




Speech By
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MEMBER FOR SOUTH BRISBANE

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RESIDENTIAL TENANCIES AND ROOMING ACCOMMODATION (TENANTS' RIGHTS) AND OTHER LEGISLATION AMENDMENT BILL

Introduction

 **Dr MacMAHON** (South Brisbane—Grn) (12.30 pm): I present a bill for an act to amend the Police Powers and Responsibilities Act 2000 and the Residential Tenancies and Rooming Accommodation Act 2008 to improve rights for renters, address rental affordability concerns and improve access to safe and secure housing. I table the bill, the explanatory notes and a statement of compatibility with human rights. I nominate the Community Support and Services Committee to consider the bill.

Tabled paper: Residential Tenancies and Rooming Accommodation (Tenants' Rights) and Other Legislation Amendment Bill 2021 [715](#).

Tabled paper: Residential Tenancies and Rooming Accommodation (Tenants' Rights) and Other Legislation Amendment Bill 2021, explanatory notes [716](#).

Tabled paper: Residential Tenancies and Rooming Accommodation (Tenants' Rights) and Other Legislation Amendment Bill 2021, statement of compatibility with human rights [717](#).

I have great pleasure in introducing this bill to improve renters' rights in Queensland. The bill amends the Residential Tenancies and Rooming Accommodation Act to address rental affordability and improve access to safe and secure housing. I introduce this bill at a time when the situation for renters is becoming more and more dire. Right now, our rental system is being stretched to its absolute capacity. In Brisbane, vacancy rates are as low as 1.5 per cent. In my electorate, in East Brisbane and Kangaroo Point, vacancy rates are at 1.8 per cent. In Annerley, it is at 1.2 per cent. For people on JobSeeker or the DSP, there are next to zero affordable rental properties and rents are increasing three times faster than wages.

In November, I asked the housing minister if the government would commit to introducing its promised renters' rights reforms within six months. The response, which I table, gave no indication of a time line for the government to introduce these well-overdue reforms.

Tabled paper: Answer to question on notice No. 1087 asked on 26 November 2020 [718](#).

Queenslanders cannot wait any longer. We need urgent action on the growing housing crisis and we need it now. That is why today I am introducing this bill. I am introducing this bill in the context of an enduring imbalance of power and rights between tenants and lessors and an escalating crisis of inequality and financial and housing insecurity which the COVID-19 crisis has only compounded.

Renting in Queensland is no longer uncommon or just a temporary fix. For me and for many of the 1.8 million Queenslanders who rent, it is our only option. Decades of state and federal governments have refused to provide adequate social housing. They have geared our tax system so it is now easier to buy your sixth home than your first. When asked to pick what is more important—the profit margins of wealthy property investors or ensuring everyone has a roof over their heads—governments have picked the side of wealthy property investors again and again.

When I look at who makes up this chamber, it is hard to say that I am surprised by these priorities. There are very few renters in this place. In fact, landlords outnumber renters in Queensland parliament which is a stark reversal to our communities. While across Queensland more than a third of households are renting—in my electorate of South Brisbane nearly 60 per cent of households rent—in here it is just 15 per cent. While nine per cent of Australians are landlords, in here it is 35 per cent. This chamber is increasingly disconnected from everyday Queenslanders. When we have landlords making the laws, it is little surprise the laws are stacked against renters.

I am sure that the ministers and various government members will spend a significant amount of time in this chamber speaking down at me, telling me how my bill demonstrates that I do not understand, but I do not think they understand. They do not seem to understand the impact our current weak rental laws have on Queenslanders.

Renters all across Queensland are struggling. This includes the young woman in South Brisbane I was talking to recently at a pop-up office at the Davies Park Market. A rail on her back balcony had rotted. She could not have friends around for fear that they would accidentally fall off the four-metre-high balcony and onto the concrete below. After six months of asking the owner and real estate agent to get it fixed, to no avail, she stood up for her rights and submitted a notice of breach. Two months later, her lease was not renewed.

Then there was Marilyn, who spoke to my colleague Michael Berkman about her neighbours in St Lucia. A professional migrant family with three young children, they had been renting for a year when they were suddenly told their lease would not be renewed. With no understanding of what they had done wrong, the family were bewildered and embarrassed. While they struggled to find a house they could not afford, they had to make their family home available for inspections with just 24 hours notice each time. Marilyn was shocked to learn that this was all completely legal. 'Are tenants so at the mercy of the whims of the owner?' she asked, and, 'If so, what rights do tenants genuinely have?' It is a good question and one that has gone ignored too long in this place.

It is past time that, with renters comprising the largest proportion of Queenslanders, at 36 per cent of all households, versus 35 per cent mortgage owners and 27 per cent who own their home outright, we acknowledged that our rental laws are outdated and unfair. It is past time that we tipped the scales and began to treat housing as a human right, not a speculative commodity for private profit.

