




Speech By
Hon. Leeanne Enoch

MEMBER FOR ALGESTER

Record of Proceedings, 13 October 2021

HOUSING LEGISLATION AMENDMENT BILL

Second Reading

 **Hon. LM ENOCH** (Algester—ALP) (Minister for Communities and Housing, Minister for Digital Economy and Minister for the Arts) (11.44 am): I move—

That the bill be now read a second time.

I would like to thank the Community Support and Services Committee for its report tabled on 16 August 2021 regarding the Housing Legislation Amendment Bill 2021. I would also like to thank those who made submissions to the committee and those who appeared as witnesses as part of the committee's inquiry. I am pleased to table the government's response to the committee's report on this bill, accepting all the recommendations which I will detail later.

Tabled paper: Community Support and Services Committee: Report No. 7, 57th Parliament—Housing Legislation Amendment Bill 2021, government response [1735](#).

In 2010, seven-week-old baby Isabella Diefenbach died after falling through the balcony of her parents' rental home in Yeppoon. Isabella was being held by her father when his foot fell through a rotten wooden plank on the house's deck, causing Isabella to fall from his arms. Isabella's parents, Adam and Jenny, had made complaints to their real estate agent and landlord about the state of the deck prior to Isabella's death. This tragedy could have been avoided if there were enforceable minimum housing standards for rental properties in Queensland.

I remind the House of this story to draw members' attention to the importance of what we are debating here today. This bill proposes changes to ensure that rental accommodation is safe, secure and functional, as well as supporting renters to enforce their tenancy rights to repairs and maintenance. It is the government's hope that, through passage of this bill, we might avoid similar tragedies in the future as well as protect the rights of renters more broadly and property owners in a balanced way. An increasing number of Queenslanders rely on the private rental market for safe, secure and affordable housing. Around a third of Queensland households rent, and many Queenslanders also invest in rental properties. With more Queenslanders renting and renting for longer, Queensland needs modern laws that meet the changing needs of renters and rental property owners.

The Housing Legislation Amendment Bill 2021 fulfils the Palaszczuk government's commitments to deliver stage 1 rental law reforms and implement amendments to the Retirement Villages Act 1999 to exempt resident operated freehold retirement villages from mandatory buyback provisions. From the comprehensive consultation we undertook with Queenslanders over many years, we know that there are strongly held views on renting and appropriate rental legislation. I believe that the bill we are debating today finds the acceptable and appropriate balance. Despite that balance, what we have seen here in the House this week is the LNP and the Greens on a unity ticket to create confusion and mayhem for renters. They came into this place yesterday and voted together on the business program motion. If ever we needed further evidence that the Greens and the LNP have formed a political alliance, there it was.

This bill we are debating progresses several important reforms to the Residential Tenancies and Rooming Accommodation Act 2008 to provide better protections for renters and owners and improve stability in the rental market. Importantly, we are ending owner initiated without-grounds evictions. Rights to end tenancy agreements will be amended to provide greater certainty about the circumstances in which renters and rental property owners can end their tenancies. These changes introduce an expanded suite of approved reasons for renters and owners to end tenancies.

In addition, minimum housing standards will be prescribed for Queensland rental properties to meet basic safety, security and functionality standards that all Queenslanders deserve and have a right to expect in their homes. I am aware of public comments by some in the LNP who think renters have become spoilt for wanting to live in a property that is safe and secure, is free of vermin and will keep their family dry during a storm—what most would consider are minimum standards. I would say to those opposite that everyone deserves the dignity of a safe and secure home. No-one deserves to live in squalid conditions. While members of the LNP may think that basic living standards are a privilege for the few, as a Labor government we are proud to progress reforms like this that support people who do not own their own home and that ensure they have a safe place to live. The amendments in this bill establish minimum standards because, just as tenants are expected to pay their rent on time, property owners should be expected to ensure their property meets a minimum standard of livability.

