with this property prior to the finance going through. She has only owned it a fortnight in her name and now the demands are starting. If that was the case, they should have been there at the start. They have also asked for a reduction in rent. I feel that is most unfair. She had it, she bought—

Mr BERKMAN: Expecting hot water is unfair?

Ms Wallace: It was not there a week ago. She had someone inspect the property prior to the finance being approved and everything was in order. Now she owns it—she is the new owner—the tenants are demanding things.

Mr BERKMAN: She bought a lemon, is that right?

Ms Wallace: That is right.

Mr KRAUSE: I just want to clarify something, Chair.

CHAIR: Can we just hold it there. In fairness, Ms Wallace, I think you were mentioning that the property was in good condition when the property was sold?

Ms Wallace: Apparently. She was under the impression that it was. She had someone inspect it.

CHAIR: Okay. We might move to the member for Burleigh.

Mr HART: Roslyn, under the changes in this bill it is proposed that if you are selling your property and something changes and you no longer wish to sell it, you are not allowed to rent it for six months afterwards. In your view is that fair?

Ms Wallace: If you are selling the property it is up to the new owner to know—if the sale falls through, how can that be the lessor's problem? Why can they not rent it for the next six months? It is not their problem if the contract of sale has fallen through or the finance has fallen through. I cannot understand why they cannot rent it for six months.

Mr HART: That is the change that is proposed in this legislation. You are opposed to that as well?

Ms Wallace: Yes, because how can you foresee the future?

Mr HART: I do not know whether the Strata Community Association has a view on that?

Mr Irons: It is not really within our remit.

Dr MacMAHON: Mr Irons, you flagged the resources for the commissioner to be able to do work necessary and the workload that might increase with some of these measures. Could you reflect a little on what kind of resources might be needed so that this could function better?

Mr Irons: Absolutely. One of the things that is really missing here is proactive education and information. At the moment because of the limited resources of that office it is fairly reactive. Somebody calls in with a problem, a response is given, away they go and do something with that information, and that is fantastic and the quality of it is excellent. However, there are no resources, for example, to enable that staff to go out and speak to a tenants group or a group of landlords for that matter or hear some issues that they need to be aware of. There is no capacity for the commissioner and her staff to go out and provide a seminar, particularly in regional areas. There is next to no capacity for that to occur. All of that proactive capability is just not there.

The Residential Tenancies Authority used to do that kind of thing quite a bit. The ability to get information out to people about very specific body corporate rights and responsibilities is key to reducing some of those trigger points in the dispute. If it only is ever at the point, though, where somebody is already triggered and in the dispute, arguably it is just a little late in the process. That office has approximately 30 staff these days, as I understand it, and they are servicing the entirety of the state. As I said before, there are 50,000-plus buildings—50,000 bodies corporate in Queensland—and growing each year. The numbers in that office have not grown to match the increases in building numbers.

CHAIR: It being 2 pm, the time allocated for this session has expired. I thank you all sincerely for assisting this committee with our deliberations. I wish you a very good afternoon.

BEAVON, Ms Katrina, Legal Counsel, Real Estate Institute of Queensland

MERCORELLA, Ms Antonia, Chief Executive Officer, Real Estate Institute of Queensland

ZALTRON, Mr Martin, Manager, Policy, Urban Development Institute of Australia—Queensland

CHAIR: Thank you very much for being here. One of our members has had to leave urgently, but he will be on the phone. I welcome representatives from the Real Estate Institute of Queensland and the Urban Development Institute of Australia. Thank you for appearing before the committee today. I invite you to make a brief opening statement Ms Mercorella, then we will pass to Mr Zaltron and then I am sure our committee will have many questions.

Ms Mercorella: I thank each of you for the invitation to appear today. The Real Estate Institute of Queensland, or the REIQ as we are most commonly known, has been the peak professional body for the Queensland real estate profession for over 100 years. Today we represent approximately 15,000 individual real estate professionals spread across all corners of our state. We represent real estate practitioners across a variety of sectors. This includes residential property management and sales, commercial and industrial leasing and sales, business broking, auctioneering and, of course, buyers' agents. The REIQ is recognised as the leading authority on real estate in this state. In our view, the REIQ is ideally positioned to provide an objective viewpoint on the topic of tenancy reform. Unlike other stakeholders, the REIQ is not exclusively affiliated with either the tenant or the lessor in a tenant relationship.

The 2019-20 annual report of the Residential Tenancies Authority, the RTA, confirms that almost 90 per cent of Queensland rental properties are managed by real estate agents and/or onsite managers. Therefore, it is real estate practitioners who facilitate the vast majority of rental transactions and relationships in this state. On that basis we believe the REIQ is well placed to provide valuable insights into the current operation of tenancy laws as well as the potential consequences of the proposed future laws. The REIQ has a long and proud history of working effectively not just with property owners but also with tenant aligned stakeholders.

The REIQ supports the key objectives underlying the proposed reforms contained in the Housing Legislation Amendment Bill 2021. In particular, we support reforms that ensure that all Queensland rental properties are safe, secure and meet minimum housing standards. To that end, I would like to point out to this committee that the REIQ was actually the first entity to speak out and advocate for the introduction of minimum housing standards many years ago now. In addition, the REIQ supports strengthening protections for people experiencing domestic and family violence. Again, we have a proud history of working with Q Shelter and other organisations in relation to domestic and family violence.

Having said that, the REIQ does have some concerns about the proposed reforms as they erode the fundamental rights of lessors in some instances. 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. Ultimately, of course, this would undermine the objectives of this reform and arguably harm the very people the bill seeks to protect. The impact of these changes would arguably see current investors withdrawing from the permanent rental market and the introduction of disincentives to future investment. In addition to these concerns, we also have concerns that some of the proposed reforms lack clarity and/or fail to take into account relevant legal and practical considerations. The recommendations we have made in our written submission take into account the practical and commercial realities of tenancy relations and seek to ensure that a fairer balance is achieved between the rights of both tenants and lessors.

Queensland needs a residential tenancies framework that supports everyone. Over 90 per cent of Queensland's rental housing is provided by private property owners. That is a significant statistic. We must recognise that private investors occupy a crucial role in housing Queenslanders. Given the current and anticipated rental needs of the community, it is critical that both tenants and property owners have access to a fair and balanced legislative framework that provides sufficient protection and support to both parties. The REIQ supports rental reforms that are designed to create better security, safety and certainty for all parties. In our view this is vital to the wellbeing and ongoing sustainability of our community and the rental sector.

Mr Zaltron: Thank you for the opportunity to speak today. I would like to acknowledge the traditional custodians of the land on which we meet and pay my respects to elders past, present and emerging. I appear for the Urban Development Institute of Australia, Queensland branch, representing the property development industry. The industry provides 10 per cent of employment in Queensland and supplies the new housing that feeds into the whole housing system in Queensland. Looking at both the bills, we have taken a lens from a particular angle, which is also in our submissions. The rental component is a critical segment that creates a home for 36 per cent of Queenslanders. Through the 566,000 rental homes across the length and breadth of the state, it provides housing for Queenslanders, from family formation right through to retirement years.

In Queensland the overall rental accommodation stock is 90 per cent privately owned, as you heard before, valued at perhaps $200 billion. Therefore, it is critical that the laws and regulations that are in place ensure that our vital rental housing sector continues to thrive and that there is an ongoing supply for people where they need it, for how long they need it, in the types of homes that they need and at a price they can afford. Critical to keeping rental supply is ensuring all of the investors who invest in it are still confident to do so, particularly in creating investment in new supply to feed into that. A lack of supply or a reduction in supply will drive up rents and the regulations that might have caused that will put pressures into other spaces, whether it is in social housing or wider through the community, if we get that wrong. With 90 per cent of stock being privately owned, it is essential that investors have stable access to finance and capital markets, that the property industry has access to a solid supply of developable sites and lands, and that we have stable rules and minimum disputation as possible. On those grounds the institute generally supports the government's bill but has some particular concerns with that.

The institute does not support the private member's bill and I will make a couple of comments regarding that bill. While a thoughtful production, it creates uncertainty in regard to the length of leases or the effect on leases in reducing the ability to have a fixed length. It creates some uncertainty in regards to minimum housing standards, which are not provided in the bill, and also in rent control proposals that would move rental housing away from the market system and meeting tenants' needs or being less responsive to tenants' needs and continuing that supply.

Regarding the Housing Legislation Amendment Bill, while the institute supports it we have particular concerns around the existing periodic leases that are out there and where they would stand under the new arrangements. In particular, they should have the protection of what they signed into in the first place. Also, if you do not put in the notice saying the end of a lease is coming up, under the new arrangements you would trip into a periodic lease and that would create uncertainty and could default into very restricted reasons for ending a lease. The other matters are rather more for clarification around redevelopment, low threshold for retaliatory actions, ensuring lessors can address if a tenant interferes with others, which is not necessarily provided for in the bill, and some other details around that. Thank you very much.

CHAIR: Thank you, Mr Zaltron. For the panel's information, we have the member for Scenic Rim on the line and he may or may not interrupt with a question here and there. We welcome the member for Scenic Rim.

Mr HART: Antonia, I wanted to talk about practical realities, not airy-fairy government stuff. Of 566,000 rental properties, 90 per cent are privately owned. How many of those would be represented by your membership?

Ms Mercorella: It is a good question. We know that of those privately owned properties, nearly 90 per cent of them are managed by real estate agents and on-site managers. Of course, being the membership body for real estate, the vast majority of those are our members.

Mr HART: So 500,000 roughly, something like that? I will not hold you to that.

Ms Mercorella: We represent around 15,000 real estate professionals across the state, that is right.

Mr HART: Your membership has a real interest in making sure that the rental market is not affected by anything the government does?

Ms Mercorella: Absolutely. It obviously has a vested interest in that.

Mr HART: I came to at least one of your meetings in respect of consultation on this legislation. There was quite a bit of angst in the room on the day I was there. Has that changed after your members have seen what has actually been presented or is it still the same?

Ms Mercorella: Tenancy reforms have been on the cards now for a number of years. I think it is fair to say that what was initially proposed by the government certainly did cause angst, to use your term. I think what was being proposed was quite extreme. There was great concern around that. It

was not only from real estate professionals but also from property owners. What I would say about the bill of us today is that we see that it does strike a fairer balance than what was previously being proposed. That is not to say that it has got property owners or real estate professionals jumping with joy, but I think there is a recognition that it does strike a fairer balance.

About the sentiment that is out there, if I may, there is a feeling that there is a fair degree of property owner bashing that has been going on now for a number of years. I have to say that that is somewhat unfortunate because I think we need to recognise the crucial role that private property owners play in terms of supporting the rental sector in Queensland.

I appreciate that we are in very extraordinary circumstances at the moment, but not that long ago we were talking about double-digit vacancy rates in various parts of the state. We saw rents remaining static for years on end. In fact, there was one period where we see from the RTA data that rent stayed static for five years consecutively.

Being a property owner is not as easy as some in the community may perceive it to be. I think it is unfortunate when we hear property owners being spoken about in a way that suggests that they are all very greedy and they do not care about tenants and that property professionals or real estate practitioners do not care about tenants. I think that is very unfortunate. In particular, during COVID-19, I have to say I was very proud of the way the majority of the real estate profession responded to that. Even before the COVID-related regulation was introduced, we saw property managers leaping into action and assisting tenants through that period.

