Speech By
Hon. Tim Mander

MEMBER FOR EVERTON

Record of Proceedings, 30 October 2013

RESIDENTIAL TENANCIES AND ROOMING ACCOMMODATION AND OTHER LEGISLATION AMENDMENT BILL

Second Reading

Hon. TL MANDER (Everton—LNP) (Minister for Housing and Public Works) (4.20 pm): I move—

That the bill be now read a second time.

In opening I thank the Transport, Housing and Local Government Committee for its prompt consideration of the Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Bill 2013. In particular, I thank the committee and its chairman, the member for Warrego, for their deliberation and report on the bill. The committee tabled its report on 22 October 2013. I also acknowledge those who made submissions on the bill to the Transport, Housing and Local Government Committee including the Housing Industry Association, the HIA; the Queensland Mental Health Commission; the Anti-Discrimination Commission Queensland; the Tenants Union of Queensland Inc; the Canine Helpers for the Disabled Inc; and the Brisbane Housing Co. Ltd. I acknowledge and thank those individuals who took the time to make submissions and those who presented their arguments before the committee at the hearing held on 1 October 2013. I have given careful consideration to the committee's recommendations and am now pleased to table the government's response to the committee report.

Tabled paper: Transport, Housing and Local Government Committee: Report No. 35—Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Bill 2013, government response [3924].

The main purpose of the bill is to amend the Residential Tenancies and Rooming Accommodation Act 2008; the Queensland Building Services Authority Act 1991; and the Guide, Hearing and Assistance Dogs Act 2009. Recently the government released its Housing 2020 Strategy, which sets out this government's vision for a flexible, efficient and responsive housing system. One of the key elements of the strategy is to transfer the tenancy management of up to 90 per cent of public housing to the community housing sector by 2020. Community housing organisations are better able to provide a more personalised service and are also better equipped to engage the sort of ancillary support that many high-need social housing tenants require. Harnessing the expertise of the non-government sector also allows us to revitalise existing public housing stock and add some much-needed new housing, without placing an additional burden on taxpayers. The government also wants to ensure that our policies apply consistently across the social housing sector regardless of whether the tenant is in government managed housing or community housing. Planning and development for the transfers is well underway, with Logan expected to be the first significant management transfer likely to commence from mid-2014.

The proposed amendments in this bill will streamline the transition of tenancies to community housing providers in a number of ways. Unlike tenants of government managed social housing, tenants of community housing providers are eligible to receive Commonwealth rental assistance. The

proposed amendments will enable community housing providers who take on the management of transfer tenancies to access CRA as soon as the transfer takes effect. Secondly, community housing providers will be able to levy a bond or service charges on tenants who are transferred to them. Again, this is a standard practice in community managed social housing. The committee made some observations about this and I stress that the government has steps in place to minimise any impact that this might have on some tenants.

Tenants who are transferred to community housing providers will not be required to pay a bond for at least two years from the time the first significant management transfer takes place, which as I just mentioned is likely to be mid-2014. During this period, the department will give community housing providers a guarantee equal to the value of the bonds. Transfer tenants will then be assisted to put their own bond in place during the following 12 months. In practice, this will mean tenants will have up to three years to save for a bond. We also need to remember that the value of those bonds will be significantly lower than they would be for an equivalent property in the private market, since the bond is based on the heavily reduced social housing rent. Based on average public housing rent of around $120 per week, the average bond is likely to be around $500.

To provide further protection for existing tenants, new community housing providers will also not be able to levy service charges for using excess water, for example, for at least two years from the time the first significant transfer takes place. Again, applying service charges for excess water use is nothing more than common sense and in any normal tenancy if you use excessive amounts of water you will pay an additional cost. Those standards should apply to social housing tenants as well. To keep things fair and consistent across the sector, the same requirements and the same support will be offered to existing social housing tenants. In some cases, tenants in community housing already pay a bond and service charges. Our vision is that wherever possible social housing should be transitional; a temporary stopping point for the duration of need along the road to independence, rather than a destination in itself. These changes are about normalising the process of renting so it more closely resembles the private market, albeit still at a heavily subsidised rate.

