



# **Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Bill 2024**

**Report No. 7, 57th Parliament  
Housing, Big Build and Manufacturing Committee  
May 2024**

## **Housing, Big Build and Manufacturing Committee**

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### **Acknowledgements**

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All web address references are current at the time of publishing.

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## Chair's foreword

This report presents a summary of the Housing, Big Build and Manufacturing Committee's examination of the Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Bill 2024.

The committee's task was to consider the policy to be achieved by the legislation and the application of fundamental legislative principles - that is, to consider whether the Bill has sufficient regard to the rights and liberties of individuals, and to the institution of Parliament. The committee also examined the Bill for compatibility with human rights in accordance with the *Human Rights Act 2019*.

This Bill adds key elements to the suite of measures introduced by the State Government to deliver safe, secure and affordable housing for Queenslanders. It establishes important rights and protections to the many Queenslanders who are renters. The Bill also complements the many other actions contained in the Homes for Queenslanders Plan, which I believe is one of the most important and significant initiatives delivered by the State government in recent years.

On behalf of the committee, I thank all those who made written submissions to the Inquiry or appeared at our public hearing for their valuable contributions. I also thank our Parliamentary Service staff and secretariat for their professional support throughout the Inquiry.

I commend this report to the House.

A handwritten signature in black ink, appearing to read 'C. Whiting', written in a cursive style.

Mr Chris Whiting MP

Chair

## Recommendations

<b>Recommendation 1</b>	<b>4</b>
The committee recommends the Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Bill be passed.	4

## Executive Summary

On 21 March 2024, the Hon Meaghan Scanlon, Minister for Housing, Local Government and Planning and Minister for Public Works introduced the Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Bill 2024 into the Queensland Parliament. The Bill was referred to the Housing, Big Build and Manufacturing Committee for detailed consideration.

The Bill's key objective was to amend the *Residential Tenancies and Rooming Accommodation Act 2008* to strengthen the rights of renters, support private investment, provide better pathways to resolve issues in tenancies, and stabilise rents in the private rental market by:

- reforming the rental bond process to ensure bond refunds are fair and transparent, and that claims against the rental bond are genuine and substantiated
- extending entry notice periods and providing for the appropriate handling and disposal of renters' information
- prescribing a rental application form that limits the information that can be collected from a prospective renter
- protecting renters from unreasonable fees and charges, including reletting costs and certain rent payment methods
- establishing a head of power to provide a framework for renters and property owners to agree to property modifications for safety, security or accessibility, and clarifying the process for renters and property owners to agree to personalisation modifications
- applying an annual rent increase limit to the rental property rather than the tenancy
- banning all forms of rent bidding
- progressing reforms under National Cabinet's *A Better Deal for Renters*
- providing for the establishment of a code of conduct to strengthen the rules and clarify the expectations of all parties in the rental sector
- supporting enhanced compliance and enforcement functions.

The Bill would also:

- amend the *Body Corporate and Community Management Act 1997* to enact technical amendments relating to the ending of leases as part of an economic reasons termination process
- provide for local government superannuation scheme amendments
- establish a legislative scheme for mandatory continuing professional development for property agents.

Stakeholders and subscribers were invited to make written submissions on the Bill and the committee received 103 submissions. A public briefing was held on 2 April 2024 with representatives from the Department of Housing, Local Government, Planning and Public Works, and the Department of Justice and Attorney-General. A public hearing was held on 29 April 2024 in Brisbane to speak with submitters.

Feedback received was diverse, with renters generally in agreement with the Bill's provisions relating to rental reform.

The key issues raised during the committee's examination of the Bill related to:

- modification and personalisation requests

- privacy provisions, including those relating to limits to entry to the rental property, as well as limits to the collection, use and retention of renters' information
- substantiation of bond claims
- fees and charges, including reletting costs and utility bills
- limits to rent increase frequency, and the attachment of limits to the property
- notice and evidence of rent increases, including the definition of 'exempt lessors'.

The committee is satisfied that the Bill gives sufficient regard to the rights and liberties of individuals and the institution of Parliament, and that any limitations of human rights, as set out in the *Human Rights Act 2019*, are reasonable and justifiable.

**The committee recommends the Bill be passed.**

## 1 Introduction

### 1.1 Policy objectives

The key policy objectives of the Bill are to strengthen renters' rights and stabilise rents to address cost of living pressures experienced by many renting households in Queensland and to deliver reforms under the National Cabinet's *A Better Deal for Renters*.<sup>1</sup>

The objectives of the Bill as set out in the explanatory notes are to:

- improve the rental bond process by ensuring bond refunds are fair and transparent and claims against the rental bond are genuine and substantiated
- balance renters' right to privacy with property owners' right to information by extending entry notice periods and appropriate handling and disposal of renters' information
- make the rental application process fairer and easier by giving renters a choice about how to submit their rental application and prescribing a rental application form that limits the information that can be collected from a prospective renter
- ease cost of living pressures for renters by protecting renters from unreasonable fees and charges, including reletting costs and rent payment methods that attract costs other than bank and other account fees usually payable for transactions
- support renters and property owners to agree to changes that can be made to the rental property to meet occupants' changing needs
- help to stabilise the private rental market by applying the annual limit for rent increases to the rental property not the tenancy, and by banning all forms of rent bidding
- progress reforms under National Cabinet's *A Better Deal for Renters*
- appropriately balance the rights of parties in the rental relationship to improve the rental experience for Queensland renters and property owners and clarify the expectations of all parties in the rental sector
- support enhanced compliance and enforcement functions.<sup>2</sup>

The Bill also proposes:

- the establishment of a legislative scheme for mandatory continuing professional development (CPD) for property agents
- technical amendments associated with the ending of leases as part of an economic reasons termination process which is to be introduced into the *Body Corporate and Community Management Act 1997* (BCCM Act)
- local government employee superannuation scheme amendments.<sup>3</sup>

### 1.2 Policy background

Several government policies are relevant to the rental law reforms proposed by the Bill.

The *Queensland Housing Strategy Action Plan 2017-2020* committed to a review of the RTRA Act to create modern rental laws that better protect both renters and property owners to improve housing

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<sup>1</sup> Department of Housing, Local Government, Planning and Public Works (DHLGPPW), Briefing, 2 April 2024, p 6.

<sup>2</sup> Explanatory notes, p 3.

<sup>3</sup> Explanatory notes, p 2.

stability in the private rental market. Stage 1 rental law reforms were introduced through the *Housing Legislation Amendment Act 2021*, most of which commenced on 1 October 2022.<sup>4</sup>

In October 2022, the then Premier of Queensland hosted the Queensland Housing Summit to address housing challenges. An action under the Housing Summit Report is the ongoing delivery of rental reforms to balance the rights and interests of renters and property owners and sustain private investment.<sup>5</sup>

In August 2023, National Cabinet agreed to *A Better Deal for Renters* (ABDR) to harmonise and strengthen renters' rights throughout Australia across nine priorities. Priorities included:

- ensuring only genuine reasonable grounds are used to end a tenancy
- ensuring provisions to allow appeals against retaliatory action are fit for purpose
- moving towards a national standard of no more than one rent increase per year
- banning the soliciting of rent bidding
- improving the rights and interests of renters experiencing domestic violence
- limiting break lease fees for fixed term agreements to a maximum prescribed amount
- protecting renters' information used in the application process and throughout the tenancy
- considering options for better regulation of short-stay residential accommodation
- phasing in minimum quality standards for rental properties.<sup>6</sup>

Queensland's existing rental laws implement most ABDR reforms. The Bill progresses this work further.<sup>7</sup>

In February 2024, the Queensland Government announced *Homes for Queenslanders*, a long-term, whole of system plan directed towards ensuring Queenslanders have access to safe, secure and affordable housing. The plan includes a commitment to rental law reform to strengthen renters' rights and stabilise rents.<sup>8</sup>

### **1.2.1 The residential sector in Queensland**

The explanatory notes provide an overview of the residential sector in Queensland. In summary, the notes state that approximately one third of the state's households rent their home. There is an increasing trend of renting, with more Queenslanders expecting to rent for longer, many becoming life-long renters. Further, some of the most vulnerable Queenslanders rely on the private rental market for sustainable and long-term housing that meets their needs and from which to build and maintain their connection with family, community, services, education and employment opportunities.<sup>9</sup>

The explanatory notes also indicate that the average rental vacancy rate in Queensland is 0.91 per cent and that housing supply constraints and migration are the main contributors to this low vacancy rate.<sup>10</sup> Further, the notes state that high interest rates, cost of living pressures and competition for rental properties are influencing property owners to increase rents and this is creating severe housing affordability challenges. According to the ABS Consumer Price Index, in the December 2023

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<sup>4</sup> Explanatory notes, p 3.

<sup>5</sup> Explanatory notes, p 3.

<sup>6</sup> Explanatory notes, p 3.

<sup>7</sup> Explanatory notes, p 3.

<sup>8</sup> Explanatory notes, p 4.

<sup>9</sup> Explanatory notes, p 4.

<sup>10</sup> Explanatory notes, p 5.

quarter, Brisbane's annual increase in rental prices was 8.4 per cent, which is greater than the national average of 7.3 per cent.<sup>11</sup>

### 1.3 Government consultation

The explanatory notes outline a comprehensive consultation process in relation to the various aspects of the Bill.

In relation to the rental reforms, the *Stage 2 Rental Law Reform Options Paper* was released for public consultation and sought stakeholder feedback on five reform priorities including: installing modifications; making personalisation changes; balancing privacy and access; improving the rental bond process and fairer fees and charges.<sup>12</sup> Over 5,600 responses were received from renters, property owners, property managers, interest groups and the community.<sup>13</sup>

In July 2023, feedback was also sought on the option to apply an annual rent increase frequency limit to the rental property, not the tenancy.<sup>14</sup> Organisations, property owners, property managers, real estate agents and members of the community provided 1,501 responses.<sup>15</sup>

Feedback received from stakeholders was diverse. The explanatory notes stated that renters generally preferred greater regulation to support their rights, whereas property owners and property managers preferred education and awareness raising of current legislation over legislative reform.<sup>16</sup>

In relation to proposed amendments to the local government employee-superannuation scheme, the local government sector, including the Local Government Association of Queensland, Local Government Managers Australia and unions representing local government employees, were asked for feedback and were supportive of the amendment.<sup>17</sup>

In relation to CPD for property agents, a Consultation Regulatory Impact Statement (CRIS) was released and sought feedback from property agents, industry stakeholders, and members of the public about options. The CRIS recommended a light regulatory model as the preferred option as it was considered to be the only option to have a net benefit.<sup>18</sup> Together with the CRIS, an Industry Consultation Guide and online survey were also developed, the results of which are published in a Decision Regulatory Impact Statement (DRIS).