I think we have to be balanced about this and recognise that there is a need for property investment in this state, but equally we recognise that good, strong, regulatory frameworks must exist to protect tenants. Striking that balance, though, is absolutely imperative, I would say.

Mr WHITING: Ms Mercorella, from having a look at my notes now, certainly I have seen, as you have mentioned, you are in support of the minimum standards of housing there and also the provisions regarding protections for people who have suffered from domestic and family violence, which is very welcomed. Thank you for that. Assuming this does become law, your members then are almost the frontline, in a lot of ways, of explaining this to tenants and also to lessors. I know you have training in your organisation. How do you see the rollout of that information going out to your members?

Ms Mercorella: I think we play a very vital role in that respect, and we always have. When any type of new legislation is introduced, we see that as being a role that we must perform as the peak body, and we take that responsibility very seriously. Once we know precisely what will be passed, we will work very hard to ensure that we train real estate practitioners across the state to ensure that they can then educate their owners, their clients and, indeed, tenants too. Given that the majority are managed by real estate professionals, there will be a vital role that we have to play. We have a history of doing this. If you look at smoke alarm legislation changes, safety switches—there is a variety of different reforms and new legislative requirements that are introduced that touch on tenancy, and we have always played that role and we will continue to do so very happily.

Dr MacMAHON: My question is for Ms Mercorella and Ms Beavon. We have heard from a number of stakeholders this morning, including disability advocates, about the importance of minimum standards, including things like lighting and ventilation. However, your submission does state that you oppose lighting as a minimum standard. Based on your professional judgement, can you explain why lighting should not be a minimum standard?

Ms Mercorella: We do support the introduction of housing standards. As I mentioned, we were very vocal in asking for that. The minimum housing standards, we believe, should be tied to health and safety issues that relate to structural integrity of the property; those issues that we see are very much attached to ensuring that personal injuries do not occur or are minimised and, of course, that fatalities do not occur. As a result, we support what is being proposed in the government's bill.

In terms of the question about other minimum housing standards that talk to things like lighting, ventilation and insulation, we do not see those as being linked to that issue of health and safety of the tenant and their visitors. That is why we have suggested that expanding those minimum housing standards to capture those broader issues—we do not see those as being tied to those fundamental safety requirements.

Dr MacMAHON: You do not see lighting as a safety issue? If a room is completely dark, if you have a disability—I think there are some safety implications here.

Ms Mercorella: Sure. I think if it is a question of ensuring that the house is not in the dark, of course, absolutely, it is important that a house is lit and that you can see where you are going—yes, to that end, absolutely. When we start talking about lighting in terms of the number of lights beyond

the fundamental requirements about lighting, which I think are probably already captured under the existing provisions in the act, I do not see the need to expand further on that. If I may clarify that: under section 185 of the existing legislation, the property and its inclusions must be in good repair. There will always be some lighting in that home. Absolutely we believe that all of that lighting must work and function so that people are able to move around safely and freely and not be in the dark. It is really, as we understand it, the expansion of that—going into areas like insulation and lighting that is beyond what I would classify as being the basic requirements of a rental property.

Dr MacMAHON: So there should be some minimum requirements for lighting?

Ms Mercorella: Yes, I would say that there needs to be a minimum, that houses must be lit, absolutely. I think I am suggesting that that is already captured, though, under the existing provisions.

Mr HART: Antonia, in your executive summary, you say that you are concerned about the reforms as they may erode the fundamental rights and decision-making powers of lessors and the impact that these changes would see current investors withdrawing from the permanent rental market.

Ms Mercorella: Yes.

Mr HART: What evidence can you provide the committee on that statement? What are you hearing from your members?

Ms Mercorella: There is a certain amount of that that is based on anecdotal feedback that we receive either via real estate professionals or even, in some instances, property owners will reach out to us directly to express some views. In 2019, when the regulatory impact statement was released in relation to the open-doors consultation, we conducted a survey and over 8,500 respondents responded to that survey. One of the questions we put to them was in relation to the abolishment—it is referred to as without-grounds termination, but effectively it is the ability to say no to a renewal. Some 87 per cent responded that if that right was taken away, they would seriously consider selling their investment property. Similarly, when the COVID-related regulation was introduced in response to the pandemic, of course there was an eviction moratorium that was introduced. The normal rights that a lessor would have were obviously restricted during that period. We got some pretty strong feedback from the community about that. There were some owners in the community who said that, on the basis of that, they were going to sell their rental property. Whether that eventuated, I cannot comment. What I can say is that because rental reforms is something we have been discussing for many years, we have consistently received feedback that if it is made much harder and if certain fundamental rights are taken away, property investors will simply leave the market.

If I may just expand on that, I do think we need to recognise that there is sometimes a misconception about what being a property owner is. I think we need to acknowledge that there are significant costs associated with owning a rental property. It is a tight market at the moment, but that has not always been the case. There is the risk of a property sitting vacant. There is, of course, the ongoing repairs and maintenance bill. I think that needs to be recognised when we are considering adding additional burdens and also taking away some fundamental rights from property owners.

Mr SKELTON: I have a question to everyone but in particular to you, Ms Mercorella. The NCC is being advised now with regards to a whole bunch of things in housing, and you alluded to fire detectors and things like that. Do you think that any sort of rental matter just aligns with the NCC codes? Obviously it will be a requirement as they are legislated, and this goes in particular to houses to be built with a factor inside them for people with disabilities and also ageing in homes. Would the real estate industry consider those types of things as minimum standards?

Ms Mercorella: I think it is an important question. I think we need to get much better at building homes that are suitable for people at all stages of life. I think that is something that, as a community, is very important. I grew up in an intergenerational household, so I appreciate that and have an intimate understanding of it. I think we are getting better at building houses for that purpose, but unfortunately that is a longer-term play. That is not something that will be rectified overnight. We have been involved in groups that are committed to that issue in terms of department of housing has held stakeholder forums in relation to those issues, but similarly there have been other private groups that have opinion formed to discuss that very issue. I think it is something we need to think about in order to ensure that people with disabilities are catered for, that people are able to age in the home, that children with special needs can be looked after—these are all things that I think are very important. I think it would be wonderful to see us building houses that cater for people with a variety of needs and at different stages of their lives.

Mr KRAUSE: I have a question for the REIQ. It seems to me a lot of the issues identified with the residential tenancies market are supply and demand issues—that is, very high demand for rental properties and a low supply, which drives prices up and creates other issues. I want to ask you for a

comment on two points. Firstly, do you think the government bill will actually do anything to alleviate the impacts of the supply and demand issue and the high prices? Secondly, when it comes to getting new properties into the rental market are there any issues you can see with government regulation and costs in terms of getting those new properties in the market so that people can rent them out?

Ms Mercorella: In terms of whether I think this bill will help alleviate high prices or perhaps ensure there are greater levels of supply to meet demand, I have to say that no I do not believe the bill will achieve either of those objectives. With respect, that is my honest opinion. We are in an extraordinary set of circumstances. I think we have to acknowledge that. The pandemic has created some of the tightest rental conditions I have ever witnessed. I should add that this is not exclusive to the state of Queensland. We are seeing this across most jurisdictions in this nation so it is not exclusive to us. This has been brought about by the return of hundreds and thousands of expats. Queensland has seen an accelerated level of interstate migration of kind we have not witnessed in a very long time.

That is in addition to our normal rental demand. We already have a high level of rental population in the state. Around 36 per cent of Queenslanders rent and that number is on the rise. When you combine all of those things it does create a bit of a perfect storm or imperfect storm in that we simply have a situation where the supply is not meeting the vast demand and as a result we are seeing, unfortunately, stories of homelessness and a very competitive landscape. I would not say that this is normal. I do not believe this bill will rectify any of those issues. That would be my response to part 1 of the question.

Part 2 of the question was about creating new rental supply. Again, this has been a challenging one. We have seen those numbers being impacted. The number of people choosing to invest in property has been impacted by things like APRA creating new restrictions on investor lending. It is fair to say that rental reforms sweeping the nation have also had some bearing on that too.

In terms of how we go about creating more rental supply, I guess there are two parts to that. There is the private solution where we encourage more private citizens to invest in the property market here in Queensland. The second, and very important solution, is the introduction of more social housing. Those are the things that I think we need to do, but, unfortunately, we are in unique and challenging circumstances. This bill and indeed I am not sure there is any bill that could rectify that problem, quite frankly.

Mr WHITING: Following up on that issue, the objectives of this bill are the modernisation of rental laws, connecting vulnerable community members to supports and building fair and responsive systems. They are the objectives of the bill. If we are talking about increased housing supply, whether rental or otherwise, we have the Housing Strategy 2017-2027. That delivers on a lot of those things. If we are talking supply that is where we need to look. As Antonia said, that does not lie within this bill.

I wanted to quickly talk about the issue of periodic tenancies that has popped up a number of times. We understand from what you have stated that the protections for termination of leases should not be extended to periodic leases. On the other hand, tenants on periodic leases would have fewer protections than they would if they were on fixed-term leases. Would it not be better if we encouraged more people to move onto fixed-term leases to have those protections? We have heard that some lessors say, 'Don't worry about signing a new lease. We will just have a periodic one that will keep rolling over.' That can happened for years. One of the things we are concerned about is that there are fewer protections for people on periodic leases. Sometimes it is not their fault. Sometimes they cannot get their landlord to sign a new fixed-term one.

Mr Zaltron: I think Katrina might have some good points on the technicalities of that. The periodic leases that have been created under different legislation should be protected going forward. I would probably take the view that sometimes periodic leases were let occur because there was a good, complying tenant so it was a case of everything is working well so let us just roll on. The issue I have here is the kind of approach that trips into a periodic tenancy and then by not having put in a notice creates fairly limited reasons to end that lease. I think there is probably a better approach to doing that. I understand and take your points on that.

Ms Beavon: The REIQ is supportive of where we were in 2019 to where we have landed now in terms of providing an ability for a fixed-term tenancy to end as a new ground. The abolition of the ability to terminate a periodic tenancy undermines the whole point of parties entering into periodic tenancy. Let us bear in mind that it is not always the landlord who wants to put a tenant on a periodic tenancy. We have to think about the tenants who choose to remain on a periodic tenancy. For example, they want to purchase their own home but need an arrangement for a one month or two

month lease in order to progress their future plans. The abolition of the ability to terminate a periodic tenancy is not just a landlord's problem. Notwithstanding the fact that they have the ability to terminate, we will start to see landlords be more careful about entering into a periodic tenancy. We could potentially see notices provided in advance just to ensure that periodic tenancies are not allowed. It removes a landlord's ability to terminate at the end of the term, which is the whole point of a periodic tenancy.

I do not want to duplicate what the QLS already noted in relation to our contractual obligations and the rules of perpetuity and a landlord's trap of having to remain in a tenancy where they are not able to satisfy the grounds that the bill is currently proposing. Our view is that landlords should be able to end a tenancy at the end of a periodic term. Similar grounds lobbied for in relation to fix-terms tenancies should be considered for periodic tenancies.

Ms Mercorella: I will not reiterate what Martin and Katrina have already outlined, but I would say that we are surprised that periodic tenancies have been captured in these reforms. By their very nature, periodic tenancy are a very different contractual arrangement to what a fixed-term tenancy is. A periodic agreement, by its very nature, has no certainty attached to it. As we have noted in our submission, it can be terminated by either at any time. When you look at the objectives of this reform, which are to create greater certainty for tenants, I think it is fair to say that you could almost quarantine—that is a bad use of a word in the current climate—or separate how a periodic tenancy works.

