

# TQ News

Tenants Queensland Member Newsletter



## Message from the CEO

Is it really March already?! I'm not sure where that time has gone, but it has certainly been wonderful to see the TQ team come back from breaks over the new year period, reinvigorated, and ready to push on with working towards our vision of a society where renting is a secure and respected housing tenure.

You may have noticed that this TQ News looks distinctly different to previous editions. Late last year we made the decision to increase our marketing and communications efforts, which will be important in the lead-up to the state government re-starting the review of tenancy legislation. In order to increase our lobbying efforts and public-facing communications, we employed a part-time communications worker to focus on these and other tasks.

In this first edition of TQ News for 2021, we highlight our successful bid for funding to employ an in-house financial counsellor, who will be able to provide direct assistance to tenants experiencing financial difficulties. This is welcome news, and will allow us to provide even more advice to tenants, in tandem with our other services.

You will remember that last year we had a meeting of members to endorse a new constitution and secure agreement to transition from an incorporated association to a company limited by guarantee. Importantly, we have now officially made the transition from Tenants Queensland Inc to Tenants Queensland Ltd. The impact of this is further outlined inside.

Chris Freney, our QSTARS Service Delivery Manager, and I will shortly be visiting all of the TQ offices and partner offices across the state, giving us a chance to speak to everyone face-to-face, and to find out if there are any critical issues that should be addressed in order for us to undertake our mission successfully, and most effectively assist our clients. I am also looking forward to more meetings with members this year.

Warm regards

Penny



# \$1 million in grants for financial counselling to help vulnerable renters

Free and independent financial counselling will be available in-house, for the first time, alongside tenancy support services to private renters who are struggling financially.

The Financial Counselling Foundation has announced \$1.17 million in grants for the next 3 years at:

- Tenants Queensland
- Tenants Victoria and
- VERTO in New South Wales.

The Financial Counselling Foundation has identified increased need for financial counselling services for private renters. This is only going to increase due to temporary government income and rental support measures ending soon and many sectors, like tourism and hospitality, yet to recover from COVID impacts.

Financial counsellors provide free, independent and confidential assistance for people who are struggling with debt. They are qualified professionals who provide information, advice and advocacy to people in financial difficulty.

Tenants Queensland CEO Penny Carr said, "We welcome the opportunity for COVID impacted Queensland renters who have struggled with debt arising from rent and other living costs to access early advice regarding their financial situation."

Financial Counselling Foundation CEO, Jane Nash said, "These grants will enable in-house access to free financial counselling for thousands of people seeking help with rent issues. If you cannot pay your rent, a financial counsellor can provide information and advocacy to stabilise your situation and help to get you back on your feet."

TQ is recruiting this position now. As more information is developed we'll update you on how it will work and how you can use the service.

## Translated QSTARS Factsheets

Featuring 10 different languages, our series of translated factsheets and flyers have now been uploaded to the [QSTARS website](#) (under General Tenancy).

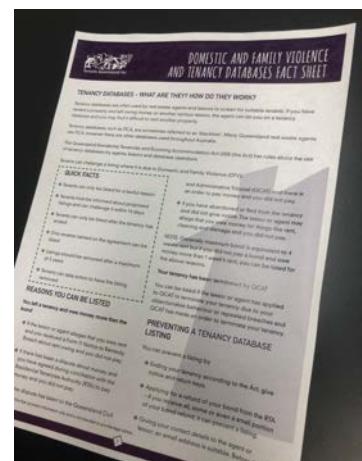
Please tell anyone you know who would benefit from these factsheets, about their availability.



## Domestic and Family Violence

TQ recognises that people who experience DFV are at significant risk of homelessness, something disproportionately impacting on women. Many women who have experienced DFV and are homeless are listed on a tenancy database. Many more are fearful of being listed as they know it will be much more difficult to secure a place to live in the private rental market.

No one who is listed on a tenancy database should remain on that list where the listing is due to domestic family violence perpetrated against them. Queensland tenancy law recognises that a listing arising from DFV where the person experiences adverse consequences, can be challenged as an unjust listing.