This is something the Greens have been campaigning on for many years alongside community groups and advocates like Tenants Queensland and the Queensland Council of Social Services. As is the case with so many of our policies, it has been really great to see Labor finally get on board. It was great to see the government announce the Open Doors to Rental Reform consultation way back in 2018, and we were excited to hear in 2019 that they would be introducing renters' rights legislation to parliament. Disappointingly, this has not eventuated. We are left wondering whether the government now have cold feet after a well-resourced scare campaign by the real estate lobby. I sincerely hope this is not the case, but the fact remains that we cannot wait any longer. The fact also remains that there were far too many holes in the government's proposed reforms, most conspicuously when it came to regulating rent increases.

For many renters, rental affordability is their greatest concern. The Queensland government's Open Doors to Renting Reform surveys never actually asked respondents about the possibility of caps on rent increases, but a huge number of people tried to raise it in their answers. The report said—

Tenants feel overwhelmingly dissatisfied and stressed about paying rent that they believe is too high. Tenants expressed that they live in a constant state of fear about rent increases, and many expressed the crippling effects of repeated and unsustainable rent increases.

In every major population centre in Queensland, rents have grown faster than the median wage over the last 10 years. The situation is worse in regional Queensland. Prior to the COVID-19 pandemic, approximately 36 per cent of renting households were in rental stress in Queensland. A report from Equity Economics has shown that rental stress in Queensland is projected to grow by 11.4 per cent from February 2020, pre pandemic, to June 2021, post pandemic.

In Central Queensland the situation is significantly worse. Rental stress is projected to grow by 55.2 per cent in the region and homelessness by 31.9 per cent. The Anglicare Rental Affordability Snapshot shows that for people on JobSeeker or the DSP there are next to zero affordable rental properties. Tenants Queensland reports that this is creating a situation where tenants are more likely to tolerate unlawful or unreasonable behaviour from landlords and property managers for fear of eviction and being forced back into an impossible rental market. This is not a looming rental crisis; we are in one now. Some 47,036 people in Queensland are waiting on the social housing register. That includes 26,000 families and 16,000 children. There has been a 68 per cent increase since 2017. Homelessness is increasing rapidly.

This bill would bring rent increases in line with inflation and curb arbitrary rent increases which are not justified by improvements to the property. It would limit rental increases to once every two years and only in accordance with CPI, including if there is a period for which the property is not rented or if the current tenants move out and new tenants enter on a new lease. A landlord could seek to increase the rent by more than CPI if the tenant agrees, but if they do not agree the landlord must apply to the Queensland Civil and Administrative Tribunal to demonstrate that the value of the home has substantially increased.

With record low vacancy rates in Queensland, some people who are looking for a rental are bidding on rental properties to secure them. What that can look like in practice is that a property is listed for \$400 per week rent, but a prospective tenant offers \$500 per week rent as an incentive for the landlord to pick them over other prospective tenants. This is a big issue because it locks out low-income families and can drive up rents.

Under the current Queensland rental law, real estate agents or landlords cannot ask for these bids, but there is nothing stopping them from accepting them if a prospective tenant offers. This bill fixes this by banning landlords and agents from accepting these bids. The provisions under this bill would mean that if a property is listed for \$400 a week rent, it has to be rented for \$400 a week.

As well as banning rent bidding and ending disproportionate and unregulated rent increases, the bill would improve renters' safety, security and enjoyment of their home. It is simply extraordinary that, under Queensland's law, lessors have the power to make a tenant homeless without any given reasons, using no-grounds evictions. Under the existing legal framework, around one in five moves in the private rental market are made involuntarily by the tenant. For vulnerable renters in particular, this can have grave impacts on their housing and financial security as well as their health and safety.

This fear of eviction creates a situation where tenants are hesitant to exercise their rights, including to request repairs to avoid attracting negative attention or retaliation from the lessor. This means a significant number of tenants are living in rental properties that are poorly maintained, including with serious health and safety issues. This bill would remove the ability for no-grounds evictions or evictions for a sale contract by the lessor. All tenants will be entitled to have their lease renewed unless they have breached their lease conditions, including if there is a change of ownership of the property, unless the landlord has reasonable grounds to end the tenancy.

The bill creates two new grounds for a notice to leave. They are if either: the owner or their relative wishes to live in the property for at least a year; or major renovation or repairs will make the premises completely or partly unfit to live in for a period of four weeks, under which circumstances the provider would need to offer the resident another tenancy agreement for the premises after the renovations are completed. It also increases the minimum notice periods required under various grounds for notices to leave, requiring at least: six months notice for owner/relative occupation and major renovations; two months notice for the ending of employment entitlement; and six months notice for the ending of accommodation or housing assistance. Finally, it creates an offence for lessors who issue a notice to leave on false grounds, to prevent landlords from intentionally misusing any of the legal reasons to evict a tenant.