It is rather absurd, if I may say, to suggest that a tenant who is in a periodic tenancy effectively ends up with greater security than a tenant in a fixed-term tenancy agreement. I think that is concerning. In terms of practical consequences, what I think will play out if this passes as it is that unfortunately we will see the mass issuing of notices to leave to end those periodic tenancies. That will be a shame because the point of a periodic tenancy is to give both parties flexibility.

In our experience, it is usually a tenant who prefers a periodic tenancy for a variety of reasons, as Katrina has set out. They do not want to be locked into a fixed-term tenancy they prefer the flexibility of a periodic tenancy where they only need to give very short notice. I think we will see periodic tenancies becoming a thing of the past in this new landscape and that would be a shame. What we will end up seeing is owners insisting on fixed-term tenancy agreements and, in the end, I think the tenants will be mostly hurt by that.

Mr HART: Antonia, you say that this may create a registerable interest over the property in question. What does that mean?

Ms Mercorella: This one caught us by surprise so we have not had the opportunity to conduct the research that we would have liked to. We do think there is a potential argument that because a tenant effectively gets a lease in perpetuity, if you will, it does not have an end. It has an end for the tenant. Under the proposed reforms, the tenant can still give seven days notice to end a periodic tenancy, but the landlord cannot. Effectively it goes on and on until the tenant wishes to bring it to an end or if the owner can establish one of those other grounds. There is an argument that potentially it needs to be registered on the title and then if that were the case that could create some problems in terms of sales and having it on the title. It is lawyers' field day as to whether that is right or wrong, but certainly at minimum there is a risk of that occurring.

Mr BERKMAN: I want to return to the assertion made in REIQ submission that the private member's bill would immediately and significantly destabilise the Queensland rental market and lead owners to dispose of assets. Given the shortness of time, I obviously do not want to re-cover the parts of your answer that you gave to the member for Burleigh before around anecdotal feedback and the REIQ survey. We have been presented research this morning that quite directly contradicts that and suggests that in terms of investment decisions research shows that landlords make decisions based on financial policy and that tenancy law has very little impact on those decisions. Can you provide the committee with any research based evidence to support the assertion that I have taken from your submission?

Ms Mercorella: There is a survey we have conducted—and I am happy to share it with the committee; I have not brought it along with me; it is the survey I referred to earlier—

Mr BERKMAN: The 2019 one?

Ms Mercorella: That is right

Mr BERKMAN: Beyond that though; is there any other research not conducted by REIQ.

Ms Mercorella: No. Time will tell because we have seen some similar provisions introduced in Victoria. Again, we are hearing some stories that that is having an impact but it is very early in the piece for me to give you hard data on that. The primary reason we have made those assertions in our submission and response to the private member's bill is that that bill obviously seeks to lock a landlord in permanently with very limited grounds for termination.

It allows a tenant to have a pet without seeking consent beforehand. It proposes quite a vast array of new minimum housing standards, so I think the principle of those concepts effectively takes away those decision-making rights from a landlord. Indeed, that bill introduces rent capping also. Based on nearly 20 years of working in this sector, I feel very confident in saying that those things would impact on an investor's choice to stay in the rental sector or, indeed, future investment.

Mr BERKMAN: But you do not have research to support that or contradict the other research that the committee has been provided.

Ms Mercorella: I would not say I have research directly on that point, no. Other than, as I say, the survey that we conducted with close to 9,000 respondents in 2019, which I am happy to share with the committee.

CHAIR: Member for Scenic Rim, do you have a quick question? We are nearly out of time.

Mr KRAUSE: Chair, I was just going to say that with 20 years of experience you might consider Ms Mercorella somewhat of an expert witness.

CHAIR: Thank you, member for Scenic Rim. It being 2.46, we are unfortunately out of time. We thank you sincerely as a panel for the information and for your critique of the bill. We wish you a very good afternoon.

Proceedings suspended from 2.46 pm to 2.51 pm.

CURTIS, Mr Rob, General Manager, PropertySafe (via videoconference)

MULVAY, Mr Garry, Chief Executive Officer, Home Trades Hub (via videoconference)

WESTON, Ms Michelle, Chief Executive Officer, Caravan Parks Association of Queensland Ltd

CHAIR: Thank you, everyone. We do apologise; we had some minor technical glitches. We welcome you all to our committee and thank you for appearing before us today. We invite you firstly, Ms Weston, to make an opening statement, after which I will then hand to our colleagues on the screen, and then I am sure our committee will have questions.

Ms Weston: Thank you for the opportunity to address the committee today. Caravan parks in Queensland offer a diverse range of accommodation, from short-term accommodation for tourists through to short-, medium- and long-term residential accommodation for people living in a combination of their own dwellings—a motorhome or a caravan—or caravan park owned dwelling. Fifty per cent of residents in caravan parks in Queensland are over the age of 60 and two-thirds are over the age of 50. Further, 38 per cent of these residents also live alone compared to just 10 per cent in the normal community. This may be as a result of the sense of community available in a caravan park, which can be attractive to potential residents.

Caravan parks are also close-living communities and they are not suitable for everyone. Not everyone can adjust to a caravan park lifestyle, and if a particular person is affecting the general environment of a park because of their personality, behaviour, choices, actions, addictions or mental health, then it is necessary that that person can be requested to leave. Unfortunately, if one person in the community is creating fear and intimidation we have seen circumstances where other residents are scared to leave their homes. As the walls between individual dwellings are not traditional bricks and mortar, residents who behave and follow the rules of the community generally do not want to go on record with a complaint against another tenant for fear of retaliation. We have also seen this inappropriate behaviour extend to threats, intimidation and abuse towards other guests in the park, the park manager and also the park manager's family who live onsite with them.

In some instances, a caravan park will use a short-term tenancy movable dwelling as a try-before-you-buy system to allow people to see both if caravan park living suits them and if they suit the community. That is in addition to the original use of short tenancies, which were for travellers with no fixed address and seasonal workers. Due to the density and types of dwellings located in a caravan park, we have made several recommendations designed to ensure that the protections of one do not override the rights of the many living or staying temporarily in that community, particularly considering the park owner or manager has an obligation to the health and safety of everyone on the property, not just an individual tenant.

It is important that we are able to offer safe, stable tenancies for those living in our communities, especially considering that the caravan park sector has a higher level of vulnerable and older tenants than the rest of the community. This reasoning extended to the provisions of allowing pets. Several caravan park communities are pet free, which is attractive to some current and potential residents. A resident in a close-living environment should not have to live in a state of anxiety or fear in or around their own home—in this case, due to the introduction of pets within their community.

In addition to responding to the contents of the bill we also made two additional recommendations that relate to the current residential tenancies act: firstly, increasing the maximum bond allowable under a movable dwelling tenancy agreement from the equivalent of two weeks rent to three weeks rent; secondly, increasing the abandoned goods cap for movable dwelling tenancies, recognising that it is often the dwelling that is left behind. Both of those recommendations reflect the changing nature of caravan park tenancies and the increased value of the dwellings and amenities within the parks.

Mr Curtis: Thank you to the committee chair and other committee members present for the opportunity to be with you today. My name is Rob Curtis. I am the general manager of PropertySafe Australia Pty Ltd, the leading home safety inspection service in Australia. I am joined today by Mr Garry Mulvay, the CEO of Home Trades Hub, which acquired the business of PropertySafe last November. Home Trades Hub is a fifty-fifty joint venture between two of the most respected organisations in the country today—IAG and the Royal Automobile Club of Victoria.

PropertySafe's mission is protecting people and property. We have been in operation since 2014, providing inspections that are focused on the safety and security of homes for home owners, landlords, tenants and visitors. Our inspections are targeted at mitigating risk and providing peace of

mind for owners and occupiers of homes and those engaged in the process of managing them. We strongly support the intent of the Housing Legislation Amendment Bill 2021, especially in respect of schedule 5A, which details a set of mandated minimum housing standards.

Our company holds the view that in a country as blessed as this one, all Australians have a right to live in a home that is both safe and comfortable. Unfortunately, that is often not the case. 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.

Inspections serve the interests of all of these parties. We view the inclusion of minimum housing standards in relation to items such as weatherproofing, vermin, damp, mould, locks, drainage, plumbing and privacy to be an important step in ensuring homes are comfortable and liveable, and we recommend the expansion of this list to include risk and safety. Conscious that the cost of living is an important matter to all Australians, we are pleased to say that the inspection services we offer are extremely affordable. With properties to be inspected every two years, it would amount to less than 50 cents per day.

In contemplating the proposed legislation, the Queensland government is joining other leading administrations where such mandatory housing standards have already been legislated in both Australia and New Zealand. The importance of this public policy direction is also underpinned by the World Health Organization's 2018 report titled *Housing and health guidelines*. In his foreword to that document Director-General Dr Tedros Adhanom Ghebreyesus states—

Improved housing conditions can save lives, reduce disease, increase quality of life, reduce poverty, help mitigate climate change

...

We think the proposed bill presents an opportunity to deal materially with the issues arising from a market of ageing homes whilst addressing some fundamental concerns about what it means to live in a home that is both safe and comfortable. We commend the Queensland government in this initiative. We stand ready to support you in implementing the legislation in the most effective manner possible for all key stakeholders. Thank you very much for the opportunity to be here today.

CHAIR: Thank you very much, Mr Curtis. Does your colleague want to say anything at this stage?

Mr Curtis: I think my colleague is having technical issues being heard.

CHAIR: I am sure we will return to him as the committee asks questions. I will hand over to the member for Burleigh.

Mr HART: Michelle, you mention in your submission that 25 per cent of people are on periodic tenancies and more in caravan parks. Can you tell us the rough percentage of people that would be?

Ms Weston: I can only speak anecdotally, but in speaking to a lot of caravan park we have a lot of tenants who have been in there for several years. Many caravan parks potentially were not so good with their paperwork early on in the tenancies so, as a result, people may have had an implied tenancy which has turned into a periodic tenancy or the fixed-term tenancy has just rolled over.

Mr HART: How are the changes to the periodic tenancy going to affect caravan parks?

Ms Weston: They are of significant concern to our members. If our members have a good tenant in their park, they would like to hold onto them. Unfortunately, we have seen circumstances where a bad tenant can actually result in good tenants leaving. There is a park in Bundaberg which reported that, after one of their tenants was asked to leave by QCAT but given eight weeks to remove themselves from the park, they actually had four of their good tenants leave the park because they did not feel safe in that environment while that particular tenant was there. The caravan parks would like to have that opportunity to control who is within their park. If the periodic tenancies have that very small range of reasons why you can end them, I suspect that we will see a lot of those tenancies end prior to the act taking effect, with the landlord looking to put a fixed-term tenancy in place.

Mr HART: Caravan parks in particular are affected by things like cyclones, especially in North Queensland. Is there anything in this bill that causes caravan parks a problem resulting from things like cyclone damage?

Ms Weston: I guess there are two parts to that. There is a provision within the act to end a tenancy on the basis of nonlivability. If a cyclone comes through and wipes out all of the facilities in a caravan park or makes them unusable, then the caravan park manager can actually end the tenancies

on the basis of nonlivability. The extension of that though is we do have significant concerns about some of the owner-occupied dwellings. A lot of them—particularly the ones that have been in place for longer than several years—are no longer particularly safe. We do believe that if a significant weather event came through there is a chance they would come loose or cause damage to people or property surrounding them. As they are not owned by the caravan park, the park manager has no ability to actually get those up to a standard. Under the current act, they cannot ask the tenant to bring that property up to a minimum standard.

