




Speech By  
**Andrew Powell**

**MEMBER FOR GLASS HOUSE**

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### **COVID-19 EMERGENCY RESPONSE BILL**

 **Mr POWELL** (Glass House—LNP) (8.47 pm): I, too, rise to address the COVID-19 Emergency Response Bill 2020. At the outset, I express my sympathy to those families who have lost loved ones here in Queensland, across Australia and around the world as a result of this pandemic. To those suffering from the disease itself and also those suffering the economic hardships, my prayers are with you. To those on the front line, our medical professionals and essential workers, I say a very genuine thanks not only on my behalf and that of my family but indeed on behalf of the entire electorate of Glass House.

It certainly is a very strange time. I commend the good residents of the Glass House electorate for the way they have responded. Initially, there was a high level of anxiety, particularly in a couple of communities where there were cases identified. However, in the large, everyone has done the right thing by the social distancing laws and the health directions that have been given at the state and federal level. Communities have continued to try to operate as best they can. We have tried to support our small businesses as best we can. It is my hope that if we can continue to operate the way we are, we will come through this sooner rather than later, both in terms of saving lives and also saving livelihoods in terms of businesses and jobs.

Others have spoken about the various elements of this bill. I want to drill down on one specific part that has obviously caused a lot of consternation over the last couple of weeks in the electorate of Glass House and, as others have said, across the state. The bill primarily introduces the regulation-making power to amend existing statutory and regulatory requirements to do the following—and I focus, as I said, on this: govern retail and other prescribed leases through prohibiting the termination of leases and recovery of possessions by lessors; exempt lessees from the operation of legislation; require lease parties to abide by particular matters or principles; provide for mediation and dispute resolution processes for leases; and govern residential tenancies and rooming accommodation through imposing a moratorium on evictions, amending the grounds on which eviction notices can be given, enabling disputes about unpaid rent to be conciliated by the Residential Tenancies Authority, suspending obligations under the residential tenancies act and amending tenancy agreements.

It is worth pointing out, particularly to those property owners, be they commercial or residential, in the electorate of Glass House, that the laws we are debating and passing tonight will not solve all the problems that have been identified but will put in place the ability to make the regulations that will. Please, we are getting there. Potentially, we could have got here sooner had parliament sat sooner. It has not. This law is necessary to allow those regulations to be made to enact what was agreed at the national level around a code of conduct for commercial premises but to also make significant changes to the rental arrangements here in this state.

It is worth pointing out as others did that unfortunately it took a bit to get to the solution that it looks like we got to. I do commend the REIQ and the vast majority of property owners who are mum-and-dad owners across the state for taking it up to the government when the government clearly had not consulted and clearly overreached. Where I hope we land as a result of this legislation is in a far

more reasonable outcome for tenants and for landlords. Let us face it—none of our landlords want to see their tenants out on their ear. They want to work in a way that ensures they are provided with accommodation, but that needs to be done in a fair way.

If you allow me, Mr Deputy Speaker, one of the best ways to do this is to read into *Hansard* some of the comments made by a number of constituents around the electorate. One who said it best is Mr Greg McCosker of North Maleny. He said—

My Landlords Rent Default Policy provides that it will only respond “when you have taken all reasonable steps legally available to you under the Residential Tenancies Act or similar legislation or any other legal avenue available to you to mitigate any loss to evict the tenant. Under the former government proposal—

That is the one prior to the minister and the Treasurer standing up last week saying they were resetting—

and I presume under the next proposal, we will not be able to evict a tenant unable to pay their rent due to loss of income arising from the COVID-19 issue as that is the common intention of all governments. Therefore, on that issue I have no problems as I cannot take any legal action to mitigate our loss or evict the tenant. Our tenants say they are seeking casual work and will pay whatever they can each week but they cannot put a figure on it as they do not know what their income will be. Therefore I do not want to be in a position where I am required by legislation to reach agreement with the tenant on a reduced or zero rent arrangement as then I have consented to the loss and I would be most surprised if our insurer would meet a claim on that premise. Our tenants are concerned about the impact on their rental history and where the notices to remedy the breach of rent arrears will be on their history as I anticipate the legislation will provide that a tenant cannot be evicted for non-payment of rent I presume there will be no requirement for notices to be issued as they will be unenforceable, but some clarity around that would be good. I imagine a landlord will not be able to access the bond to recover lost rents as the agreement will not be at an end, but I have not seen that discussed in clarity as required. I have assured our tenants that regardless of any changes to the legislation we will not be evicting them while they have no income as a consequence of COVID-19. My preference is that the original tenancy agreement remains on foot as the tenant cannot be prejudiced as they will have legislated protection and therefore any shortfall in rent can be readily identified to facilitate a claim on our insurance. I do not want to compromise our insurance cover. That way if they offer to make up any shortfall in rent when they do return to paid employment, the debt will be established by what was owed and what has been paid. I basically agree with the LNP position—

which I sent to Mr McCosker—

If rent was deferred by agreement, then I imagine our insurer would say we have not suffered a loss as we have simply pushed out the period for payment of the rent. If the period was to be extensive, eg eight months, with no income in that time it would make it very difficult for landlords, whereas if a tenant simply had not paid rent in accordance with the agreement and were not at risk of being evicted then the loss arises at that time on rental period by rental period (eg fortnightly basis).

I think where we have landed addresses many of Mr McCosker’s concerns, but he has raised a number of points that I do hope inform the regulation that will sit underneath these laws. I hope that the minister takes that on board and makes sure that each of those are addressed.

