

Tenants Queensland News

Message from the CEO

In the space of a month and since this newsletter was drafted the COVID-19 outbreak has hit us from left field. TQ is currently focusing on how it can sustain its business continuity arrangements so we support renters over the coming months.

By the time you receive this newsletter, it is likely things will have changed again.

You may have heard the Prime Minister speak of national work to protect renters as a result of the COVID-19 outbreak. Right now, South Australia and Victoria are putting together a discussion paper for the National Cabinet. They will agree to the broad principles with legislative change implemented by the states and territories.

Along with our national colleagues TQ is advocating that the following principles drive decisions of the National Cabinet:

- Stop all evictions, not just for rental arrears.
- Cover all renters, including social housing, boarders and lodgers.
- Deter unlawful threats of evictions.
- Implement health and safety measures for renters in shared accommodation, including boarders and lodgers.
- Consider how we prevent an unmanageable debt crisis caused by rent arrears

This is a public health crisis and we need to protect all renters from being evicted into homelessness. We need to make sure the burden of and the recovery from the crisis is shared by the community, that renters, and low income renters, do not carry an unreasonable load.

The consultation on the proposed tenancy law reforms and Regulatory Impact Statement ended in late December and the Making Renting Fair in Queensland (MRFQ) Alliance has been madly campaigning over January and February. That all seems distant now. It will be surprising if this work is not significantly delayed. TQ will be seeking clarification as soon as possible.

2020 was to be a year of consolidation for TQ and the QSTARS program, but it will now be a year like no other. It will require our resilience and ability to innovate, as well as our willingness to support each other.

Read on for TQ's ongoing response to COVID-19; a more detailed update on the Make Renting Fair in Queensland campaign; news about the implications of Queensland's new Human Rights Act 2019; information about the RTA's new website services; TQ's domestic and family Violence Sector Capacity Building Project; and more...

Stay safe and take care of yourselves and your loved ones.

Penny



COVID-19: keeping informed and looking after each other

The coronavirus has unexpectedly and dramatically changed the way we live and work. Many people across Australia are feeling understandably anxious. This is an unprecedented global pandemic. To control the virus we must change our daily lives, limit our movements, stay home as much as we can, wash our hands frequently, and practice social distancing in the company of others.

The closure of businesses and public gatherings is having a massive effect on our economy. As a result many Australians are experiencing a loss of work, income and social connection. Along with the rest of the community, Queensland tenants are feeling the effects of these changes.

We will get through this pandemic if we all work together, support each other and find ways to ensure everyone, particularly our most vulnerable, are protected. Increasing numbers of tenants are calling the Tenants Queensland QSTARS advice line with questions related to the effects of COVID19. The Tenants Queensland website now has a [useful fact sheet](#) that covers issues such as entry, repairs, rent arrears and termination.

Many tenants are calling us because they have lost their job and are unable to pay the rent. We recommend tenants communicate directly, and in writing, with their lessor or agent to request a significant rent decrease or rent waiver. Tenants Queensland has developed a letter to assist tenants in relation to COVID19 rent issues.

It is important lessors and agents are patient and willing to work with tenants to sustain tenancies. The Australian government is providing income support for those who have lost jobs. Banks may also offer lessor's mortgage relief.

While working with the National Cabinet to seek a moratorium on evictions during the pandemic, TQ is also advocating for lessors and agents do the right thing and work with tenants to resolve issues. It is important that we all share the economic and social burdens caused by the coronavirus. A massive increase in homelessness will only serve to undermine the health of the whole community, and undermine our ability to control the spread of the virus. We need to work together to maintain tenancies.

Tenants are concerned about COVID19 and do want to practice social distancing. This means staying at home as much as possible, and not having unnecessary visitors. Tenants are concerned about proposed entry inspections in their rental homes especially when they or their children are immune compromised.