Mr WHITING: Ms Weston, one of the things that comes through in your submission is that ability to deal with the condition of some of the caravans which are owned by lessees. Can you expand a bit more on what you aim to do? I have two caravan parks in my area and I know exactly the kinds of issues you are dealing with there. What needs to be done to encourage or push people towards improving the standard of their accommodation where it can be done?

Ms Weston: In a lot of cases, the people living in these dwellings are low-income earners so they do not necessarily have the funds available to make significant improvements to their property. If from the very beginning of their tenancy there could be some expectations around the standard their property is kept to, I think that would ensure we do not end up in a situation where 10 or 20 years into the tenancy the property is no longer livable but is still there. We see instances where they do not necessarily comply with electrical codes or a lot of these dwellings do not have smoke alarms in them. It is simple things like that. If those things are kept on top of from the very beginning, they are not costly but, once you get to a point where there are several different issues, it becomes quite costly and the person living in that dwelling does not necessarily have both the funds and the inclination to make the changes.

Dr MacMAHON: My question is to PropertySafe. In your submission regarding the Housing Legislation Amendment Bill, you outline the importance of minimum standards and make some suggestions for some additional minimum standards as well. Could you reflect on the importance of these additional minimum standards, as well as statements that other submitters have made that providing minimum standards would destabilise the rental market?

Mr Curtis: From our point of view, you are right that there are a lot of governments at the moment that are moving towards mandating minimum housing standards, which is fantastic in order to provide livable, safe and comfortable accommodation. However, what is missing in those legislative efforts sometimes is going one step further to take into account the inherent safety risks that are in many, many homes, and that is what we have found. Often homes that are ageing do have safety risks that have not been identified because, generally, once someone has had an initial pest or building report they do very little after that.

As for destabilising the rental market, we have seen these legislative changes being brought into place in places like New Zealand with their Healthy Homes Initiatives and in New South Wales with Fit for Habitation. Most recently, the Victorian rental market have just kicked off with their reform 38. In New Zealand, which has been going for a couple of years now, we are yet to evidence any destabilisation of the rental market as a result.

Mr HART: Michelle, one of the recommendations you make is that we put in transitional arrangements to transfer periodic tenants to fixed-term tenancies. How would that work? What would you suggest the fixed-term tenancy should look like?

Ms Weston: That recommendation is around allowing those landlords who currently have good periodic tenants in place the ability to transfer their tenants onto fixed-term tenancies so that they feel like they continue to have a level of control over their own property, a level of ownership of the property that they actually own. With periodic tenancy, when you look at the reasons for a proposed end of tenancy, most of those are never going to apply in a caravan park situation—for example, the need to put your own family member in there. Those kinds of things will never apply for our members.

Mr HART: Was your association consulted about this bill?

Ms Weston: We had the opportunity to provide feedback during the building better futures—I think that is what the consultation was called—around Christmas a couple of years ago. I note that a lot of the comments we made during that, particularly regarding pets, have been taken on board. That is probably the extent of our consultation at this stage.

CHAIR: Mr Mulvay, did I cut you off earlier? Did you want to contribute?

Mr Mulvay: I was having some technical issues and talking about my connection issues. Rob has done a good job.

CHAIR: Do you have anything you want to add?

Mr Mulvay: No.

Mr SKELTON: Michelle, obviously there are complexities in a caravan park and I have read your summary and listened to you. We had people in before with regards to social housing, flats and things like that where there is that sort of group arrangement. That highlighted maybe some gaps in our existing bill. Moving forward, do you think there should be exemptions for that sort of accommodation or something like that? You are not the only ones affected in the sense that in duplexes and other complex arrangements you could have unruly tenants who affect the other tenants et cetera. What do you suggest the government could do to iron that out so we keep our protections for tenants in place and also recognise these different types of operating environments for landlords?

Ms Weston: I think there are two parts to that. The first is we made several recommendations about additional reasons to end a tenancy, particularly from a movable dwelling tenancy perspective. They were largely around section 184 I think, which talks about the tenant having obligations which include not doing anything illegal in the property and not behaving in a way that impacts other people's peace, comfort and quiet enjoyment of their home—all of those recommendations directly related to that.

The second part is there is definitely a need for additional support for some of those more vulnerable people within the community. I note this committee is doing a piece on social isolation which we will be making a submission on. Mental health is a fairly significant issue within a caravan park community. Unfortunately, the caravan park managers who we are dealing with are frustrated and concerned by the fact that they have no ability to get additional support for those people in their community who need it. If they have someone who is getting older and is no longer able to live by themselves, there is no-one they can ring and ask for assistance because they are not a family member. If they do ring up to try and get support, often they are seen as the big, bad caravan park owner who is just trying to kick that person out, when actually they are not a social worker and they are just trying to protect everyone within their community.

We included several case studies within our submission in relation to mental health issues. Those related to phone calls that we have received in the last month. It is becoming a more common issue and, unfortunately, there just does not seem to be the support out there to provide these individuals with the additional support they need to remain in place and also to protect the community around them.

Dr MacMAHON: My question is also for PropertySafe. In your submission, you make reference to measures to avoid slips, trips and falls. What is your response to proposals to include minor modifications that would allow residents to put in things like grab rails and whether that would meet that end?

Mr Curtis: 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.

CHAIR: Ms Weston, similar to other members here on the committee, I have a caravan park in my community; it is a very popular one. It is not an issue that has come up with me, but have there been many requests for renters in a caravan park to own pets?

Ms Weston: This is a question we get asked at caravan shows all the time. In our membership base—which is 325 caravan parks—fewer than 27 per cent of them do not allow pets. In the ones that do allow pets, there are varying rules. For some of them, it might be all year except for school holidays or various things like that. For the 27 per cent which have a very clear no pets rule, that is often a reason why the people who go and stay there choose to stay there.

CHAIR: Of those 73 per cent which do allow pets, is the process pretty straightforward in terms of those tenants who are staying with you and who would like to have pets?

Ms Weston: Generally, the caravan park has very clear rules in relation to pets. In some caravan parks, basically the pets are allowed anywhere. Some caravan parks will have cabins that are available for rent either as a tourist or as a resident which are pet friendly. There are some that have specific requirements around keeping a pet. Generally, as soon as you contact the caravan park and say that you have an animal, they will be very clear about what the requirements are.

I do note that there are some council areas in Queensland that have specific rules around keeping pets within a caravan park. A tourist may be able to keep one but a resident may not be able to keep one. We were pleased to see that there was recognition of the fact that there may be a local law in place that prevents a caravan park from accepting a pet.

Mr HART: I am not across what the bill says about caravan parks and pets. Is your research into this bill indicating that there may be a problem with councils and various caravan parks that now do not allow pets but will have to allow pets? What is the difference between me bringing my caravan and my dog to your park tomorrow versus someone living there and wanting to have a pet?

Ms Weston: That particular question you would need to ask the local governments that have put that rule in place. For example, one of Moreton Bay Regional Council's licence conditions for the operation of a caravan park is whether you can or cannot keep pets. I am unclear if that is just something you need to state when you apply for your licence or how difficult it is to change. In the proposed government bill, there are a series of reasons you could refuse a pet. Local laws, body corporate laws and park rules were included in there. We did recommend that it be amended to 'park rule and policy'. Often the blanket 'no pets' rule is a policy of the park. Then the rules are that the pet must be kept on a lead at all times, that pets can only go in these areas, that you must clean up after it—that kind of thing.

Mr HART: One of your other recommendations is that park owners have the ability to require individuals living in their own dwelling to install appropriate safety devices. Do you not have that now?

Ms Weston: The caravan park owners have no ability to require that the tenant makes changes to their own dwelling. If it is owned by the caravan park then, yes, they definitely have to do it. They are all going through the process at the moment of making sure the smoke alarms meet the new requirements. However, if the dwelling is owned by the occupier, the tenant—they are just renting the block of land and they have brought their own home onto it—then the caravan park has no ability to enforce.

Mr HART: Who does?

Ms Weston: The government or the council.

CHAIR: I am conscious of time. There being no other questions, I thank you all sincerely for giving up your time this afternoon and for assisting us in deliberation of the bill. We thank you for your critique of the bill.

Ms Weston: Thank you for the opportunity.

Proceedings suspended from 3.18 pm to 3.30 pm.

CORKHILL, Ms Heather, Senior Policy Officer, Queensland Human Rights Commission

HOLMES, Ms Neroli, Deputy Queensland Human Rights Commissioner, Queensland Human Rights Commission

CHAIR: Good afternoon, and thank you for appearing this afternoon. I invite you to make a brief opening statement, after which committee members will have questions.

Ms Holmes: Thank you for having us today. I wish to start by acknowledging the traditional custodians of the land on which we meet. I pay my respects to elders past, present and emerging. In a discussion about home, it is so important to respect and understand the link between Aboriginal and Torres Strait Islander people and country.

Today we are here to discuss the Housing Legislation Amendment Bill 2021. Housing is a human rights issue of fundamental importance. Housing that is secure and safe provides people with dignity. Insecure housing, on the other hand, can lead to poor health outcomes, financial instability and loss of employment opportunities. In Queensland, 43 per cent of renting households include children, who have the right of special protection under the Human Rights Act 2019. The flow-on effects of housing instability for children and families include disrupted home life and education, homelessness and, in the worst cases, the intervention of the child safety system. While being foremost a human crisis on a personal level, homelessness, unemployment and child safety interventions also cause significant expenses to the state.

The context of this bill is significant. We are still in the middle of the global pandemic, where the social issues I have just described are heightened. Thirty thousand people moved to Queensland in the last 12 months, driving up demand on the rental market. This has caused strain particularly in regional areas, where there are fewer options for renters.

Although there is no specific standalone right to housing protected by Queensland's Human Rights Act, a number of rights are engaged in the application of residential tenancy laws. These include the right to privacy and reputation, the right not to be arbitrarily deprived of property and the right to protection of families and children. Property owners often have genuine need to regain full possession of their property. This must be balanced with the tenant's need for certainty and protection from arbitrary eviction.

This bill has increased certainty for tenants in periodic tenancies by providing a number of specific reasons a periodic tenancy can be concluded. According to the department, periodic tenancies currently make up around 25 per cent of tenancies in Queensland. For fixed-term tenancies, this bill makes no change to the notice to leave without grounds, apart from the rewording of the relevant section heading. The bill would therefore appear to disincentivise the use of periodic tenancies for many lessors and encourage more fixed, short-term leases. This may have the impact of reducing rather than improving housing stability. While lessors have property rights, they must be balanced with other important human rights, including the right not to have one's home arbitrarily interfered with.

It has been argued that ending a tenancy on a fixed term is necessary to uphold contractual rights. Residential tenancy law is but one form of consumer protection legislation that intentionally regulates contract law. It already regulates the property rights of lessors, whether they be leasing on a fixed term or on a periodic basis. This is not a new proposition. It is recognised that tenants and lessors are often in positions of unequal bargaining power and that legislation is necessary to regulate common law contractual rights.

Public policy requires legislation to ensure that in times of housing stress housing stability is safeguarded in the private rental market to prevent homelessness and resulting social problems. To adequately protect the rights of families and children, consideration ought to be given to regulating the circumstances in which a fixed-term tenancy can be concluded without reason, as has been done in Victoria's residential tenancies legislation. Transitional provisions for existing contracts will obviously need to be considered in this process.