Minimum housing standards will commence from 1 September 2023 for new tenancies and from 1 September 2024 for all tenancies. This will allow property owners adequate time to meet the required standards. As I said earlier, these amendments also support renters to enforce their tenancy rights to repairs and maintenance on their property. The bill establishes an offence of up to 50 penalty units for failing to comply with a repair order, unless the person has a reasonable excuse, as well as a continuing offence with a maximum penalty of five penalty units for each week the offence continues after a person is convicted by the Magistrates Court of failing to comply with the repair order. I can inform the House that comprehensive economic analysis found that these stage 1 rental law reforms in aggregate will not significantly impact rent supply or affordability in Queensland's rental market.

In 2020 the Queensland government established a set of temporary COVID-19 regulatory measures for the residential rental market, including protections for renters experiencing domestic and family violence. These included the ability to end their interest in a tenancy quickly with limited liability for end-of-lease costs and the ability to change locks in a rental property without the owner's consent to ensure their safety. This bill proposes to make these vital domestic and family violence provisions enduring. These provisions will commence on assent of the bill.

Importantly for thousands of Queenslanders, the proposed changes in the bill will also make it easier for renters to request and keep a pet at their property. A property owner must respond in writing within 14 days of a renter's request to keep a pet. If the owner does not respond within 14 days, the request will be deemed to be approved. It is easy to get wrapped up in the technical details of legislation but, in reality, this is about people—like the renter from Cairns who contacted my office last year who had lived in the same rental property for 10 years. They had previously kept a dog at the property with no issues; however, a few years later the renter asked for permission to keep a rescue dog as a companion and was refused. This refusal was distressing for the renter. This legislation will make it easier for requests such as this to be made in the future and ensure that owners provide a prompt response and outline reasons for a refusal. We know that this change will make a big difference to the lives of many people. Property owners will be required to have a prescribed ground to refuse a request to keep a pet or be able to give approvals subject to conditions other than additional bond or rent.

COVID has reinforced how important pets can be for people's wellbeing, which is why this is an important inclusion in the bill. A renter can dispute a refusal using existing processes, including conciliation through the RTA, before applying to the tribunal if conciliation is unsuccessful. I note that in the dissenting committee report the LNP has made clear that it does not support this amendment as it believes that a lessor should be allowed to reject applications to have pets without stating a reason. Here again is another example of how out of touch the LNP is with Queenslanders. To oppose such a simple courtesy really shows how little it cares about renters in Queensland. We see the same disinterest in the wellbeing of renters from the federal LNP government. It is walking away from the National Rental Affordability Scheme, leaving thousands of Queensland renters to pay higher rents. That same disregard for those people is now being seen from those opposite.

A power to require property owners to disclose information about the tenancy and rental property will also help to ensure both parties have access to the information they need to make informed decisions about their tenancy arrangements before they enter a tenancy agreement.

The bill also amends the Retirement Villages Act 1999 to create a regulation-making power to exempt resident operated retirement villages from mandatory buyback requirements and establishes a range of matters to be considered when deciding whether an exemption is appropriate.

The Community Support and Services Committee states in its report that the submissions received to its inquiry into the bill clearly demonstrate that the rental market is difficult and that there are differing views about the proposed reforms. However, the committee concluded that rental reform is needed to ensure every Queenslanders has access to a safe and stable home.

The committee supported the removal of without-grounds as an approved reason for property owners to end a tenancy and the introduction of additional approved grounds as an important step towards providing more certainty, transparency and accountability for all parties in the rental sector. The committee noted the calls from stakeholders representing renter interests for this reform to go further and concerns raised by stakeholders representing property owner interests about potential impacts on periodic leases.

As my department articulated in its submission to the committee, to allow renters to retain possession of properties at the end of agreed fixed-term tenancies would affect longstanding property, tenancy and contract laws. It would deprive property owners of a protected human right to the ownership of property and would have insufficient regard to the rights of individuals for the purposes of fundamental legislative principles. Not recognising the end of a fixed-term tenancy would have the legal effect of depriving the owner of the right to possess the property again and giving it to the renter, except in certain limited circumstances, without compensation for the deprivation of the right. A lease is a contract. The owner and the renter will agree the term of the renter's possession of the property and set it down in their contract. A renter is not regarded as being evicted at the end of a fixed-term tenancy; rather, the mutually agreed period of the renter's possession ends. The parties are free to agree another period of possession—or not, depending on the circumstances.

