




Speech By
Hon. Leanne Enoch

MEMBER FOR ALGESTER

Record of Proceedings, 14 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) (12.47 pm), in reply: I would like to thank all members for their participation in the debate of the Housing Legislation Amendment Bill 2021. It is heartening that members expressed support for most measures provided for in the bill, particularly protections for renters experiencing domestic and family violence and minimum housing standards which ensure rental properties are safe and fit for renters to live in. Members also indicated broad support for the amendments to the Retirement Villages Act 1999 to exempt resident operated retirement villages from mandatory buyback requirements.

After hearing the contributions from both the LNP and the Greens this week, it is obvious that Labor is the only party that can bring into the parliament responsible policies like this which achieve a balance between competing priorities. Opposition members say that they support most of the reforms provided for in the bill; however, when it comes to the LNP and the member for Everton there is also a 'but'. Those opposite always claim to support vulnerable Queenslanders. Many members noted the tight rental market conditions being experienced across the state and shared stories from their constituents who are finding it challenging to find suitable and affordable rental properties to make their home, but with the LNP there is always someone else who is more deserving of consideration. To be honest, I am not surprised that the LNP opposes sensible reforms like requiring lessors to have a reason to refuse a renter's pet request or the ending of without-grounds evictions. After all, it was the member for Everton who cut the tenant advice and advocacy service when he was the housing minister.

I am also not particularly surprised by the behaviour of the Greens political party this week. The member for South Brisbane could have come in here and debated the merits of this important bill. The member could have backed up her claims to care for tenants in Queensland by engaging in constructive policy debate. However, the Greens decided that instead they would use their time to pull a political stunt. The member for South Brisbane moved a motion that members who own an investment property should not be allowed to vote on this bill. The advice from the Clerk's office was very clear that members were not required to declare a conflict of interest in this debate. In fact, the Deputy Clerk advised MPs that investors and renters are a broad class and thus there is no compulsion on members to declare in their speeches or when voting in line with previous Speakers' rulings. However, if members wish to declare in their speeches they can, but there is no requirement to do so.

A competent member would have taken the time to seek the Clerk's advice before moving such a motion. The member for Maiwar said at the outset of this debate how disappointed they were in this bill. Imagine how disappointed the people of South Brisbane must be in the performance of their member of parliament this week. While the motion was appropriately disposed of swiftly by this House and ultimately ruled out of order by the Speaker today, it reeks of the politics of division. The fact that the Greens national spokesperson for housing is herself a property investor does not stand in the way

of the Greens trying to claim some moral high ground in this debate. We know the member for South Brisbane takes her cues from a certain Brisbane City councillor, but if the Greens want to be taken seriously I would suggest rethinking their hypocrisy and keeping in mind that this is the parliament of Queensland. Sadly, this behaviour is something we have come to expect from the Greens political party who are more interested in collecting email addresses, spreading conspiracy theories and pitting the community against itself because that division serves their own political interests.

I now turn to the specific policy issues raised during this debate. While allegedly recognising the important role pets play in Queensland families, members of the LNP expressed the view that property owners should retain their unilateral right to refuse a renter's request to keep a pet and that the list of prescribed reasonable grounds was too narrow. The member for Everton has indicated he will move amendments to the bill that will maintain the status quo on this issue: allowing owners the ultimate authority to refuse renters the right to keep a pet without having to give a reason.

Alternatively, the member for South Brisbane has proposed amendments that will allow a renter the right to keep a pet unless the owner successfully applies to the tribunal for an order that the renter cannot keep the pet. These amendments are at opposite ends of the reform continuum and the government's position strikes the right middle ground. Consultation feedback indicated that there were marked differences in the strongly held views expressed by property owners and renters on the topic of pets so the government has put significant effort into finding a balanced approach to this reform.

We have heard the difficulty renters face in getting agreement from their property owner or manager to keep a pet or to be offered a rental property if they have a pet. It is not feasible to maintain the status quo as suggested by the member for Everton and expect to see a change in this outcome for renters. We have also heard the concerns raised by property owners about the risks to their investment of damage caused by pets and their desire to retain some control and influence over the decision about whether a pet can be kept at their rental property. The Greens' proposed amendments will not work either. Through the pet reforms proposed in the bill the Queensland government has found a balanced approach that makes it easier for renters to keep pets while ensuring property owners continue to exercise appropriate decision-making and discretion about a renter's request to keep a pet.

Opposition members also expressed concerns that removing a property owner's ability to end periodic leases without grounds would create perpetual leases and discourage property owners from entering into periodic leases. These members asserted that removing without-grounds reasons to end periodic leases will result in property owners terminating existing periodic leases and create a preference for fixed-term leases. It is important to note that there is already a significant preference for fixed-term tenancies in Queensland with most tenancy arrangements being rolling fixed-term agreements.