During the week, the Prime Minister issued a public health order to prevent open house inspections and auctions, though in Queensland they can only be conducted onsite with the written consent of tenants already. Suspending the need for routine inspections, using IT platform or delaying re-letting inspections until after tenants move out, are simple ways the rental industry can ensure social distancing. Where there is agreement for entry, COVID hygiene practices must be followed.

Tenants Queensland will continue to provide information, advocacy and resources to assist tenants during this crisis. As soon as we find out what National Cabinet announce we'll update the Tenants Queensland website and Facebook page.

Reliable information helps manage the anxiety we are all feeling right now. Here are some key phone numbers and information links:

For income support for individual and households go to:

<https://treasury.gov.au/coronavirus/households>

<https://www.dss.gov.au/about-the-department/coronavirus-covid-19-information-and-support>

The support line for Queenslanders in quarantine: Phone: 1800 173 349

<https://www.qld.gov.au/community/disasters-emergencies/queensland-disasters/novel-coronavirus-covid-19>

The Queensland Health Advice line: 13 43 25 or visit: <http://health.qld.gov.au/coronavirus>

The National Coronavirus Health Information Line: 1800 020 080

For information for NDIS providers and disability support workers: 1800 800 110

<http://www.ndis.gov.au/> and <http://www.ndiscommission.gov.au/>

TQ Constitutional review

In mid-2019 the Tenants Queensland Steering Committee agreed to review its constitution.

The constitution has had a number of minor updates over the years and was in need of a major review. Alongside this the Steering Committee also agreed to begin a process to transition from an incorporated association to a company limited by guarantee. There has been a growing trend of organisations transferring from incorporated associations to companies limited by guarantee as organisations grow and also to respond to increasing government expectations for increased accountability and transparency. TQ has also considered making this change as it enables TQ to operate in other states and territories should it so choose.

On the face of things, very little will change about TQ as a result of the change if it goes through. Most change will occur at the back-end and governance areas of TQ's business.

Ultimately, the change is dependent on a membership resolution to change from and incorporated association to a company limited by guarantee. We will keep you posted and now anticipate a special general meeting to be held later in the year.

CHOICE OF INCORPORATION

ASSOCIATION
OR
COMPANY LIMITED BY GUARANTEE

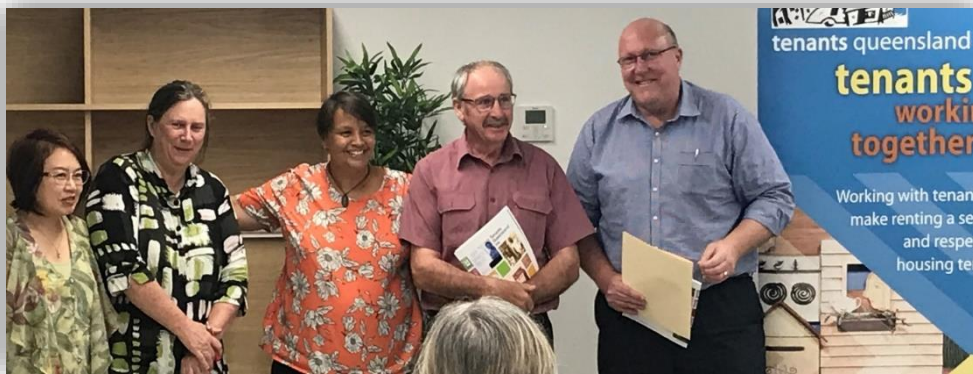
TQ's Annual General Meeting

Tenants Queensland's AGM in December last year was an efficient and positive event on a very hot December afternoon. Rohan Tate, the Steering Committee Convenor presided, highlighting the hard work and achievements of the organisation over the past year. Penny Carr, TQ's CEO gave a considered summary of the government tenancy law reform proposals. Maria Leebeek, TQ's Treasurer delivered a warm and lively report with particular focus on the dedicated work of TQ staff - Pat, Syani and Jude, who work tirelessly to keep TQ's finances in order. The 2019 – 2020 Steering Committee were voted in including three new Steering Committee members.