Community housing providers will continue to be able to require tenants who are transferred to them to provide regular household information. This is necessary to ensure that government policies on rent setting, underoccupancy and ongoing eligibility can continue to be applied consistently throughout the community housing sector. The provisions of the bill also mean transferred tenants do not have to sign a new tenancy agreement since the amendments deem existing tenants to have a new agreement in place. This minimises the interruption to tenants and relieves community housing providers of the administrative burden that would naturally flow from having to individually resign thousands of tenancy agreements.

The bill will also strengthen the ability of the government and of community housing providers to respond appropriately to antisocial behaviour and illegal activity taking place in our properties. While only a small minority of tenants do the wrong thing, those people have the ability to make life an absolute misery for those unlucky enough to live nearby. The government's new antisocial behaviour policy, otherwise known as the three-strikes policy, has been in effect since the start of July. It is still early days, but the initial data suggests it has been a great success, with most people pulling their socks up after receiving their first strike. However, there is still room for improvement. One of the great challenges in this area is what to do when, for whatever reason, the Queensland Civil and Administrative Tribunal adjudicators refuse to terminate a tenancy despite repeated and persistent antisocial behaviour from a tenant. I will give a very topical example of what I am referring to.

Just this week I received word of one particular case involving a tenant on the north side of Brisbane who had been issued with a notice to leave after roughly six months of tormenting the neighbours with ongoing fighting, swearing and blaring music. The matter made its way to QCAT in September. The adjudicator decided the tenant should be given another month to get their act together. That very same day, the department received another complaint from a neighbour that she and her partner had been assaulted by three teenagers from the same property. The complaint was subsequently verified by police and a number of witnesses. The matter made its way back to QCAT. This time the adjudicator decided that the family deserved another three months to get a handle on the situation. Can members imagine how badly the neighbours are feeling right now?

The tenants also have a track record of failing to pay their rent. Between July and September this year they went six weeks without paying any rent, paid for the next month and then have not paid anything since. The matter has been relisted with QCAT where, with a bit of luck, we might finally be able to move these people on. So while the policy has been a great success so far, I believe the legislation needs to be amended to require QCAT to take a firmer stance in cases like the one I just mentioned.

I am mindful of some of the concerns that have been expressed by the community to the Transport, Housing and Local Government Committee in relation to vulnerable people, including those with mental illness. In response, I can say that the antisocial behaviour policy is about helping tenants modify their behaviour, not just about kicking them out.

Obviously there will be cases, like the one I just mentioned, where people have been given numerous opportunities to get their act together and have simply refused to do so. In cases where we have no choice but to remove people, households are given referrals to alternative types of accommodation. However, I am extremely mindful of the needs of our most vulnerable and have requested my department liaise with the Mental Health Commissioner and the Queensland Anti-Discrimination Commissioner to ensure we have adequate support and protection in place.

I note the committee's interest in making sure people understand their obligations. Whenever a prospective tenant is about to sign a tenancy agreement, we have departmental staff available to talk them through their rights and responsibilities. Through this process new tenants will have a clear understanding of what is and what is not acceptable, as well as what they can expect from the department. The three-strikes policy also allows tenancy managers to use their discretion and issue warnings instead of strikes for some minor antisocial behaviour.

In cases where antisocial behaviour may be attributed to a mental illness or other form of disability, the policy also provides for alternative responses, including referrals for additional support, consideration of a transfer to another public housing dwelling and more closely monitoring the tenancy. Where required, the department will enter into an acceptable behaviour agreement with a tenant to make it absolutely clear what needs to change.

The three-strikes policy also makes it perfectly clear that the government has zero tolerance for illegal activity like running drug laboratories in social housing. This kind of behaviour is not only illegal but also can seriously jeopardise the health and safety of tenants and neighbours. There is also a significant cost involved in rectifying and decontaminating a dwelling which has been used as a clandestine drug lab to make it ready for the next tenant. These costs typically run upwards of about $75,000, which is a completely unacceptable burden on Queensland taxpayers.

