



Queensland Alliance for Mental Health

Stage 2 Rental Law Reform Submission

May 2023

Who is QAMH?

The Queensland Alliance for Mental Health (QAMH) is the peak body for the Community Mental Health and Wellbeing Sector in Queensland. We represent more than 100 organisations and stakeholders involved in the delivery of community mental health and wellbeing services across the state. Our role is to reform, promote and drive community mental health and wellbeing service delivery for all Queenslanders, through our influence and collaboration with our members and strategic partners. At a national level, we have a formal collaboration with Community Mental Health Australia and provide input and advice to the work of Mental Health Australia and the National Mental Health Commission where appropriate. Locally, we work alongside our members, government, the Queensland Mental Health Commission and other stakeholders to add value to the sector and act as a strong advocate on issues that impact their operations in Queensland communities.

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Acknowledgement of Country

QAMH acknowledges the Traditional Custodians of the land on which we live, learn, and work and recognises their continuing connection to land, waters and community. We pay our respects to them and their cultures; and to Elders past, present and emerging.

Recognition of Lived Experience

QAMH recognises that the Community Mental Health and Wellbeing Sector exists because of people with Lived Experience of mental distress, their families, carers and support people. We acknowledge the expertise and the courage of people with Lived Experience, and we commit to work with and alongside people with Lived Experience in all we do.

Background

Queensland is in the midst of a housing crisis. It is a rapidly unfolding social catastrophe - closely tied to the mental health of Queenslanders - that has far-reaching economic and social impacts and requires an urgent, multi-pronged approach from all sectors and all levels of government. QAMH welcomes the opportunity to comment on the Stage Two Rental Law Reform consultation being led by the Department of Communities, Housing and Digital Economy. While QAMH supports the proposed changes to Queensland's rental laws, we don't believe that these reforms go far enough. The key issues facing Queensland renters remain the lack of affordable housing, poor housing security and an incredibly tight rental market which limits the options and negotiation power available to renters. As a result, Queensland is experiencing an increase in the social determinants for mental illness and homelessness. Strong rental protection laws which address rental affordability and security are needed to redress the balance and make renting a fair arrangement, for both renters and owners.

QAMH has a keen interest in this area. In June 2022, there were more than 27,000 households on Queensland's social housing register¹ and most regional towns and cities had rental vacancy rates of less than one per cent. These are more than just alarming figures: homelessness and housing instability represent significant risk factors for the development or worsening of mental distress, with associated knock-on effects for individuals, families and the community. The Trajectories Research conducted by Mind Australia in collaboration with the Australian Housing and Urban Research Institute found that housing instability and homelessness "may act as a trigger for mental ill-health" and that "access to secure, affordable and appropriate housing allows people to focus on mental health treatment and rehabilitation, while precarious housing and homelessness make it difficult for people to access mental health treatments and supports".² A recent report from Suicide Prevention Australia³ shows cost of living ranked as the biggest risk to suicide rates nationally, while in Queensland, housing affordability is a leading cause of elevated distress leading to suicidal behaviour, with calls to suicide support lines increasing from 23 per cent to 26 percent between November 2022 and February 2023 where housing affordability was cited as the reason for distress.

Taking positive action on housing affordability has been identified by the government as a key priority in addressing the mental health of Queenslanders. Queensland's State Parliament recently held a comprehensive mental health inquiry into Opportunities to Improve Mental Health Outcomes for Queenslanders. Housing instability and homelessness were central themes during this Inquiry, and

¹ Queensland Government. (2022). *Open Data Portal. Social Housing Register at 30 June 2022*. [Social Housing Register at 30 June 2022 - Data File - Social Housing Register - Open Data Portal | Queensland Government](#)

² Brackertz, N., Borrowman, L., Roggenbuck, C., Pollock, S., & Davis, E. (2020). *Trajectories: the interplay between mental health and housing pathways. Final research report*, Australian Housing and Urban Research Institute Limited and Mind Australia, Melbourne, <https://www.ahuri.edu.au/research/trajectories>

³ Suicide Prevention Australia. (2023). *Suicide Prevention Australia Community Tracker. Community-Tracker-results-March-2023-National-and-Regional.pdf* (suicidepreventionaust.org)

Recommendation Eight⁴ of the Select Committee’s final report explicitly recommended that the Queensland Government improve access to secure and affordable housing in Queensland by investigating and implementing tenancy sustainment strategies and progressing rental reforms.

Our comments on Queensland’s Stage Two Rental Law Reform priorities - as well as recent reforms in this area – are included below.

