




Speech By
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MEMBER FOR CURRUMBIN

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HOUSING LEGISLATION AMENDMENT BILL

 **Mrs GERBER** (Currumbin—LNP) (3.20 pm): According to data from the Australian Bureau of Statistics, 29.9 per cent of residents within the Currumbin electorate rent their home. That is approximately 5,406 local renters who will be affected by this Housing Legislation Amendment Bill which we are debating here today in parliament. Approximately 90 per cent of Queensland's rental housing is provided by private property owners so this bill, which seeks to better protect tenants, must also provide a fair balance between the rights of both tenants and lessors. Our housing market depends on it and, for the most part, the bill contains sensible amendments which are welcomed and supported by the LNP, but sadly the reform does not address our current housing crisis.

The most obvious way the government can address the housing crisis is to invest more in houses or to encourage the private market to supply more homes. However, there are two key issues in this bill which will have the effect of doing the opposite of just that. These relate to pets and periodic tenancy agreements. These provisions, in my view, do not strike the required balance. Professional bodies, including the Real Estate Institute of Queensland—REIQ—and the Queensland Law Society warn that they will have unintended consequences for renters and the rental market.

The LNP has proposed sensible amendments to rectify these issues. I will address this later on in my contribution, but first I wish to speak to the aspects of the bill that are sensible and supportive. In particular, we support reforms that ensure all Queensland rental properties are safe, that they are secure and that they meet minimum housing standards. I note that the changes proposed in this bill encourage compliance with minimum housing standards, repair and maintenance obligations and support enforcement, all of which aim to ensure rental properties meet safety and security standards as well as reasonable functionality standards. This is welcomed and has bipartisan support.

I believe the most positive change in this reform is the amendment strengthening protections for people experiencing domestic and family violence. I have been a strong advocate for measures to protect and support people experiencing domestic and family violence. We know that one of the most dangerous times for a person experiencing such violence is the time leading up to and immediately after they leave a violent relationship and that domestic and family violence is the leading cause of homelessness for women and children. I welcome the introduction of a new process for tenants experiencing such violence to allow them choice and flexibility to, for example, change the locks without getting the landlord's permission or to end their tenancy quickly with liability for end-of-tenancy costs capped at seven days notice. Notwithstanding, it is likely that this reform will disadvantage property owners when it is needed to be used by a tenant. However, in my view, the seriousness of domestic and family violence warrants this special consideration.

I would urge the state government to consider the Queensland Law Society's submission to look at ways to compensate lessors who are adversely but necessarily affected by these changes, including to advocate to insurance providers to encourage the availability of lessor insurance cover for loss of rental and property damage in these difficult situations.

Similarly, the LNP is supportive of the amendments to the Retirement Villages Act which exempt freehold resident operated retirement villages from existing statutory buyback schemes. In fact, it amends the very issue that the LNP warned the government about back in 2019.

I turn now to the aspects of the bill which stakeholders and the LNP do not support and about which we hold very serious concerns. The first is that the bill seeks to introduce a narrow range of reasons why pets can be refused from a rental property which will remove a lessor's right to refuse a tenant's request to keep a pet without reason. Furthermore, landlords must respond to a tenant's request to have a pet within 14 days of the request, otherwise the request is deemed approved. The time period has been criticised by the peak body REIQ as not being reasonable and not allowing landlords enough time to make due diligence inquiries into a request of a tenant to have a pet.

The peak professional body also submits that damage caused by pets can lead to significant repair and renovation bills, and property values can be significantly impacted by pet damage. Notably, many insurance policies do not respond to pet related damage. Even where pet damage is included, technical wording within the insurance policies may leave owners without protection. Given this, owners should be able to retain the right to decline a pet request for reasons outside the narrow range of reasons in this bill.

I know how important pets are to individuals and families and the important role they play in a family unit, but the concern is that this part of the bill gets the balance wrong and risks unintended consequences, including that property owners may take their property off the housing market, which would be devastating in the current housing crisis climate.

The other significant issue in this bill is the proposed abolishment of current periodic tenancy termination rights. The bill omits any provision for a lessor to give notice to leave without-grounds for a periodic agreement. Many stakeholders, including the REIQ and the Queensland Law Society, do not support this approach. Periodic tenancies generally arise following the end of a fixed-term agreement and are for the convenience of both parties. The very nature of a periodic tenancy is that it has no end date and can be terminated at any time by either party giving the appropriate notice. Failing to make provision for a periodic tenancy to be brought to an end in this way is contrary to the general understanding of a periodic tenancy. Instead of improving security for tenants, it will have the opposite effect.

Lessors will stop entering into periodic tenancies when a lease expires because of the limited capacity to bring it to an end, resulting in the security and convenience of a periodic tenancy being taken away from renters. Instead, if a lessor is not in a position to grant a further fixed-term agreement, a lessor will likely require a tenant to leave at the end of the fixed-term agreement rather than agreeing to extend for a short period of time. The REIQ warns—

The erosion of a lessor's right to simply end a periodic tenancy with required notice (as is currently permitted) would result in the majority of Queensland periodic tenancy agreements being terminated. It would also result in lessors offering only fixed term tenancy agreements. The 'risk' of being locked into a potentially never-ending tenancy would see lessors opting for fixed term tenancy agreements that enable them to retain control over a material contractual term.

To ensure a periodic agreement can be reasonably ended by a lessor and that lessors are given balanced authority to refuse pets, the LNP has moved some sensible amendments to the bill. The LNP's amendments address the concerns I have spoken about by stakeholders, including REIQ, Property Owners' Association of Queensland, the Urban Development Institute of Australia and the Queensland Law Society. The amendments are critical, particularly in relation to periodic tenancies, because we are in a housing crisis. For the state government's reform in this space to result in reduced housing supply for renters, putting greater strain on the rental sector as a whole, is gravely concerning. The majority of housing issues raised by my constituents concern the lack of supply. Renters of all ages being unable to find affordable rentals is also leading to bidding wars from desperate applicants.

This is not a new problem. The warning signs about the lack of housing supply and tightening rental market were there before COVID, but it has become even more difficult recently. Earlier this year, I was contacted by a Currumbin family who had been rejected 15 times for a private rental property. They are a dual-income family with young children and a successful small business, yet this family was unable to find an appropriate property and were forced to stay with friends while they continue to search. It is certainly not an ideal situation for a family with young children who are in school and trying to work at the same time.

Competition from interstate has also exacerbated this issue, but constituents have expressed a frustration at the lack of forward planning or urgent action from the Queensland state government to resolve property supply issues. The amendment in this bill which will likely result in periodic tenancy agreements being taken off the table for renters will only cause more grief and strain the rental market even further.

Only recently I was contacted by the family of a Currumbin Waters constituent desperately concerned about the dire state of Queensland's rental market after the constituent and her two young children received a notice to leave her current property, which had been sold by the landowners. Since July my constituent has visited countless home inspections and poured over online vacancies. She says that nothing is advertised for long and it is almost impossible to find somewhere affordable to rent.

Now, because of a lack of planning by the state Labor government, periodic tenancies will be taken away from renters also. The Palaszczuk Labor government is failing Currumbin constituents and failing Queenslanders with this careless aspect of the bill. I urge all members to support the LNP's amendments and I urge the Palaszczuk Labor government to do more to solve our housing crisis.