



Speech by

**Hon. JUDY SPENCE**

**MEMBER FOR MOUNT GRAVATT**

Hansard 4 March 1999

**RESIDENTIAL TENANCIES AMENDMENT BILL (No. 2)**

**Hon. J. C. SPENCE** (Mount Gravatt— ALP) (Minister for Aboriginal and Torres Strait Islander Policy and Minister for Women's Policy and Minister for Fair Trading) (5.14 p.m.), in reply: I am very pleased to have the support of the Opposition for the amendments that I will move to the Residential Tenancies Amendment Bill. This Bill was introduced during the coalition's time in Government. While the regulations were being prepared for the Bill to be enacted on 1 December last year, a number of mistakes were found in the legislation. Therefore, I was obliged to move four amendments to the Bill in the latter part of the year. As members would be aware, it was our wish to have these amendments moved by 1 December last year, but as happens in the latter part of the year it was difficult to get those amendments passed during a hectic parliamentary schedule. As a result of our failure to pass that legislation at that time, we are doing so now.

We have taken notice of the concerns of the Scrutiny of Legislation Committee about the validating provisions included in the Bill. I will introduce amendments at the Committee stage to address the concerns raised by the Scrutiny of Legislation Committee about the retrospective application of the Residential Tenancies Amendment Bill. Noting the Scrutiny of Legislation Committee's concerns and its suggestions that validating provisions be included, I instructed that appropriate provisions be drafted. They are now in members' hands, I hope. The amendments provide that any person who acts in accordance with the replacement provisions of the Act between 1 December and the day on which this Bill is assented to does not contravene the existing section.

Three provisions of the amendment Bill are affected. The first of those is the provision relating to charging rental bonds of three weeks for moveable dwelling tenancies. If between 1 December and the date of assent a movable dwelling lessor required a rental bond equivalent to three weeks rent, that lessor is taken to have acted in accordance with the Act, even though at that time the Act provided that only lessors who were also the tenant's employer could do so. The second provision affected is the one relating to passing on allowed water costs to tenants when the water is delivered to the premises by means of a vehicle. If the lessor required the tenant to pay for the tank water, even though there was no separate water meter, as the Act states, the lessor is taken not to have contravened the Act. The final validating provision covers applications to the Small Claims Tribunal for an abandonment termination order. Such an application may be dealt with as an urgent application by the tribunal without the requirement of attempting conciliation.

In November 1998 I made the decision that these minor amendments to the Residential Tenancies Act 1994 needed to apply retrospectively. Now in March 1999, I reaffirm my position that it is essential that the retrospectivity be granted. To have three different sets of laws potentially applying to tenancies is not acceptable. The confusion this has the potential to cause is not acceptable to the 30% of Queenslanders who rent their homes, nor to the lessors and real estate agents who invest or work in the residential tenancies market.

I will take a few minutes to compliment the work of the Residential Tenancies Authority. Since the new legislation came into effect on 1 December, the authority has been very active. It has informed Queenslanders of their rights and obligations under the Act. In December the authority ran an advertising campaign on radio and television. In addition, it has distributed literature in universities and colleges throughout Queensland. It has run seminars in many parts of the State, and it has been

getting a very good response from those seminars. When we make changes to legislation in Queensland, particularly changes to legislation that includes the rental market, it is important that we explain to both sides of the market what the legislative changes mean.

When I became the Minister responsible for this portfolio, it surprised me to learn that one third of Queenslanders are renters. When we make changes to residential tenancies laws, such as we are doing, we are in fact affecting a large segment of the Queensland population.

The changes that have been made were made as a result of a long period of consultation. They have been well accepted. I believe that they make the whole renting situation much better for both landlords and renters throughout Queensland. I commend the work of the authority and I thank the Opposition for its support today.

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