




Speech By  
**Tim Mander**

**MEMBER FOR EVERTON**

---

Record of Proceedings, 13 October 2021

### HOUSING LEGISLATION AMENDMENT BILL

 **Mr MANDER** (Everton—LNP) (12.07 pm): I rise to contribute to the debate of the Housing Legislation Amendment Bill 2021. Over one-third of the estimated 1.65 million households in Queensland rent. Families with children are the largest renting cohort, followed by lone persons and couples without children. Ninety per cent of Queensland's rental housing is provided by private property owners. In 2018-19, 13 per cent of Queensland taxpayers reported having a stake in rental property, increasing by 18 per cent over the previous 10 years. Across Australia, 1.86 million households owned a residential property other than their usual residence, and 17 per cent of those households were Queensland based. Rental property vacancy rates have tightened across almost every council or region in Queensland, with vacancy rates in most regions below 1.5 per cent. The rental market is considered tight when the vacancy rate is below 2.5 per cent. Laws that govern the renting sector are important. For all these reasons, this chamber must get this legislation right. It is very important that we strike a fair and reasonable balance between the rights of tenants and the rights of landlords/property owners.

Tenants deserve a property that is safe and fit for living. They deserve to have the security of living in a house for the length of their agreed lease. As much as possible, they deserve to make this house their home. Property owners expect that their property will be maintained well, that the tenant will be a good neighbour and that the rent is paid on time. Neither tenants nor landlords should be demonised. Very few tenants cause problems and very few landlords are unreasonable and it is wrong to demonise either. If we get the balance wrong, we risk unintended consequences. If there are unnecessary and unreasonable impositions put on property owners who wish to rent their home, there will be consequences. We should not forget that most landlords are mum-and-dad investors; they are not property moguls, and the consequence if we get the balance wrong is that these property owners will take their houses off the rental market and that will affect the very people who can be the most vulnerable—those who wish to rent.

The LNP believes that there is a number of changes in this legislation that are positive, including the amendments pertaining to domestic violence issues, and we wholeheartedly support them. Similarly, the LNP is supportive of the amendments to the Retirement Villages Act 1999 which exempt freehold resident operated retirement villages from existing statutory buyback requirements. This is why the LNP will not oppose the Housing Legislation Amendment Bill. However, we will be moving amendments on two key issues of this bill, and those two issues concern keeping pets and the proposed changes to periodic agreements.

I think it is important to go through the journey of getting to this legislation. In November 2019 the Queensland government released *A better renting future reform roadmap* and the government set out a two-stage reform pathway, and this road map followed on from the 2018 Open Doors to Renting Reform consultation. During these processes—and there are no other words for it—radical aspects of rental reform were canvassed, including the right for tenants to make renovations to a property, the right for tenants to keep pets and a push for long-term fixed leases and regulating rent increases.

One of the issues that was canvassed was that the end of a lease term would not be grounds to end that lease. Thanks to a campaign run by the LNP opposition and the Real Estate Institute of Queensland, those more radical views canvassed did not progress to this bill, but that allowed the more radical elements of this parliament—the Greens—to act as proxies for the left of the Labor Party that would have loved to get those so-called reforms put through, but for once the Left lost the vote and the Greens had to take the mantle for them. I thought this minister had an ounce of credibility, but that was totally eliminated during her speech when she talked about the nonsense of the LNP having some sort of alliance with the Greens. Talk about the pot calling the kettle black!

**Government members** interjected.

**Mr MANDER:** I take that interjection, because in the short time that the minister spoke I thought that I would go through the election results and look at how many Labor seats benefited from Greens preferences. We start in alphabetical order: Aspley, Barron River, Bulimba, Cairns, Caloundra, Capalaba, Cook, Cooper. I got to the Cs and I ran out of time. Then I thought that I would look at some of the ministers: the member for McConnel got 35 per cent of the primary vote and the Greens 28 per cent. They are coming after you! You will not be here next time! Greenslopes, Springwood, Gaven, Redcliffe—all of these ministers are over there because of Greens preferences, and they have the hide to come in here and say that they are not affiliated with the Greens. The Greens are running the radical elements of this bill that they would love to run but have somehow lost.

**Ms ENOCH:** Mr Deputy Speaker, I rise to a point of order on relevance to the bill that we are debating. Can I get your guidance on that please?

