




Speech By  
**Michael Hart**

**MEMBER FOR BURLEIGH**

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Record of Proceedings, 22 April 2020

**COVID-19 EMERGENCY RESPONSE BILL**

 **Mr HART** (Burleigh—LNP) (8.00 pm): I rise to speak to the bill before the House. It is amazing to listen to our Premier and the ministers who represent this government because they will tell us things but they will not tell us the truth. This bill gives the government extreme regulation-making powers in respect of a lot of acts. It allows them to make a number of changes within those acts. I want to focus particularly on the areas that fall within my portfolio responsibility.

Before I do that, I would like to point out to members that the Premier said that this was a democratic way of doing this. She said that the parliament would get the opportunity to disallow the regulation. The standing orders allow a member of this House to give notice on a sitting day that they will move to disallow a regulation that a minister has put forward. The government then has 14 sitting days after notice is given to bring that debate to the House and for the regulation to then be possibly disallowed. I point out to the government that we are not sitting much at the moment. Therefore, those 14 sitting days could well be next year sometime. We do not know.

The minister has put forward a number of provisions in the regulation that could be amended. It is really important that there is some clarity around commercial tenancies. We all know that the Prime Minister, via the national cabinet, announced on 29 March that there would be a national code of conduct. It is up to the states to implement that. This bill gives them the regulation-making power to do that. Have we seen any regulation around commercial tenancies? No, we have not. Possibly somebody out there has, but the LNP certainly has not seen that. There has been no transparency and accountability from this government with regard to talking to this side of the House about these particular issues. After all, members on this side of the House actually have some business experience so we know what we are talking about. I ran a chain of retail shops. I employed hundreds of people and did quite well. I am used to dealing with the Westfields and AMPs of the world.

Commercial tenants need clarity. Quite frankly, they are not getting it. What they have had from this government is mixed messages. For the last couple of weeks they have been getting mixed messages from this government around commercial tenancies and residential tenancies.

Yesterday afternoon at around three o'clock the LNP was given three documents—two bills and one draft regulation. There were no explanatory notes to the bill given to the LNP. Members know that bills can be very hard to work through so members need the explanatory notes. We have not seen whether this bill is compatible with the Bill of Rights that the government introduced last year. They table a document that tells us whether a bill is compatible with the Human Rights Act. We have not even seen that for this bill. The Premier tabled it, but it has not been given to the LNP. We have not seen it. We have not had a chance to read it and see whether it is compatible.

I want to speak specifically about residential tenancies. I wanted to speak before the Minister for Housing spoke because I had a number of questions I wanted the minister to answer. Given that he has already spoken he is not going to have the opportunity to answer those questions. I hope that he gives one of their other speakers the answers to these questions. This bill will be guillotined, I am sure, and I will not get the chance to ask these questions.

I refer the minister to page 8 of the draft regulation he has brought forward. It talks about 30 per cent of income. It talks about a 25 per cent reduction in income or 30 per cent of people's income being used to pay the rent on their premises. There will be tenants who decided that they could afford to pay more than 30 per cent of their income on rent and signed up to a rental agreement with their landlord. How does this regulation affect those people who have already signed up and were paying more than 30 per cent of their income on rent? Nothing has changed in their lives. They still have their jobs. They have not lost any of their income. They do not fall into the 25 per cent category. How does this regulation deal with those people? It is completely unclear and it is causing a lot of angst for people who are trying to work out how they fit into the tenant situation or the landlord situation.

On page 9 of the regulation there is an emergency period set by the Public Health Act. It is unknown at this stage how long this particular regulation will be in place, but there are 50 penalty units or roughly 6½ thousand dollars attached to this if somebody has given a tenant a notice to leave which is considered under the regulation to be an eviction.

The minister spoke about the rental hub that he has put in place. The rental hub has been giving out information for the past couple of weeks. It has not been very clear to people. People have looked at their situations, looked at what is in the media, looked at what the REIQ has put out and looked at what the minister has put out and it has been very unclear to them. Where they did get clarity was from QCAT which said that the law has not changed and that they have to proceed as if the law is still in place.

There will be people out there who have given a notice to leave to their tenants and now under this regulation it will be considered an eviction. There is a 6½ thousand dollar penalty attached to that. I would like some clarity from the government as to whether this will apply to people who took what the government said at face value, worked out what they could do, moved forward with that and now all of a sudden find that there is a regulation that they were not expecting which has a 6½ thousand dollar penalty attached to it.

