



**Community
Legal Centres
Queensland**

Community Legal Centres Queensland Inc.
PO Box 119, Stones Corner QLD 4120
Tel: 07 3392 0092 ABN 71 907 449 543
admin@communitylegalqld.org.au
www.communitylegalqld.org.au

28 August 2017

Committee Secretary
Public Works and Utilities Committee
Parliament House
George Street
BRISBANE QLD 4000

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

Dear Sir/Madam

Housing Legislation (Building Better Futures) Amendment Bill 2017

Community Legal Centres Queensland welcomes the opportunity to provide this letter in support of Tenants Queensland's submission to the Public Works and Utilities Committee's inquiry into the *Housing Legislation (Building Better Futures) Amendment Bill 2017* (the **Bill**).

About Community Legal Centres Queensland

Community Legal Centres Queensland is the peak body representing funded and unfunded community legal centres across Queensland. Community legal centres are independently operating not-for-profit, community based organisations that provide free legal advice to disadvantaged and vulnerable members of the public who present with a range of legal issues, including people experiencing tenancy issues.

In 2015, Community Legal Centres Queensland members provided 10,888 instances of legal advice to clients and 2,827 instances of legal information and referral in the area of tenancy law. In addition Community Legal Centres Queensland members provided casework and/or representation in over 588 matters. Given that experience, Community Legal Centres Queensland and its members can offer helpful insights into the legal and social impacts of tenancy issues. In particular, we recognise the impact of our member, Tenants Queensland, and endorse the comments in its submission to this inquiry.

Changes to *Residential Tenancy and Rooming Accommodation Act 2008*

We support the proposed changes to the *Residential Tenancy and Rooming Accommodation Act 2008* in the Bill, to set minimum standards for rental properties.

More than a third of the Queensland population rent their home, with many people being long-term renters. Minimum standards for premises will improve health and wellbeing for renters as well as potentially avoiding higher utility bills because of issues such as leaky pipes or faulty hot water systems.

Current provisions do not clearly define the standards required, making it difficult for renters and lessors to know when it is reasonable to ask for something to be repaired

or replaced. Clear standards will give substance to the current requirements that the premises are “fit to live in” and “in good repair”.

Having clearly defined standards will also mean renters are more likely to enforce their rights. Currently, it is unclear whether certain repairs or maintenance to their rental property are obligatory or not, so a renter may err on the side of not making the request because they want to be on good terms with the lessor or may be worried that the lessor will decide not to renew their tenancy agreement. This is particularly problematic when people have short-term leases and because lessors are able to evict people without grounds. The potential for retaliatory eviction is particularly worrisome for low income and other vulnerable households who have limited housing choices and limited financial resources to move. As one renter told Tenants Queensland:¹



The last place we lived in was an absolute disaster. We had exposed asbestos in the shed and the idea of cleaning it up was to close the door and tell us not to go in. After making a big fuss and having them fix and change it, we got an eviction notice.

Setting minimum standards (and supporting the standards with a process for inspections by independent qualified third parties) would ease the burden of raising problems and pursuing their rectification from tenants. It would also reduce the number of disputes between tenants and lessors.

For further information, please refer to Tenants Queensland's comments on the changes to the *Residential Tenancy and Rooming Accommodation Act 2008* and the consequent implementation issues, which we endorse.

*Changes to **Manufactured Homes (Residential Parks) Act 2003***

Community Legal Centres Queensland endorses Tenants Queensland's strong support for the proposed measures to increase transparency in the relationship between park owners, staff and home owners and to strengthen consumer protections and provide more security to home owners. We join with Tenants Queensland to support the following improvements:

- clarifying and expanding on what is a site agreement dispute
- increasing the transparency of market rent review calculations;
- providing a process for in-park dispute resolution before matters are escalated to the Queensland Civil and Administrative Tribunal, particularly in relation to “special terms”;
- prohibiting administrative fees for provision of utilities, including meter reading;
- prescribing clear, enforceable behaviour and management standards for park owners and home owners;
- clarifying the requirements for assignment of a site agreement;
- improving the right of access for a visitor of the home owner to residential parks; and

¹ Tenants Queensland, *Submission to the Transport, Housing and Local Government Committee on The Residential Tenancies and Rooming Accommodation Amendment Bill 2014* (July 2014) 5.

- ensuring emergency services and health workers have access to residential parks and emergency management plans are in place.

Tenants Queensland's submission to this inquiry identifies other areas where further improvement is desirable (including licensing/accreditation of operators, staff training, codes of conduct, accounting for solar generation/rebates, and other areas), and we endorse those comments.

Changes to Residential Services (Accreditation) Act 2002

We welcome amendments to the *Residential Services (Accreditation) Act 2002* to clarify existing provisions and add new provisions to assist providers and residents to understand their rights and obligations, and improving compliance processes to protect the health and safety of residents.

We echo Tenants Queensland's concerns that changes to section 179 might result in these services becoming *de facto*, and inferior, responses to domestic and family violence, which comply with a more stringent – and appropriate – human services quality framework, that supports service delivery to vulnerable service users, including people escaping family violence.

We hope this information is useful, and would be happy to contribute further if required. Please contact Cristy Dieckmann on (07) 3392 0092 or policy@communitylegalqld.org.au if you would like to discuss our views.

Yours sincerely,



James Farrell OAM

Director
Community Legal Centres Queensland Inc.