**Mr DEPUTY SPEAKER** (Mr Krause): Member for Everton, I acknowledge that you were, in your most recent comments, responding to some provocation from members on my right, including the member for McConnel, but I would ask you to please bring your comments back to the bill at hand.

**Mr MANDER:** Thank you, Mr Deputy Speaker. I got out what I wanted to say. Thank you. I appreciate that.

**Honourable members** interjected.

**Mr MANDER:** I have to take the interjection, Mr Deputy Speaker. Yes, they have a lot of them because of Greens preferences, so let us never forget that. To have the temerity and the hide to come into this House and claim that the LNP has some alliance with the Greens, man oh man do they have a hide!

**Ms ENOCH:** Mr Deputy Speaker, I rise to a point of order.

**Mr DEPUTY SPEAKER:** Minister, I think I know what your point of order is going to be, and that is relevance?

**Ms ENOCH:** Thank you, Mr Deputy Speaker.

**Mr DEPUTY SPEAKER:** Yes. Member for Everton, you have had a pretty good go in responding to those interjections, and you did have another go just then. Could I ask you, again, with the greatest sternness, to please confine your comments to the long title of the bill?

**Mr MANDER:** Thank you, Mr Deputy Speaker. I do want to make mention of the Greens bill that, as I said, adopted the more radical elements that the Labor government would have loved to introduce but did not have the courage to do it.

The REIQ noted that the reforms proposed in the Greens bill, if passed, would have an adverse consequence for the Queensland property sector as a whole and specific consequences for the rental sector, and I agree with that. Further to this, the REIQ and the Property Owners Association of Queensland stated that the proposed amendments would destabilise the Queensland rental market, with lessors and property owners considering selling their rental properties. That hits the nail on the head in that it is incredibly important that we get the balance right and that we also respect the rights of landlords and property owners, because if we do not it is the tenants who will be the victims of having fewer properties on the market, and that is the last thing we need at the moment in this current climate.

Let us talk about this bill. This bill will amend the Residential Tenancies and Rooming Accommodation Act 2008, the Retirement Villages Act 1999, the Residential Tenancies and Rooming Accommodation Regulation 2009 and the Residential Tenancies and Rooming Accommodation (COVID-19 Emergency Response) Regulation 2020. As I flagged, the LNP supports a number of the proposals in this bill. The domestic violence protections introduced for tenants experiencing domestic and family violence to end their tenancy quickly are fair and reasonable. The intent is for the tenant experiencing domestic and family violence to stay safely or leave quickly, with liability for end-of-tenancy costs capped to seven days notice.

Likewise, the bill makes a number of amendments to the Retirement Villages Act 1999 to exempt freehold resident operated retirement villages from existing statutory buyback requirements. Introducing exemptions for these types of retirement villages was flagged by LNP members in 2017 and 2019 respectively and I am glad that the government has finally seen the sense in this and made these changes, albeit years later. I want to give credit to the former shadow minister for housing, the member for Burleigh, who highlighted these issues when these changes were being made; but he was ignored.

The changes to minimum housing standards are, on the whole, sensible. The changes to the RTRA Act to encourage compliance, clarify repair and maintenance obligations and support enforcement will be supported by the LNP, but the execution of this legislation cannot go unchecked.

The LNP has concerns in relation to a couple of issues in the bill. This bill establishes the following as the only grounds for a lessor to refuse a tenant's request for approval to keep a pet at the premises—

- (a) keeping the pet would exceed a reasonable number of animals being kept at the premises;
- (b) the premises are unsuitable for keeping the pet because of a lack of appropriate fencing, open space or another thing necessary to humanely accommodate the pet;
- (c) keeping the pet is likely to cause damage to the premises or inclusions that could not practicably be repaired for a cost that is less than the amount of the rental bond for the premises;
- (d) keeping the pet would pose an unacceptable risk to the health and safety of a person, including, for example, because the pet is venomous;
- (e) keeping the pet would contravene a law;
- (f) keeping the pet would contravene a body corporate by-law or park rule applying to the premises;
- (g) the tenant has not agreed to the reasonable conditions proposed by the lessor for approval to keep the pet;
- (h) the animal stated in the request is not a pet;
- (i) if the premises is a moveable dwelling premises—keeping the pet would contravene a condition of a licence applying to the premises;
- (j) another ground prescribed by regulation.

