




Speech By
Michael Berkman

MEMBER FOR MAIWAR

Record of Proceedings, 13 October 2021

HOUSING LEGISLATION AMENDMENT BILL

 **Mr BERKMAN** (Maiwar—Grn) (6.44 pm): I rise to give my contribution on the Housing Legislation Amendment Bill. This bill is a cop-out, it is a capitulation to the property lobby and a slap in the face for the 1.8 million renters in Queensland. It is a reminder that if you have the backing of wealthy property investors and money for a full-page ad in the *Courier-Mail* then you will have the ear of the minister. But if you cannot afford your own home, then you are ignored and treated like a second-class citizen.

Years ago when Labor finally gave in and said they would reform our broken rental laws, it felt like a step forward. I had renters emailing me and asking when the reforms would come into effect, when would they be able to put down roots in their home, keep a pet, live without fear of massive rent hikes or request repairs without fear of being kicked out when their lease ends. But perhaps we should have known that those changes would never come. They could never come from a government packed with landlords and with more interest in hosting intimate luncheons with the REIQ than helping renters.

On introduction, it was immediately clear that this bill was a disappointment, and the bitter disappointment expressed by tenants and tenants' rights advocates alike speaks volumes about just how far short it falls. Perhaps the most egregious flaw is the government backing down on their commitment to end no-grounds evictions after a well-funded fear campaign by the property lobby.

The minister falsely claims again that this bill ends no-grounds evictions. Pretty much anyone who has worked with tenants disagrees. Tenants Queensland, Queenslanders with Disability Network, Q Shelter, Queensland Youth Housing Coalition, Law Right and the Queensland Human Rights Commission all agree that this is just plain wrong and that this bill does not end no-grounds evictions.

The Greens have always said that there are some perfectly reasonable grounds on which an owner should be able to evict a tenant. To be clear, if a tenant is not paying their rent, they can be evicted. If a tenant has trashed the place, they can be evicted. If they are otherwise breaching the lease, they can be evicted. But the end of a lease is not a good reason to kick someone out of their home, especially when most leases are for just six or 12 months.

I am perplexed to see the minister is still claiming they cannot end no-grounds evictions because it would somehow breach landlords' human rights, especially after the Human Rights Commissioner thoroughly debunked this nonsense in the commission's submission on the bill and in a statement on 8 July 2021. I will table a copy of that statement for the benefit of the house.

Tabled paper: Media release, dated 8 July 2021, from the Queensland Human Rights Commission, titled 'Human Rights Commissioner says rights must be appropriately balanced in tenancy reform debate' [1741](#).

The commissioner said—

Since there is a clear justification for a limitation of rights, given significant housing instability and homelessness in Queensland, it is unlikely that requiring a lessor to provide reasons to end a tenancy at the end of a fixed term would amount to an arbitrary action.

Human rights expert and QCOSS CEO Aimee McVeigh also called the government's property rights arguments a 'furphy'. She also rightly asked—

How can a government say that this law will breach or limit human rights in a way that is unacceptable when they are willing to pass a law that puts GPS trackers on children and call that compatible with human rights?

Labor says that their bill is about modernising our rental laws but it is still based on the archaic assumption that renting is a short-term fix, a stop-gap for young and single people before they buy a home for their family. People increasingly have no choice but to rent for life.

My family and I rent our home. It is where my baby daughter took her first steps, where we put a trampoline out in the backyard for the kids and where we planted a verge garden during the first COVID lockdown. My kids can walk to school from where we live. I am really lucky to have good landlords and to have been able to put down roots here because, according to this bill, as a renter I have no right to do so.

A renter in Indooroopilly emailed me recently saying he and his wife, a critically essential worker in short supply, may be forced to leave Queensland because of a lack of secure housing. He said—

"Because of Covid ... my income has been slashed by 70%. Because of age and other factors, this means that my wife and I will probably have to remain renters for the rest of our lives. We have no security outside of year to year leases that the landlord is under no obligation to renew. Since he can make a lot more money by getting in a fresh tenant, then charging anything the market will bear ... he has already refused to extend the normal one year lease."

On this bill, that resident put it pretty bluntly when he said, 'It may appear that there is little difference between a Labor Government and a Coalition Government.' Indeed.