The commission supports the domestic and family violence provisions in the bill but is concerned that these may be undermined by the inclusion of a provision allowing for the termination of a tenancy for a serious breach, as defined in section 297B. We are concerned that the threshold of the lessor's reasonable suspicion is too low and unreasonably extends to the actions of guests on the property. The commission expects such a provision could be disproportionately and unfairly used against tenants who have experienced domestic violence and suggests that further consideration be added to the legislation to safeguard against this outcome.

The commission acknowledges that balancing the rights and interests of tenants and lessors is incredibly challenging. While in some aspects this balance has been achieved, the commission recommends that, in this era of acute housing stress, both the committee and the parliament further consider the relevant human rights we have raised in our submission and make the amendments we suggest prior to the bill being passed.

CHAIR: Thank you, Ms Holmes. We welcome the member for Scenic Rim, who is on the line.

Mr HART: Ms Holmes, can you elaborate on the issue outlined in part 64 of your submission concerning working dogs?

Ms Holmes: Yes, certainly. I might hand over to my colleague Ms Corkhill to answer that question.

Ms Corkhill: Our point here was to make sure that there was not any confusion caused by clause 184B(3), because there are existing Anti-Discrimination Act and Body Corporate and Community Management Act protections that make it very clear that the keeping of a working dog is not the same as the keeping of a pet. That is essentially to be as a right, as people with a disabilities rely on assistance animals. We thought the wording of 'working dog' may muddy the waters and make the legislative intention a little less clear.

Mr HART: What do you suggest it is changed to? Is there some way of clarifying that?

Ms Corkhill: It is actually a very simple suggestion, to remove the words 'working dog' from section 184B(3). That would remove any inconsistency with those provisions in the other acts.

Mr HART: How does that reflect on other working dogs that you may not want in a residential situation?

Ms Corkhill: Could you elaborate on the kinds of working dogs you are referring to?

Mr HART: Farm dogs and things like that. There has to be a reason that was in there to start with.

Ms Corkhill: We have no issue with the current definition of a working dog. It is defined under the Guide, Hearing and Assistance Dog Act, which provides for people who have dogs to help them with their disability. That is the current understanding of what a working dog is. I think it also extends to police and fire dogs. I do not have that provision on me right now, but I understand that is the intention. We do not have an issue with that. It is about muddying the waters by adding the words 'working dog' into that particular provision. It is a pretty fine point we are making there.

Mr WHITING: We have two bills in front of us, the private member's bill and the government bill. The private member's bill suggests that the owner of a property cannot end a tenancy at the end of a fixed-term agreement. Doesn't that essentially give the tenant the right to control the property, which belongs to the owner, without being compensated?

Ms Holmes: It does to a degree. The issue we have is in this area of acute housing stress. At the moment, the shortage of housing and the very quick turnover of people in housing—we have some statistics about that in our submission—makes it very hard for people to maintain a stable tenancy. There is a limitation on a landlord's rights or a lessor's rights if you do impose that sort of term but, again, it is trying to balance human rights—looking at the rights of a person to their property and balancing that with the rights of family and children in particular. Given the current situation, where there is such a dire housing shortage and people are having to churn through houses at such a rapid rate—there is an impact on children in particular by having to move households frequently, often leaving their schools and their school friends, or having to move towns or suburbs—we think giving more rights to the people having the lease is a proportionate response.

Mr BERKMAN: I really appreciate your submission and you taking the time to be here today. I wanted to touch on a similar question to that raised by the member for Bancroft. In response to the private member's bill there has been some explicit messaging about the human rights implications of that bill. I will read an excerpt from an email that either reflects or is quite precisely what has been put out in different quarters. It says—

Elements of the Greens' private member's bill, including the proposal that an owner would not be able to end a tenancy at the conclusion of the lease, are in breach of Queensland's Human Rights Act and will lead to reduced supply in the rental market.

Leaving aside the assertion about reductions in supply, can you provide the commission's view on the assertion that such changes would constitute a breach of the Human Rights Act?

Ms Holmes: Yes, we can. There are lots of rights that we have identified as being relevant in this argument. The right to property is, of course, one right. The right to privacy is another right. The rights of families and children are another right. They are the three major rights that are invoked in

this debate. Each of those needs to be balanced against other rights. It is the role of this committee and parliament to try to balance the rights of all of the stakeholders involved in a system. This is a complex system and there are competing rights.

By minimising the rights of one, if it is done in a proportionate way in accordance with the Human Rights Act, going through section 13 considerations—if you weigh up the other rights that might also be impacted by the situation that is occurring, you can diminish some people's rights in order to achieve other people's rights. It is the role of the committee and the parliament to do that, where it feels appropriate. It is not necessarily a breach of rights, but it is a reduction of human rights. Often there will be competing rights, and it is the role of the legislature to try to weigh those up. It would not be a breach of the rights of people who own property any more than it is a breach of the rights of people who are being evicted from a property. You would have to weigh those up. They both have rights in that situation.

Mr BERKMAN: What you have said broadly reflects the statement that was put out by the commissioner a week or two ago. Effectively, you are saying that the proposals in the private member's bill did not involve arbitrary deprivation of property rights so they could not be said to have, in a clear sense, violated anyone's rights?

Ms Holmes: No. The Human Rights Act in relation to property rights is actually quite limited. I will hand over to Ms Corkhill to explain what the Human Rights Act says about property rights.

CHAIR: Can I just caution the member. Whilst the Human Rights Commission are doing a tremendous job in attempting to answer the question, the Human Rights Commission are not able to provide an opinion. I encourage you to answer the question as best you can but just be conscious of the standing orders.

Ms Corkhill: I think I can do that. A bit of dry law then to answer the question!

CHAIR: Nothing like some dry law on a Tuesday afternoon!

Ms Corkhill: For it to be a property right that is breached, there has to be the deprivation of property, first and foremost. That can be the forced transfer or extinguishment of title. It is broader than the idea of acquiring property, but it is not just where there is a reduction in the value of property. The wording in the explanatory notes for that provision talked about removal, so it has to be a fairly high threshold. It might be that some rights are diminished through the example that was given. Further to that, there has to be the level of arbitrariness to it. There is a further internal limitation. That includes where there are broad discretionary powers that are capable of being exercised selectively. One example of that might be the seizure of imported goods in a random manner, so people's property is being dealt with in a random way.

Certainly property rights, as Neroli has noted, have to be balanced. There has to be a fair balance struck between the interests of persons whose property is being adversely affected and the interests of others. If there were clear and consistently applied laws and there were specific reasons that were genuine to end a tenancy and those were applied every time consistently for every situation and there was also a legitimate public purpose of improving housing stability, it may not necessarily be arbitrary.

Mr HART: I am just trying to get my head around your recommendation 6 on retirement housing. Given the problems with retirement villages that this bill is trying to repair, are you suggesting that an alternative way of doing this might be to allow discrimination on the basis of age in non-retirement villages, or is there some other reason?

Ms Holmes: No. We feel that the solution that has been found in this legislation is appropriate to the conundrum that has been created by the seven retirement properties. We feel that the solution in this bill is a good solution. The issue we had was with the solution that was trying to get an exemption under the Anti-Discrimination Act. The power to give a solution under the Anti-Discrimination Act was only for a three-year exemption. It meant that people had repeatedly come back to the commission, over and over again. If the tribunal had granted the submission, it would only last for three years. It is not a long-term solution; it is not an appropriate solution. We have outlined in our submission a number of other reasons we think coming under the Anti-Discrimination Act to QCAT is not an appropriate solution. We feel that the solution the bill comes up with for this particular group of residential housing is appropriate.

Mr HART: Are you suggesting that a former policy position be developed by the government about extending the exemption—

Ms Holmes: What we are experiencing at the commission at the moment is a number of exemption applications coming along that are not under the Retirement Villages Act, because that act is self-contained, but are for over-50s villages, for instance. Developers of over-50s villages often

seek to limit who they can sell those properties to, to people aged over 50. On its face, that is discrimination under the Anti-Discrimination Act. They go about seeking an exemption, but the exemption will only last for three years.

CHAIR: If a tenant were able to refuse to leave at the end of a fixed term, would that not deprive the owner of their rights?

Ms Holmes: Yes. I think we have covered that. It does to a degree diminish their rights. Again, there are rights there for several parties: the rights of the property owner and the rights of the people who are in the property, who may be a family with children. Again, it is trying to weigh it up. If you are asking the family to leave and they were hoping to stay on, do they have somewhere else to go? Can they obtain another property? Is it possible for them to find a property in the suburb they are already living in and attend the same school? Those are the issues that have to be weighed up by this committee. If there is not a good reason for asking a family to leave other than that the landlord just would like to have that property back for maybe pushing the rent up or for whatever, that may not be a good reason to destabilise that particular family and child. That is a weighing up of the rights of the owner of the property and the rights of the people who reside in the property that are covered by the Human Rights Act. It is always a balancing act. Both parties have rights. It is trying to work out whose rights should prevail in this situation.

It would be a diminution, to some extent, of the owner's rights, but it may not be arbitrary if it is done for good reasons, as set out with the periodic tenancy. That is a diminution of property rights as well, but it has been argued that there is a good reason for that which the government has clearly set out in its bill. On both occasions there would be a diminution of property rights, but it has been argued that that is a legitimate thing to do in the circumstances of the tenants involved in that periodic lease. The same issues can arise in relation to a fixed-term lease. It may be a greater diminution of property rights but, again, the balancing act might be that, for families and children—we are in an acute shortage of housing at the moment—that disruption of making people move constantly is a disproportionate burden on the families compared to the burden on the person who is having a slightly reduced right to their property.

Dr MacMAHON: Your submission notes that it is disappointing that the government's bill does not make amendments to allow for minor modifications. You note that there is a risk of people with disabilities being discriminated against in the rental market. Can you elaborate on this?

Ms Corkhill: I previously worked in the conciliation team for many years. We did receive a number of complaints from people with disabilities about challenges in the private rental market and also within social housing in terms of being able to make the adjustments. The basic things that are needed so that they can live in a property can also mean challenges in even being able to find a place to live. It is just those minor modifications that would need to be restored at the end of the tenancy, unless they are improvements. That would be, we think, a reasonable and important addition to this suite of legislation. I did note from the public briefing that perhaps some dovetailing will take place with some other changes to the housing code. Maybe that is a further suite of reforms that we can expect later on, but it is something we would definitely like to see to protect the rights of tenants with disability, who disproportionately rent at much higher rates than people in the broader community.

Ms Holmes: We had a couple of examples of people who could not make minor modifications having to crawl up stairs out of their wheelchair—a great lack of dignity in having to do that—where a simple ramp modification may have allowed people to live with dignity in terms of being able to exit and enter their house without having to crawl. It is a pretty big ask of someone with a disability to have to crawl into and out of their house.

Mr WHITING: Obviously we have set minimum housing standards. Can you briefly outline how you think that will benefit Queensland tenants?

Ms Corkhill: We have not turned our mind very much to every element of the bill. That is probably one that we would take on notice as I do not think we have spent a lot of time preparing on that one. We focused on what we thought were the key human rights issues and did not spend time on that.

CHAIR: The government has already indicated that minor modifications will be considered under stage 2 of the reforms, which you are well aware of. What would be some of your suggestions for inclusion?