These changes remove a lessor's right to simply refuse a tenant outright to have a pet without reason. Many landlords entering into new rental agreements once this legislation is passed could rightly feel aggrieved that they will no longer have the final right to advise the tenants whether or not they can have a pet on their property.

Our serious concern is that the amendments will require that a lessor can only refuse a pet request from a tenant on these prescribed reasonable grounds that cannot be rectified by reasonable conditions. This bill means that the onus has now flipped totally onto the landlord to justify why they do not want an animal on the property that they own. To make it even more difficult, the property owner must respond to a request to keep the pet within 14 days and if they do not respond within that specified time the request will be deemed to be approved.

The LNP strongly believe in property rights. We believe that people who own a rental property should not have to go through this type of rigmarole to knock back a request for a pet. Many landlords will choose to allow their tenants to have pets on their properties. It is their right to do that. We also believe that the opposite should still apply. The current legislation is that they should not have to state a reason to reject the request for a pet. We all know that animals cause damage. We all know that you can enter a house and know immediately that a dog or a cat has been in the house because of the odour. The property owner deserves to retain the right for that not to happen. We are very much against the fact that the onus has been flipped around totally so that the landlord now has to have reasons for why the pet cannot be accepted.

Of great concern to us are the changes to the tenancy laws that are relevant to periodic tenancy. Again just so we know the journey, a recommendation in the review, which is also part of the Greens bill—and now their amendments, I imagine—is that in a fixed-term contract the end of the term was not to be a grounds for finishing the lease. I have not heard anything more ridiculous in my life. In a fixed-term contract—a one-year lease, a two-year lease, a six-month lease—the end date was not to be a valid reason to end the lease. That is ridiculous!

The left of the Labor party lost that fight, they realised that that was a battle that they were not going to win, so they took that out. However, they have applied basically the same requirements for a periodic tenancy. We have fixed-term leases and we have periodic leases. Fixed-term leases are usually longer term leases. Periodic leases are exactly that: for a period—usually a shorter period because that suits both the tenants and the landlords. They do not want to be locked in to a longer term lease for whatever reasons there might be.

This bill proposes to give tenants a right to remain in the tenanted premises—that is, to end a periodic agreement without-grounds is no longer possible. This would prevent lessors having control in relation to the length of tenancy agreements. It would severely impact the lessor's right to tenant selection. Currently lessors must give two months notice to move a tenant on and a tenant may give 14 days notice. This will put an end to flexible rental agreements.

The REIQ says this bill is proposing to give tenants a unilateral right to remain in the tenanted premises for as long as they wish. In a submission to the committee one lessor commented that tenants who refused to sign a new lease would be forced into a periodic tenancy and the lessor or owner would have no means to remove the tenant. They are right. This bill will basically create a lease in perpetuity.

As I mentioned earlier, this will have a negative impact for both landlords and tenants. In fact, I predict it will be the end of periodic leases. What landlord is going to engage in a periodic lease when they have no certainty that they can end that lease? It will be tenants who will be disadvantaged by this. This is a crazy change to legislation. It will have unintended consequences.

To go back to the beginning, changes to laws in the rental sector are important. There are changes in this bill that the LNP supports. We will support the bill because the majority of it is fair and reasonable. The aspects that I have mentioned today are not fair and reasonable and lean towards tenants rather than landlords and therefore are not fair and reasonable for both parties. Ultimately I think it will lead to disadvantaging tenants because there will be less motivation for people to invest in the property market for rental if they feel that these impositions are too hard and not worth the trouble. We will introduce amendments to change those two aspects to keep the status quo.

It worries me to hear the minister talk about future reforms. I do not know if my colleagues know what some of those future reforms might look like. Some reforms that have been canvassed are rental controls—controlling rent increases—and allowing people to make modifications to a house that they do not own without even telling the landlord. These reforms were obviously too crazy to get through the first stage. Those opposite are hoping that over a period they might soften their own people to get this through the Labor caucus. I have some fear and trepidation about stage 2 rental reforms. Once again we support the bill, but we will be moving amendments to change those aspects that are clearly unfair.