TQ's Annual Report 2018 – 2019 is available online:

<https://tenantsqld.org.au/wp-content/uploads/2019/12/TQ-Annual-Report-19-07.pdf>





L- R: Syani Linarto (Senior Management Accountant), Jude Clarkin (Finance Administrator), Maria Leebeek (Treasurer), Pat Morgan (Business Manager) and Peter Gesch (TQ Auditor)

Below : Rose Brown (DFV Capacity Building Project Worker) & Julie Bartlett (Principal Solicitor)
Bryony Walters (TQ Steering Committee member) & Wendy Herman (Legal Services Support Worker)



Chris Freney (Service Delivery Manager) & Seleneah More (TQ Steering Committee member)



Make Renting Fair in QLD campaign update...

Since we last wrote the MRFQ Alliance has been working to keep the reform agenda, and our positive messaging, in the public domain.



In early December 2019 TQ, and the MRFQ Alliance, hosted the Tenancy Law Reform Forum. It was a very successful event. We filled the room with over 90 participants, including workers from the sector, tenants and representatives of the real estate industry. The discussion was mediated by Peter Mares. There was a lively discussion and diverse range of views were canvassed, with strong support for the reforms articulated by Alliance members.

Above: Jackie Trad, Deputy Premier and Member for South Brisbane, welcoming everyone and speaking briefly.



Left: Peter Mares & panellists: Stacey Holt (Real Estate Excellence Academy); Gina Pearson (Brisbane Housing Company); Dr Chris Martin (City Futures Research Centre, UNSW) and Penny Carr (TQ)

Stage 1 consultation: Dec 2018 - Open Doors to Renting Reform

The government conducted a consultation in December 2018 canvassing the public's views on a range of issues around tenancy law reform. A report on this consultation was published on their website in January this year (2020). The Report – *Open Doors Consultation Analysis Report Renting in Queensland January 2020* and an Overview can be accessed at:

<https://www.yoursayhpw.engagementhq.com/reform-process-renting-in-qld>

ENGAGEMENT

MOST
RESPONDENTS
WERE FROM
SOUTH-EAST
QUEENSLAND



OVER 135,000
RESPONSES WERE
RECEIVED DURING THE
9 WEEK CONSULTATION

OVERALL EXPERIENCE OF RENTING IN QUEENSLAND

TENANTS

39%

PROPERTY OWNERS

47%

PROPERTY MANAGERS

48%

30%

29%

39%

31%

24%

13%

Stage 2 consultation: Oct - Dec 2019 – Response to the Government’s Proposals

In October the government released its recommendations for reform in the Regulatory Impact Statement (RIS) and called for submissions on their proposals due the end of December 2019. At the time of writing there is no information in relation to the outcome of the government’s consultation. TQ and other Alliance members wrote submissions.

Alongside the government submission process the Make Renting Fair in Queensland Alliance ramped up its campaigning and has been running hard since – encouraging and supporting tenants to participate in the submission process; meeting with members of parliament; running online petitions and generally spreading the word about the reforms and the MRFQ campaign to build our supporter base and impact.

In early January the Courier Mail published an opinion piece by Penny outlining the importance of the reforms, highlighted throughout by the experiences and needs of a single parent long term renting household.

30 years ago the same arguments against tenancy law reform were being proffered by the REIQ and property industry. In 16 December 1988 the Courier Mail reported that: *‘Ill feeling’ between the State government and the REIQ over the proposed rental bond authority ‘flared again’*. The then National Party government’s Justice Minister – Paul Clauson – is subsequently quoted as referring to the REIQ’s opposition to tenancy law reforms as ‘dishonest and misleading’.... arguments that are being invented by the REIQ and put forward as facts.’

During January and February the Alliance was focused on meeting with Labor and non-Labor MPs to communicate the positive aspects of the proposed reforms for all stakeholders.

The next stage - MRFQ Campaign Petitions

We had expected the government to table the draft bill in parliament around mid-year however with parliament suspended for the next 6 months we are unclear if and when this will now occur. None the less until we have direction we are still pressing on and the petitions are still open to signatures.