Mr HART: Is that an opinion?

CHAIR: Thank you, member. I will take some advice. I have been advised that the witness is able to provide a general wish list in terms of what would be appropriate for us to include.

Ms Holmes: I would not want to say this is a fulsome answer, because we are giving this off the top of our heads, but it would be things like ramps or handrails in toilets and showers. For elderly people or people with disability in order to be able to use the ablutions facilities with dignity, being able to have their own modifications to put rails on where appropriate is important. Sometimes it will be other modifications such as fences for a guide dog so that the dog does not escape when they go out into the yard. There can be some simple modifications that mean a person can live very comfortably in a house and with dignity. We probably could outline them more fulsomely if that is what the committee would like, but it is sometimes simple things that make a house suitable for a person with a disability. They are really not changing it dramatically but do provide a house for a person who had previously not had a house they could live in.

Mr BERKMAN: In point 4 in the submission you state—

The Commission is concerned that creating additional categories for Notices to Leave, while retaining the ability to end a fixed term tenancy without grounds, will not achieve the stated policy objectives.

I realise that you have traversed this territory somewhat already in your evidence today, but can you elaborate on how keeping that ability to end a fixed-term tenancy without grounds will fail to meet the policy objectives of the housing legislation?

Ms Corkhill: I had cause to look back over the consultation RIS prepared by the Productivity Commission. This was quite well addressed in the considerations when it recommended that that not be included, namely, the ability to continue to end a tenancy without grounds at the end of the lease. It mentions that, of course, the owner's sense of control is lost in that situation, but it will not improve long-term security of tenure for tenants or encourage transparency or accountability in tenancy arrangements. Taking it back to the policy objective, it is housing stability. It is on the back of certainly a lot of anecdotal evidence from people who are renting that that provision can be subject to misuse. It can be used to retaliate against a tenant who has perhaps asserted their rights.

If the policy objective is to reduce that happening—and then potentially, as a flow-on, have people renting longer in one place and increase the length of a median tenancy, which is currently, I understand, quite short—then splitting the approach towards periodic tenancies from fixed-term tenancies does not seem to make a lot of sense to achieve a legitimate goal. We are concerned that, if anything, this might be a flight towards less periodic tenancies and more fixed-term leases. It might be a risk management strategy to make sure that a notice to leave is given every time you are about to end a fixed-term tenancy in case you get into the situation where you will need to provide reasons as the lessor to end the tenancy later on. I think the department commented that about 25 per cent of tenancies are currently periodic. Even after reading over the submissions and hearing what people have said today, I think both lessors and tenants get a lot of value out of periodic tenancies. It seems that reducing flexibility in the market may actually be detrimental.

Mr BERKMAN: On that point, the suggestion was made earlier that the act as it is drafted might actually create an incentive to not allow tenancies to roll over into periodic tenancies. The indication from some submitters is that that loophole should be closed; we should make sure the no-grounds eviction is maintained in the context of periodic tenancies. What would be your response to that, if that were to be the legislative reflex in response to that apparent consequence of the bill?

Ms Holmes: We would say that the human rights are the same for people on periodic tenancies and fixed-term tenancies—of the tenants and of the lessors. Having them mirror each other in a way is a sensible solution if this acute housing shortage and the instability of people having to move constantly is needing to be addressed but still allowing people to mutually come to the end of a periodic tenancy outside of the agreed terms. If a tenant wishes to leave because they are moving interstate they can do so in the periodic situation. If they have a fixed-term lease, they have to go right through to the end of the lease even if they do have to move, which gives that guarantee to the lessor. Trying to have mirrored provisions in both types of leases would be sensible, we would suggest.

CHAIR: I am conscious of time. It being 4 pm—or a little bit after—the time for this session has expired. I note that there was one question placed on notice by the member for Bancroft. The committee would appreciate it if the answer to this question taken on notice could be provided by Friday, 23 July 2021. We thank you immensely for your submission and for appearing before the committee today.

Ms Holmes: Thank you very much for the opportunity.

McVEIGH, Ms Aimee, Chief Executive Officer, Queensland Council of Social Service

MILNE, Ms Lulu, Principal Social Worker, Women's Legal Service Queensland

SINGH, Ms Sabrina, Social Worker, Women's Legal Service Queensland

CHAIR: Good afternoon and thank you for appearing before our committee today. I invite you to make a brief opening statement. After you have made that brief statement, I am sure the committee will have many questions.

Ms Milne: Thanks very much for the opportunity to speak with you this afternoon. I firstly wish to acknowledge the traditional owners of the land that we are meeting on and pay respects to Indigenous elders past, present and emerging and any Indigenous people present today or tuning in on the live feed.

Women's Legal Service is a community legal centre for women. We mostly assist in the areas of family law and domestic violence. Our submission relates to the domestic violence amendments in the Housing Legislation Amendment Bill. As you may be aware, one in six women experience physical or sexual violence by a current or former partner, according to the most recent ABS Personal Safety Survey. These assaults are most likely to happen in a residential setting. Data from the Australian Institute of Criminology tells us that, on average, one woman is killed every 10 days by a current or former partner. The overwhelming majority of domestic homicides occur in the victim's home.

Since 2015 in Queensland we have seen a more promising dialogue and a range of reforms to improve our community-wide responses to domestic violence, yet we still hear the question, 'Why doesn't she just leave?' There are many reasons, but a significant reason is that the tenancy legislation makes it very hard for victim survivors to leave and can lead to domestic violence related tenancy debts that set them on a trajectory of ongoing housing instability.

We are very happy with the domestic violence amendments proposed in the bill. However, we think more can still be done in this space. We would like to see amendments to sections 245 and 246 to allow the transfer of tenancies and the removal of a perpetrator's name without the requirement of an application to QCAT in some circumstances. 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. In addition, we would like to see stronger protections for tenants experiencing domestic violence to prevent them being listed on the tenancy database. We think if there is evidence of domestic violence, lessors should be prohibited from listing the party who is the victim even when they are the sole tenant.

Overall, though, we strongly support the domestic violence amendments in the bill. Many of the provisions are essentially the same as the RTRA COVID-19 Emergency Response Regulation, which is due to expire in September. Over the past year the social work team at Women's Legal Service have been helping numerous women to access the regulation to exit their tenancies quickly. I can tell you that the provisions around the tenant's right to leave with seven days notice are effective. We have seen positive and safer outcomes for women.

We feel the proposed bill communicates clearly that domestic violence is not the fault or the responsibility of victim survivors, and lessors and housing providers do have obligations to prioritise victim safety and confidentiality.

Ms McVeigh: Good afternoon. I will begin by acknowledging that we are meeting on the land of the Turrbal and Jagera people. I would like to pay my respects to elders past, present and emerging and pay my respects to any First Nations people joining us here today including online.

QCOSS is the peak body for community organisations in Queensland. Our vision is for equality, opportunity and wellbeing for all Queenslanders. We have an optimistic vision because we actually believe that better is possible. Today I would like to highlight the fact that the Housing Legislation Amendment Bill does provide us with an opportunity to do better—to do better for a third of Queensland's households, all of whom are renters. Today I am not going to make any comment in relation to the amendments to the Retirement Villages Act or the private member's bill.

In essence, the residential tenancy act should correct the power imbalance that exists between property owners and tenants. In the context of Queensland's housing crisis, where we have almost zero rental availability across our state other than in Brisbane and where rental prices are exponentially increasing, this power imbalance has never been more apparent. We have welcomed several elements of this bill in our submission, but today I would really like to focus on the parts of the bill that should be improved to ensure the bill really does live up to its transformative potential.

There are so many Queenslanders who could benefit from the passing of this bill. For example, new parents who have a little toddler starting to walk around in their home could benefit from the ability to secure furniture and televisions to walls to prevent their child becoming one of the statistics of one child a year in Australia dying when a piece of furniture topples over onto them.

There are people like Kate, whose story was provided by one of our members, LawRight, in one of their submissions. Kate is a survivor of horrendous domestic violence. She continues to live in the property where the violence was perpetrated. She now has PTSD and is living with her daughter in that property. After six months of seeking approval to have security doors and other security fixtures put on the property, she still has no approval for that.

There is also Bailey, whose story was provided by Tenants Queensland, another member of QCOSS. Bailey uses a wheelchair to get around and has asked the owner of the home he lives in if he could install a handrail in his bathroom so he is able to shower himself. Unfortunately, the landlord did not provide that permission, despite the fact that Bailey had offered to restore the property to its original condition.

Then there is Paul, whose story was provided by one of our other QCOSS members. Paul is a really careful budgeter. He pays his rent via a Centrepay arrangement and understood that he was paying his water bill in addition to his rent through those deductions. Out of the blue he received a $400 bill for water charges—charges that have been accumulating. The property owner decided to bill him out of the blue, meaning he has to pay $400 that he has not budgeted for, which impacts his ability to pay for his daughter's schooling expenses.

There are also people like Su-Lin, another story provided by Tenants Queensland. Su-Lin had been evicted from her property just because she had complained of its poor condition. She and her two children are now living with friends with no place to call home. The bill should prevent people like Su-Lin being evicted and establish real security of tenure for renters. The bill should allow tenants to make minor modifications to their rental property for health, safety, accessibility and security purposes without prior approval.

There are absolutely basic things that make a home safe, comfortable and healthy. We really welcome the improvements to safety, security and reasonable functionality. However, this bill does not ensure that rental properties are accessible or have sufficient light or ventilation. We are not talking about luxury here; we are talking about really basic things that all Queenslanders deserve.

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.

In conclusion, the bill provides the Queensland government with an opportunity to improve the lives of a third of Queensland's households. To deliver on the potential, the bill should be amended to remove the ability of lessors to evict tenants at the end of a fixed-term agreement; permit tenants to make minor modifications to their home without prior approval; prescribe minimum standards for accessibility, ventilation, lighting and energy efficiency; strengthen protections for people experiencing domestic and family violence; and absolutely require lessors to pass water bills on to tenants within a reasonable time frame.

Mr HART: To the ladies from the Women's Legal Service, I think you have made some very sensible suggestions in your submission around changing the names on the leases of properties. How would that work in practice? What would you suggest the committee recommends to implement that?

Ms Milne: I can explain how it does not work at the moment. There are provisions in the existing legislation that did not translate across to the emergency regulations. There are also provisions in the Domestic and Family Violence Protection Act that talk about magistrates. When they are looking at protection orders, they can also make orders under QCAT around the tenancy. In practice, even though that exists, it just does not happen. In the 10 years I have worked at the Women's Legal Service and since the DV legislation—our new version—came in in 2012, I have never heard that happen.

In fact, on the question of whether you want to change your tenancy, there was a question about tenancy matters on the form prior to 2012 but that was just removed. It is just no longer there. People do not turn their minds to it when they are making protection orders. It looks like there is scope there, but it actually does not happen. What happens is that when those protection orders are made

and, for example, if the perpetrator is ousted or if they have already left but their name is still on the lease and, say, there is a condition that he not approach the aggrieved or not communicate with the aggrieved, the aggrieved party then has to go to QCAT herself to amend that tenancy—usually it is through QCAT.

I understand that it is challenging. You are talking about someone's rights and removing them from their home, essentially. I understand that that is a little bit harder to address than the victim's right to leave, because they are making that choice. However, there are many circumstances where the parties have left. What I mentioned in the submission, which was the same as what Tenants Queensland I think proposed, is that when the perpetrating party has already left we would like there to be some scope, similar to subdivision 2A, where you need some evidence, of course, to allow the tenancy to be amended without the need to go to QCAT.