### 1.4 Legislative compliance

The committee's deliberations included assessing whether or not the Bill complies with the Parliament's requirements for legislation as contained in the *Parliament of Queensland Act 2001*, *Legislative Standards Act 1992* (LSA) and the *Human Rights Act 2019* (HRA).

#### 1.4.1 *Legislative Standards Act 1992*

The committee considered the Bill against the fundamental legislative principles outlined in the LSA. Specifically, whether the legislation has sufficient regard to rights and liberties of individuals and the institution of Parliament.

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<sup>11</sup> Explanatory notes, p 5.

<sup>12</sup> DHLGPPW, *Rental law reform*, 11 August 2023, Queensland Government; Explanatory notes, p 21; DHLGPPW, correspondence, 28 March 2024, p 5.

<sup>13</sup> Explanatory notes, p 21.

<sup>14</sup> Explanatory notes, p 5.

<sup>15</sup> Explanatory notes, p 21.

<sup>16</sup> Explanatory notes, p 5.

<sup>17</sup> Explanatory notes, p 7.

<sup>18</sup> Explanatory notes, pp 7-8.

The committee considered the following in relation to fundamental legislative principles:

- whether the Bill abrogates rights and liberties of individuals in a broad sense only with sufficient justification, and whether it treats all persons reasonably and fair
- whether the Bill allows the delegation of legislative power only in appropriate cases and to appropriate persons; and sufficiently subjects the exercise of a delegated legislative power to the scrutiny of the Legislative Assembly.

In summary, the committee was satisfied that any potential breaches were sufficiently justified in the circumstances.

As required by Part 4 of the LSA, explanatory notes were tabled with the introduction of the Bill and contained a sufficient level of background information and commentary to facilitate understanding of the Bill's aims and origins.

#### **1.4.2 Human Rights Act 2019**

The committee also considered the Bill's compatibility with the HRA. The committee considered the following human rights:

- right to property
- freedom to choose where to live
- freedom of expression and right to non-interference with privacy, family and home.

In summary, the committee considered the Bill to be compatible with the HRA and that potential limitations on human rights proposed by the Bill are demonstrably justified.

A Statement of Compatibility was tabled with the introduction of the Bill as required by section 38 of the HRA. The statement contained a sufficient level of information to facilitate understanding of the Bill in relation to its compatibility with human rights.

#### **1.5 Should the Bill be passed?**

The committee is required to determine whether or not to recommend that the Bill be passed.

##### **Recommendation 1**

The committee recommends the Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Bill be passed.

## 2 Examination of the Bill

This section discusses key issues raised during the committee's examination of the Bill. It does not discuss all consequential, minor or technical amendments.

### 2.1 Amendments to the Residential Tenancies and Rooming Accommodation Act

The Bill amends the Residential Tenancies and Rooming Accommodation Amendment Act (RTRA Act) and the Residential Tenancies and Rooming Accommodation Regulation (RTRA Regulation) to strengthen the rights of renters, support private investment and provide better pathways to resolve issues in tenancies.<sup>19</sup> As noted in the previous section, the Bill seeks to achieve this by delivering a range of measures.

#### 2.1.1 Support for Bill

Feedback received from Inquiry participants was largely polarised.

Tenants' advocacy and other special interest groups were largely supportive of the intent and measures proposed by the Bill. Many submitters including QCOSS, Tenants Queensland, Q Shelter, Aboriginal and Torres Strait Islander Legal Service and DV Connect outlined their support for the Bill.<sup>20</sup> Whereas groups representing property owners or their interests including the REIQ and Property Council of Australia (PCOA) expressed reservations about several of the amendments.

Key issues raised by Inquiry participants are discussed below.

#### 2.1.2 Modifications to and personalisation of a property

Currently, rental laws allow renters and property owners to agree to any changes that can be made to the rental property and whether those changes need to be removed when the tenancy ends. Property owners cannot unreasonably withhold their permission, and a renter may initiate a dispute if an agreement cannot be reached.<sup>21</sup>

The Bill proposes to amend existing provisions and include new provisions regarding attaching fixtures or making structural changes necessary for a renter's safety, security or accessibility and establishes a head of power for a framework to be prescribed by regulation. The department advised that the framework will be developed in consultation with the residential rental sector once the head of power has been established.<sup>22</sup>

The Bill also clarifies the process for renters and property owners to agree to personalisation changes to the rental property, including providing:

- a timeframe for the property owner to make a decision on a personalisation change request, and an approved application form for the renter to make a request and timeframe for the property owner to make a decision<sup>23</sup>
- that the rental property owner must not act unreasonably in refusing a modification request
- that, should body corporate approval be required, and if the rental property owner approves the request, the rental property owner must advise that the request is subject to body corporate approval and give the request to the body corporate within the 28-day timeframe

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<sup>19</sup> Explanatory notes, p 8.

<sup>20</sup> See for example, QCOSS, submission 66, p 2; TQ, submission 103, p 2; Q Shelter, submission 94, pp 2-3.

<sup>21</sup> DHLGPPW, Briefing, dated 2 April 2024, p 7.

<sup>22</sup> DHLGPPW, Briefing, dated 2 April 2024, p 8.

<sup>23</sup> Explanatory notes, p 8; DHLGPPW, correspondence, 28 March 2024, p 8.

- that the renter may apply to the tribunal for an order about the attachment of a fixture or making of a structural change if the rental property owner does not approve a request.<sup>24</sup>

#### 2.1.2.1 Modifications required for a renters' safety, security or accessibility

Real Estate Institute of Queensland (REIQ) generally supported the provisions relating to safety, security and accessibility, but recommended a distinction be made between minor and complex modifications.<sup>25</sup> Queenslanders with Disability Network (QDN) expressed a similar sentiment in relation to a distinction between minor and complex modifications and noted that it had worked with REIQ in considering the issue.<sup>26</sup>

#### 2.1.2.2 Requests for modifications and associated timeframes

Mixed views were expressed by Inquiry participants in relation to requests for personalisation modifications and associated timeframes.

REIQ submitted that it does not believe there is a substantial basis to legislate a process for personalisation modifications as rental property owners generally agree to reasonable minor personalisation changes.<sup>27</sup> Property Investors Council of Australia (PICA) expressed a similar view noting that changes that are done poorly may result in damage to a property or added costs that may not be covered by a rental bond.<sup>28</sup>

REIQ suggested expanding approval conditions to require that suitably qualified tradespersons nominated by the rental property owner should carry out structural changes.<sup>29</sup> They also suggested that a rental property owner should be entitled to ask for additional bond, as it is probable that some tenants may underestimate the cost of restoring an alteration.<sup>30</sup> REIQ supported the rental property owner's right to refuse an attachment of a fixture or structure change under sections 207 and 208, and welcomed the consideration given to the impact of alterations when a property is subject to body corporate approval.<sup>31</sup>

Tenants Queensland (TQ) submitted that the proposed timeframes to approve or refuse a request are too long and recommended for requests made under the new section 207, in particular, a timeframe of 14 days, as the request has to also proceed to the Body Corporate, which has no timeframe within which it has to respond. In contrast, the REIQ submitted that the proposed timeframes are too short. They cautioned against a blanket time restriction and suggested that a timeframe of greater than 28 days may be necessary to consider a tenant's request in some cases.<sup>32</sup>

McCullough Robertson also recommended that 'new clauses 207(6) and 254(6) should be amended so that the tenant must also comply with the body corporate's agreement (and any conditions)'.<sup>33</sup>

#### 2.1.2.3 Departmental response

In response, the department advised that the conditions in the proposed sections 209(2) (clause 64) and 255A(2) (clause 67) are not absolute. The department advised that a rental property owner may include other conditions they consider necessary when approving a request for personalisation, such

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<sup>24</sup> DHLGPPW, correspondence, 28 March 2024, p 8.

<sup>25</sup> REIQ, submission 91, p 17.

<sup>26</sup> QDN, submission 102, p 3.

<sup>27</sup> REIQ, submission 91, p 40.

<sup>28</sup> PICA, submission 80, p 6.

<sup>29</sup> REIQ, submission 91, p 40.

<sup>30</sup> REIQ, submission 91, p 41.

<sup>31</sup> REIQ, submission 91, p 41.

<sup>32</sup> REIQ, submission 91, p 41.

<sup>33</sup> McCullough Robertson Lawyers, submission 75, p 4.

as a requirement to engage a qualified tradesperson, and that the property be returned to the original condition at the end of the tenancy.<sup>34</sup>

The department also advised that the proposed new sections 208(3) and 255(3) in clause 67 allow a rental property owner and renter to agree to allow a period longer than 28 days.<sup>35</sup>

Regarding changes to common areas where body corporate approval may be required, the department noted that the provisions require property owners to give a decision to most requests within 28 days, or a longer time if agreed by the parties. The amendments also provide that QCAT may make an order.

The department stated that they were considering whether it is necessary to be more explicit in relation to renters having to comply with any conditions on the body corporate's approval of fixtures or structural changes.<sup>36</sup>

### **Committee comment**

The committee is satisfied that the amendments relating to modifications clarify the process for renters and property owners and are appropriate.

We note that some submitters expressed the need for clarification in relation to requests for changes to common areas where body corporate approval may be required. We encourage the department to consider whether amendments are required to new sections 207 and 254 to make sure a body corporate's responsibilities are clear for all parties.

