




Speech By
Stephen Bennett

MEMBER FOR BURNETT

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**RESIDENTIAL TENANCIES AND ROOMING ACCOMMODATION AND OTHER
LEGISLATION AMENDMENT BILL**

 **Mr BENNETT** (Burnett—LNP) (9.55 pm): It is a pleasure to rise to support the Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Bill—legislation that supports my community's expectations. There are many exciting elements of this legislation, but there are two in particular that I want to expand on in the limited time available. Most tenants in social housing, as we know, do the right thing. They pay their rent, look after their homes and are good neighbours. A small minority, though, do not and an even smaller minority engage in persistent antisocial behaviours or even illegal activities. Last year the Department of Housing and Public Works received 24,529 complaints about antisocial behaviour from public tenants. Between 2008 and 2011, public housing tenants were issued with a combined 103,000 breach notices for a range of reasons, including rent arrears, poor behaviour and failure to meet other tenancy obligations, and 320 households were evicted over the same period. There was also \$5 million in damage to social housing properties last year.

This government has responded to this by announcing on 4 April the new antisocial behaviour policy and the three-strikes process which was implemented on 1 July 2013. I can tell the House of the overwhelming support in my electorate for this proposed legislation and the number of people who are absolutely devastated by the actions of a few. Even so, the Department of Housing and Public Works continues to have difficulty in obtaining termination orders from the Queensland Civil and Administrative Tribunal, QCAT, and subsequently regaining quick possession of public housing dwellings in cases where serious antisocial behaviour or suspected illegal activity has occurred. There have been numerous cases where the department has received complaints of frequent serious antisocial behaviour or illegal behaviour occurring in public housing properties, and in one case police were called over 90 times in relation to behaviour at a housing complex which mostly involved one public housing tenant. Also, the cost to government of rectifying damage is significant. Typically, many thousands of dollars are required to rectify damage to bring the dwellings back to a habitable condition and there are currently 20 known examples of rectification underway as a result of drug labs.

Community housing policies will be amended to ensure that consistency is achieved. This bill includes some significant changes, including ending tenancies where the lessor reasonably believes the premises are being used for illegal activity; broadening the scope of objectionable behaviour to cover wider circumstances; requiring tenants to sign acceptable behaviour agreements; and specifying that QCAT considers the effect of the antisocial behaviour on neighbours and other tenants when deliberating about termination orders. As I alluded to before, that is the most exciting part of the legislation and I wanted to convey to the House that the people in my electorate are overwhelmingly supportive of the minister's implementation.

There is also an amendment which requires that QCAT must not refuse to terminate a tenancy merely because the tenant is living in social housing. The provisions of the bill protect tenants' rights to natural justice and when a strike is issued a notice to remedy a breach or a notice to leave is issued to the tenant or an urgent application is filed with QCAT to terminate the tenancy. A tenant can already challenge such notices or contest the application in QCAT and so in effect challenge the strike that was issued. These rights will continue. The tenant would also have a right to be heard on any application to terminate a tenancy.

Before getting to QCAT, tenant complaints are investigated thoroughly to remove the risk of malicious complaints resulting in strikes being issued or a household eviction. In addition, the department has well-established processes and practices to ensure that a tenant is afforded natural justice and has a right of reply before a notice of remedy or notice to leave or a strike are issued. The department recognises that there may be some individuals who may have difficulty understanding the new policy or may engage in poor behaviour as a result of illness or disability. The policy and strikes process allows for warnings to be issued instead of strikes for low-level, minor antisocial behaviour, although two warnings for the same behaviour will result in a strike.

There is also capacity for departmental staff to use their discretion when issuing strikes in cases where the behaviour can be attributed to a person's mental health, illness or disability. In such circumstance, the policy provides for an alternative response, including referrals for support, consideration of a transfer to another public housing dwelling and/or more closely monitoring the tenancy. The provisions of the bill are a well-balanced set of changes that allow social housing providers, including the state, to respond to antisocial behaviour and to make it clear to tenants when they have crossed the line. There are similar requirements in other states.

The bill makes it clear that tenants are responsible for their actions and the consequences for persistent poor or illegal activity. As a result of clearly sending this message to social housing tenants, the government expects complaints and subsequent evictions will decrease.

Section 42 of the Queensland Building Services Authority Act Queensland states—

A person must not carry out, or undertake to carry out, building work unless that person holds a contractor's licence of the appropriate class under this Act.

The wording of this section has caused some issues in the industry, where private sector parties leading major infrastructure projects may be required to hold a contractor's licence even where the lead party will be entering into a separate contract with the licensed building contractor to perform the work and will therefore not be carrying out any building work itself. As a consequence, the lead party not only has to take in the administrative and cost burden of maintaining a licence but also must comply with the prescriptive financial requirements of licensees under the QBSA Act's financial requirements of the policy. In some cases, this requires costly measures to be taken by the licensee to ensure that it does not breach any financial requirements as the consequences of such a breach are severe. This situation clearly imposes an unnecessary regulatory burden on commercial developers, particularly in circumstances where the developer is entering into a contract with the principal who is not a domestic consumer.

This issue was raised a number of times in submissions to the committee's inquiry into the operation and performance of the Queensland Building Services Authority, raising concerns about what was perceived as the unintended consequence of section 42 of the QBSA Act. The parliamentary committee subsequently recommended that section 42 be revised to make it clear that there is no breach of the QBSA Act if an appropriately licensed builder carries out the building work. The bill amends the licensing requirements of section 42 of the QBSA Act to facilitate commercial development, public-private partnerships and prescribed government projects, of which an example may be construction of the Commonwealth Games Village.

Under the bill a contractor's licence will not be required for a person who agrees with a principal under the building contract to cause commercial building work to be carried out by an appropriately licensed building contractor and a licensed contractor carries out commercial building work. Domestic consumers are not affected by this amendment and all building work under domestic building contracts with consumers will continue to be carried out and supervised by an appropriately licensed building contractor.

As a currently licensed building contractor who maintains their qualifications, I can tell the minister that this amendment was welcomed by contractors in my local area. By introducing this amendment, this government is overcoming the unintended consequences of section 42. I thank the minister for that. The building industry in my electorate is also thankful.

Most importantly, the amendment removes the regulatory impediment for commercial development in Queensland. We all know that Queensland is open for business. I know that,

particularly in my electorate, there is a lot of activity with a progressive local government approving unprecedented building developments. We need these sorts of impediments to be removed from the act. I support the proposed legislation. I congratulate the minister and the committee. I will be supporting the bill.