

# Tenants Queensland News

## Message from the CEO

As we approach the middle of the year we have taken our Make Renting Fair campaign up a gear. Any day now the Queensland government is intending to table a tenancy law reform bill in parliament. TQ, together with our Alliance partners, have put significant resources into promoting the campaign over these past few months through the website, Facebook and twitter and at our community education events. We hope to have a more substantial update for you on tenancy law reform in the next newsletter.

Unlawful entry by landlords seems to have hit the headlines both during the election campaign and with a recent conviction in Gympie. It's a timely reminder of the obligation of the agent or landlord to provide "quiet enjoyment" for their residents and the legal requirement not interfere with a renter's reasonable peace, comfort or privacy. Details in the article below.

Please read on for:

- The latest tenant support guides;
- RTA updates; and
- New government initiatives for tenants.



## Join TQ Online

Did you know you can now join TQ online? Just go to our website and download a membership application form at <https://tenantsqld.org.au/about-tug/join-tug/>



## Make Renting Fair in QLD update



TQ and the Alliance continue the Make Renting Fair in Queensland campaign into 2019. TQ has produced flyers and bumper stickers that are being circulating across Alliance partners and through community education events. Give us a call if you would like us to post you a bumper

sticker! We would like to spread them far and wide across Queensland.

At this stage we are still waiting to receive the report on the government's Open Doors to Rental Reform consultation and expecting the government to table a tenancy law reform bill in parliament around mid-year.

We're calling on the support of tenants and their families and friends. Please hop online and like and share our posts so more people become involved. Anyone interested can sign up as a supporter at <https://makerentingfairqld.org.au/>



Facebook  
[@makerentingfairqld](https://www.facebook.com/makerentingfairqld)

Website  
[www.makerentingfairqld.org.au](http://www.makerentingfairqld.org.au)



Twitter  
[@fairrentingqld](https://twitter.com/fairrentingqld)

## Human Rights Act update

Queensland Parliament introduced the Human Rights Act 2019 (QLD) (the Act) on 27 February 2019. The Act has been triumphed as the most far reaching and accessible human rights law in Australia and is designed to protect the rights to freedom, respect, equality and dignity of all Queenslanders. The Act is expected to come into force on 1 January 2020.

The mechanisms of the Act provide people with the ability to make a complaint to the Queensland Human Rights Commissioner when their human rights have been infringed by a public entity. State government departments will be considered core public entities (i.e. they are always a public entity). Other services will become functional public entities (when they are delivering services to the public on behalf of the state government e.g. community housing providers). The Act protects both traditional civil and political rights, as well as protection for the family, cultural, educational and health rights of individuals.

After complaining directly to the public entity, if the person has not received a response in 45 business days or receives an inadequate response they may bring a complaint to the Human Rights Commissioner for dispute resolution. Any further legal action including access to the courts is based on the piggyback model, in which a claim can only be made if there is another legal action.

The Human Rights Commissioner will report annually about its operations.

TQ will be reviewing the Act, which commences on January 1, 2020 to see how we might support clients to use it in the future.

## RTA pocket guide updated

The Residential Tenancies Authority (RTA) has updated their pocket guide for tenants (form 17a) into a highly abbreviated update of past versions.

The pocket guide covers the basics of renting, outlining a tenant's rights and responsibilities and should be passed on to tenants before they rent a property. Translated versions are available in Arabic, Japanese, Korean, Chinese (simplified), Chinese (traditional) and Vietnamese.

Click here to view the refreshed guide:

<https://www.rta.qld.gov.au/Forms-and-publications/Forms/Forms-for-general-tenancies/Pocket-guide-for-tenants-houses-and-units-Form-17a>



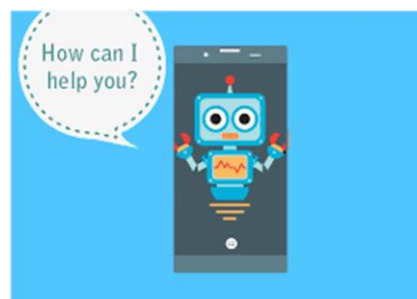
## Chatbots help resolve disputes

Tenants will now be able to access information any time of the day or night to help them resolve neighbourhood disputes using 'chatbots'.

The online software can simulate a conversation with users and assist people find information about noise, tree and fence disputes outside of normal business hours.

The chatbot idea came from the Queensland Civil and Administrative Tribunal (QCAT) with a similar idea presented at the Department of Justice and Attorney-General's inaugural 'Hackcess to Justice' hackathon in May (a 48-hour innovation design thinking event that involved students, young professionals and experts working together to solve a problem).