#### **2.1.3 Privacy protections for renters**

The Bill introduces several measures to protect privacy for renters. These include:

- extending the notice period from 24 to 48 hours for entry other than for general inspections, safety checks, in an emergency, or with agreement
- limiting entry at the end of a tenancy to no more than two entries per 7-day period except for safety checks or in an emergency
- prescribing a rental application form and categories of supporting documentation to limit the information that can be requested of prospective renters
- allowing rental applicants a choice of how to submit their rental application, including not being required to use a third party platform
- requiring that renters' personal information is only collected and used by the relevant person to assess suitability during the rental application process or to manage the property
- requiring that renters' personal information is securely stored and disposed of within 3 months of an unsuccessful rental application or 3 years after a tenancy ends
- requiring that a rental property owner or manager must not photograph a premises if it shows something belonging to the renter without their consent.<sup>37</sup>

Key issues raised are discussed below.

##### **2.1.3.1 Extending the entry notice period**

Some submissions raised issues with the extended entry notice period. For example, the Caravan Parks Association of Queensland suggested that the proposed amendments do not consider the

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<sup>34</sup> DHLGPPW, correspondence, 26 April 2024, pp 12-13.

<sup>35</sup> DHLGPPW, correspondence, 26 April 2024, pp 12-13.

<sup>36</sup> DHLGPPW, correspondence, 26 April 2024, p 13.

<sup>37</sup> Explanatory notes, pp 8-9; DHLGPPW, correspondence, 28 March 2024, p 10.

practicality the changes for repairs and maintenance, particularly in regional or remote areas in Queensland, where the availability of tradespeople is limited and access to the property may need to occur at short notice.<sup>38</sup>

The department advised that, under existing section 193 of the RTRA Act, if the rental premises is remote and there is a shortage of suitably qualified tradespeople to make repairs or carry out maintenance, the property owner or agent can enter the premises for routine repairs, maintenance, or for safety checks, without giving entry notice. Rental property owners or their agents are also able to enter the property if the renter agrees, under existing provisions of the RTRA Act (section 192(1)(j)).<sup>39</sup>

#### 2.1.3.2 Collection and storage of personal information

The Bill includes new provisions that set out the obligations of a rental property owner and their agent when dealing with a renter's personal information.

A rental property owner and their agent must ensure that a renter's personal information is stored in a secure way and accessed only for the purposes of assessing the applicant's suitability for the tenancy or for the purposes of managing the property. Information collected must be destroyed in a secure way within the following timeframes: for an applicant who does not become a renter, three months after the application was made; and for a renter, three years after the end of the rental agreement.<sup>40</sup>

Several submissions commented on the proposed timeframes for destruction of personal information and submitted that the proposed 3-year retention period may hinder agents' ability to provide future rental references for renters and information to insurance companies for the evaluation of claims, as well as hindering agents' ability to manage taxation records.<sup>41</sup> Others suggested that the proposed timeframes are inconsistent with obligations under other legislation. The Community Housing Industry Association and Student Accommodation Council submitted that the proposed 3-month retention period will prevent providers of community housing, specialist disability accommodation and student accommodation from maintaining wait lists for their accommodation.<sup>42</sup>

McCullough Robertson Lawyers also raised the issue of additional information for CHPs, and issues in relation to the 3-year retention of records, suggesting that this be amended to 7 years.<sup>43</sup> REIQ recommended that a tenant's personal information be destroyed within 7 years.<sup>44</sup>

#### 2.1.3.3 Departmental response

In response, the department noted that the policy intent of the Bill is 'to protect the privacy and personal information of renters whose rental property owners or agents may not be bound by the *Privacy Act 1988* (Cwth) and prevent the information from being used inappropriately or provided to other parties without the consent of the renter'.

The department advised that the 3-year timeframe 'would override any timeframes to destroy or retain information under a funding agreement or would likely constitute legal authority for destruction for the purposes of 13(b) of the *Public Records Act 2002*'. The department also stated

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<sup>38</sup> CPAQ, submission 86, p 5.

<sup>39</sup> DHLGPPW, correspondence, 26 April 2024, p 14.

<sup>40</sup> DHLGPPW, correspondence, 2 April 2024, p 11.

<sup>41</sup> See for example REIQ, submission 91, p 48.

<sup>42</sup> CHIA, submission 77, p 3.

<sup>43</sup> McCullough Robertson Lawyers, submission 75, p 5.

<sup>44</sup> REIQ, submission 91, p 48.

that it is considering the issue raised regarding the retention period for renters' personal information and retention obligations required under other legislation.<sup>45</sup>

### **Committee comment**

The committee notes the purpose of the Bill's provisions in relation to privacy are to strike a balance that protects renters from excessive intrusions and interference during a tenancy while ensuring rental property owners or their agents are able to access the information required to manage a property.

The committee notes the concerns raised by submitters, including those in relation to the proposed 3-year retention period for tenant records and possible additional information collection requirements for specialist and student accommodation. We encourage the department to reconsider the timeframes associated with retention periods to ensure that that the period is appropriate for all parties.

#### **2.1.3.4 Approved application form and provision of information**

REIQ submitted that it supports an approved tenancy application form on the basis that information collected will ensure a rental property owner can be satisfied that the tenant will be able to meet their financial obligations and obligations to take care of the property.<sup>46</sup> However, they suggested that the information listed in new section 57B(4) does not provide for all pieces of critical information such as information about pets, and information relevant to the type of property, features of the property, requirements under council regulations and their decision to approve the tenant for the property based on the suitability of the tenant.<sup>47</sup>

REIQ also recommended that the limitations on information that can be requested under new section 57C(2) be removed, and suggested that:

- a rental property owner or property manager should not be prohibited from asking a former rental property owner or property manager if the tenant previously breached the tenancy agreement
- a rental property owner or property manager should be able to obtain financial statements from a tenant to verify that they have financial capacity to meet their obligations under the tenancy.<sup>48</sup>

PICA also expressed concern in relation to restrictions on the type of information rental property owner can request from prospective tenants, noting that property owners need flexibility to tailor application procedures to their needs and preferences, ensuring efficient tenant selection.<sup>49</sup>

LawRight supported the introduction of a prescribed rental application form and mandatory restrictions on the types of information sought in rental applications and suggested a further amendment covering 'credit score or credit history' in addition to 57C(2)(e), as they consider the allowance for requesting information about current employment and income is sufficient for the purposes of ascertaining a prospective tenant's financial situation.<sup>50</sup>

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<sup>45</sup> DHLGPPW, correspondence, 26 April 2024, p 17.

<sup>46</sup> REIQ, submission 91, p 22.

<sup>47</sup> REIQ, submission 91, p 25.

<sup>48</sup> REIQ, submission 91, pp 23-25.

<sup>49</sup> PICA, submission 80, p 15.

<sup>50</sup> LawRight, submission 4, p 19.

### 2.1.3.5 Departmental response

In response, the department noted that clause 50 in the Bill would provide any other information required by the rental application form that is prescribed by regulation. The department noted it will consult with the sector about any further details that need to be collected at the application stage to inform further development and assessment against the intent of the reforms to protect the personal information of renters, including for specialist disability accommodation and student accommodation providers.<sup>51</sup>

In response to submitters who expressed concern regarding the provision of certain financial information or prior legal action, the department noted that sections 57C(b)(ii) and 76D(b)(ii) both allow information to be provided about the prospective renter's financial ability to pay rent. The information that is being restricted are statements that show details of transactions.

The department also advised that the intention of clauses 50 and 51 was to 'prevent property owners and their agents from requesting certain information from prospective renters as part of the rental application process, including legal action taken by the renter, the prospective renter's history in relation to rental bonds, or statements of credit cards or bank accounts detailing transactions'.<sup>52</sup>

### 2.1.3.6 Verification of identity

REIQ submitted that it would not be practical for an agent to sight the identification of every person that applies for a tenancy. They suggested that this would involve hundreds of individuals going to a physical office for verification of identity each week. REIQ recommended amending proposed new section 457B(4) to provide that the rental property owner or property manager is not prohibited from taking a copy of an applicant's licence.<sup>53</sup>

In response, the department advised that the Bill does not prevent a prospective renter from providing a copy of their identity documents to the rental property owner or their agent, or the owner or their agent recording any identification number for those documents if they are provided for sighting only.<sup>54</sup>

## **2.1.4 Bond processes**

The Bill proposes to amend the RTRA Act to:

- require any bond claims by a property owner to be substantiated by giving the renter evidence supporting the claim within 14 days of the claim on the rental bond or a dispute resolution request being made to the RTA, unless the rental property owner or their agent was unable to contact the renter after making reasonable efforts<sup>55</sup>
- allow the RTA to refund bonds directly to renters who use commercial bond products
- provide that the maximum bond is no more than four weeks rent for all residential tenancy and rooming accommodation agreements
- allow the RTA to pay a rental bond if QCAT has dismissed an application about a bond dispute
- require a bond taken for rooming accommodation to be lodged with the RTA
- enable the RTA and the department to share personal information related to a bond loan

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<sup>51</sup> DHLGPPW, correspondence, 26 April 2024, p 15.

<sup>52</sup> DHLGPPW, correspondence, 26 April 2024, p 16.

<sup>53</sup> REIQ, submission 91, p 25.

<sup>54</sup> DHLGPPW, correspondence, 26 April 2024, p 16.

<sup>55</sup> Explanatory notes, p 42; DHLGPPW, correspondence, 28 March 2024, p 13. Clause 58.

- establish a head of power for a portable bond scheme to be prescribed in regulation.<sup>56</sup>

The department advised that the establishment of a head of power will enable the department to develop the details of the portable bond scheme in consultation with the sector as expeditiously as possible. The Bill also includes a sunset clause for the regulation and section to expire 2 years after the section commences.<sup>57</sup>

#### 2.1.4.1 Commercial bond products

REIQ, while supportive of proposed amendments relating to commercial bond products, expressed concern that the amendments of section 138 appear to only relate to bond loans provided by the department.<sup>58</sup>

In response, the department noted that the policy intent of section 138 of the RTRA Act, as originally enacted, was to allow the RTA to pay rental bonds to the department. It was not anticipated, at that time, that commercial bond loans would emerge.

