



18 July 2014

The Research Director
 Transport, Housing and Local Government Committee
 Parliament House
 George Street
BRISBANE QLD 4000

By email only: thlgc@parliament.qld.gov.au

Dear Committee

Residential Tenancies and Rooming Accommodation Amendment Bill 2014

Thank you for the opportunity to contribute to your report on the Residential Tenancies and Rooming Accommodation Amendment Bill 2014 (**RTRAA Bill**).

The Queensland Public Interest Law Clearing House Incorporated (**QPILCH**) coordinates a range of legal services to people experiencing disadvantage with access to justice in civil law matters, drawing on pro bono and student resources. These services include the Homeless Persons' Legal Clinic (**HPLC**) and the Self Representation Service (**Service**).

The HPLC is a partnership between QPILCH, private law firms and community organisations delivering the only targeted civil legal service to people experiencing homelessness in Queensland. Since its establishment in 2002, the HPLC has provided legal representation and assistance to over 4500 homeless Queenslanders. Tenancy matters have constituted a significant proportion of the HPLC's casework. In 2013-2014, 15% of the 1100 files opened by the HPLC related to tenancy, with many 'at risk' clients facing urgent evictions.

The Service assists self-represented parties in exercising their legal rights, while discouraging unnecessary litigation. This is done through the provision of pro bono legal advice and information on court and tribunal procedure. QPILCH operates the Service in the Brisbane District and Supreme Courts, the Queensland Court of Appeal, the Federal Circuit Court and Federal Court of Australia, and the Queensland Civil and Administrative Tribunal (**QCAT**).

The QCAT arm of the Service has assisted over 850 applicants since its commencement in 2009, with a significant proportion of its casework involving tenancy law. During 2013-2014, approximately 36% of applications for assistance received by the QCAT arm of the Service involved tenancy law.

For the purpose of informing the Committee's report on the proposed RTRAA Bill, we note that the RTRAA Bill seeks to introduce statutory minimum standards for rental and rooming accommodation in Queensland, identifying access to stable and adequate shelter as a major factor in health and wellbeing of families. While this is a worthwhile goal, QPILCH recommends that the Committee consider:

1. The impact the RTRAA Bill may have on housing affordability and availability, particularly for vulnerable people in the community who already struggle to obtain and sustain housing in the private rental market;

Queensland Public Interest Law Clearing House Incorporated

incorporating the Homeless Persons' Legal Clinic, Self-Representation Service, Refugee Civil Law Clinic, Administrative Law Clinic, QLS Pro Bono Service, Bar Pro Bono Service, Mental Health Law Practice, and the Magistrates Court Service.

Address

PO Box 3631
 South Brisbane BC
 QLD 4101

Telephone

(07) 3846 6317

Facsimile

(07) 3846 6311

Email

admin@qpilch.org.au

Website

www.qpilch.org.au

ABN

52 033 468 135

IA

30188

2. Engaging in direct consultation with tenants, in particular vulnerable residents of housing and rooming accommodation, who are likely to be impacted by the proposed legislation in the context of increased affordability and availability issues;
3. That implementation costs will be experienced by stakeholders, including lessors, tenants and organisations providing information, advice and assistance with tenancy law matters;
4. That the *Residential Tenancies and Rooming Accommodations Act 2008* (**the Act**) currently offers protection to tenants experiencing issues with the standards of a rental property. These protections include the right to apply to QCAT for orders about repairs, for a rental decrease and compensation; and
5. That the government is currently undertaking a review of the Act, part of which considers whether the existing protections afforded by the Act represent a balanced approach to the competing interests of agents, lessors and tenants. In our response to the discussion paper for the review, QPILCH submitted that the most valuable improvement in the wellbeing of tenants in rooming accommodation would come from an increased security of tenure. The introduction of the RTRAA Bill's standards will be of minimal value if rooming accommodation providers continue to be able to rely on the Act's immediate eviction provisions without tenants having recourse to QCAT.

We hope that these brief remarks raise some important issues for consideration by the Committee.

If you would like to discuss any of the above matters in further detail, please contact Elizabeth Pendlebury on (07) [REDACTED]

Yours faithfully

A large black rectangular redaction box covering the signature area.

Elizabeth Pendlebury
Solicitor