Limits of the Reforms to Date

Strong tenancy laws are an important part of a healthy housing ecosystem and can protect renting households from arbitrary evictions, mitigate unaffordable rents and support renters in exercising their rights. They are just one mechanism – albeit an important one – by which governments can improve housing affordability in the private market. As noted by Tenants Queensland in their submission to the Queensland Housing Summit 2022, compared to renter protections in place overseas, Queensland (like other Australian jurisdictions) has been found to have relatively weak tenancy laws.⁵ Recent reforms have done little to change this in regard to the key issues – affordability and security of tenure - facing Queensland renters.

For example, the Stage One Rental Law Reforms completed in 2021 sought to introduce greater certainty and security for renters by ending no grounds evictions by rental property owners. In the final stage of consultation for the Stage One Rental Law Reforms, the Queensland Government instead introduced the option for property owners to end a tenancy simply due to the ‘End of a Fixed Term’. As Tenants Qld have highlighted, the inclusion of this ground continues to allow evictions with no justified reason on behalf of the property owner (e.g. sale of the property, moving in themselves or large-scale renovations) or fault of the tenant. It undermines the security and stability of renting households, and their ability to enforce their rights for fear of an eviction at the end of their fixed term agreement. It has also resulted in the confusing situation where a periodic lease agreement may perversely result in greater certainty for renters than a fixed term agreement, with Queensland’s peak real estate body, the Rental Institute of Queensland (REIQ) recommending that property managers

⁴ Queensland. Mental Health Select Committee. (2022). *Inquiry into the Opportunities to Improve Mental Health Outcomes for Queenslanders, Report No. 1, 57th Parliament*. [Report No. 1, 57th Parliament - Inquiry into the opportunities to improve mental health outcomes for Queenslanders](#)

⁵ Martin, C., Hulse, K., and Pawson, H. (2018) *The changing institutions of private rental housing: an international review, AHURI Final Report No. 292*, Australian Housing and Urban Research Institute Limited, Melbourne. [cited in [Tenants-Queensland-Housing-Summit-paper.pdf \(tenantsqld.org.au\)](#)]

issue every tenant with a notice to leave at the same time as they are offered a new lease as a way of circumventing the new no-grounds eviction laws⁶, thereby creating greater insecurity for tenants on a fixed term agreement than on a periodic one. QAMH agree with Tenants Queensland's statement⁷ that the power imbalance experienced by renters will continue as long as this ground for eviction remains in Queensland's tenancy laws, and that 'End of a Fixed Term' must be removed as a means of eviction.

Housing affordability is another critical area in which our rental laws remain weak. In April 2023, new legislation was passed by State Parliament limiting the number of times a landlord can raise rent to once a year, with this annual limit to apply to all new and existing tenancies from 1 July 2023. While we are pleased the government has recognised the importance of taking action in this area, this reform does nothing to protect people from the unreasonable rent increases that we are seeing in the current rental market. Tenants Queensland have drawn attention to the fact that last year, the average rental increase in Queensland was over \$100 per week - more than three times the rate of inflation – while some renters had their rent increase by over \$300 per week. Likewise, while there are legal protections in place to discourage the practice of rent bidding, in which prospective tenants seek to “outbid” each other in an effort to secure a rental property, Queensland's law in this regard is woefully inadequate and it is well known that this practice is rife in the community⁸, further driving housing unaffordability and inequity in Queensland's rental market.

Therefore, while we welcome the changes proposed in the Stage Two Rental Law Reform, we are disappointed by the government's decision to leave rent and rent increases out of the identified topics for this round of consultation. We believe that this is a big oversight on behalf of the government, and a missed opportunity to take strong affirmative action to address the ballooning housing crisis facing Queensland when much stronger reform is clearly needed to regulate Queensland's rental market and deliver stability, safety, amenity and affordability to Queensland renters. We support the call from Tenants Queensland and the Make Renting Fair Alliance to limit rent increases **to the rate of CPI once a year**, similar to the laws in the ACT, in order to level the playing field between renters and landlords, bring stability to the rental market, and keep more people in homes, in order to ultimately benefit the mental health and wellbeing of all individuals, families and communities renting in Queensland.