The winning team comprised engineering and law students from the Queensland University of Technology, who worked with the Department's digital transformation team to produce two chatbots, named MANDI and SANDI.



While MANDI is designed to walk people through a guided conversation to help them resolve a wide range of neighbourhood disputes in a safe and fair manner, SANDI is a conversational chatbot for QCAT, designed to give people information about processes to resolve their tree and fence disputes. To chat to MANDI, go to <http://www.qld.gov.au/treeandfencedisputes>.

## RTA changes to the tenancy agreement forms

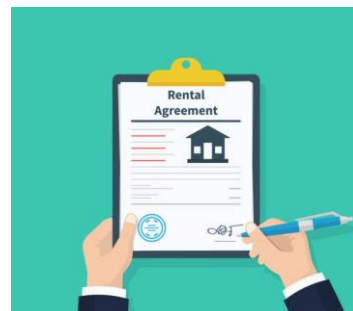
The RTA is removing the requirement for witness signatures on its tenancy agreement forms to ensure a smoother, more convenient transaction between parties.

The updated General tenancy agreement, Moveable dwelling tenancy agreement and Rooming accommodation agreement are now available on the RTA website.

This improvement will deliver the following benefits:

- Only parties to the tenancy need to sign the agreement
- Tenancy agreements can be signed and exchanged between the tenant/agent/owner digitally, making the process faster and more efficient
- Opportunity to reduce paper-based transactions and streamline record-keeping.

All other terms in RTA tenancy agreements remain the same.



## Water charging – some facts about bulk hot water

The Department of Natural Resources, Mines and Energy has developed a fact sheet for potential and existing customers of bulk hot water services. Due to the unique regulatory arrangements for bulk hot water, customers can sometimes be confused by how these systems operate and who they can contact should a dispute with their service arise.

The fact sheet primarily targets home owners who generally pay the fees but as we know water costs are sometimes passed on to tenants, so it's important to understand what bulk water is.

The link below provides a basic description of how a typical bulk hot water system works, and the various dispute resolution avenues that may be available remembering that the complaint system will apply to home owners rather than tenants.

<https://www.qld.gov.au/environment/water/residence/hot-water>



## TenantConnect update



The TenantConnect survey that we wrote about in the previous member newsletter is now closed however public housing tenants can still get involved in local community activities and events, read about how tenants are getting involved in their community or register a "Neighbour Day" event by logging into <https://www.qld.gov.au/housing/public-community-housing/public-housing-tenants/during-your-tenancy/tenantconnect>

## QLD housing strategy innovations to help more Queenslanders secure affordable housing

Minister for Housing and Public Works, Mick de Brenni, has announced three major initiatives that will see rental properties leased for a targeted group of Queenslanders who need support to build their rental history.

The new **Helping Hand Headleases** initiative will support victims of domestic and family violence, those experiencing racial discrimination, and those with living with a mental health condition to build a rental history on the pathway to independence.

A second **Rental Security Subsidy** initiative will now offer short-term assistance to reduce rental payments for those Queenslanders doing it tough, and those experiencing temporary hardship. This immediate housing security subsidy could range from \$50 for one week to \$200 for several weeks while longer-term support is sourced.

The third initiative, the **Home Headlease for Young Queenslanders**, aims to help young Queenslanders struggling to enter the private rental market and will be rolled out initially on the Sunshine Coast and Gold Coast.

For more information please contact your nearest Housing Service Centre or Freecall [1800474753](tel:1800474753) or 13 QGOV (13 74 68) or visit <https://www.qld.gov.au/housing/renting/rent-assistance>



## Tenants fight for right to hang election signage

Queenslanders' right to political expression came under attack during the recent Federal election as an increasing number of tenants were forced to remove election signage from their rental properties.

Tenants Queensland (TQ) received numerous inquiries from tenants issued with breach notices for having displayed election signage outside their rental properties. In some instances, the signage has been removed by real estate agents and landlords without their consent.

According to TQ CEO Penny Carr there is an obligation on behalf of the agent or landlord to provide "quiet enjoyment" for their residents and they must not interfere with a renter's reasonable peace, comfort or privacy. "It underlies the notion that the property is the person's home while they are renting there," she said. "In relation to election signage, we consider it a breach of a tenant's reasonable peace, comfort and privacy for a lessor or agent to demand the removal of political signage so long as the signs are legal, and not causing damage to the property or making the sign a fixture of the property."