The first petition on pets attracted a lot of attention with the joint action with the Queensland Animal Welfare League. At last count 1035 people had signed the online petition.

Pets matter! www.make Renting Fair QLD.org.au/petition-pets

Ending tenancies fairly

The second petition on ending tenancies fairly is still online. Several simple clicks is all that is needed to send a letter to Minister Mick de Brenni - www.make Renting Fair QLD.org.au/petition-evictions

Our third key action, also on the theme of ending tenancies fairly, only requires a few simple clicks to select your local MP and send a letter asking them to support positive change to tenancy law www.make Renting Fair QLD.org.au/petition-evictions.



WE NEED YOUR SUPPORT. Please share the links above with all your networks (work, family, and friends) and on your social media channels – especially Facebook (www.facebook.com/makerentingfairqld) and Twitter.

Keep an eye on the MRFQ website and Facebook pages for campaign updates. Don't let *the profits first* scare campaign, run by industry lobbyists, dominate the messaging and weaken the government's resolve. If all do something small ... it will make a big difference.



Facebook
@makerentingfairqld

Website
www.makerentingfairqld.org.au



Twitter
@fairrentingqld

Human Rights Act 2019 (Qld)

The *Human Rights Act 2019* (Qld) commenced on the 1 January 2020. The Act enshrines 23 Human Rights, some of which may be utilised by tenancy advice workers when assessing a tenant's legal problem.

Public housing and community housing tenants may be covered by the Human Rights Act. As the Act prohibits a public entity from limiting an individual's Human Right. A public entity is defined in [section 10](#) of the Act and includes any provider of housing under the *Housing Act 2003* (Qld).



Queensland
now has a
Human Rights
Commission

1 July 2019 marks the first step
towards the implementation of the
Queensland Human Rights Act. Head
to qhrc.qld.gov.au for information.

Private tenants are not covered, as real estate agencies and private lessors are not public entities. QCAT, however, is a public entity as it is a government authority, therefore the Tribunal may be required to consider the Human Rights Act when making a decision in matters where the lessor is a public entity.

Under [section 58](#) of the Act the public entity must not:

- act or make a decision in a way that is not compatible with human rights, or
- fail to give proper consideration to a relevant human right when making a decision.

The human rights (as defined in the Act) that may be relevant to tenants and residents?

- the right to recognition and equality before the law (s 15)
- a person must not have their property taken away from them except in accordance with the law (s24)
- the right of a person to not have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with (s 25)
- the protection of families relationships and family unit (s 26)
- the right of every child, without discrimination, to such protection as is in their best interests and is needed by them by reason of being a child (s 26)
- the right to a fair hearing (s 31)
- the right of every child to access primary and secondary education that is appropriate to the child's needs (s36).

If a tenant believes their human rights have been limited by a public entity they may utilise the complaints process prescribed under the Human Rights Act. Firstly, they must write to the public entity outlining the contravention of the Human Rights Act. (Note: only breaches that occur after the 1 January 2020 will be covered by the Human Rights Act). Once a complaint has been made the Public Entity has 45 business days (around 9 weeks) to respond. If the tenant believes the response is inadequate they may then make a complaint to the Queensland Human Rights Commission.

For more information about Human Rights Act 2019 check out these websites:

<https://www.justice.qld.gov.au/initiatives/human-rights>

<https://communitylegalqld.org.au/policy/human-rights>

<https://www.qhrc.qld.gov.au/>

Legal Casework case study



Landlord attempts to subvert 6 month limitation period in the RTRA Act and loses

Tenants Queensland recently assisted a tenant defend an appeal application by a lessor to the District Court of Queensland. The lessor had originally filed a claim for \$5355.07 in the Brisbane Magistrates Court approximately four years after the tenant vacated the premises. Tenants Queensland assisted the tenant in

defending the claim which was dismissed due to the fact that the lessor applied to the court outside the 6 month limitation period contained in section 419(3) of the *Residential Tenancies and Rooming Accommodation Act 2008*(Old) (RTRA Act 2008). The claim was also dismissed because the lessor failed to apply for dispute resolution as per the s416 of the RTRA Act 2008 which was determined to be a mandatory provision.