TQ's DFV Sector Capacity Building Project can assist workers supporting women experiencing DFV to challenge a tenancy database listing.

A new fact sheet '[Domestic and Family Violence and Tenancy Databases](#)' has been added to TQ's website.

# RTA Tenancy Dispute Resolution Web Service

The [Tenancy Dispute Resolution Web Service](#) gives RTA customers a digital option to request RTA dispute resolution. Last financial year, the RTA conciliated 19,882 disputes. The new Web Service automates much of the dispute resolution request process. However, in order to use this service you need to log in to the RTA through a QGov account.

RTA have published supporting information and resources on the [RTA website](#) to assist customers with using the new service, including an educational webinar, FAQs and how-to guides.

Tenants needing additional support can also call the dedicated Contact Centre team on 1300 366 311.

TQ has confirmed that emailed and posted DR Request forms will continue to be accepted.

## Leadership Annual Planning Review

To kickstart the year, the TQ leadership team undertook an annual planning session to determine our priorities for the coming 12 months. TQ's leadership group uses the strategic plan to develop its work schedule, which is reviewed at the beginning and middle of each calendar year.

The January meeting was an opportunity to review and reflect on the previous year's accomplishments, identify learnings, share aspirations and agree on the key deliverables. It helps to maintain a shared understanding of our priorities amongst the array of areas of work.

The first quarter of the year also sees the organisation undertake its annual strategic planning, usually in a day session. An updated strategic plan takes effect from July, with our leadership work plan reviews helping to keep the group on track to deliver on those strategic directions.

## A new constitution and an updated logo for Tenants Queensland

Significant work has taken place over the past couple of years through a review of TQ's constitution. At the General Meeting conducted on 23 October 2020, members voted in favour of TQ's transition from an Incorporated Association, to a Company Limited by Guarantee, along with a new constitution.

Work has been continuing apace since these and other associated resolutions, and late in February we received confirmation that our new status was officially confirmed by ASIC on 10 February, 2021.

Our new official business name is Tenants Queensland Ltd.

Moving forward we will start to use an updated version of our logo (minus the 'Inc') on all correspondence, brochures and website.



# QSTARS Client Survey 2020

Under our QSTARS contract we're required to undertake an annual client satisfaction survey and accordingly one was undertaken in December 2020. Overall we did very well, and the survey results will help us with strengthening and improving our advice work.

In December, 1,500 QSTARS clients receiving a service between October and November 2020 were emailed a survey link with 100 responses.

Survey questions identify tenancy issues and assess our work against these QSTARS funded outcomes:

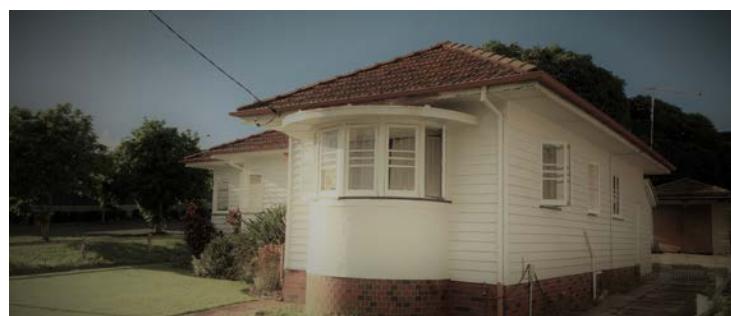
- Client awareness of tenant rights and responsibilities as well as support services available to assist tenants
- Client ability to exercise their rights in relation to key areas of security of tenure, safe and appropriate accommodation and contractual matters
- QSTARS program staff access to quality training and professional support.

