



Speech By
Hon. Meaghan Scanlon

MEMBER FOR GAVEN

Record of Proceedings, 21 March 2024

**RESIDENTIAL TENANCIES AND ROOMING ACCOMMODATION AND OTHER
LEGISLATION AMENDMENT BILL**

Introduction

 **Hon. MAJ SCANLON** (Gaven—ALP) (Minister for Housing, Local Government and Planning and Minister for Public Works) (11.43 am): I present a bill for an act to amend the Body Corporate and Community Management Act 1997, the Fair Trading Inspectors Act 2014, the Local Government Act 2009, the Property Occupations Act 2014, the Residential Tenancies and Rooming Accommodation Act 2008 and the legislation mentioned in schedule 1 for particular purposes. I table the bill, the explanatory notes and a statement of compatibility with human rights. I nominate the Housing, Big Build and Manufacturing Committee to consider the bill.

Tabled paper: Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Bill 2024 [423](#).

Tabled paper: Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Bill 2024, explanatory notes [424](#).

Tabled paper: Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Bill 2024, statement of compatibility with human rights [425](#).

The bill includes significant reforms to Queensland's rental laws and amendments to introduce mandatory continuing professional development of property agents. It provides certainty about how leases are ended when a community titles scheme is terminated for economic reasons and it provides local government employees with discretion to change their contribution to accumulation superannuation accounts.

Through our Homes for Queenslanders plan, the Miles Labor government is supporting Queensland renters, including through our \$160 million investment of additional funding to help tackle the cost of living through an expanded range of support and expanded eligibility criteria to help more Queenslanders find, get and keep a rental home. It is no secret that there are many renters in Queensland. One-third of Queensland households are renters, relying on the private market for safe, secure and affordable housing.

Mr Stevens: Are you?

Ms SCANLON: I take the interjection from the member. Yes, I am a renter. I think that has been on the public record but I am happy to declare that in the interests of transparency for the House. Like housing markets nationally, Queensland's rental market is under pressure with low vacancy rates and high demand. We listened to Queensland renters and heard their priorities for rental reforms.

We know that today's rental market is competitive and that low vacancy rates are making it difficult for renters to secure a rental property. To help level the playing field for all renters and stabilise rents, we are taking a strong stand and banning all forms of rent bidding. This includes the acceptance of rent higher than the advertised price and rent in advance of more than four weeks rent. We are applying the annual rent increase frequency limit to the rental property instead of the tenancy

agreement, which means that the rent will not be able to be increased more frequently than annually, even if there is a change in tenant. To ensure this reform is effective, the bill requires the date of the last rent increase to be disclosed on the tenancy agreement. Renters will also be able to request evidence from the rental property owner or property manager to substantiate the date of the last increase.

In addition to stabilising rents, the bill introduces a range of reforms to make fees and charges fairer for renters. We heard through consultation that the affordability of reletting costs strongly impacts renters' decisions to not end a fixed term agreement early where they need to and creates a barrier to accessing more suitable or affordable housing or transitioning into home ownership. The bill caps reletting costs to ensure that renters are not unfairly disadvantaged by ending a fixed-term agreement early and allows renters to know and budget for costs involved in breaking a lease. We are making sure all renters have a fee-free way to pay rent to ensure that they do not incur additional fees or charges, and that property owners and property managers pass on utility bills that the renter is responsible for paying within one month so that renters can plan for costs and manage their utility use.

We know that moving is often a stressful and costly process.

Mrs McMahon: Hear, hear!

Ms SCANLON: I take the injection of the member for Macalister, who I know has been through that process, as many of us have. Paying a bond is a large up-front cost and we have heard from renters that they feel the bond process is unfair. We are making the bond process fairer and more transparent by placing the onus on property owners or property managers to provide evidence to prove a claim, rather than requiring renters to disprove a claim made against their rental bond.

We are also introducing a head of power to set up a portable bond scheme, allowing renters to transfer their bond when relocating from one rental property to another. While this scheme is being established, a bridging bond loan product will be introduced to assist households to afford the up-front cost of a new bond, pending release of their old bond. We are committed to working with the sector to design and implement the portable bond scheme. We know that some renters are being charged excessive bond amounts, further impacting the affordability of rentals. The bill caps all bonds to four weeks rent, providing clarity for all prospective renters. We are also delivering to ensure that Queensland has a fair, transparent and balanced rental bond system where all parties have adequate protections.

Renting can be lifelong for many, and it is important that our laws support renters to feel safe and comfortable in their rented home and allow them to make modifications necessary for their safety and security or to better support accessibility. To make it easier for renters to live safely and independently in their rented home, the bill establishes a head of power for a framework for renters and property owners to negotiate modifications to rental properties that are necessary for a renter's safety, security or accessibility. Some renters expressed frustration with how difficult it can be to get property owners to agree to, or even respond to, requests for changes like the installation of disability modifications that would allow them to continue living in their home and the community.

In response to this feedback, the bill includes requirements for renters to use an approved form to request a change to the rental property and establishes a time frame in which the rental property owner must decide and respond to the request. We will work closely with the residential rental sector and peak groups to ensure it provides a clear process for parties to negotiate these important modifications, including responsibilities at the end of the tenancy. Prescribing a clear process will also allow renters to access and maintain tenancies in homes that meet their needs and will benefit rental property owners through longer term leases.