The government has consulted extensively with the stakeholders to include in the bill a range of appropriate grounds to end a tenancy. All proposed and current with grounds reasons to end a tenancy, other than the end of a fixed-term agreement, will apply to periodic leases, but owners must have an appropriate reason to end a tenancy agreement. This has been the government's clear and consistent policy intent in progressing rental law reform to improve transparency, accountability and certainty between parties to tenancy agreements.

Again while the member for Everton is proposing an amendment to maintain the status quo, the member for South Brisbane is proposing reforms that would not even allow a tenancy to end when a property is sold. The government has proposed sensible reforms that prevent retaliatory evictions by removing the unlimited discretion of the property owner to choose to end a tenancy for no reason. These balanced reforms require property owners to have an appropriate reason to end a tenancy and protects renters from property owner initiated no grounds terminations.

All members are aware of the extraordinary pressures on Queensland's housing market. Housing affordability has been a major issue for low to moderate income earners for decades, but by all measures the current conditions across the state are exceptional. The member for South Brisbane has proposed amendments to the bill that she claims will address affordability issues, such as capping rent increases to once every two years and by no more than CPI per year.


The Community Support and Services Committee's report on the private member's bill notes that there is a significant body of economic evidence that suggests rent control measures may have adverse impacts on housing markets, at least in the absence of significant supply-side incentives and investment. The 2019 Productivity Commission Research Paper, *Vulnerable private renters: evidence and options*, concludes that rent controls are an ineffective lever to improve affordability of rental properties. While rent controlled properties benefit those who occupy them, these policies have other negative effects, including reducing quality and supply of rental housing, increasing transaction costs and reducing renter mobility.

The member for South Brisbane also proposes amendments that could create disincentives for investment that would further exacerbate housing supply and affordability issues, including allowing renters to make modifications without owner consent and restricting an owner's ability to ask prospective renters for particular information while requiring owners to disclose specified information to prospective renters.

The legislative reforms proposed in this bill complement the government's landmark Queensland Housing and Homelessness Action Plan 2021-2025 investment of \$1.9 billion over four years to boost housing supply and increase homelessness support statewide. Over the next four years the Queensland government will deliver 7,400 new social and affordable homes across the state. Under the new action plan the Queensland government has also established a \$1 billion housing investment fund which will provide returns in perpetuity to further support housing supply. We know that while the Greens political party claim to want to see increased supply of housing, it is also the Greens that oppose building new homes. They consistently oppose development approvals that would allow for new housing developments, but then pretend like they are about housing supply and demand.

Members also spoke of their strong support for the protections for renters experiencing domestic and family violence. However, several raised concerns about their potential impacts and unintended consequences, including potential increased discrimination for women and children, concerns about whether renters who experience sexual assault could rely on the protections and emphasised the importance of education and awareness in the sector to ensure their successful implementation. Again I think it important to highlight the hypocrisy of the Greens political party on this issue. They have downplayed the government's important reforms in this area and suggested that this bill does not go far enough. However, the member for South Brisbane's private member's bill introduced in this House originally contained no provisions to support tenants experiencing domestic and family violence. When we pointed this out, the member for South Brisbane put out hurried statements advising that she would amend her bill to account for this omission. Far from being the champion of victims of domestic and family violence, this is just another example of the Greens' strategy of using vulnerable Queenslanders to further their grubby politics.

The Queensland Housing and Homelessness Action Plan 2021-2025 recognises that people experiencing domestic and family violence need immediate access to safe and secure housing with appropriate supports to help recover from crisis. The Department of Communities, Housing and Digital Economy's response is person centred and responsive to housing and support needs through coordinated referrals, assistance and services. The Queensland Housing and Homelessness Action Plan 2021-2025 will deliver \$20 million over four years to provide additional flexible assistance packages of up to \$5,000 per household for goods and services needed immediately to maintain or access safe housing, deliver additional headleased housing and provide specialist frontline housing services launched under action plan 2017-2020. \$160.9 million is being invested to provide housing and support to vulnerable people, including those experiencing domestic and family violence, including through specialist homelessness services across Queensland. Women and their children experiencing domestic and family violence receive immediate assistance from the Department of Communities, Housing and Digital Economy.

 **Hon. LM ENOCH** (Alger—ALP) (Minister for Communities and Housing, Minister for Digital Economy and Minister for the Arts) (4.00 pm), continuing in reply: This includes support to access crisis and alternative accommodation, including head leased housing solutions and rapid response to high-risk team referrals. This approach focuses on safety first and collaboration with specialist domestic and family violence services or mainstream services.

The Queensland government is committed to preventing and responding to sexual violence in Queensland including through our framework: Prevent. Support. Believe. Queensland's Framework to address Sexual Violence. We have a vision for a Queensland where everyone lives free of the fear, threat or experience of sexual violence. We recognise the importance of educating and raising awareness across relevant sectors of these reforms to ensure their success. The Queensland government will work with relevant government and sector partners to raise awareness and provide education about the stage 1 rental law reforms to ensure these stakeholders are supported to prepare for reform implementation and effect a smooth transition.