The minister says that they have removed no-grounds evictions with this bill, but they have simply given them a new name. In fact, landlords have an expanded suite of reasons to evict tenants. It has been almost charming to hear some other members stand up and reminisce about their days renting during uni or as a stopgap between properties and telling us what wonderful landlords they are. We are not regulating for good landlords here. It is also abundantly clear that most do not know what it is like to be a renter right now. They do not understand how hard it can be to find a house to rent in one's existing community or the constant fear described in so many submissions on the bill, like this one—

I have had to move 3 times in the last 4 years. The stress and anxiety is numbing. Moving, cleaning, packing while knowing that in 12 months time I may need to move again is very very worrying. The uncertainty makes me want to leave all of my belongings in the boxes—what is the point of unpacking.

There is the person who said—

With the state of renting in QLD as it currently is, I am left often homeless, my health disintegrating constantly, in poverty, share housing in often bad situations, and unable to start a family as I dream of. I beg, all I want is stability and not to be kicked out of a home I've made without notice, or having constantly increasing rent costs.

This is the other massive hole in this bill: it does nothing to address skyrocketing rents—one of the biggest concerns identified in the government's own *Open doors to renting reform* consultation report. That report said—

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.

Again, without ending no-grounds evictions and capping rent increases, renters will continue to be treated like second-class citizens in Queensland. The fundamental power imbalance remains in place, and tenants will put off requests for repairs, live in unsafe housing and in constant fear of losing their home, all at the whim of their landlord. This bill takes all its cues from the REIQ, and does nothing to address the fundamental power imbalance between tenants and landlords, ultimately leaving tenants no better off.

It has been no surprise to hear many members parroting the real estate lobby's talking points during this debate—one of their favourites being that legislating renters' rights would reduce the supply of rental properties and make housing affordability worse. Despite the REIQ and various other lobbyists repeatedly arguing this, the only evidence they have offered to support it so far is a survey of their own members in 2019. They are not even self-selecting; it is of their own membership.

By contrast, during the committee inquiry, Tenants Queensland cited research that shows landlords make decisions based on fiscal and financial policy, with tenancy law having little, if any, impact. What is more, they pointed out that the real estate lobby has argued against any advance in renters' rights since at least the 1980s on the basis that it would shrink the rental housing market. Guess what? It has never happened. What is more, there is a simple, intuitive answer to this gripe from the REIQ. If strengthening tenants' rights does end up with some property investors selling their properties, these properties do not just disappear. The options are, essentially, that these properties will be bought by another investor who will rent them out or someone looking to live there—someone who will leave their previous property vacant for another renter.

I did like the member for Burleigh's contribution, where he neatly summarised the Greens' push for greater public housing investment and a reduced reliance on the private rental sector. Queensland has long relied heavily on the private market to provide housing, and this status quo has left us with 47,000 people on the social housing waiting list and critical levels of household debt. Leaving rental affordability to the whim of the private market has proven to be a catastrophic failure. The myth that private housing supply will fix the affordability crisis is just that—a myth. There has been an estimated 164,000 excess dwellings in Australia from 2001 to 2017. Over this same period, the median rent in Queensland rose from \$200 to \$330 per week.

So, yes, I would love to see a Queensland where no one has to rely on this broken system anymore, where everyone has access to a well-designed, affordable social home and where we treat housing as a right, not a commodity, not a source of individual wealth. This is why the Greens will continue calling out this Labor government's public housing sell-offs and their failure to build enough homes for even a fraction of those who need them.

Queenslanders are struggling to find safe, affordable housing, and it has never been more urgent that the government step in and help them. To do that, as well as building more social housing we need to genuinely correct the power imbalance between renters and landlords. The Greens introduced a bill to do just that. Our bill would end no-grounds evictions, cap rent increases, create the right to a pet and allow minor modifications. It would ban rent bidding and invasive application questions. Since Labor will not even debate that bill, we are moving the changes as amendments. I will table those in case we do not get to do that in consideration in detail.

Tabled paper: Housing Legislation Amendment Bill 2021, amendments to be moved by Dr Amy MacMahon MP [1742](#).

Tabled paper: Housing Legislation Amendment Bill 2021, explanatory notes to amendments to be moved by Dr Amy MacMahon MP [1743](#).

Tabled paper: Housing Legislation Amendment Bill 2021, statement of compatibility with human rights contained in amendments to be moved by Dr Amy MacMahon MP [1744](#).

While the Greens will not oppose the government's bill, we will not stop fighting for better than the status quo. We will not stop fighting for a Queensland where everyone, regardless of whether they rent or own, has access to a safe, secure and affordable home.