Renters have also expressed their concerns about breaches of privacy and inadequate protection of their personal information when applying for rental properties and during tenancies. The bill will extend the entry notice period for entry other than for general inspections, which is already seven days' notice for residential tenancies, safety checks and emergencies from 24 to 48 hours. We are also limiting entry at the end of a tenancy to twice in each seven-day period so there are not excessive entries and vacating renters can enjoy the remaining time in their tenancy. We have also enhanced privacy protections for renters by making changes to how their personal information is collected, handled, stored and destroyed.

The bill prescribes a rental application form which limits the information and documents that a renter can be asked to provide. This change will drive consistency and fairness in the rental application process. We heard through consultation that renters are concerned about the risk of their personal information being compromised in data breaches. To address these concerns, the bill allows

prospective renters to: provide identity documents for sighting instead of providing copies; requires that renters are given a choice about how to submit their rental application form; and requires that renters' personal information must be securely stored and disposed of within three months for unsuccessful rental applications or three years after a tenancy ends.

The reforms also address concerns about data mishandling by requiring that rental property owners and property managers only collect and use information that is necessary to assess a prospective renter's suitability for the property or to manage the tenancy. These privacy reforms also progress Queensland's commitment under A Better Deal for Renters.

The Miles Labor government has extensively engaged and consulted with the rental sector about how to modernise Queensland's rental laws and better protect renters' rights. We will continue to consult with the rental sector on a new rental sector code of conduct to strengthen the rules and clarify the expectations of the sector as announced as part of our Homes for Queenslanders plan.

Previously, the Property Agents and Motor Dealers Act 2000 provided regulation of activities, licensing and conduct of professions, including real estate and letting agents, to protect consumers against undesirable practices, except it was abolished by the LNP—in fact, by the current Deputy Leader of the Opposition. We are bringing it back to make it fairer, safer and easier for Queensland renters. To establish the code of conduct, the government will bring all parties together to strengthen rules for rental property investors and property managers.

The act is being amended to establish a head of power to allow a new rental sector code of conduct to be established. The code will be informed by best practice learnings from other Australian states and territories that have successfully implemented similar rules. The bill provides the authorising environment to do this work.

I would also like to thank the thousands of Queenslanders who have had their say about renting laws and who helped inform these reforms. It is important to understand that housing affordability is an ongoing and national issue. While rental law reform alone is not the silver bullet, it can strengthen protections for renters and help stabilise the market. The rental law reforms I present today take a balanced approach and consider the needs of all stakeholders to deliver long-term certainty and stability in the Queensland rental market.

The bill also includes clarifying amendments to the RTRA Act and the Body Corporate and Community Management Act 1997. The amendments will provide more guidance and certainty about how tenancy agreements will be ended when a community titles scheme is terminated for economic reasons. The amendments will address notification requirements and timing for the ending of leases under the termination process as well as making it clear that the District Court can deal with disputes and other matters associated with tenancy related issues arising in relation to the termination of community titles schemes.

Renters, property owners and the broader community all benefit when people working in the property industry achieve and maintain high levels of knowledge, training and skills. Delivering on our 2020 election commitment, the bill contains amendments to introduce a legislative framework for mandatory continuing professional development, or CPD, of property agents. This framework will be included in the Property Occupations Act 2014 which provides for occupational licensing and registration for real estate agents, real estate salespeople, real estate property auctioneers and resident letting agents. The amendments have been informed by a comprehensive regulatory impact assessment process involving broad stakeholder consultation consistent with the government's election commitment.

The bill will amend the Property Occupations Act to require individual licensees and certificate holders complete annual CPD requirements, as approved by the chief executive under the Property Occupations Act, unless there are exceptional circumstances. Failure to complete CPD will impact on the property agent's eligibility to have their licence or certificate renewed or restored by the chief executive.

Finally, the bill makes amendments to the local government employee superannuation scheme, set out in the Local Government Act 2009 and the Local Government Regulation 2012. The proposed amendments remove the requirement for mandatory superannuation contributions by permanent local government employees, other than defined benefit members. I want to acknowledge and thank the Services Union and the Local Government Association for their advocacy on this issue.

The bill gives local government employees the flexibility to decide for themselves if they would like to lower their employee contributions in response to cost-of-living pressures. This reflects the current position for state government employees who have been able to lower their contributions since 1 July 2023. Separate amendments to the Local Government Regulation 2012 are also proposed to ensure consistency with Commonwealth superannuation arrangements.

Our government listens to Queenslanders. The Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Bill 2024 delivers on important initiatives in our Homes for Queenslanders plan to support Queensland renters and Queensland's commitment under the national arrangements of A Better Deal for Renters. I commend the bill to the House.

First Reading

Hon. MAJ SCANLON (Gaven—ALP) (Minister for Housing, Local Government and Planning and Minister for Public Works) (11.57 am): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to Housing, Big Build and Manufacturing Committee

Mr DEPUTY SPEAKER (Mr Lister): In accordance with standing order 131, the bill is now referred to the Housing, Big Build and Manufacturing Committee.