The department explained that the proposed new section 138 has limited application and applies only where the department has provided a bond loan to a renter. The department considered that if the Bill is passed and commences, where a renter has a commercial bond loan, payment of the bond to the renter would occur under other provisions of the RTRA Act, as relevant. Any outstanding money owed by the renter to the commercial bond provider would be subject to the terms of their arrangement and is outside the scope of the RTRA Act.<sup>59</sup>

#### 2.1.4.2 Portable Bond Scheme

REIQ submitted that it did not support the provisions for a portable bond scheme in its current form. They submitted that there is potential for the bond transfer process to impede rental property owners' ability to rightfully claim funds to address breaches of the tenancy agreement and suggested postponing the introduction of the scheme until the operational and legal aspects had been further considered.<sup>60</sup>

In response, the department noted that the circumstances regarding the process and operation of the bond transfer scheme will be prescribed in regulation after consultation. The department confirmed that consideration will be given to the issues raised, including claims against the bond for the previous rental property, in development of the regulation. The department also advised that it will liaise with other Australian states and territories offering a portable bond scheme.<sup>61</sup>

#### 2.1.4.3 Evidence of bond claims

REIQ suggested that the 14-day timeframe for rental property owners or their agents to provide evidence to support a claim against a bond was too short.<sup>62</sup> They recommended extending the timeframe to 28 days from the date of the bond claim or 7 days from the quotation or invoice is received.<sup>63</sup> In contrast, LawRight submitted that the proposed 14-day timeframe was excessive, and recommend reducing the timeframe to 7 days.<sup>64</sup>

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<sup>56</sup> Explanatory notes, p 9.

<sup>57</sup> DHLGPPW, correspondence, 28 March 2024, p 14.

<sup>58</sup> REIQ, submission 91, pp 14-15.

<sup>59</sup> DHLGPPW, correspondence, 26 April 2024, p 20.

<sup>60</sup> REIQ, submission 91, p 17.

<sup>61</sup> REIQ, submission 91, p 21.

<sup>62</sup> REIQ, submission 91, p 28.

<sup>63</sup> REIQ, submission 91, p 31.

<sup>64</sup> LawRight, submission 4, p 16.

REIQ also expressed reservations about provisions that provide that a rental property owner or property manager must contact a resident or rental property owner in relation to supply of evidence.<sup>65</sup> They recommended amending the proposed section to consider evidence to have been provided if sent to the tenant's last known address.<sup>66</sup>

LawRight noted that the provisions in the Bill do not specify the threshold for evidence required to substantiate a bond claim. Lawright suggested that rental property owners should be required to obtain at least two quotes or invoices for a particular item to safeguard against quotes exceeding the market rate being provided, and recommended publicly available guidelines be provided by the RTA clarifying the threshold for the evidence to ensure bond claims are legitimately substantiated with sufficient and fair evidence.<sup>67</sup>

In response the department noted that it considers the timeframe to be sufficient for the rental property owner or their agent to obtain the necessary evidence. The department advised that the 14-day timeframe aligns with existing timeframes within the RTRA Act for the Notice of Claim period to dispute a claim against a rental bond and stated that it considers that a longer timeframe could impact on a renter's timely access to the rental bond refund. The department also advised that other Australian jurisdictions require evidence to be provided within shorter timeframes.

#### 2.1.4.4 Maximum bond limit

REIQ opposed removing the maximum bond threshold under section 146(3). They recommended increasing it to \$1,500 per week, allowing parties to negotiate and agree to a higher amount of bond, and permitting the rental property owner or property manager to take a higher bond where there is an additional risk to the property, such as if a pet is permitted at the property or if an alteration under section 208 is agreed.<sup>68</sup>

In response, the department noted that the amount of rent charged for a rental property is generally proportionate to a property's value, and therefore a maximum bond of four weeks rent should provide appropriate security for higher and lower value rental properties. They also advised that in circumstances where the bond is not sufficient to cover costs at the end of a tenancy, existing options for rental property owners to recover compensation via QCAT remain.<sup>69</sup>

#### 2.1.4.5 Claiming bonds prematurely

REIQ expressed concern in relation to bonds being claimed prematurely. They suggested that this could be mitigated by requiring the RTA confirm with the rental property owner or property manager that a tenancy has ended before processing a bond claim.<sup>70</sup>

In response, the department noted that, under section 139 of the RTRA Act, the RTA must not pay a rental bond if it knows the agreement has not ended or before handover day. The requesting party advises the RTA of the date the agreement has ended on the Refund of rental bond (Form 4) or online request. The renter's or property owner or manager's refund request should be submitted on or after the tenancy end date or handover date has occurred. Penalties may apply for providing false or misleading information to the RTA.

The department further noted that the RTA refunded 239,318 bond refunds according to their 2022-23 Annual Report. Checking the information provided for every refund request as an additional step

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<sup>65</sup> REIQ, submission 91, p 31.

<sup>66</sup> REIQ, submission 91, p 31.

<sup>67</sup> LawRight, submission 4, p 17.

<sup>68</sup> REIQ, submission 91, p 33.

<sup>69</sup> DHLGPPW, correspondence, 26 April 2024, p 19.

<sup>70</sup> REIQ, submission 91, p 29.

in the bond refund process would cause substantial delays in the release of bonds and is not warranted.<sup>71</sup>

### **Committee comment**

The committee is satisfied that the Bill's provisions in relation to the bond process are reasonable and strike an appropriate balance between the rights of tenants and the rights of rental property owners. We encourage the department to consult widely with key stakeholders in the development of the portable bond scheme to be prescribed by regulation, including liaising with other Australian states and territories who currently offer a portable bond scheme.

#### **2.1.5 Fees and charges**

The Bill proposed to amend the RTRA Act to:

- require that renters be offered a fee-free method to pay rent and be advised of any financial benefits the property owner or property manager receives from a renter paying rent in a particular way
- specify a timeframe that property owners and property managers have to pass on utility bills to renters. The Bill provides that a renter would not be required to pay the amount if they do not receive a document issued by a relevant supply authority within 4 weeks of the rental property owner or agent receiving the document.<sup>72</sup>
- cap reletting costs to a prescribed amount according to how much of the lease has expired.<sup>73</sup>

##### **2.1.5.1 Reletting costs**

REIQ submitted that it does not agree with proposed changes to the RTRA Act in relation to the calculation of reletting costs.<sup>74</sup> They recommended amendments to clarify that the calculation of reletting costs are separate to any other claim of compensation a rental property owner may have under the tenancy agreement including for loss of rent and using a simpler formula for calculating pro-rata reletting costs.<sup>75</sup> PICA expressed a similar view, suggesting that the existing arrangement can help discourage tenants from ending their leases prematurely and without reason.<sup>76</sup>

Conversely, LawRight submitted that it supports a limit being placed on break lease fees for fixed term agreements. They noted that while the maximum prescribed amount proposed may be unaffordable for some vulnerable tenants, the scenario of the break lease fee causing excessive hardship could be appropriately managed through existing provisions allowing a tenant to apply to QCAT for a termination order made because of excessive hardship.<sup>77</sup>

Tenants Queensland raised an issue that the amendments, as drafted, may permit terms about reletting costs that would apply even where a tenant/resident has vacated without breaking the lease. TQ recommends amending s357A(1) (b) and s396A(1)(b).

In response, the department noted that the Bill's approach to capping reletting fees according to how much of the lease has expired is consistent with nationally agreed rental reform priorities outlined as part of National Cabinet's *A Better Deal for Renters*. They noted that the RTA will develop resources to support the sector to understand and apply clauses 72 and 73 of the Bill.

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<sup>71</sup> DHLGPPW, correspondence, 26 April 2024, p 20.

<sup>72</sup> DHLGPPW, correspondence, 28 March 2024, p 16.

<sup>73</sup> Explanatory notes, p 9.

<sup>74</sup> REIQ, submission 91, p 42.

<sup>75</sup> REIQ, submission 91, p 45.

<sup>76</sup> PICA, submission 80, pp 10, 15.

<sup>77</sup> LawRight, submission 4, p 19.

In response to concerns raised by Tenants Queensland, the department noted that current reletting cost provisions under the RTRA Act only apply if an agreement is ended in a way not provided for under the Act. It is not intended to broaden the application of these provisions to apply when an agreement is ended in a way that is provided for in the Act. The department advised that they are considering concerns raised about clauses 72 and 73 applying when the agreement has ended in a way that is allowed under the RTRA Act to ensure the intended policy outcome is delivered.<sup>78</sup>

#### *2.1.5.2 General service charges and water service charges*

REIQ did not support amendments in relation to passing on utility charges. They submitted that when a tenant receives a late bill, it is usually due to issues such as bills being overlooked in a rental property owner's mail or email.<sup>79</sup> REIQ suggested an exception may be appropriate if a rental property owner or property manager can provide reasons why they were not able to provide the documents to the tenant within the applicable period. They recommended that the timeframe in which a utility bill should be passed on be extended from 4 weeks to 8 weeks.<sup>80</sup>

REIQ also raised an issue with the drafting of new section 166(7). They submitted that, if the document to be provided must be a document issued by a water service provider, tenants will not be required to pay for water consumption for the period between the last billing period to the date the tenancy ends, unless the bill is received in the last 4 weeks of the tenancy. They recommended amending the section to provide that 'a document' which must be provided to the tenant not exclude invoices issued by the rental property owner's property manager for water consumption at the beginning and end of a tenancy.<sup>81</sup>

In contrast, LawRight was supportive of the introduction of amendments to require rental property owners to pass on documents relating to utility charges within 4 weeks.<sup>82</sup> LawRight also recommended the inclusion of clarification that rental property owners are required to set up arrangements to receive general service charges in their name for premises that are not individually metered.<sup>83</sup> Tenants Queensland supported the amendments, but expressed a preference for the option in the consultation paper that removes the requirement for tenants to pay water consumption charges.<sup>84</sup>

In response, the department advised that it is considering whether amendments to the Bill are necessary to allow invoices to be issued by the rental property owner or their agent for some services. The department also advised that they are considering the matter of including an exception to this provision. The department confirmed that education to support commencement of the Bill, if passed, will include information to encourage property owners and managers to establish systems to pass on service charging costs to renters in a timely manner.<sup>85</sup>

#### *2.1.5.3 Fee-free payment methods*

REIQ opposed provisions for fee-free payment methods, noting that fees are 'reflective of modern daily life'.<sup>86</sup> REIQ argued that third-party platforms may offer better security, easier means of

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<sup>78</sup> DHLGPPW, correspondence, 26 April 2024, pp 11-12.