## Summary of results

- 82% of clients stated they had a better understanding of their rights as a tenant after using the QSTARS service versus 18% who stated they didn't.
- Of the 82% who stated they had a better understanding, the following applied:
  - 27% said they were better able to resolve tenancy issues relating to whether to stay or leave
  - 19% were better able to resolve tenancy issues relating to living in premises in good repair and
  - 26% were better able to resolve tenancy issues relating to other tenancy matters
- 67% stated they better understanding of their responsibilities as a tenant after using the QSTARS service versus 10% who stated they didn't and 23% who answered not applicable.
- 76% stated their experience of QSTARS prepared them to resolve a tenancy/residency issue(s) by themselves if needed in the future versus 24% who answered in the negative.
- 83% agreed staff had adequate knowledge to address their inquiry while 17% disagreed.
- Of the 61% of clients who spoke to a second QSTARS advice worker (which indicates a referral to a regional TQ or partner office) 50% agreed the staff person had adequate knowledge while 11% disagreed.

Regarding the resolution of their tenancy issue 53% stated their tenancy issue was resolved, 12% stated it wasn't resolved while in 35% the case was ongoing.

In terms of clients' overall level of satisfaction with the service 85% were either very satisfied or satisfied, 10% were very dissatisfied or dissatisfied and 5% were neither satisfied nor dissatisfied.



# Appeal Dismissed and Warrant of Possession Re-instated

QCAT recently published an appeal decision in the matter of Martin & Anor v Chadia Chalmers Realty Pty Ltd. This case is of great interest to tenants as it concisely sets out the matters the Appeal Tribunal will take in to consideration when determining whether or not to allow an application for leave to appeal. This appeal application was filed by two tenants who wished to set aside a termination order and warrant of possession issued on the 9 December 2019 on the grounds of failure to leave. The tenant managed to have that decision stayed for the duration of the appeal which was determined on the 8 December 2020.

Member Hughes outlines the context within which the Appeal Tribunal considers the grounds of appeal below:

[2] An application for leave is not an occasion to re-try the case presented at trial, as if the latter were a mere ‘preliminary skirmish’.

The tenants’ grounds of appeal alleging lack of justiciability, not being provided a transcript or audio, denial of procedural fairness and bias, ignoring “rules of equity”, non-acceptance of their evidence, together with challenging the learned Adjudicator’s findings do not align with the Tribunal’s mandate to conduct proceedings in a way that is fair, just, economical, informal and quick or established principle.

[3] The Tribunal is not bound by the rules of evidence, and may inform itself in any way it considers appropriate. The Tribunal’s reasons are not to be scrutinised ‘with an eye keenly attuned to error’. The Tribunal must act fairly and according to principles of natural justice with as little formality and as much speed as matters permit.

[4] An appealable error is not demonstrated by identifying other possibilities not mentioned or not apparently considered - the Tribunal may decide the case in a way that does not require the determination of a particular submission and therefore simply put it aside. The Tribunal may have unexpressed findings of fact. In determining whether to grant leave, the Tribunal will consider established principles including:

- (a) whether there is a reasonably arguable case of error in the primary decision;
- (b) whether there is a reasonable prospect that the appellant will obtain substantive relief;
- (c) whether leave is needed to correct a substantial injustice caused by some error; and
- (d) whether there is a question of general importance upon which further argument, and a decision of the Appeal Tribunal, would be to the public advantage.

[5] It is within this context that the primary reasons and grounds of appeal are considered.

If you wish to read the full case you may find it on the Supreme Court Library website [here](#).



# Hervey Bay 'Tent City'

Together with the Hervey Bay Community Centre, we were able to generate a lot of media coverage over the last few weeks on the current rental crisis, specifically around the unfortunate situation with a mini 'tent city' popping up in the park behind the community centre in Hervey Bay. Channel 7 and 9 covered the story locally and in Brisbane, as well as the ABC.

Fortunately the people concerned have now been moved to more appropriate accommodation after engagement with local housing organisations, though we understand most are yet to find permanent, appropriate options.



## Queensland Women's Week

As part of Queensland Women's Week, we recognised and celebrated the hard work done by Tenants Queensland around law reform to assist women renters experiencing domestic and family violence.

We also launched our 'Choose to Challenge Tenancy Database Listings' action, along with the 'Domestic and Family Violence and Tenancy Databases' factsheet, mentioned earlier in the newsletter.



## Aloha!!

A number of TQ staff from the Brisbane office really got into the swing of summer, and in December had a Hawaiian dress-up day. It certainly brightened up the office!