This bill provides renters with more certainty about their rights during the agreed term and the limited circumstances that a tenancy can end. Let me be clear, because there is a lot of misinformation that has been spread about these reforms: we are ending without-grounds evictions. Proposals put forward in the Greens' private member's bill demonstrate that they are not and never will be a party of government. Their complete disregard for Queensland's own Human Rights Act and basic contract law is telling. When we are experiencing extremely tight rental markets across the state, the fact that they would make proposals that would lead to fewer, not more, available rental properties beggars belief. Their assertion that this is all about big corporate interests ignores all the mum-and-dad investors who have put their life savings into rental property in the hope of generating some income in retirement.

The committee concluded that, on balance, the ending tenancies amendments proposed in the bill achieve an appropriate balance between renter and property owner rights and was satisfied that the offence provisions for these reforms are relevant and appropriate.

The committee recommended that implementation be monitored through the development of a framework for data collection about how residential tenancies are managed and ended and that the Department of Communities, Housing and Digital Economy work closely with community housing providers to align headleasing contractual practices with the changes in the bill.

The committee supported the proposed amendments to support renters experiencing domestic and family violence and was heartened by evidence to the inquiry that demonstrated these reforms have been effective at the front line. The committee noted and welcomed the department's advice that it will continue to work with relevant stakeholders to develop and support implementation of measures to support better outcomes for renters experiencing domestic and family violence.

The committee also supported the proposed amendments to prescribe minimum housing standards for all Queensland rental accommodation to meet basic safety, security and functionality standards but recommended that close monitoring and evaluation be undertaken of these reforms to inform consideration of whether stronger compliance mechanisms are needed in the future.

The committee acknowledged the important role that pets play for many Queensland households and supported the proposed amendments in the bill to make it easier for people to rent with pets. The committee report also noted calls for reform that would enable renters to make minor changes to their homes and the impact this would have on the renters' wellbeing and safety and encouraged the department to ensure the views expressed to the inquiry by stakeholders are considered in the development of future minor modification reform proposals.

The committee noted the broad support for the proposed amendments to the Retirement Villages Act 1999 to exempt resident operated retirement villages from mandatory buyback requirements and recommended that the department ensure accessible advice is provided to villages that may be eligible to ensure they can navigate the exemption process efficiently and effectively.

I again thank the members of the Community Support and Services Committee for their detailed review of the bill. I welcome the committee's recommendations emphasising the importance of clear implementation guidance for affected stakeholders and sectors as well as ongoing monitoring and evaluation of reform outcomes.

If the bill is passed, the department will work with government and sector partners to develop and implement a monitoring and evaluation framework to measure the effectiveness and impact of rental law reforms and to ensure materials are available to support stakeholders to transition to and implement these important reforms to Queensland's rental laws. The department will also closely engage with community housing providers to ensure headleasing contractual arrangements are aligned with the changes progressed in the bill and with resident operated retirement villages to ensure they can easily navigate the process for seeking an exemption from the buyback requirements.

The committee noted in its report that many submissions to its inquiry highlighted that renters needed reforms to make it easier for them to make minor changes to their rental property, particularly people with disability and those experiencing domestic and family violence who need these modifications to live independently and safely in their homes. The Palaszczuk government is committed to progressing stage 2 rental law reforms. We recognise that there are benefits for all stakeholders in engaging in detailed planning work to ensure a smooth and effective implementation of stage 1 reforms, which must be the immediate focus of our efforts. Importantly, I can confirm for the House that minor modifications reform will continue to be progressed as a priority in stage 2 of our renting reforms.