<sup>79</sup> REIQ, submission 91, p 34.

<sup>80</sup> REIQ, submission 91, p 36.

<sup>81</sup> REIQ, submission 91, p 35.

<sup>82</sup> LawRight, submission 4, pp 19-20.

<sup>83</sup> LawRight, submission 4, pp 19-20.

<sup>84</sup> TQ, submission 103, p 7.

<sup>85</sup> DHLGPPW, correspondence, 26 April 2024, p 6.

<sup>86</sup> REIQ, submission 91, p 26.

tracking payments, reduction of missed payments, and a convenient means of making other payments.

In response, the department noted that the policy intent of the Bill is to ensure that renters can choose how they pay their rent and avoid incurring unnecessary costs by choosing a rent payment method that does not incur any additional fees or charges. They noted that clause 83 of the Bill proposes a new section that requires a rental property owner or their agent to provide at least two ways of paying rent, and at least one of those ways must not incur a cost to the renter (other than bank fees or other account fees usually payable by the renter) and is reasonably available. It does not prevent other rent payment methods being used by the renter or proposed by the rental property owner or their agent.<sup>87</sup>

### **Committee comment**

The committee recognises the cost-of-living pressures facing Queenslanders and renting households in particular. We consider the provisions in the Bill relating to fees and charges will remove some barriers currently faced by renters seeking affordable housing. We note that the Bill has taken a balanced approach that considers the need for rental property owners to be fairly compensated while also recognising the pressures faced by renters – particularly in relation to costs incurred when moving properties.

We note the concerns of submitters in relation to the application of reletting costs when a renter has not broken a lease, and property owners may be unfairly liable for utility bills in some circumstances.

We encourage the department to consider whether clauses 72 and 73 apply when a tenancy agreement has ended in a way allowed under the RTRA Act; and to consider whether property owners should be excluded from the requirement to pass on utility bills in some circumstances, and whether invoices issued by the rental property owner or their agent would be sufficient for some services.

### **2.1.6 Rental Sector Code of Conduct**

The Bill proposes to amend the RTRA Act to establish a head of power to allow a new Rental Sector Code of Conduct to be developed in consultation with the sector and prescribed by regulation (clause 45).<sup>88</sup> The Bill provides that the regulation may prescribe penalties of up to 50 penalty units for non-compliance with a conduct provision.<sup>89</sup>

#### **2.1.6.1 Stakeholder views and department response**

Various submissions commented on the proposed Code of Conduct. REIQ welcomed the proposal and submitted that it should apply to both tenants and rental property owners.<sup>90</sup> Tenants Queensland also supported the development of a Code, however suggested that it should not apply to renters or residents as a renters' conduct is already regulated through the tenancy agreement.<sup>91</sup> QCOSS recommended that the Code of Conduct, as well as other reforms in the Bill requiring further design, be co-designed with renters.<sup>92</sup>

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<sup>87</sup> DHLGPPW, correspondence, 26 April 2024, p 9.

<sup>88</sup> Explanatory notes, p 8.

<sup>89</sup> DHLGPPW, correspondence, 28 March 2024, p 17.

<sup>90</sup> REIQ, submission 91, pp 19-20.

<sup>91</sup> TQ, submission 103, pp 6-7.

<sup>92</sup> QCOSS, submission 66, p 7.

In response, the department advised that it would consider this feedback during the development of the Code of Conduct.<sup>93</sup>

### **Committee comment**

The committee welcomes the development of a Code of Conduct for the rental sector and encourages the department to consult thoroughly with the sector to ensure it is fit for purpose for all relevant parties.

#### **2.1.7 Rent bidding**

Currently there is no restriction on a rental property owner or their agent accepting an offer of a higher rent amount, or payment of more rent in advance than an owner or their agent can require under the RTRA Act.<sup>94</sup> The Bill includes new provisions to prohibit a person from soliciting, inviting, or accepting an offer of an amount of rent that is more than the fixed amount stated in an advertisement, including for rooming accommodation.<sup>95</sup>

The Bill also amends current provisions within the RTRA Act to require that a person must not accept more than a specified maximum amount of rent in advance. The maximum amount is 2 weeks rent for a periodic agreement, rooming accommodation agreement or moveable dwelling agreement, or 4 weeks rent for a general tenancy agreement (previously one calendar month). This also applies during the term of the tenancy.<sup>96</sup>

##### **2.1.7.1 Stakeholder views**

Mixed views were received from Inquiry participants on these amendments.

Many submissions from property owners and agents (and their advocacy groups) suggested that reforms relating to rent bidding were unnecessary as rent bidding is already banned under existing provisions within the RTRA Act. For example, the REIQ stated that, under the current RTRA Act, a rental property owner or rental property owner's agent cannot invite or solicit rent that is higher than the listed price or rent paid in advance that is greater than the statutory maximum and noted that in most cases, the quality of a tenant's application is more important to a rental property owner than the amount the tenant is willing to pay.

Some submissions also raised concerns about preventing a renter from voluntarily offering higher rent than the advertised amount to secure a property if they are able and willing to pay the extra amount. No submission supported renters being able to offer higher rent if they were encouraged or coerced to do so.

Various submissions were concerned about preventing the acceptance of rent in advance of more than four weeks rent. Some submissions noted that renters may voluntarily pay up to three or six months' rent in advance to provide reassurance to property owners, as a financial management approach or because of the type of tenancy or accommodation, such as student accommodation.<sup>97</sup>

Similar issues were raised in the context of moveable dwelling agreements. The CPAQ suggested that limits for rent in advance for moveable dwelling agreements should be consistent with proposed periods for general tenancy agreements. They also suggested an exemption for tourist and short-term sites.<sup>98</sup>

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<sup>93</sup> DHLGPPW, correspondence, 26 April 2024, p 21.

<sup>94</sup> DHLGPPW, correspondence, 28 March 2024, p 17.

<sup>95</sup> DHLGPPW, correspondence, 28 March 2024, p 19.

<sup>96</sup> DHLGPPW, correspondence, 28 March 2024, p 19.

<sup>97</sup> DHLGPPW, correspondence, 28 March 2024, p 19.

<sup>98</sup> CPAQ, submission 86, p 8.

Additionally, a range of stakeholders suggested that the proposed use of ‘four weeks’ in advance does not consider some renters who prefer to pay rent monthly. Certain submissions noted that this change will eliminate the flexibility of rent payments, particularly in situations where renters choose to pay on a monthly basis to align with their pay schedule.

#### ***2.1.7.2 Departmental response***

In response, the department advised that the policy intent of the amendment is to prohibit a person from soliciting, inviting or accepting an offer of an amount of rent that is more than the fixed amount stated in an advertisement, or more than a specified maximum amount of rent in advance before and during the term of the tenancy. The department acknowledged that the amendments may require some renters who choose to pay their rent in advance to change their practice.

The department noted that there may be some practical implications of the proposal to prohibit accepting rent in advance, including during the tenancy and is further considering this matter.

The department also noted that there are a number of different references in the RTRA Act to both 4 weeks and one month, and that they are considering the appropriateness of 4 weeks or one month being the required period for this provision. In relation to moveable dwelling agreements, the department noted that these generally have different time periods, usually aligned with periodic agreements, and the timeframe in section 87(1) (clause 13) of the Bill reflects this.<sup>99</sup>

#### **Committee comment**

The committee is satisfied that the amendments address the community concerns that rent bidding practices can prevent prospective renters having equitable opportunities to secure a property. The committee encourages the department to consider the appropriateness of the use of 4 weeks for this provision, noting the practical issues raised by Inquiry submitters.

#### **2.1.8 Limit on rent increase frequency to once every 12 months**

In 2023, the RTRA Act was amended to limit the frequency of rent increases to once every 12 months from 1 July 2023 for all tenancy agreements. The department advised that following announcement of the reforms, reports emerged of rental property owners ending tenancies with current renters when the term of their lease expired, in order to enter a new lease with new renters at a higher rent.<sup>100</sup>

In response to these reports a Discussion Paper was released in July 2023 which sought feedback on applying the annual rent increase limit to the rental property instead of individual tenancies. The department advised that renters were generally supportive of the proposed reform, while rental property owners were generally opposed.<sup>101</sup>

The Bill also introduces a new penalty infringement notice for offences related to rent bidding, increasing the rent on a property within 12 months of a previous increase, and failing to provide evidence of the date of last rent increase when requested.<sup>102</sup>

Stakeholders to the Inquiry submitted mixed feedback on this amendment.

Some submitters suggested that applying the annual rent increase frequency limit to the property, may cause unintended consequences such as higher initial rents. For example, PICA suggested that the amendment will impose additional constraints on property owners and lead to property owners raising rents to protect themselves against the uncertainty that longer timeframes generate and to

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<sup>99</sup> DHLGPPW, correspondence, 26 April 2024, pp 3-4.

<sup>100</sup> DHLGPPW, correspondence, 26 April 2024, pp 3-4.

<sup>101</sup> DHLGPPW, correspondence, 28 March 2024, p 18.

<sup>102</sup> Clause 123.

maintain their income buffer.<sup>103</sup> REIQ also suggested that attaching rent increase limits to the property could cause further instability in the market.<sup>104</sup> Others suggested that rental property owners may be less likely to carry out improvements to the property, including to moveable dwelling sites.