⁶ See for example [Queensland real estate body tells landlords how to skirt new no-grounds eviction laws | Housing | The Guardian](#)

⁷ Tenants Queensland. (2023). *Initial Response to the Queensland Government's Stage Two Rental Reform Consultation Paper (April 2021)*. [Initial Response to the Queensland Government's Stage Two Rental Reform Consultation Paper \(April 2023\) – Tenants Queensland \(tenantsqld.org.au\)](#)

⁸ See for example [Real estate agents are telling prospective renters they'll have a better chance if they offer more. Here's why that's legally murky - ABC News](#)

Comments on Priority Issues

QAMH welcomes the opportunity to comment on the Stage 2 Rental Law Reform priorities⁹, which - as outlined in the Options Paper - build on the changes implemented in the Stage One Rental Law Reforms, and include:

- **Installing modifications** – Make it easier for renters to install the safety, security and accessibility modifications they need;
- **Making minor personalisation changes** – Help parties negotiate about making minor personalisation changes to rental properties;
- **Balancing privacy and access** – Better balance renters’ rights to privacy with owners’ need for information to inform their investment decisions;
- **Improving the rental bond process** – Ensure rental bond settings provide appropriate security and parties are transparent and accountable for their bond claims;
- **Fairer fees and charges** – Ensure rent payment, utility and reletting fees and charges are fair and reasonable.

Our comments and recommendations regarding the Stage Two priority areas are provided below.

Installing Modifications

QAMH agree that safety, comfort and dignity start in our homes and that *all* renters – including people with disability and domestic and family violence survivors - should be able to make reasonable adjustments to improve the safety of their home.

Recommendations:

QAMH recommends that the government adopt Option 3 – Limit Discretion. We agree with the proposal to identify items which do not require lessor agreement prior to modification and, if the lessor disputes the issue falls into this category, require the lessor take a dispute through to the tenancy tribunal and provide evidence as to why the modification should not be undertaken. However we suggest the following modifications:

- Expand applicable groups for whom the limited discretion option applies for installing security measures such as safety cameras, security screens and deadlocks to include all renters. Currently, this option only specifies renters who have (or are) experiencing domestic and

⁹ Queensland. Department of Communities, Housing and Digital Economy. (2023). *Stage 2 Rental Law Reform Options Paper*. [stage-2-rental-law-reform-options-paper.pdf](https://www.qld.gov.au/communities/housing-and-digital-economy/rental-law-reform-options-paper)

family violence. However being able to feel safe in one's own home is a right for all renters, and is an issue which can have a significant impact on a person's mental health and wellbeing, as well as their safety at home.

- That the government adopt the modifications suggested by Tenants Queensland in their Stage Two Rental Law Reform Submission including:
 - Reducing the notice period for lessors to dispute the matter to seven days, and a further seven days to make a QCAT application. This matches the timeframe a tenant currently receives to apply to QCAT for their bond if conciliation with the Residential Tenancies Authority (RTA) fails during a bond dispute; and
 - That standard laws regarding installation of modifications apply – if a qualified tradesperson is required by law, then it should be required by owner-occupiers and renters. If not, it should not be required by renters.

Personalisation

QAMH welcomes the proposal to identify minor modifications which do not require prior agreement to undertake, to allow renters to personalise their homes. As Queenslanders increasingly rent for longer, it is important to recognise that a home is far more than a physical shelter, it is also responsible for a level of psychological wellbeing. Research shows that housing provides “ontological security”, or a sense of confidence, trust and reliability in the world as it appears to be¹⁰. Personalisation can assist to provide a sense of belonging and improve wellbeing outcomes, improving mental health, feelings of comfort and familiarity, and sense of safety against the outside world.

Recommendations:

QAMH recommends that the government adopt Option 3 – Limit Discretion. This option suggests amending the law to specify changes that renters can make that do not require the rental property owner's permission and in the case of a disagreement, requiring rental property owners to seek an order from a Tribunal to prevent the change being made. As for the home modification proposal above, QAMH suggest that the timeframe for disputes should be reduced to seven days for the lessor to inform the tenant, plus another seven days for the lessor to lodge the dispute with QCAT, in line with current timeframes for lodging a rental bond dispute.

Balancing Privacy and Access

¹⁰ Dupuis, A., & Thorns, D. (1998). Home, home ownership and the search for ontological security. Sociological Review cited in E. Robinson and R. Adams. (2008). Housing stress and the mental health and wellbeing of families, AFRC Briefing, No. 12 [Housing stress and the mental health and wellbeing of families \(aifs.gov.au\)](https://www.aifs.gov.au)

A safe and secure home base provides an important sense of security and stability against the outside world and has been found to contribute significantly to people's wellbeing.¹¹ QAMH agrees that renters have a right to enjoy their home in privacy and note that excessive inspections not only disrupt renters' lives, it may also negatively impact mental health by reducing feelings of security and stability, and increasing the perceived threat of eviction.