On page 10 of the regulation it talks about causing a tenant to vacate the premises because of false or misleading information. Exactly the same thing applies there. The landlord looked at their situation, looked at what QCAT was telling them and moved forward with the process. They could face a 6½ thousand dollar penalty. The government needs to answer that question.

Clause 15, on page 15, provides for failure to leave. At the end of the day, if the tenants and the landlords cannot negotiate they are to go to the RTA for compulsory mediation. If that fails, they can go to QCAT for a determination. The draft regulation appears to say that the tribunal must not grant an application to terminate if the rent is unpaid because of COVID-19. So they go through this whole process of talking with their landlord and then going to the RTA for mediation to try to find a solution, but at the end of the day when they go to the tribunal it cannot take into account anything other than have they paid their rent or not. There is a gap there.

Under clause 30, on page 25, the tribunal cannot examine domestic violence under paragraphs (i) and (ii) when deciding on an application about a notice ending tenancy. If that is challenged by the lessor under subclauses 34(4) and (5), it requires the tribunal to look at the domestic violence situation. There are mixed messages. On the one hand, the tribunal cannot look at a domestic violence situation; on the other hand, the tribunal has to take it into account. There are so many gaps in this regulation, but we are not going to get the opportunity to deal with them under a disallowance motion because the parliament will not be sitting.

Clause 41, on page 31, is of concern to tenants because they can give a notice of intention to leave if the premises do not comply with the minimum housing standard. That is what the regulation says. Under the housing legislation act 2017, power was given to the minister to put a regulation in place to set that minimum housing standard—and that has not been done. This regulation refers to another regulation that does not exist. Maybe the minister could explain to us how that will work in real terms. After all, we are dealing with tenants and landlords who live in the real world. Tenants rent from a landlord and the landlord wants to take care of their tenant, but the information is completely confusing them. Until there is clarity around this, these people cannot move forward.

I would like to raise a number of questions with the minister about the RTA. We are of the understanding that, if landlords and tenants cannot negotiate on a reasonable basis, they can make an application to the Residential Tenancies Authority for a compulsory mediation. My question to the minister is: how many mediators has he now appointed to the RTA? How long is this going to take?

**Mr deBRENNI:** Madam Deputy Speaker, I rise to a point of order. I understand where the member is going with this. It is probably a useful question. If he is asking about resources that have been applied to government agencies, he may have taken the opportunity to consider that during the appropriation bill. This is a completely different bill. My point of order is on relevance.

**Madam DEPUTY SPEAKER** (Ms Pugh): Member, I ask you to stay within the long title of the bill.

**Mr HART:** The regulation which has been put in place by this bill allows people to go to the RTA, so it is a valid question to ask how many extra staff are there and what are their qualifications. I would also like to know how many extra staff there may be in QCAT. We are hearing from people in the real world who are having to deal with this on a daily basis that there is in fact a six-week wait at the RTA at the moment for compulsory mediation. Here it is that we have landlords and tenants who cannot negotiate because, based on the information the government has put out to tenants, tenants believe they do not have to pay rent under any circumstances. This regulation clarifies that they do in fact have to pay rent, but there is a six-week lag at the RTA. The next step is QCAT—another lag. This could drag on for months and months without landlords being paid the money that they are owed.

The only benefit for landlords is that the government is telling them that they can go to their bank and have their costs or their loans deferred for a period of time. That is no benefit to a landlord. They will have to pay them eventually. That is the problem with this government. They think when you borrow money you never have to pay it back. They are very good at borrowing more and more money but never paying it back. That is part of the problem that we have here. We have a government that is completely incompetent, it has no understanding of how real business works and it is not prepared to be transparent and accountable with the people of Queensland.

Quite frankly, it is not good enough that we have a whole bunch of commercial tenants out there who do not know what they need to do tomorrow. They were looking to this government to provide them with answers today. The government led them to believe that there was a bill coming before the House today that would clarify this situation for them—and it does not. It gives the government regulation-making powers to do it, but the minister should tell us when this regulation is coming in. If he cannot tell us, which of the other ministers here can tell us when commercial tenants will have some clarity in this situation? Those people tell us that they do not have any clarity and they are relying on this government—this failed government—to give them the clarity that they need to move forward.

*(Time expired)*