Some submitters were concerned that if a renter ends their lease early (within 12 months) rents cannot be raised until 12 months has passed since the lease ended. These submissions suggested this would extend the period where rents cannot be increased by up to 23 months.

#### *2.1.8.1 Departmental response*

In response, the department acknowledged that the amendment might cause some property owners to raise rents above what they would typically do to protect themselves against the uncertainty that longer timeframes between rent increases generate. The department advised that the extent to which property owners can raise rents will depend on market conditions at the time.<sup>105</sup>

The department also acknowledged that a potential impact of the reform is that a property owner may not be able to immediately pass on costs associated with improvements to the renter. However, the department explained that this is also the case under the current Act and previous 6-month limit on rent increases, unless the timing of the improvements was aligned with when the rent could be increased under the RTRA Act.<sup>106</sup> The department confirmed that education to support commencement of the Bill, if passed, will include information to encourage property owners to consider rent increase implications when scheduling significant renovations or improvements to a rental property.<sup>107</sup>

The department also noted that it is not necessary for tenancy agreements and rent increases to align. For example, if the last rent increase was on 15 October 2023, and a tenancy agreement ends on 27 August 2024, and a new tenancy agreement is entered into, the tenancy agreement could specify that the same rent is payable until 15 October 2024, and from 16 October 2024 it will increase to another specified amount.<sup>108</sup>

#### **Committee comment**

The committee is satisfied that amendments which limit the frequency of rent increases are appropriate.

#### **2.1.9 Applications to QCAT about rent increases**

The Bill includes amendments which allow a property owner to apply to QCAT for an order to increase the rent more frequently than the 12-month limit if complying would cause undue hardship.<sup>109</sup>

Submissions raised various recommendations in relation to this amendment. REIQ recommended removing the requirement for QCAT to consider impact of the rent increase on the renter when deciding a rent increase application and for QCAT to retain discretion to determine an order to increase rent based on the evidence supplied by the rental property owner or their agent to prove that undue hardship will be caused if rent cannot be increased.<sup>110</sup>

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<sup>103</sup> PICA, submission 80, p 12.

<sup>104</sup> REIQ, submission 91, p 13.

<sup>105</sup> DHLGPPW, correspondence, 26 April 2024, p 6.

<sup>106</sup> DHLGPPW, correspondence, 26 April 2024, p 6.

<sup>107</sup> DHLGPPW, correspondence, 26 April 2024, p 6.

<sup>108</sup> DHLGPPW, correspondence, 26 April 2024, pp 4-5.

<sup>109</sup> Clause 28.

<sup>110</sup> REIQ, submission 91, p 14; Bill, Clause 16.

Others recommended clarifying the concept of ‘undue hardship’ and ensuring that ‘undue hardship’ cannot be related to circumstances to cover significant improvements to the rental property undertaken within the 12-month period which may justify increased rent for new renters.<sup>111</sup>

#### *2.1.9.1 Departmental response*

In response, the department noted that the meaning of ‘undue hardship’ is a generally accepted legal term, and that flexibility is required for QCAT to apply the term on a case-by-case basis, as relevant to the circumstances under consideration.<sup>112</sup>

The department advised that it is not intended for undue hardship to capture improvements to a rental property and noted that if a property owner is making significant improvements to a property, these could be accounted for once the 12-month limit has been observed.<sup>113</sup>

The department also confirmed that the RTRA Act enables a renter to apply to the tribunal about an excessive rent increase and that the tribunal may consider a range of matters when deciding an application about excessive rent increases, including the state of repair of the premises and other matters the tribunal considers relevant.<sup>114</sup>

#### **2.1.10 Exemptions from the rent increase frequency limit**

The Bill provides that certain rental property owners who apply a subsidised household income-based rent policy, for example community housing providers and specialist homelessness providers, be exempt from the annual rent increase frequency limit.<sup>115</sup>

Several submissions raised concerns about the definition of ‘exempt lessors’ and sought to extend the definition to include a range of different types of specialist accommodation, including:

- purpose-built student accommodation<sup>116</sup>
- all registered community housing providers, specialist disability accommodation providers and rental property owners who receive funding under any State or Commonwealth Government arrangements where the amount of rent payable is determined with reference to household income<sup>117</sup>
- renters who are charged market rent, as some renters in social housing who are on market rent should be afforded the same protections as others in the private rental market.<sup>118</sup>

Concerns were also raised about applying some limbs of the exemption to the ‘premises’, which may impact accommodation providers in reallocating social and affordable premises within a development.<sup>119</sup>

Some submissions explained that the ‘exempt lessors’ definition in sections 82A (clause 12) and 57B (clause 50) differ, and the exemption does not apply to rooming accommodation.

One submission noted that moveable dwellings agreements often cater to short-term residents requiring flexible accommodation and pricing often needs to adjust according to seasonal demand

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<sup>111</sup> McCullough Robertson Lawyers, submission 75, p 3.

<sup>112</sup> DHLGPPW, correspondence, 26 April 2024, pp 4-5.

<sup>113</sup> DHLGPPW, correspondence, 26 April 2024, pp 4-5.

<sup>114</sup> DHLGPPW, correspondence, 26 April 2024, pp 4-5.

<sup>115</sup> Clause 12.

<sup>116</sup> SAC, submission 78, p 4.

<sup>117</sup> CHIA, submission 77, p 2; Q Shelter, submission 94, p 3; McCullough Robertson Lawyers, submission 75, p 2.

<sup>118</sup> See: SAC, submission 78, p 4.

<sup>119</sup> SAC, submission 78, p 4.

and suggested short moveable dwelling tenancy agreements be exempted from the 12-month limit on rent increases.

#### 2.1.10.1 Departmental response

In response, the department advised that the Bill exempts certain rental property owners who apply a subsidised income-based rent policy for the premises, such as most community housing providers and crisis accommodation providers from the rent increase frequency limit. The application of the exemption on a premises basis is consistent with past arrangements that applied to the individual tenancy agreement between the parties. In the case where a rental property owner may apply either a market-based rent or an income-based rent, the department considers that it is only the premises that the rental property owner applies an income-based rent policy to which will be exempt from the rent increase frequency limit. If a rental property owner applies a market-based rent policy to some premises, the rent increase frequency limit applies to those premises.<sup>120</sup>

The department noted that it considers it necessary to amend sections 93(5) and 93B(5) so that the exemption does not apply if a renter pays market rent. The department also acknowledged the matter of inconsistent definitions between proposed provisions of the Bill (clauses 12 and 50) and is considering the issue.<sup>121</sup>

The department noted that currently no exempt lessors are providers of rooming accommodation. The department is considering whether an exemption should apply in the event that an exempt lessor provides rooming accommodation in the future. The department noted that the RTRA Act does not apply to an agreement that gives a right to occupancy for holiday purposes. In the circumstances that the RTRA Act applies to a caravan park, it is within the context of a caravan being a person's place of residence.<sup>122</sup>

#### **Committee comment**

The committee acknowledges the input of submitters in relation to the proposed ban on rent bidding and limits on rent increase frequency. We do, however, believe there to be merit in further considering the definition of 'exempt rental property owner' to ensure that certain registered community housing providers, specialist disability accommodation providers and student accommodation providers are not unintentionally omitted from the definition.

#### **2.1.11 Calls to limit rent increases**

Several submitters were of the view that the Bill did not go far enough. For example, Tenants Queensland, QCOSS, Q Shelter and LawRight suggested tying rent increases to the Consumer Price Index.<sup>123</sup>

In response, the department noted that economic research has identified that rent price controls, such as restricting or limiting the amount rent can be increased by, are generally ineffective at improving rental affordability and can have other negative effects, such as reducing the quality of rental stock and reducing renter mobility. They noted that the best way to address rental affordability is by increasing housing supply, which the Queensland Government is doing through the significant Homes for Queenslanders commitment and investment.<sup>124</sup>

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<sup>120</sup> DHLGPPW, correspondence, 26 April 2024, pp 5-7.

<sup>121</sup> DHLGPPW, correspondence, 26 April 2024, pp 6-7.

<sup>122</sup> DHLGPPW, correspondence, 26 April 2024, pp 6-7.

<sup>123</sup> LawRight, submission 4, pp 5, 11; QCOSS, submission 66, p 5; TQ, submission 103, p 3; Q Shelter, submission 94, p 3.

<sup>124</sup> DHLGPPW, correspondence, 26 April 2024, pp 8-9.

### 2.1.12 Disclosing rent increases

The Bill requires that a tenancy agreement must state the date of the last rent increase and provides for a renter to request evidence of the last rent increase.<sup>125</sup>

#### 2.1.12.1 Stakeholder views

Several submitters opposed this amendment. For example, McCullough Robertson Lawyers noted that rental property owners may not have information relating to evidence of rent increases when they have recently purchased the property.<sup>126</sup> REIQ noted that the requirements are unnecessary, inappropriate and undermine the rental property owner's right to be treated fairly and impartially under the law.<sup>127</sup>

CHIA suggested that 'exempt lessors' should be excluded from providing details of the last rent increase where rents are determined by income, as this may cause significant confusion where the previous tenant has had a different assessable income to the incoming tenant.<sup>128</sup>

#### 2.1.12.2 Departmental response

In response the department stated that they consider it appropriate and necessary for renters to have the opportunity to request evidence of the day of the last rent increase, noting that a renter has the right to apply to QCAT for a termination order because of misrepresentation (the property owner or their agent giving false or misleading information about the agreement) under existing section 312A of the RTRA Act.<sup>129</sup>

In relation to issues relating to when a rental property is sold, the department noted that they are working closely with the Department of Justice and Attorney-General to consider any implementation issues in relation to when a rental property is sold, and obligations around disclosures of matters affecting the property. The department also noted it is considering whether a transitional provision is required to cover the circumstance where a property has been recently purchased.<sup>130</sup>

The department further noted that a copy of the last rent increase notice for the premises is listed as an example of suitable evidence in the provision and considers that it would be acceptable for a property owner to only provide this information in response to a request.