What I object to about having to go to QCAT is that you are filling in that form and there are delays—there are a whole lot of reasons—but also the victim is having to ventilate issues and details about the violence that has happened, and this gets served on the other party. She is questioned about it. I really think that is unnecessary. I think she has a right to privacy. These things often take a long time. He has already left. I think we need to allow victim survivors to move on with their lives and not feel that they have to prove themselves to make changes to their tenancy agreements.

Mr HART: To be the devil's advocate—and I want to tread very carefully in what I say—can't we fix it by putting that question back on to the questionnaire that you talked about before?

Ms Milne: The question that I was talking about before relates to when you are applying for a protection order. That is different legislation. I do not know if you can fix that legislation. I think there is an opportunity here with the tenancy legislation to make it easier. I have talked about where there are protection orders and where there are conditions. That is very sensible. It is quite obvious: if that person is not even permitted to be at the property, let them change the tenancy agreement. There are also many situations where there is not a protection order but there is still domestic violence. I know that the evidence is there. You might want to have some confidence around taking a step like that. That is where we are saying that, where that party no longer lives at the property, even when there is no protection order in place, there should still be some provisions to amend those tenancies.

Mr HART: Lulu, on the practicality of it, though, who would actually make that decision?

Ms Milne: Under subdivision 2A, 'Victim's right to leave', evidence could include a report from a domestic violence service. I know that there are some provisions—and I am not an expert on this—on when the property is abandoned. The agent or the lessor could reach out to the person who has left.

Mr HART: A real estate agent, a police officer or a lawyer?

Ms Milne: I do not think the police would want to do this kind of work. I feel the agent—

Mr HART: It would have to be a legal body, surely, of some sort?

Ms Milne: I thought it could mirror the evidence that you have listed when the victim is ending her tenancy.

Ms Singh: I used to work in New South Wales. The way that it works under their Residential Tenancies Act—they are called AVOs in New South Wales—if a final AVO is made and there is a condition saying that the other party is not allowed at the premises, that is then given to the landlord or the real estate and their name is automatically removed.

Mr HART: That is a solution.

Ms Singh: That is a solution. The other thing Lulu was talking about is that, under the COVID provision that has recently been made, women or men who are experiencing domestic violence can end their tenancy without penalty if there has been domestic violence. There is a list of things that they can submit so that the tenancy is ended and they can relocate within seven days. We are suggesting that something similar might be put in place for removing the perpetrator's name from the tenancy.

Ms Milne: There is a domestic and family violence report that we currently use that the RTA has created.

Mr WHITING: Ms Milne and Ms Singh, thank you very much for your submission, which has really illuminated the advantages of what we are doing in terms of domestic violence, and thank you, Ms McVeigh, for your once again fulsome submission. On the provisions we are bringing in regarding domestic violence, you have made some suggestions as to how those could be improved. In general, do you see them as an advance or a great step forward in providing protections?

Ms McVeigh: Absolutely. Our submission makes it clear that we are really supportive of the amendments provided in the bill, but we think there is potential to do more. 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 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. What we see at the moment is women in really precarious situations who are unable to make the minor modifications that would make them and their children much safer.

CHAIR: To the Women's Legal Service, do you have comments in relation to the member for Bancroft's question? I saw you nodding.

Ms Singh: Yes. We obviously work on the front line. I do security upgrades with women quite regularly when they choose to stay in the property. As we know, it is really expensive to relocate, and a lot of the time for the women we work with—and I keep saying 'women' because that is the context of our work, but I acknowledge that men can be victims of domestic violence as well—generally the children will stay with the women. Their support networks are there as well, so it is important for them to feel safe and stay connected to their community.

Security upgrades can be challenging to get. I acknowledge that you can get locks changed with consent, but nothing regarding other security measures is put in place. I can give you a case study. Recently I had a case with a woman where there had been multiple breaches of an existing DVO, but just installing the security cameras acted as a big deterrent. The perpetrator actually came to her house after court and as soon as he saw the big security cameras he moved away and walked away, and she had footage of that. There are a lot of benefits to increasing security for women so they can continue their lives and recover from the violence as well, but it can be very challenging to put it in place if there is not an agreement.

Mr BERKMAN: I will defer to the member for South Brisbane.

Dr MacMAHON: Thank you all for being here today. Aimee, the Human Rights Commission indicated their view that the government bill changes some wording in the act but does not actually end no-grounds evictions as it claims to. You also note in your submission that the bill does not adequately protect the human rights of tenants. Would you agree with the commission's assessment of the bill regarding no-grounds evictions?

Ms McVeigh: We are happy to see the removal of no-grounds evictions from the legislation. However, in a practical sense, we do not believe it will make a difference because landlords or property owners can end a tenancy at the end of a fixed term, so we do not think this will be a substantive change to the rights of tenants. I would build on some of the things that the Human Rights Commission said. Our view is that there are other rights that are also engaged by this legislation, including cultural rights and the cultural rights of First Nations people. We know that place is very important when you are talking about connection to culture. If people have to move away from their community then their rights to culture can be interrupted.

I also think it is important to note in relation to the question about the human rights implications of this bill and whether your proposed bill breaches human rights that, to speak plainly, a piece of legislation does not breach the Human Rights Act. That is just a complete furphy. Our Human Rights Act in Queensland is a dialogue model, which means that legislators are free to pass whatever laws they want to pass. What is required by the act is scrutiny, including by this committee, to see if the law is compatible with human rights. Therefore, an argument that a law breaches human rights is a furphy. 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?

Mr HART: Ms Milne and Ms Singh, can I ask you to review the transcript of today's hearing, especially around the Strata Community Association evidence from earlier? They mentioned something about locks on unit complexes and it being unclear who had control of that, whether it was the body corporate or the owners, and whether this legislation fixed that issue. They also talked about not being able to remove names from the body corporate register. Could you come back to the committee with your thoughts on what they said earlier in the day to inform us about what they had to say?

Ms Milne: I was not listening in at that time. Who was it that we are to listen to?

Mr HART: The strata title/body corporate people.

Ms Milne: Yes.

CHAIR: Thank you, ladies. It being 4.30, the time for this part of the hearing has expired. We do appreciate the time that you have taken to inform the committee. We thank you sincerely for your time today.

Ms Milne: Thank you for having us.

MAYFIELD, Ms Judy, President, Association of Residents of Queensland Retirement Villages (via videoconference)

PIRTS, Ms Leida, National Policy Manager Retirement Living, Property Council of Australia

TUCKER-EVANS, Mr Mark, Chief Executive, Council on the Ageing (COTA) Queensland

CHAIR: Good afternoon, everyone. Thank you for appearing before our committee today. I invite each of the organisations to make a brief opening statement and then I am sure our committee will have many questions.

Ms Mayfield: Our association represents residents living in retirement villages across Queensland. We have about 6,000 residents as members. Overall, we understand what the government has been trying to do in taking 13 owner/operator villages from the 18-month buyback. I assume that the committee understands that this is the first time we have had an 18-month buyback in the act, where operators have had to purchase back the accommodation unit from residents at 18 months. Prior to that, residents would have to wait at times for years for their money to be returned to them. You also may be aware that, when somebody moves into a retirement village, they give the scheme operator an interest-free loan for the right to reside in the village. Often when a person was leaving the village, it could be up to five years before the scheme operator returned the interest-free loan to the resident or to the estate. We had argued long and hard for a buyback so that residents knew for certain when the money from their loan, minus all the extra fees that had to be taken out, was going to be repaid.

The owner/operator villages are villages where the residents also own the village. I know that the government was trying to make it easy for them and say that they did not have to buy back these villas within 18 months. We really understand why they did that, because most of them do not have an operator to run the affairs at the village; they are running it themselves. They often did not have the money to pay for villas that were sold. As people moved out, they did not have any money until the people were able to sell their accommodation units. We understand that and we are supportive of that, but we have some concerns about that.

The Retirement Villages Act could well end up being some sort of two-tier act. If you allow some villages, and particularly these owner operated villages, not to be involved in an 18-month buyback, that is fine now, but remember they are residents. They are ageing and they are running a retirement village. One of the things the Retirement Villages Act is tightening up on is reporting and making operators more accountable to their residents. There are a lot more expectations now written into the legislation. I am not certain if these villages that are owner operated are going to be able to keep up with the legislation.

If their accreditation becomes mandatory, how do owners run their own accreditation scheme or pay for it? How do owners make sure that the village comparison documents are kept up to date, particularly as they age? If you exempt them from the 18-month buyback, as we travel forward in years, are there going to be other exemptions that they are needing to deal with and that the government will be asked to do? (Inaudible) 'We can't do this; we can't do that.' That is my concern.

Another concern is: if there is a buyback, are operators going to find a loophole so that they can also ask for exemptions? Big operators have very large legal companies behind them. Are they going to also somehow apply for an exemption so that they do not have to do the 18-month buyback? We are really concerned that that may well happen, because this has been long and hard fought for to give residents some certainty. We know that there are residents who are moving into a nursing home and their families have had to take out personal loans because the operators have not paid back the interest-free loan that was given to them. Our concern is that if they find legal loopholes this may well happen in the future. Thank you.

Mr Tucker-Evans: I acknowledge the traditional owners of the land on which we are meeting and their elders past, present and emerging. Council on the Ageing Queensland is a for-purpose registered charity. We are the peak body for seniors in Queensland with a vision that ageing is a time of possibility, opportunity and influence. We have prepared a very succinct submission for this committee. COTA Queensland represents older Queenslanders who are tenants as well as those who own rental properties, so we have listened to both sides of the argument.

COTA Queensland believes that the rental reforms contained in the Housing Legislation Amendment Bill 2021 provide a balanced approach to strengthening the safeguards available to tenants as well as ensuring the interests of landlords are not unduly eroded. In particular, COTA

Queensland commends the removal of the ability of lessors and providers to end tenancies without grounds and prescribing minimum housing standards and compliance mechanisms to enable the enforcement of these standards.

In relation to the Retirement Villages Act, which Judy spoke about, we support what Judy has said and really support the proposal to amend the act to exempt resident operated retirement villages with freehold tenure units from mandatory buyback requirements. As I said, picking up on some of the things that Ms Mayfield has already outlined, we are looking at this over a longer period of time, as we are the proposed changes to the tenancy, and they really both require some ongoing monitoring.

Ms Pirts: Good afternoon, committee members. On behalf of the Property Council of Australia, I thank you for providing us with the opportunity to speak today. I am from the Retirement Living Council division of the Property Council so, although the bill covers a wide range of amending legislation, I will only be speaking to the retirement village amendments this afternoon.

Briefly about the Property Council, our retirement living members represent the diversity of the industry. Our members are village operators of all sizes, large and small, from all states and territories across Australia. They include not-for-profits, commercial, listed and private, and church and charitable operators as well. We estimate that the Property Council members house around 70 per cent of retirement village residents across the country.