In addition to the pervasive uncertainty about the length and security of one's lease, renters are prevented from putting down roots in their home by unreasonable restrictions on their use of the property. Tenants pay a significant amount of rent to live in a rental property so they should be able to make it feel like home. Existing laws that prevent tenants making minor modifications such as hanging a picture are outdated and do not reflect our current reality, with an increasing number of long-term renters. This bill gives renters additional rights to make minor modifications without first obtaining the landlord's consent, including: installing picture hooks or nails in the premises or resident's room; installing furniture anchors in the premises or resident's room; installing shelving in the premises or resident's room; painting walls of the premises, except in rooming accommodation; and making any other modification to the premises or resident's room prescribed by regulation.

Similarly, for a rented property to truly feel like a tenant's home, they should be given the right to keep their pet, unless the lessor has reasonable grounds to refuse them. Keeping a pet should not be a barrier to finding a home, nor should renters be forced to surrender their pets due to a lack of pet-friendly housing. The right to keep a pet was one of the most popular topics raised during the consultation on renting reforms. Under this bill, tenants would have the right to keep a pet, and parties would be prohibited from contracting out this right under a residential tenancy agreement. Landlords could only refuse tenants the right to keep a pet on reasonable grounds by order of QCAT, and the onus rests on the landlord to apply for this exemption. Importantly, landlords could not require tenants to pay additional amounts of rent or bond if they wish to keep a pet.

The bill also deals with minimum housing standards for rental properties, noting that the Queensland parliament passed legislation in 2017 that empowers the minister to make regulations regarding minimum standards but that those regulations have not been made to date. In the government's Open Doors to Renting Reform consultation, 60 per cent of respondents to a snap poll agreed that they had seen a rental property with serious safety problems. Some 12 per cent of all respondents reported their current property condition as 'Poor—needs repair or maintenance for health and safety', including mould, broken locks and structural issues.

This bill provides that regulations made about prescribed minimum housing standards for rental properties must cover the standards currently listed in the act as non-compulsory components of such regulation, being: sanitation, drainage, cleanliness and repair of the premises, inclusions or park facilities; ventilation and insulation; protection from damp and its effects; construction, condition, structures, safety and situation of the premises, inclusions or park facilities; the dimensions of rooms in the premises; privacy and security; provision of water supply, storage and sanitary facilities; laundry and cooking facilities; lighting; freedom from vermin infestation; and energy efficiency.

This bill would also help ensure prospective tenants have fair and honest information about the property. If a landlord or real estate agent knows of information about the property that could impact the tenant during their tenancy, they need to share this information with the tenant. The bill would require landlords and real estate agents to disclose: if they have engaged an agent to sell the property; if another mortgagee has engaged in action to take possession of the property; if the lessor is not the owner of the property; details about the electricity network; issues with mould and damp at the property; any known contamination, asbestos, building defects or safety concerns at the property; or if there is a development application or body corporate dispute at the property.

This bill would also ban inappropriate or discriminatory questions by lessors. Our bill stops property owners and real estate agents asking prospective tenants inappropriate or discriminatory questions like: whether or not the tenant has had a legal dispute with a landlord before; whether the tenant had a claim on a previous rental bond before—a dusty fan or light should not impact someone's ability to secure another home; what the tenant's nationality or residency status is; the tenant's passport details, if they have already supplied another photo ID; or for an unredacted bank statement. Both of these changes to information are modelled off legislation the Victorian government has recently passed.

The bill also proposes a number of minor changes to improve tenants' privacy, financial security and safety, including: increasing the notice period for entry to the premises by the lessor for entries other than routine inspections from 24 hours to 48 hours; requiring lessors to forward water bills to the tenant within one month when a tenant is required to pay for water consumption; and removing a lessor's ability to remove a resident under a rooming accommodation agreement without a tribunal order, to bring the rights of tenants in rooming accommodation in line with tenant's rights in other residential rental accommodation.

The changes proposed by this bill are essential steps to shift the imbalance of power between renters and landlords. Our current political and economic system has largely outsourced housing to the private for-profit real estate market, which is inherently vulnerable to monopolies and exploitation of everyday people, particularly those on low incomes.

Meanwhile, our current laws give landlords an inordinate level of power. We need the reforms in this bill if we are to improve housing affordability, address homelessness and housing insecurity, and reduce wealth inequality. In turbulent times, more than ever we need representatives with the courage to act in the interests of the many, not the few. Less than 10 per cent of Australians are landlords, yet our laws undeniably favour their interests. These laws strike a fairer balance for all Queenslanders and still leave landlords with clear rights.

The bill I am introducing today has been compiled with input from Tenants Queensland, QCOS, the Youth Housing Coalition, Anglicare and many renters for which I am very grateful. With more and more people renting and renting long term, these are crucial reforms for a number of Queenslanders. Amidst increasing inequality, uncertainty and financial stress, it is more important than ever that governments take responsibility for basic rights. Despite the way it has been treated as a private commodity for decades now, housing is undeniably a human right. It is time we started treating it as such.

First Reading

Dr MacMAHON (South Brisbane—Grn) (12.51 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to Community Support and Services Committee

Madam DEPUTY SPEAKER (Ms Bush): In accordance with standing order 131, the bill is now referred to the Community Support and Services Committee.