In his original application the lessor argued that his claim was in simple contract and relied upon section 10(1(a) of the *Limitations of Actions Act 1974* (Qld) which imposes a 6 year limitation period for breach of contract. Additionally, the applicant relied on the judgment of Carmody J in *Amos v Fett [2016] QCATA 120* where Justice Carmody held that the Magistrates Court had concurrent jurisdiction to QCAT. This allowed an application to the Court by virtue of s4 of the RTRA Act 2008 which provides for rights and remedies of persons in addition to the RTRA Act 2008.

In his response, the tenant relied on the decision by Judge Botting of the District Court in *Delahoy & Grevell v Wuiske & Anor [2006] QDC 276*. The learned Magistrate concluded that he accepted the view of Judge Botting in *Delahoy* and concluded that the “Act” covered the field in relation to residential tenancies matters and that the provisions in relation to mediation and the six month time limit clearly applied therefore the application was dismissed. Effectively the Court held that QCAT had exclusive jurisdiction in residential tenancy matters under the value

of \$25,000 by virtue of s516 of the RTRA Act 2008 which was not considered by Justice Carmody in *Amos v Fett*.

The lessor proceeded to file an appeal in the District Court. They argued that the Acting Magistrate erred in finding that QCAT had exclusive jurisdiction to hear and determine the Appellant's claim in circumstances where the Magistrates Court and QCAT have concurrent jurisdiction for residential tenancy matters up to \$25,000. They also argued that the Acting Magistrate erred in finding that the Appellant's claim was statute barred despite the six year limitation period prescribed in ss 10(1)(a) and 25 of the *Limitation of Actions Act 1974* (Qld).

The appeal failed as Judge Koppenol of the District Court determined that the magistrate's decision that QCAT has exclusive jurisdiction in claims for less than \$25,000 was correct. The respondent was awarded costs.

Domestic and Family Violence (DVF) Project – Stage 2

TQ is continuing to support Domestic and Family Violence Workers to assist women affected by DFV with tenancy issues. Many women have to move, and risk homelessness, because of domestic and family violence. The aim of this project is to prevent women, who rely on rental housing, from being disadvantaged in the housing market; and to assist women to gain access to secure affordable housing, or to stay in their own rented homes when they feel safe to do so.

The fact sheet *When Violence Affects Your Tenancy* and the quick guide to tenancy issues are available on TQ website: <https://tenantsqld.org.au/info-for-tenants/domestic-family-violence/>. Tenants can call the QSTARS Hub number 1300 744 263 for advice on these issues

The RTA's new website services

The RTA has launched new Web Services for bond refunds, bond disputes and updating customer details. They can be accessed via <https://www.rta.qld.gov.au/> The RTA's website states that the move towards online platforms and their commitment to '*make end of tenancy transactions easier and more convenient for customers*'.

PDF upload of bond return forms (Form 4s) to an RTA emails address will cease as of February 1. After that date, the only options for the forms will be online via a QGov account or hard copies via Australia Post.

The RTA will also cease bulk printing and sending bulk forms and publications, by the end of this year. RTA customers will then be able to download forms and publications from the RTA website, or order single printed copies via the website and contact centre. Organisations, including TQ, will not be able to access bulk printed forms.



Resources and support

Information and educational resources about the online services are available on the RTA website. There will be a dedicated phone line in the RTA contact centre to provide additional support and guidance.

Reminder – email security and privacy

The RTA does not recommend tenants using shared email accounts/jointly accessible email accounts to transact with the RTA. In some instances – for example in a Domestic and Family Violence (DFV) situation where both the victim and perpetrator have access to a shared email account – using a shared email account to transact with the RTA could create privacy and security risks.