We note that the bill amends the Retirement Villages Act to exempt the resident owned freehold villages from the mandatory exit entitlement requirements under the Retirement Villages Act. We support exempting those villages from the exit entitlement requirements. Originally, the mandatory exit entitlement or buybacks, as Judy has mentioned, when they were introduced a few years ago and then amended slightly, applied to all villages, regardless of the type of tenure the resident held, so it was a blanket approach. It has always been our view that a blanket approach was not appropriate and also that freehold tenure of units is incompatible with the concept of a mandatory buyback requirement due to the fact that the resident owns the unit. Making a village operator purchase a unit that has not sold after a specific time, in our view, is a bit akin to making a body corporate manager in a normal residential apartment purchase an apartment if it has not sold. I believe that is the view that the review panel had in the interim report on exit entitlements, which is where this amendment was first flagged. Generally, other state retirement village acts around the country do not extend their mandatory buybacks to freehold units, either. We note that these current amendments arise from an interim report that was done into exit entitlements that was completed last year. We welcome the opportunity to also provide input to any of the recommendations and amendments that come out of that larger review. We have yet to see that, but we trust that we will have an opportunity there further.

Mr HART: You are not the only one, I have to say, that opposed this legislation when it came in and then it was amended to freehold title. The opposition was very strenuous that this was going to be a massive problem, and it has been. Judy, I wonder if you could tell us whether you have spoken to anybody who lives in one of these villages—I think it was more like 12 villages, not seven; there may only be seven left—that was in a position of being forced to buy back a unit of somebody else that had left the retirement village, because that is the real issue here. Are any of your members actually participating in one of these retirement villages?

Ms Mayfield: Yes, we do have some members in some of them. They are nine of those owner operated villages and we have had some dealing with them. The problem we have as an organisation is that we assist residents when they have issues or disputes with the scheme operator. If a resident has a dispute with their operator and their operator is another resident, it becomes very difficult to intervene. In fact, the one village we have had lots of dealings with has three committees: they have a retirement village residents committee, made up of residents obviously; they have a body corporate committee that has residents; and they have a scheme operator committee which are residents. It is just bizarre the way that village operates. How they are actually run is really difficult, because many of the same residents sit on those committees. As far as I know, they have not yet had to buy back a villa. My concern is that it is going to be very difficult if that buyback position remains or even if they remain operating as a village. Who is going to want to buy into a retirement village where they have not got an 18-month buyback? They are going to choose to move into a retirement village with an 18-month buyback. It is unlikely they are going to get new residents moving into their villages.

Mr HART: If this law did not change, though, you would be in a position where people possibly would not want to buy into a retirement village that has residents forced to buy back somebody else's unit.

Ms Mayfield: That is right. I do not think people would want to buy into an owner operated village where the buyback has been taken away. If they have a choice between being in a village where there is a buyback or a village operated by residents where they will not get buyback, I think they would more likely choose the 18-month buyback village. My personal view is that I think these villages are going to struggle going forward.

Mr WHITING: Ms Mayfield, I am glad that we have wrapped up the day by coming back to this issue, because this was part of a very large suite of reforms introduced around the aged-care residential sector. I am just clarifying that you are not aware of any forced buybacks so far in resident owned and operated retirement villages; is that correct?

Ms Mayfield: Yes. That is not to say that there are not any, but I am not aware of any.

Mr WHITING: Certainly, we are not aware of any. I agree absolutely that this change needed to be made, as many of the other changes needed to be made. The 18-month buyback seems to give a bit of a buffer until we get these changes through; is that correct?

Ms Mayfield: Yes. When the amendments were first passed it was on the condition that they would be reviewed within 18 months. I know the review panel has sat to look at that. We do not have any final idea of what that buyback is going to look like in the future. Any sort of buyback for the owner operated villages is going to be difficult. I know that the department tried to address this by giving these nine villages some legal advice as to whether they should stay as retirement villages or whether they should deregister as a retirement village and just act as a body corporate strata title village while at the same time being able to continue to have a 50-plus age limit on their village. They had to work to get an exemption from the Anti-Discrimination Act.

My belief is that those residents in those villages actually did not understand what was being suggested to them. In talking to those residents since they have had that information and assistance, I have found that none of them understand. The two villages that we have members in are particularly vulnerable because they are a much older population in those villages.

Dr MacMAHON: Mr Tucker-Evans, earlier today we heard some powerful submissions about the impact of no-grounds evictions on older Australians and the difficulty in obtaining affordable housing for those on the age pension. Could you outline COTA's work in relation to housing fairness for older Australians and how the government's bill and the private member's bill would impact on this?

Mr Tucker-Evans: I am not all that familiar with the private member's bill, but we are in support of the changes that are being proposed. The concern we have around older renters is that more and more people are being forced to rent. The number of people who are entering retirement years owning their own property is decreasing. We are particularly concerned about the number of older women who are entering the rental market on a fixed income. A couple of years ago we did some work with Wesley Mission and Urbis to look at that situation. We continue to advocate, often alongside Q Shelter and the older women's movement. They have set up a housing older women's movement and we have been working with them to bring the issue to the fore.

Dr MacMAHON: And advocating for more affordable housing?

Mr Tucker-Evans: Absolutely. The issue, as has been said previously in this hearing, is that often people who are renting and on fixed incomes need time to find alternative accommodation and they need some certainty. When people are later in life, are living on a fixed income and do not have housing certainty, it impacts on their health and wellbeing.

CHAIR: Mr Tucker-Evans, you mentioned work you had done with Wesley Mission and Urbis. Would you have the evidence or results there?

Mr Tucker-Evans: We can certainly provide the committee with that report.

CHAIR: That would be very helpful.

Mr HART: Ms Pirts, my understanding is that there are a number of retirement villages faced with buyback conditions that have since either gone into receivership or been liquidated because of this legislation that was put in place. Are you aware of those villages? Can you tell us how many there were and why they closed?

Ms Pirts: Yes. We are aware of at least some of them in Queensland. I can check whether or not I am able to provide you with a written summary of the details that we know. I will need to check that. We have spoken with some of them about what had happened—the nature of their village, the nature of the sales that had tried to go ahead and that led to some of the buybacks and then their experiences when they went to the QCAT to seek extensions of time.

Essentially, they could not afford the buybacks. One of the big challenges has been that the buyback legislation was applied retrospectively to contracts already on foot. It is very difficult for an operator who has already done all of the financials for the contract to be able to access money suddenly in order to pay a buyback they had not been expecting to have to pay. There have also been a number of news articles about a couple of villages that have gone into receivership or liquidation because of the buybacks. I am happy to provide that information.

Ms Mayfield: I would like to address that issue as well. One of the problems that I think village operators have around the buyback is: if people live in a retirement village and they are not happy, what they do is go and talk to the broader community about their village. That happens very frequently. A retirement village is like a small town on its own. People then do not want to come and buy into that village.

Many of the operators—and I will argue for the residents in this instance—that have gone into liquidation have not run good villages in terms of residents' facilities and services and have had difficulty in selling accommodation units in their villages. They have badly managed their villages in terms of residents' services and outcomes for residents. I think that sort of information gets out into the broader community and that has an impact on the ability for operators to sell within their villages.

Mr SKELTON: It is interesting how the housing bill affects so many different types of housing arrangements. I imagine as we go forward we are going to be more flexible in terms of tenancy, caravan parks, retirement villages et cetera. Obviously the bill is trying to capture a whole lot of things and everyone has some nuance to it. The time that everyone has put in to give us advice is fantastic. Are a lot of the problems with the buyback situation, as Judy alluded to, because of what the market decided rather than a legislative issue?

Mr HART: No.

Ms Mayfield: That is certainly what I believe. The others may have other comments. Some of the villages—and we are not involved with every village—that have struggled have done so because of what is going on in the village and the complaints. They are the villages that we get a lot of complaints about from residents. I am not overly surprised by some of the villages that have gone into receivership.

CHAIR: Mr Tucker-Evans, do you have a comment there?

Mr Tucker-Evans: Only that there still needs to be some community education around retirement villages, because people still do not understand what they are getting themselves into. There has been some work done by the Queensland government to try to simplify that and get the message out. Judy's organisation, COTA and others were involved in this a few years ago now. What we do see is that people enter into agreements with retirement villages without actually understanding what they are getting themselves into.

CHAIR: Ms Pirts, do you have a comment in relation to that question?

Ms Pirts: Yes. I think there is potentially a misunderstanding amongst the public and prospective residents about retirement living. It can be confused with other forms of seniors accommodation such as nursing homes. In Queensland we also have the aged rental market and other opportunities to downsize such as to a granny flat. I think there can be confusion around that. Manufactured home parks can be added to that.

We always encourage, through both our membership and all of our literature, prospective residents to shop around and seek independent legal and financial advice so that they can hope to understand the nature of the contract, how it affects things such as the pension, whether they can get rent assistance and those sorts of things. One of the things we are looking to do is educate people further about that. We had a campaign a few years ago where we wrote *The Book of Wise Moves* to tell people about all the different options, what it is like to live in retirement village, our code of conduct and accreditation scheme and helpful links at the back.

We feel it is very important to get the word out about what retirement villages are. That said, the decision to move into a retirement village is multifaceted. It is not only a place to live; it is also a community. In addition to the price and the type of tenure they get, people will always look at the facilities, whether they can stay in their community, whether there is a village in their community or they need to move away and whether they would be willing to move away from their family and friends, doctors and those sorts of supports. It can be a decision that has many factors.

Depending on where you live in Queensland, there may not be many villages around you to choose from. That is a challenge with some of the frameworks around the country—they may not necessarily be fully conducive to more retirement living development. There are some challenges.

We hope people are making the decision to move into a retirement village with the range of information available out there—and information from the government as well. We are aware that they are working on something to help improve access to information. There are a lot of things to take into account as well as the price.

CHAIR: What was the name of that reference you mentioned?

Ms Pirts: *The Book of Wise Moves*.

CHAIR: Yes. The publisher was?

Ms Pirts: We funded that. It was written by BBS Communications Group.

CHAIR: Thank you. We look forward to looking at that. It being 5 pm, we will have one more question from the member for Maiwar.

Mr BERKMAN: Mr Tucker-Evans, I just wanted to touch on your comments earlier about how you support the government bill having struck the right balance. You particularly referred to the ending of no-grounds evictions under that bill. Evidence we have heard today from Tenants Queensland, QCOSS and the Human Rights Commission suggests that, in practice, the bill will not in fact end no-grounds evictions because landlords maintain the right to end a tenancy at the end of a fixed-term agreement, which means that in effect they do not need any grounds. No-grounds evictions will carry on through that newly created ground. Do you accept that concern, or in any case do you share the concern that that avenue remains open?

Mr Tucker-Evans: We share the concerns. That is why we have suggested it does need to be monitored, but we think the intention is correct. We would like to see that in fact both tenants and landlords play fair but, human nature being what it is, maybe that will not be the case. I think it is a well-balanced bill, but it does need to be monitored to see how people implement it.

CHAIR: Thank you, member for Maiwar. I note there were a couple of questions taken on notice. The committee would appreciate it if the answers to any questions taken on notice could be provided by Friday, 23 July 2021. I think it relates to a question to you, Ms Pirts, and a question to you, Mr Tucker-Evans. It being 5 pm, this concludes our hearing. Thank you very much. Thank you, Ms Mayfield. It has been an absolute pleasure this afternoon to hear the stories and to hear your deliberations on the bill.

On behalf of the committee, I would like to thank all of the witnesses and stakeholders who have participated today. I would also like to take this opportunity to thank the many submitters who have engaged with these inquiries. Thank you to our Hansard reporters, as always. A transcript of these proceedings will be available on the committee's parliamentary webpage in due course. I declare this public hearing closed.

The committee adjourned at 5.02 pm.