Members have indicated support for the amendments to the Retirement Villages Act 1999. Some members have noted concerns about the impact of the mandatory payments policy which ensures former retirement village residents receive their exit payments 18 months after permanently leaving a

retirement village, unless the village operator gets an extension of time for hardship reasons. These include concerns about the impact of this policy on a small number of villages where elderly residents have freehold tenure over their unit.

The 2017 and 2019 mandatory payment amendments to the Retirement Villages Act have resulted in the timely return of millions of dollars to some of Queensland's oldest and most vulnerable consumers. Some had been waiting years and years for their money. Elderly former residents needed their funds to pay for aged care or other accommodation. Some families were waiting years for deceased estates to be finalised. Most village operators have responded admirably, with many now offering even shorter payment guarantees. These amendments are about balancing consumer fairness and ensuring retirement villages can continue to provide a great housing option for our seniors.

Some speakers have made the sensible observation that these are difficult and complicated matters. Meaningful reforms usually are. That is why the 2017 amendments had an independent review requirement built into the legislation. Amendments to the Retirement Villages Act in 2019 were designed to ensure all retirement village residents had equivalent protections to recoup their investment 18 months after permanently leaving a village. This was strongly supported by resident and consumer advocates.

The Retirement Villages Act was not designed to cover the situation where residents are also the village operator. However, all operators and residents are bound by the legislation. The government listened to the concerns of resident operated retirement villages impacted by the changes and established the Queensland Resident Operated Retirement Villages Support Service. This service provided resident operated retirement villages with free legal advice and support to help them manage the changes and decide whether the complicated retirement village model was most appropriate to their needs. We listened to the concerns of resident operated retirement villages and ensured their concerns were included in the independent review panel's terms of reference.

The amendments in the bill implement the findings of the independent review panel's interim report, which recommended an exemption from mandatory buybacks for resident operated villages. While there have been media reports, as the member for Burleigh mentioned, that a small number of villages have been experiencing financial difficulty, it is important to point out that the village the member for Burleigh mentioned in Tin Can Bay is not a resident operated village.

In relation to the small number of villages which have not been able to pay former residents their exit entitlements 18 months after departure, the legislation allows them to seek an extended time frame for payments if they can show hardship and the delay would not be unfair to the former resident. The terms of reference for the independent review involved consideration of how the security of residents and industry viability, including for small and local operators, can be appropriately balanced.

In relation to broader concerns about retirement villages and manufactured home parks expressed by some members, the Queensland Housing and Homelessness Action Plan 2021-2025 includes measures to be progressed to improve outcomes in these important forms of housing. For example, actions include a review of dispute resolution processes. A survey to gather data on consumer and industry experiences with dispute resolution and pre-contractual advice in these industries is underway, closing at the end of October.

The action plan also includes commitments to finalise implementation of retirement village reforms to require more standardised village statements and budgets and more standardised contracts following consultation earlier this year. The government's response to the independent review panel's final report of the review of time frames for payment of resident exit entitlements and buyback requirements will also be progressed once considered by government. Following passage of the bill, the department will contact the small number of retirement villages likely to be resident operated to provide information and timely support throughout the exemption process.

I put on the record my thanks to staff from the Department of Communities, Housing and Digital Economy for their work on this bill, particularly Kirstine Harvie, Ange Wright, Damian Sammon and Janet Arber, as well as my ministerial staff and the whole team who have done an incredible job over many years with regard to consultation, the drafting and the continued negotiations to ensure that we struck the right balance with this legislation. I would also like to thank the members of the parliamentary committee for their consideration of this reform. I would like to thank all those who have engaged in the considerable consultation leading up to this bill and all those who provided submissions. Your input has been invaluable and has ensured this bill is balanced, improves protections and clarity for renters and property owners, and improves stability in the private rental market.

The amendments in this bill will adjust and create new rights, protections and obligations for parties to tenancy agreements in Queensland. Renters, property owners and property managers will benefit from more certainty and clearer assignment of risks that will provide for a well-functioning and

efficient private rental market. Renters and property owners will benefit from certainty about how and when their tenancy arrangements may end. This enables renters to plan their housing needs and property owners to plan how they want to use and manage their investment properties. Renters will have stronger protections against retaliatory actions and against misuse and misrepresentation of notices to leave to give them greater confidence to enforce their tenancy rights.

Once again, I thank all of those who have been involved in ensuring that we have been able to bring this very balanced legislation to the House. I once again acknowledge the work of the former minister, the member for Springwood, who has helped to shepherd this into the House. Again, I thank all of those staff in the Department of Communities, Housing and Digital Economy who continue to do an incredible job to support the people of this state.