Entering premises without consent to remove signage may also constitute an offence under the *Residential Tenancies and Rooming Accommodation Act 2008* (Qld) or be considered an act of trespass.

The Brisbane City Council allows elections signs on private property without approval from the council during designated election periods. Elections signs on private property must not constitute a safety hazard for any person using the footpath or public space adjoining the property where the sign is located.

Click here to view Tenants Queensland's fact sheet on election signage outside rental properties <https://tenantsqld.org.au/wp-content/uploads/2019/05/Election-signs.pdf>





## Gympie landlord fined for unlawful entry



It seems unlawful entry by landlords is not restricted to election signage. In a recent case in Gympie a local landlord was fined for unlawfully entering his tenants' acreage rental property.

In a report detailed on the RTA's website, Jack Green, of Forest Glen, pleaded guilty to breaching sections 183 and 202 of the *Residential Tenancies and Rooming Accommodation Act 2008* with respect to the rental property at Victory Heights.

### No entry notice

The rental property included a small, private weatherboard house that was surrounded by thick bush land with extensive wildlife. The tenants arrived home one day to discover a bulldozer onsite, with part of the acreage cleared of all vegetation. No entry notice was issued prior and the property had been significantly altered without the tenants' knowledge or consent.

Despite the tenants raising their concerns with the property manager, the works continued for a number of weeks, generating significant dust and noise. The clearing works disrupted the tenants' peace and quiet enjoyment of the property and remained a constant invasion of privacy.

The tenants have since vacated the property, with the house now removed and the land subdivided. Magistrate Callaghan said Mr Green should have waited until the tenancy finished to develop the property. The court imposed a \$3,000 fine and ordered that half the fine go to the tenants.

## Aboriginal and Torres Strait Islander Housing Action Plan

The Queensland Government recently released its new ATSI Housing Action Plan, following consultations with indigenous communities across the state.

The Plan aims to empower indigenous communities through shared leadership and decision-making and provide culturally-responsive housing assistance. It commits a 2019/20 investment of \$271.8 million which consists of:

- \$171.3 million to improve social rental housing and deliver housing services;
- \$40.1 million to improve state-owned and managed Indigenous housing across Queensland;
- \$35 million for the first year of the Action Plan, including \$28 million of a \$40 million remote capital program;
- \$16.5 million to support private home ownership in discrete communities; and
- \$8.9 million to fund homelessness responses including construction of crisis shelters in Pormpuraaw and Woorabinda.

More information about the plan can be found at <https://bit.ly/2ICf9oI>

## Are you struggling to pay a loan?

Legal Aid has recently updated its "Are you struggling to pay loan?" guide with information on:

The options available to clients if they can't meet their current loan/lease payments;

The options available to clients to make a complaint to a lender's internal dispute resolution (IDR); area and external dispute resolution (EDR) (the Australian Financial Complaints Authority);



- How to negotiate a change to a client's loan or lease; and
- The procedure a client will go through to change their loan if they go to court.

This guide also has sample letters and basic forms clients can follow when they need to put something in writing. You can read, download, print or order (free delivery) this guide and many other free publications on common legal problems via the Legal Aid Queensland website:

<https://www.legalaid.qld.gov.au/Find-legal-information/Factsheets-and-guides/Legal-information-guides/Are-you-struggling-to-pay-a-loan>

## Rental Recovery HUB – Townsville Floods

The recent 500 year weather event in Townsville earlier this year created an influx of tenants at the flood recovery centres. TQ moved quickly to support affected renters in the area, providing outreach services around the town. Led initially by our Cairns office, we were able to send additional short term resources to Townsville to intermittently staff the recovery centres. That allowed us to scope the need, deliver advice and refer issues back to the local office. We thank all staff who supported this work, in particular our worker in Townsville who was right at the coalface of managing the emerging client needs.

From February TQ worked in partnership with the DHPW, the RTA and REIQ to create the Rental Recovery Hub (RRH), a shopfront to focus resources and deliver services.



*Tenants Queensland/QSTARS Community Education Worker, (pictured second from right) at the launch of the Rental Recovery Hub in Townsville*

## O-week events – Community Education

A new wave of aspiring young university students have attended numerous O-week events across the Gold Coast, Logan and Rockhampton regions and been given the lowdown on many community support services including QSTARS. These events gave TQ enjoyed the opportunity to interact with students and parents (and other agencies). Maybe some of these young people will be the tenancy advocates of the future. All in all, the O-week events were highly successful with a large amount of marketing material distributed to the attendees.

*Our Community Ed Worker caught up with a friend at the Australian Catholic University O-Week*