The department noted that it is considering the matter of excluding exempt lessors from the obligation of providing evidence of the date of the last rent increase.<sup>131</sup>

#### **Committee comment**

The committee notes the commitment of the Department of Housing, Local Government, Planning and Public Works to work closely with the Department of Justice and Attorney-General to consider any implementation issues in relation to when a rental property is sold.

### 2.1.13 Energy efficiency standards

Several submitters recommended implementing minimum energy efficiency standards for rental properties.<sup>132</sup>

<sup>125</sup> See Clauses 8, 9, 11 and 16 and 20.

<sup>126</sup> McCullough Robertson Lawyers, submission 75, p 4.

<sup>127</sup> REIQ, submission 91, p 13.

<sup>128</sup> CHIA, submission 77, p 2.

<sup>129</sup> DHLGPPW, correspondence, 26 April 2024, pp 7-8.

<sup>130</sup> DHLGPPW, correspondence, 26 April 2024, pp 7-8.

<sup>131</sup> DHLGPPW, correspondence, 26 April 2024, pp 7-8.

<sup>132</sup> For example: TQ, submission 103, p 4; Q Shelter, submission 94, p 3.

In response, the department noted that Stage 1 Rental Law Reforms implemented by the *Housing Legislation Amendment Act 2021* introduced a head of power to require prescribed information to be disclosed when a premises is advertised for rent. The department noted it will consider the suggestions to require disclosures about energy efficiency.

The department advised that the Department of Energy and Climate is working closely with the Australian Government and other state and territory governments to develop a National Framework for Minimum Energy Efficiency Standards in Rented Homes. The department noted that it is undertaking ongoing monitoring and evaluation of Stage 1 reforms to determine their effectiveness and identify whether further reform is necessary.<sup>133</sup>

#### **2.1.14 Sufficient regard to the Institution of Parliament – delegation of legislative power**

Whether a Bill has sufficient regard to the institution of Parliament depends on whether, for example, the Bill allows the delegation of legislative power only in appropriate cases and to appropriate persons; and sufficiently subjects the exercise of a delegated legislative power to the scrutiny of the Legislative Assembly.<sup>134</sup> Several components of the Bill, including the establishment of a portable bond scheme, and Code of Conduct for the rental sector, raise the delegation of legislative power including the portable bond scheme and code of conduct.

Allowing a regulation to prescribe the scheme is a delegation of legislative power from primary legislation to subordinate legislation. The explanatory notes consider that the matters able to be prescribed by regulation are set out in the Bill and constrain the scope of the delegation and safeguard against the potential for the regulation to exceed the purpose of the RTRA Act.<sup>135</sup>

The explanatory notes seek to justify the proposed delegation by the urgent need to develop a portable bond scheme as a priority response to community concerns about the impact of current market housing conditions and cost of living pressures on Queensland's renting households.<sup>136</sup> According to the explanatory notes, the head of power will enable the department to develop the details of the scheme in consultation with the sector as expeditiously as possible.<sup>137</sup>

Clause 45 of the Bill proposes to amend the RTRA Act to provide that a regulation may prescribe a Code of Conduct. Under the proposed amendments, the Code may include provisions which apply to the conduct of agents, rental property owners, providers, tenants or residents, but must not be inconsistent with a provision of the *Agents Financial Administration Act 2014* or PO Act.<sup>138</sup>

The proposed provision also seeks to provide that, despite the existing requirements of the RTRA Act,<sup>139</sup> a regulation may impose a penalty of not more than 50 penalty units (\$7,740) for contravention of a provision of a code of conduct.<sup>140</sup>

Allowing a regulation to set minimum behavioural expectations in an enforceable rental sector Code of Conduct is a delegation of legislative power from primary legislation to subordinate legislation. The explanatory notes seek to justify the proposed delegation, on the basis of a perceived need to develop the detail of the code in consultation with the rental sector, with the intention of setting out

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<sup>133</sup> DHLGPPW, correspondence, 26 April 2024, p 23.

<sup>134</sup> LSA, s 4(4)(a), (b).

<sup>135</sup> Explanatory notes, p 15.

<sup>136</sup> Explanatory notes, p 16.

<sup>137</sup> Explanatory notes, p 16.

<sup>138</sup> Clause 45, Bill (RTRA Act inserts s 519A(3), (4)).

<sup>139</sup> Section 520(2)(b) of the RTRA Act provides that a regulation may impose a penalty of not more than 20 penalty units (that is, \$3,096) for a contravention of a regulation. The value of a penalty unit is \$154.80: Penalties and Sentences Regulation 2015, s 3; *Penalties and Sentences Act 1992*, ss 5, 5A.

<sup>140</sup> Clause 45, Bill (RTRA Act inserts s 519A(5)).

clear professional conduct standards and improving the behaviour of property managers and rental property owners:

The current tight Queensland housing market has given rise to a range of undesirable practices by some property managers and owners. During consultation, renters advised of property managers and owners not addressing property issues (repairs, maintenance) and poor communication; while property owners felt some managers did not adequately protect their assets, did not always pass on renters' requests, and treated renters harshly. As intermediaries, the property manager's role is not always easy, with some experiencing poor behaviour from both renters and rental property owners.<sup>141</sup>

According to the explanatory notes, the proposed delegation will be limited by removing 'the potential for the code to duplicate provisions of other professional regulation'.<sup>142</sup>

### **Committee comment**

The committee is satisfied that the delegation of power has been made in appropriate cases and to appropriate persons, and sufficiently subjects the exercise of delegated power to the scrutiny of the Legislative Assembly.

The committee is of the view that consultation with the various affected parties will be instrumental in ensuring that the portable bond scheme and the Code of Conduct are fit for purpose.

We also note that several safeguards are in place, including the inclusion of a sunset clause 2 years after commencement of any regulation relating to the portable bond scheme and any regulation made in accordance with the proposed amendment, to subject these regulations to parliamentary scrutiny through the disallowance procedure under s 50 of the *Statutory Instruments Act 1992*.

## **2.2 Amendments to the Body Corporate and Community Management Act (BCCM Act)**

One of the outcomes of the 2022 Queensland Housing Summit was to reform body corporate legislation to allow for terminating uneconomical community titles schemes to facilitate renewal and redevelopment.<sup>143</sup> The Bill proposes to amend the BCCM Act to:

- clarify and improve provisions as they pertain to the ending of certain leasehold interests (including residential tenancies) at appropriate points in the termination process
- ensure timely notification requirements for the ending of those leasehold interests and appropriate consideration of impacts of termination matters on lessees as part of court proceedings
- provide for scope to enforce vacating of premises by lessees where necessary for implementation of a termination plan, and the resolution of associated disputes.<sup>144</sup>

### **2.2.1 Termination of schemes, notification period for ending of tenancies**

Tenants Queensland submitted that longer timeframes (of 6 months) are required for termination of fixed term tenancy and residency agreements due to termination of a community titles scheme.<sup>145</sup>

In response, the department advised that the 2-month notification period for termination of a lease was chosen for consistency with the other notification period under the RTRA Act where a person is required to leave the premises. The department also advised that changing the 2-month notification requirement to 6 months would likely make it difficult to state the ultimate settlement date with

<sup>141</sup> Explanatory notes, p 16.

<sup>142</sup> Explanatory notes, p 16.

<sup>143</sup> DHLGPPW, correspondence, 28 March 2024, p 21.

<sup>144</sup> DHLGPPW, correspondence, 28 March 2024, pp 21-22.

<sup>145</sup> TQ, submission 103, p 6.

sufficient precision, depending on how it is intended that the scheme be sold and ongoing negotiations around termination matters.<sup>146</sup>

### **2.3 Mandatory Continuing Professional Development for property agents**

There are currently no ongoing training obligations for property agents. The Bill proposes to:

- introduce a mandatory CPD scheme for property agents, including consequences for not complying with the new requirements, procedural matters regarding the process for renewing or restoring a licence or registration certificate, and recordkeeping requirements
- give effect to relevant fair trading inspector powers for the purpose of monitoring and enforcing compliance with the new CPD requirements, which will enable Office of Fair Trading inspectors to require property agents to produce relevant documents and information pertaining to the CPD requirements.<sup>147</sup>

The CPD amendments in the Bill will require individual licensees and certificate holders to complete annual CPD requirements, as approved by the chief executive, 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.<sup>148</sup>

#### *2.3.1.1 Stakeholder views*

There was broad support for the amendments from Inquiry stakeholders who addressed the CPD amendments in the Bill. One submitter did not support CPD amendments in the Bill, suggesting that they increase property management costs.

REIQ was supportive and made the following recommendations:

- that an express provision in the PO Act (or Regulations) be inserted to stipulate the number of CPD sessions, points or hours that must be obtained each CPD year
- that an express provision establishing the independent advisory panel of approved stakeholders be included to futureproof the legislation and ensure that CPD requirements will be informed by industry stakeholders
- that the definition of a CPD year be clarified
- that clarification be provided as to what may be considered 'exceptional circumstances', including potentially through guidance published on the Office of Fair Trading website.<sup>149</sup>

#### *2.3.1.2 Departmental response*

In response DJAG explained that details of annual CPD requirements will be determined and published by the chief executive each year. This approach is consistent with existing provisions of the PO Act allowing the chief executive to administratively determine the initial training a person must complete to be eligible for a licence or certificate. This approach is also intended to provide legislative certainty, while maintaining sufficient flexibility to ensure the mandatory CPD scheme can be responsive to issues emerging in the marketplace. It is considered that inserting an express provision to stipulate the number of CPD sessions, points or hours that must be obtained each CPD year is not consistent with the 'light touch' CPD scheme in the Bill and would detract from the flexibility of the proposed CPD scheme.<sup>150</sup>

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<sup>146</sup> DHLGPPW, correspondence, 28 March 2024, pp 26-27.

<sup>147</sup> DHLGPPW, correspondence, 28 March 2024, p 25.

<sup>148</sup> DHLGPPW, correspondence, 28 March 2024, p 26.

<sup>149</sup> REIQ, submission 91, pp 52-54.

<sup>150</sup> DHLGPPW, correspondence, 28 March 2024, pp 28-29.