Tenants still have recourse to the principles of natural justice and complaints are thoroughly investigated before action is taken, including a right of reply as part of the department's investigation process. Existing appeal rights will be maintained and if they believe they have been unfairly treated tenants are free to put their case to QCAT.

The committee also made some observations about the appeals and review rights of community housing tenants. The Housing Act 2003 has been recently amended by the Housing and Other Legislation Amendment Act 2013 to enable Queensland to adopt the national regulatory system for community housing providers. Once fully enacted, which is expected on 1 January 2014, this will provide nationally consistent safeguards for community housing tenants. Community housing providers will be required to demonstrate they are fair, transparent and responsive in the delivery of services to tenants and specifically in relation to complaints and appeals that these matters are managed and addressed promptly and fairly.

A provider who fails to do this will be subject to compliance action under the Housing Act 2003. In the event that these breaches are not rectified, are repeated or serious in nature, the provider risks being deregistered, losing their funding and having the service transferred to another provider that provides high-quality and responsive services to tenants.

I take very seriously the need to ensure tenants are treated fairly and have access to complaint and appeals mechanisms regardless of whether they are living in government managed or community managed housing. This is why housing ministers around the country are appointing community housing registrars to monitor the sector's performance, to take direct action where needed to protect tenants and funded assets, and to advise ministers on issues that need national resolution. Put together, these changes will be a significant boost to the protections afforded tor tenants in community housing.

I now move on to the second part of the bill. On 29 August 2013, the Governor's assent was given to the Queensland Building Services Authority Amendment Act 2013 which implements the first stage of the government's response to the report by the Transport, Housing and Local Government Committee on its inquiry into the operation and performance of the Queensland Building Services Authority. While the majority of issues identified in the government response to the committee report are being considered by the building regulator or an implementation committee, some issues need to be progressed as soon as possible. Accordingly, the bill includes amendments to facilitate commercial development, public private partnerships and similar government projects such as the Commonwealth Games Village.

By amending section 42 of the Queensland Building Services Authority Act, the QBSA Act, we will allow a business or individual who is not a licensed building contractor to engage a licensed contractor who will then undertake the commercial building work. The amendments will also remove restrictions regarding retention moneys and security applying to special purpose vehicles involved in PPPs. The bill also amends section 83 of the QBSA Act to enable the building regulator to apply to QCAT for an order so it can continue to act in a building dispute while QCAT proceedings are underway. This is expected to facilitate earlier resolution of building disputes referred to QCAT.

The bill also includes amendments to the Guide, Hearing and Assistance Dogs Act 2009 to promote the rights of people with a disability who rely on these dogs for support. The act currently allows people with a disability to be accompanied by their guide, hearing or assistance dog in public places and in public passenger vehicles. These proposed amendments will address barriers that people with a disability face when relying on a guide, hearing or assistance dog and the frustration of being refused accommodation or having to pay additional charges for having their dog with them. The changes proposed will remedy this situation and make it a specific offence to refuse private, rental or holiday accommodation or impose terms such as additional payments.

While the Anti-Discrimination Act 1991 makes it unlawful to discriminate by refusing to rent accommodation to a person because the person has an impairment and relies on a guide, hearing or assistance dog, the proposed amendments also create an express right for people who rely on their dogs to access places of accommodation. Alongside this express right is a new offence which provides an additional remedy to those available under the Anti-Discrimination Act 1991. The implication is that the onus for seeking a remedy is no longer the sole responsibility of the person with a disability. Instead the burden of prosecuting the offence now lies with the government.

While these amendments have been considered as urgent in order to address this legislative loophole, a broader review of the Guide, Hearing and Assistance Dogs Act 2009 is currently underway. This is being informed by a review panel of relevant stakeholders from training organisations, advocacy organisations, tourism and accommodation sectors, and relevant government agencies.

Once again, I would like to thank the committee and all the stakeholders for their contribution to this important bill. I commend the bill to the House.