Interestingly, I was also contacted by Mr David Turner of Rocksberg who let me know that, as his insurance on his rental property was up, he was unable to reinsure the property. I assumed at the time that that was only for rental loss. No, that was for building insurance and, indeed, for public liability insurance. I did a bit of searching and, sure enough, just about every building insurer now has disclaimers on their websites saying that they will not take on new business. Indeed, many existing insurers are not renewing insurance policies at this time because of the uncertainty. I hope that what we are doing tonight and the regulation that follows gives enough certainty that those insurers can again do that. It is crazy. I get the rental loss—and Mr Turner does, too—but then not to be able to provide building insurance or public liability insurance seems crazy. The team at Maleny Property Rentals also sent through some examples. They said—

We have worked hard on coming up with solutions for individual cases, all of which has worked so far. In one case, we negotiated just one week’s free rent so that tenant was not in constant arrears while waiting for government assistance. This resulted in a win-win situation as it got her out of her initial plight. The owner has done a good thing and now she takes pride in keeping up rent payments as she is grateful for his gesture when she was in need. We find this can be a really powerful way of keeping the tenant happy and cooperative from the start. Another scenario where the tenant (carpenter) lost his job and waiting for government assistance, he is now oiling the decks of the property in exchange for one week’s rent. Again everyone happy...We had another tenant who has lost all her work. Came up with a proposal of getting \$150 per week rent relief but once things were back to normal she would go back to normal rent plus \$50 a week until rent was repaid. This was formalised in an agreement.

They went on to add—

The most worrying thing in the proposed legislation is the lack of transparency when it comes to tenants not paying rent. The questionnaire I gave you and have also attached, would give us something to work on instead of a “I just can’t afford to pay rent”. The amount of government funding that is injected into various packages would in our opinion need to at least cover some, if not all, rent for most families.

Again, some of that was addressed in the minister’s comments.

What we are not getting tonight, though, is how we assist those property owners—again many of them mums and dads—who own commercial properties. I know that there is a national code of conduct and again the regulatory powers are being passed tonight to put that into act, but how that plays out is still not quite understood. Take the case of Eddie and Linda Vann of Witta. They own a

shop. They do not have a bank loan over the property. The monthly rent is their major source of income, and without it they will be struggling to pay their own commitments. They are on good terms with the tenant. They have indicated that she only pay what she is capable of paying, but what has been offered will not come close to the full rent. They have read the government guidelines on commercial properties with regard to waiver and deferral of rent, which outlines assistance for the tenant but which provides no relief for landlords in their position. Apart from the two \$750 government support payments, there currently appears to be no other assistance that the Vanns can claim. There is still plenty of work to be done in the commercial rental space. Also, Anthony and Patricia Robinson of Montville said—

We have heard so much about how government will help small business but for some unusual reason we do not qualify as a small business. From what we have been told from our accountant, we do not qualify for any assistance at all. Here we are working hard so that we can maintain financial independence and not be a burden on the government or the community and there is nothing. Self-funded retirees are utterly forgotten. Self-funded retirees were the ones that bore the brunt of the asset depletion of subprime fiasco. We know that we are not the only working retired who have struggled in particular those who use Airbnb to survive with the circumstances that have impacted us and they I am sure would like someone to come and bat for our cause. Please help hardworking self-funded retirees who in normal circumstances are not a burden on the government.

They are one of many in the community who still need assistance through this time. I know the health crisis takes priority. I know that we are trying to save lives, but we also need to save those livelihoods particularly of those self-funded retirees who have done all the hard yards to make sure they are not a burden on any government of any persuasion. Now is the time that they need a hand-out and a hand up.

Before I close, this bill is about emergency response powers. I cannot help but reflect on some debate we had in our last sitting on 18 March around the Public Health and Other Legislation (Public Health Emergency) Amendment Bill. At the time, one of the things we talked about was the temporary use licence. It was supported by those on this side and, indeed, it was fashioned off temporary environmental licences or emissions licences that we put in place during the LNP's term in government.

I am a bit disappointed that we cannot see further action on a refinement of those laws. I was contacted by Mr Glen Carpenter, a director of Spire Law, who is representing a number of builders in particular who are trying to use the temporary use licence to allow them to continue to operate. Sadly, what they have got back from the minister and the department shows that there is still a lot of ambiguity. Felicity Tait, manager of the development assessment division within the Department of State Development, Manufacturing, Infrastructure and Planning, wrote—

Thank you for your temporary use licence application to vary construction hours at ...

As discussed with you on the phone this morning, a temporary use licence (TUL) can only be applied for use of a premises within the jurisdiction of the Planning Act 2016. A TUL cannot be used for the following:

- To vary advice provided within development approvals under the Planning Act 2016
- To impose new conditions that are not linked to the variation of an existing condition or use contained within a development approval issued under the Planning Act 2016
- To vary conditions approved under the Building Act 1975, the Environmental Protection Act 1994 or any other act or authority.

What that means is a lot of uncertainty in the building industry at this time. What is clear is that, whilst we passed that bill in the last sitting, the bill we are debating now and will pass this evening will address many of the issues that we are facing on the Sunshine Coast and Moreton Bay regions of this state; many will not be addressed. It is creating a lot of headaches, particularly for small businesses and mum-and-dad self-funded retirees across my electorate.

I would ask, given that we will probably not have time for ministers to respond before the debate is guillotined, those opposite to consider the contribution I made on behalf of my constituents tonight and take on board the input of Mr Glen Carpenter of Spire Law and make this easier, help them get through this so they are able to continue to provide the services that they provide—whether that is as a landlord, a carpenter, a lawyer or whatever it may be—once we come through this crisis that we are currently experiencing. In the meantime, to the people of Glass House, please continue to practise social distancing, please keep safe and please stay sane.