TQ concerns

At the December RTA Industry Forum TQ tabled concerns about the need for a QGov account particularly for bond returns, and the loss of PDF upload Form 4s to an email account. We believe the changes will put tenants at a disadvantage in getting their bond return form in. The change will impact tenants more than property industry stakeholders.

An additional concern is the withdrawal by the RTA of access to bulk forms for tenant advocates. TQ has put these concerns in writing and hopes for a positive response from the RTA. It will be a travesty if new RTA processes do not reflect equity, enable access, and support the needs of the most marginal renters. We will keep you posted.

RTA Road Show

The RTA website is currently advertising their *RTA Roadshow – consisting of over 30 events in more than 16 regions*. It will deliver information sessions – between February and June 20202 – in relation to RTA services and tenancy matters: *to encourage compliance with Queensland's rental laws and help make renting work for everyone*.

The Roadshow locations and timings of scheduled information sessions are available on the RTA website.

March: Brisbane South, Moreton Bay, Sunshine Coast

April: Gold Coast, Logan

May: Brisbane East/Redlands, Brisbane West/Ipswich, Townsville, Cairns

June: Mackay, Rockhampton, Bundaberg, Fraser Coast

Play Fair Vouchers



Check out the

TenantConnect website for the details about the Play Fair Vouchers:

<https://www.qld.gov.au/recreation/sports/funding/fairplay/apply>

Parents, carers or guardians can apply for a voucher valued up to \$150 for their child.

Round 2 is now open for voucher applications. It closes on April 1. The voucher can be used towards sport and active recreation membership, registration or participation fees with a registered activity provider. (<https://recreation.npsr.qld.gov.au/club-locator/>) Round 2 vouchers will expire 13 May.

The TenantConnect website has a useful link you Get Ready Queensland. The site provides practical guidance for understanding the risks and how best to ensure you and your household are prepared. Check out: <https://www.getready.qld.gov.au/>

Remember, remind your friends and family that they can now join TQ Online

Just go to our website and click the link at <https://tenantsqld.org.au/about-tuq/join-tuq/>



The screenshot shows the Tenants Queensland website. At the top is a colorful illustration of houses and a sun. Below it is a navigation bar with links: HOME, ABOUT TQ, INFORMATION FOR TENANTS, NEED ADVICE, TRAINING, LINKS, FOR QPV WORKERS, CONTACT US, NEWS. The main content area is titled 'Join TQ' and includes a 'Click the Join button below for online application and payment' instruction. There is a 'Join' button with a house icon. Below this, it says 'or download your membership form to fill in and send to us:' followed by a 'Download membership application form' link and a small illustration of a hand holding a pen. A paragraph explains that 34% of households in Queensland live in rental accommodation. Another paragraph states that many tenants face problems that are too big for one individual to tackle alone. On the right side, there is a search bar, contact information (1300 744 263), advice hours (9am - 5pm Monday to Friday, extended hours to 7pm Tuesday & Wednesday), another 'Join' button, and links for 'Join Tenants Qld here' and 'Rental Vulnerability Index'.

tenants queensland

HOME ABOUT TQ INFORMATION FOR TENANTS NEED ADVICE TRAINING LINKS FOR QPV WORKERS CONTACT US NEWS

Join TQ

Click the Join button below for online application and payment

Join

or download your membership form to fill in and send to us:

Download membership application form

In Queensland 34% of households live in rental accommodation. In some parts of the State up to half of all households rent privately from either a landlord or real estate agent. As home ownership becomes harder for many to afford, more and more people now live permanently in rental housing.

Many of the problems tenants face can be too big for one individual to tackle alone. Tenants need a group that will talk to government, media, landlord groups and real estate agents on our behalf. We need a group that can express our views and concerns.

To search, type and hit enter

Tenants Queensland free statewide advice service for tenants

1300 744 263

Advice Hours:

9am – 5pm Monday to Friday
Extended hours to 7pm Tuesday & Wednesday

Join

Join Tenants Qld here

Rental Vulnerability Index