Further engagement is needed with stakeholders to determine where the appropriate balance lies between renter and property owner interests on this issue. Significant work is also being progressed nationally to improve accessible housing, particularly for seniors and people with disability. That will impact what needs to be achieved in Queensland's rental laws to support and encourage accessible housing in the rental market. As such, it was important for these reforms to be part of the next stage of reform in order to allow that national work to develop. In progressing stage 2 reforms in the first half of 2022, the Queensland government will engage with key stakeholders to define the next tranche of issues to be addressed, explore reform options and design workable solutions and of course consult on them.

Minor issues have been identified in the bill, and I intend to move amendments during consideration in detail to address these. Stakeholder submissions to the committee's inquiry into the bill suggested several amendments to improve clarity and enhance implementation of the reforms. I will move an amendment to include an explicit statement in proposed new sections 308E and 381E providing for the effect of a notice ending tenancy interest if there is more than one renter, that the tenancy agreement continues on the same terms between the rental property owner and the remaining renters. This will remove any doubt about the operation of the domestic and family violence reforms and the impact of a notice ending tenancy interest where there is more than one renter named in a tenancy agreement.

Concerns were also raised that the definition of 'immediate family' for the proposed additional ground of owner occupation in new section 290G was too narrow and did not take into account the family structures and relationships of culturally diverse communities like, for instance, Aboriginal and Torres Strait Islander peoples. I will move an amendment to ensure the family relationships to be recognised for the purposes of a notice to leave for owner occupation align with existing terms in the Residential Tenancies and Rooming Accommodation Act 2008. This change will reduce legislative complexity and recognise a wider range of family relationships, including Aboriginal and Torres Strait Islander people's traditional and customary family relationships.

I will also move amendments to apply offences and penalties for misuse of notices to leave for rooming accommodation agreements. This will ensure offences proposed in the bill for ending tenancies reforms apply to both residential and tenancy and rooming accommodation to ensure all renters are protected from misuse of notices to leave.

I will also move two additional amendments to correct minor drafting issues identified in the bill. The first will correct a minor cross-referencing error between amendments to section 253 of the Residential Tenancies and Rooming Accommodation Act 2008 commencing on assent and later amendments to the same section that will commence on proclamation. This amendment will ensure accurate cross-referencing when all amendments have commenced.

The second set of these amendments will ensure appropriate arrangements are in place for matters considered urgent applications to the tribunal that account for the differing commencement of reforms implemented by the bill. These amendments will correct drafting errors to ensure that applications to the tribunal about notices to leave without-grounds continue to be urgent applications until the ending tenancies reforms commence by proclamation and are then omitted by the act.

This bill fulfils the Palaszczuk government's election commitment to deliver stage 1 of *A better renting future reform roadmap*. This includes reforms requiring reasonable grounds for all tenancy termination, making it easier to keep pets and ensuring all rental homes adhere to basic standards of safety and security. It also delivers our election commitment to swiftly implement amendments to the

Retirement Villages Act to exempt resident operated retirement villages from mandatory buyback provisions to address the findings of the independent review of the time frame for exit payments in retirement villages.

Of course, these reforms are part of the Palaszczuk government's broader Housing Strategy, which includes our current action plan, released earlier this year and supported by a \$2.9 billion investment including a \$1 billion Housing Investment Fund. This is the largest concentrated investment in social housing in Queensland's history, and I am very proud to be part of a government that is committed to social and affordable housing in this way.

I would like to thank everyone who has contributed to this bill, including those who submitted the more than 150,000 responses received through extensive community and stakeholder consultation in 2018 and 2019. These submissions, as well as those received during the parliamentary committee process, included the personal stories of thousands of Queenslanders, and their contributions have been incredibly valuable. A wide range of stakeholders and peak bodies have also been committed to this journey of reform with the government for a number of years, and I would also like to thank them for their hard work. I also take this opportunity to recognise Minister Mick de Brenni for his hard work on these reforms in the last term of government as the former minister for housing.

This bill proposes a balanced set of reforms that modernises Queensland's rental laws and provides the solid groundwork for further reform during the term of government. I look forward to the debate today. Obviously, as I have already stated, I continue to look to the horizon in terms of stage 2 of the reforms, which we have made the commitment to work very swiftly to progress in the near future. I commend the bill to the House.