Recommendations:

QAMH recommends that the government adopt Option 3 – Limit Intrusion. In addition, we support the modifications suggested by Tenants Queensland in their submission including:

- Not introducing new entry grounds to allow inspections for 'mortgage valuation, pest inspection or pre-settlement inspection' due to the fact that there are already separate rights of entry which apply to the sale of a property;
- Requiring rental property owners and managers to ensure any photographs containing images of the renter's personal possessions or standard of living are securely stored and accessed *only* for the purposes of tenancy management by the owner or their agent unless the renter agrees otherwise. Use of photographs that identify the renter's belongings or standard of living should never be used for advertising without the property owner or manager seeking written permission from the renter. This applies to all renters, including those living in or escaping domestic and family violence situations;
- Limiting entries to show the premises to prospective purchasers or tenants to two entries in the first week, and no more than one per fortnight after that unless otherwise agreed with the tenant.

Improving Rental Bond Process

Having a fair and easy process for renters to access their rental bond at the end of a tenancy is important for tenants to be able to apply for new rental accommodation and reduce financial distress, which is identified as a leading cause of mental distress. QAMH agrees with moves to clarify that renters who use a commercial provider of funds to support bond payments are the recipients of the bond return and not the commercial product. We also strongly support requirements for lessors or agents to provide evidence of claims against a bond.

¹¹ E. Robinson and R. Adams. (2008). Housing stress and the mental health and wellbeing of families, AFRC Briefing, No. 12 [Housing stress and the mental health and wellbeing of families \(aifs.gov.au\)](https://aifs.gov.au)

Recommendations:

QAMH supports Option 3 - Require bond claims and renter's liability to be proven. In addition, we urge the government to recognise that rental bond money belongs to the tenant, not the property owner, and believe that the reforms should be strengthened to protect the rights of renters by:

- Requiring property owners to lodge a QCAT claim against bond, rather than bond contributors;
- Instituting an automatic bond return process that assumes that the bond will be returned to the renter unless an evidenced claim comes forward from the other party.

Fairer Fees and Charges

QAMH agrees that – in a time of high housing costs and housing unaffordability - the costs to end a fixed term lease early can be a significant barrier for people who are renting to relocate to more suitable housing. We believe that rental laws should be amended to ensure that fees and charges are fair and transparent and to avoid “locking renters in” to financial hardship, for example in situations where renters are breaking their lease because the rental property is no longer affordable, in order to avoid increasing social determinants for mental distress.

Recommendations:

QAMH supports Option 3 – Limit fees and charges, including by amending Queensland's rental laws to:

- require a fee-free rent payment method be provided to renters;
- only require renting households to pay excessive consumption charges above reasonable consumption for comparable household; and
- limit break lease fees and service costs that can be charged.

In addition, QAMH strongly advises that the government consider enacting strong rental laws that **limit the amount that property owners can increase the rent each year to the rate of CPI** in order to tackle the critical and urgent housing affordability crisis that is currently putting the mental health and wellbeing of Queenslanders at risk.

General Comments

In addition to the priority areas that have been identified for consultation, QAMH recommends that the Queensland Government improve access to secure and affordable housing in Queensland by investigating and implementing tenancy sustainment strategies alongside strong tenancy law reform.

This was a key recommendation outlined in the Mental Health Select Committee’s final report¹² into Opportunities to Improve the Mental Health Outcomes for Queensland. Tenancy sustainment strategies promote the long-term stability and well-being of tenants in rental housing and can include programs and services that focus on preventing homelessness, ensuring housing affordability, and supporting tenants in maintaining successful tenancies. Wrap around supports and case management services in particular are important for people who are experiencing mental illness and/or distress and who may be unable to advocate or navigate the system on their own effectively, and are therefore at higher risk of housing instability. Case management services provide a holistic approach to support tenants in maintaining their tenancies. Case managers work closely with tenants, providing individualised support, assessing needs, coordinating services, and connecting tenants to relevant resources such as employment, healthcare, or mental health services. They are a vital part of the housing ecosystem.

Overall, QAMH believes that the changes proposed in the Stage Two Rental Law Reform don’t go far enough to protect the rights of people who are renting, address the current housing affordability crisis or mitigate the social determinants of mental illness. As a result, we will continue to see poor mental health outcomes for many Queenslanders. We urge the government to consider enacting strong rental law reform and tenancy sustainment strategies that invest in the mental health and wellbeing of our communities, for the benefit of all Queenslanders.

¹² Queensland. Mental Health Select Committee. (2022). *Inquiry into the Opportunities to Improve Mental Health Outcomes for Queenslanders, Report No. 1, 57th Parliament*. [Report No. 1, 57th Parliament - Inquiry into the opportunities to improve mental health outcomes for Queenslanders](#)