In relation to the definition of ‘exceptional circumstances’, the Department of Justice and Attorney-General advised that it is intended that the OFT will, in due course, publish administrative guidance issued by the chief executive on ‘exceptional circumstances’ on its website. The development of this guidance will include future consultation with the Advisory Panel.<sup>151</sup>

## **2.4 Amendments to the Local Government Act**

Queensland’s local government legislative framework includes superannuation arrangements for local government employers and employees. This scheme complements the overarching Commonwealth superannuation framework applicable to all employees. Currently the LG Act provides that permanent local government employees are required to make personal contributions to their accumulation superannuation account at rates prescribed in the LG Regulation. The LG Act also prescribes the default superannuation fund for local government employees.<sup>152</sup>

The Bill proposes to amend the framework to provide that local government employees who are accumulation fund members may choose to nominate a different superannuation contribution rate from the rate prescribed by the LG Regulation, including to make no superannuation contribution.<sup>153</sup>

### **2.4.1 Support for the removal of mandatory contributions**

The LGAQ submitted that it supports the removal of the prescribed mandatory superannuation contributions by permanent local government employees. The LGAQ recommended that the department develop a template to support councils in communicating this change to their employees.<sup>154</sup>

No other submissions were received in relation to this amendment.

#### **Committee comment**

The committee is satisfied that the amendments to the Local Government Act are appropriate. The committee notes that the department has confirmed that it will provide communication material to stakeholders and local governments to outline and assist employers and employees with implementation of the amendments.<sup>155</sup>

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<sup>151</sup> DHLGPPW, correspondence, 28 March 2024, p 31.

<sup>152</sup> DHLGPPW, correspondence, 28 March 2024, p 23.

<sup>153</sup> DHLGPPW, correspondence, 28 March 2024, p 23.

<sup>154</sup> LGAQ, submission 87, p 1.

<sup>155</sup> DHLGPPW, correspondence, 28 March 2024, p 24.

## Appendix A – Submitters

<b>Sub #</b>	<b>Submitter</b>
1	Karyn de Zubicaray
2	Geoffrey Auckland
3	Roselea Miller
4	LawRight
5	Aman Phokela
6	Name Withheld
7	Confidential
8	Confidential
9	Scott Frewer
10	Stephen Strachan
11	Ron Woodleigh
12	Ariel Beninca
13	Name Withheld
14	Alexandra Dapontes
15	Michael Alexi
16	Pam Easton
17	First National Real Estate Bundaberg
18	Anthony Lincoln
19	Damien Kinnane
20	Kieran Gan
21	Clint Verhagen
22	Confidential
23	Name Withheld
24	Leeanne Westgarth
25	Jack Simpson
26	Name Withheld
27	Elle Osborne
28	Jenny Gordon-Jones
29	Name Withheld
30	Name Withheld
31	Geoffrey Smallsman
32	Name Withheld
33	Janet Price

- 34 Name Withheld
- 35 Robyn Griffin
- 36 John and Tina Rutherford
- 37 Form A
- 38 Gordon Craven
- 39 John Livingstone
- 40 Real Estate Excellence Academy Pty Ltd
- 41 Miya Chandrasiri
- 42 Name Withheld
- 43 Bruce MCBRYDE
- 44 Wendy Chatto
- 45 Confidential
- 46 Ian Joyner
- 47 Audrey Cetois
- 48 Name Withheld
- 49 Name Withheld
- 50 Confidential
- 51 Name Withheld
- 52 Name Withheld
- 53 Name Withheld
- 54 Name Withheld
- 55 Form B
- 56 University of Queensland Union
- 57 Andrea Macdonald
- 58 Jo Campey
- 59 Janice McDonald
- 60 Jennie Bucknell
- 61 Ray Harvey
- 62 Kylie Sowden
- 63 Confidential
- 64 Colin John Millar
- 65 Name Withheld
- 66 Queensland Council of Social Service
- 67 Confidential
- 68 Greater Brisbane

- 69 Kembridge Pty Ltd
- 70 Confidential
- 71 Monte Carlo Residents Association Inc
- 72 Name Withheld
- 73 Confidential
- 74 Mark Ignativ
- 75 McCullough Robertson Lawyers
- 76 DVConnect
- 77 Community Housing Industry Association Queensland
- 78 Student Accommodation Council - Property Council of Australia
- 79 Kylie Kaddatz
- 80 Property Investors Council of Australia
- 81 John Martin
- 82 Property Owners Association of Queensland
- 83 Winnie YUE
- 84 Nicholas Page
- 85 Wide Bay Advocacy Inc
- 86 Caravan Parks Association of Queensland
- 87 The Local Government Association of Queensland
- 88 Grant Kennedy
- 89 Russell Caton
- 90 Name Withheld
- 91 Real Estate Institute of Queensland
- 92 Aboriginal and Torres Strait Islander Legal Service
- 93 Student Accommodation Association
- 94 Q Shelter
- 95 Mavis Burns
- 96 Name Withheld
- 97 Energetic Communities Association
- 98 Craig Thomas
- 99 Property Council of Australia
- 100 Strata Community Australia (Qld)
- 101 Martin Webb
- 102 Queenslanders with Disability Network
- 103 Tenants Queensland

## **Appendix B – Officials at public departmental briefing**

**Brisbane, 2 April 2024**

### **Department of Housing, Local Government, Planning and Public Works**

- Danielle McAllister, Deputy Director General
- Ange Wright, Executive Director
- Prue Peart, A/Director
- Jordan Watts, Director
- Emily Blake, A/Principal Policy Officer

### **Department of Justice and Attorney-General**

- David McKarzel, Executive Director
- David Reardon, Director

## **Appendix C – Witnesses at public hearing**

**Brisbane, 29 April 2024**

### **Tenants Queensland**

- Penny Carr, Chief Executive Officer

### **QShelter**

- Fiona Caniglia, Executive Director

### **Property Council of Australia**

- Allan McNeil, QLD Policy Manager

### **Student Accommodation Council (Property Council of Australia)**

- Arin Seal, Uni Lodge

### **Real Estate Institute of Queensland**

- Casey Cossu, Legal and Policy Officer
- Katrina Beavon, General Counsel and Company Secretary

### **QCOSS**

- Bronwen Kippen, Campaign Coordinator
- Scott Brown, Executive Director, Research and Policy

### **Queenslanders with Disability Network**

- Michelle Moss, Chief Executive Officer

### **Community Housing Industry Association Queensland**

- Annemaree Callander, Executive Officer

### **LawRight**

- Josephine Allan, Senior Lawyer
- Greta Sweeney, Volunteer Lawyer

## STATEMENT OF RESERVATION

### ***Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Bill 2024***

As Opposition Members of the Committee, we acknowledge the significant housing challenges across Queensland.

Queensland is currently beset by a Housing Crisis leaving young people, working families, and seniors without a roof over their head. It is now well acknowledged the reason behind this is because of a critical lack of housing supply.

As Opposition members of the Committee, we are very cognisant of the fact that around one third of Queensland households choose to rent. We are supportive of all Queenslanders having the freedom to decide their housing tenure. It is critical that a healthy mix of options exist across the housing market for Queenslanders to secure safe and stable accommodation.

In order for Queensland to have a healthy housing ecosystem, Government decision making on housing matters must be measured, well thought out, stable and sensible. This has been severely lacking in the Government's recent administration of the housing portfolio. It is important to note this, as past decisions taken by the Government have resulted in many of the changes which are included as part of this Bill.

There is no clearer example than the amendments to the Bill which centre around limiting rent increases on properties to once per year.

It is important to note that with no consultation, and little notice, the Government chose to amend this provision of the *Residential Tenancies and Rooming Accommodation Act* in early 2023. The changes, which bypassed the Parliamentary Committee process, inadvertently resulted in negative outcomes for renters. The decision was ill thought out, the execution of the legislation introduced was poor, and the outcome was detrimental to the very people it sought to protect. The changes being made in this Bill are effectively an effort to clean up that mess.

The changes in 2023 followed comments made by the then Premier which indicated that 'rental caps' could be introduced in Queensland. This public refrain caused untold damage to investor confidence in Queensland, and again, negatively affected renters in the state. A shrinking pool of people willing to invest in Queensland's residential property market will only result in a shrinking pool of available rental properties. The end result is renters paying more each week for their rent.

It is these circumstances which have led to the changes being proposed as part of this Bill. As Opposition Members of the Committee, it is incumbent on us to provide this context to why the legislation is being changed, for the Government will not.

We would also like to place on the record concerns raised by stakeholders during the Committee's deliberations that the 'rent bidding' is effectively already prohibited in Queensland. The changes being proposed on this front are likely to have minimal impact given existing laws around this practice are already in place.

There are also a number of key questions put by stakeholders that the Government must answer around some of the changes being proposed including:

- how a bond portability scheme will actually work in practice. In particular, questions remain over how a landlord may be able to make a claim if the tenant has moved to a new tenancy (with the bond); and,
- how the proposed limitations on paying rent in advance may impact tenants' ability to effectively manage and maintain their household budgets.

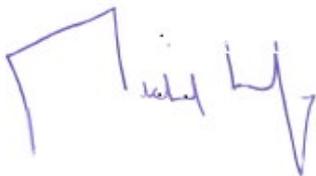
Concerns were raised about the Bill's definition of 'exempt lessor'. We note that several submitters drew attention to the narrow and inconsistent definition contained within the Bill. Submitters such as the Community Housing Industry Association Queensland expressed concern that the definition may exclude certain community housing and specialist disability accommodation providers.<sup>[1]</sup>

To address these concerns, the LNP members of this committee recommend the government considers the Bill's definition of 'exempt lessor' and its applicability to various types of accommodation, including community housing and specialist disability accommodation providers who receive funding from sources other than those under the *Housing Act 2003* or *Community Services Act 2007*.

It is for the abovementioned reasons that as members of the Committee, we hold reservations with the Bill in its current form and wish to place them on the record.



**Jim McDonald**  
**Deputy Chair**  
**Member for Lockyer**



**Michael Hart**  
**Member for Burleigh**

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[1] CHIA, submission 77, p 2.