



Queensland

Residential Tenancies and Rooming Accommodation Amendment Bill 2014



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2014

A Bill

for

An Act to amend the *Residential Tenancies and Rooming Accommodation Act 2008* for particular purposes

[s 1]

The Parliament of Queensland enacts—	1		
Clause 1	Short title	2	
	This Act may be cited as the <i>Residential Tenancies and Rooming Accommodation Amendment Act 2014</i> .	3 4	
Clause 2	Commencement	5	
	This Act commences on a day to be fixed by proclamation.	6	
Clause 3	Act amended	7	
	This Act amends the <i>Residential Tenancies and Rooming Accommodation Act 2008</i> .	8 9	
Clause 4	Insertion of new ch 1, pt 3, div 4	10	
	Chapter 1, part 3—	11	
	<i>insert—</i>	12	
	Division 4	Prescribed minimum housing standards	13 14
	17A Prescribed minimum housing standards	15	
	(1) A <i>prescribed minimum housing standard</i> means a standard prescribed by a regulation.	16 17	
	(2) A regulation may prescribe minimum housing standards for residential premises or rental premises in relation to matters including, for example, the following—	18 19 20 21	
	(a) sanitation, drainage, cleanliness and repair of premises;	22 23	
	(b) ventilation and insulation;	24	
	(c) protection from damp and its effects;	25	

	(d) construction, condition, structures, safety and situation of premises;	1 2
	(e) the dimensions, cubical extent and height of rooms in the premises;	3 4
	(f) privacy and security;	5
	(g) provision of water supply, storage and sanitary facilities;	6 7
	(h) laundry and cooking facilities;	8
	(i) lighting;	9
	(j) freedom from vermin infestation;	10
	(k) energy efficiency.	11
	(3) If a regulation made under this section makes provision in relation to a matter and provision is also made in relation to that matter by, or under, any other Act or regulation, the regulation made under this section—	12 13 14 15 16
	(a) if not inconsistent with that other Act or regulation, must be observed in addition to that other Act or regulation; and	17 18 19
	(b) if inconsistent with that other Act or regulation, is, to the extent of the inconsistency, of no force or effect and that other Act or regulation prevails.	20 21 22 23
Clause 5	Amendment of s 67 (Information statement)	24
	Section 67(2)—	25
	<i>insert—</i>	26
	(d) the prescribed minimum housing standards and associated rights and responsibilities.	27 28
Clause 6	Insertion of new ch 3, pt 2A	29
	Chapter 3—	30

[s 6]

insert—

**Part 2A Minimum housing
standards—residential
premises**

191A Operation of pt 2A

This part operates in addition to, and does not limit, the obligations of a lessor under section 185.

191B Premises to comply with prescribed minimum housing standards

- (1) A lessor must ensure that, before residential premises are let under a residential tenancy agreement, the premises comply with the prescribed minimum housing standards.
- (2) A tenant may give a written notice to a lessor stating that the residential premises do not comply with a prescribed minimum housing standard.

191C Authority may investigate without application

- (1) The authority may, without application by a tenant, investigate whether a lessor has failed to ensure that residential premises comply with a prescribed minimum housing standard.
- (2) If the authority is satisfied that the residential premises do not comply with the standard, the authority must—
 - (a) give a written report of the investigation to the tenant and lessor; and
 - (b) inform the tenant that the tenant may make an application to the tribunal under section 191E.

-
- 191D Application to authority to investigate whether premises meet standards** 1
2
- (1) A tenant may apply in writing to the authority to 3
investigate whether the lessor has failed to ensure 4
that the residential premises comply with a 5
prescribed minimum housing standard if— 6
- (a) the tenant has given the lessor a written 7
notice under section 191B(2); and 8
- (b) the lessor has failed to ensure that the 9
residential premises comply with the 10
relevant prescribed minimum housing 11
standard within 28 days after being given 12
the notice. 13
- (2) On an application under subsection (1), the 14
authority— 15
- (a) must investigate; and 16
- (b) may negotiate arrangements for ensuring 17
that the residential premises comply with 18
the prescribed minimum housing standard, 19
if the authority is satisfied that the premises 20
do not comply with the standard; and 21
- (c) must give a written report to the tenant 22
within 28 days. 23
- 191E Application to tribunal in relation to minimum housing standards** 24
25
- (1) Subsection (2) applies if a tenant— 26
- (a) receives a report of the authority under 27
section 191C or 191D; and 28
- (b) considers that the lessor has not made 29
satisfactory arrangements for complying 30
with the standard. 31
- (2) Within 60 days after receiving the report, the 32
tenant may apply to the tribunal for an order 33
requiring the lessor to ensure that the residential 34
-

[s 6]

premises comply with a specific prescribed minimum housing standard.	1 2
(3) Subsection (4) applies if a tenant—	3
(a) has made an application under section 191D(1); and	4 5
(b) has not received a report of the authority under section 191D within 90 days after making the application.	6 7 8
(4) The tenant may, without the report of the authority, apply to the tribunal for an order requiring the lessor to ensure that the residential premises comply with a specified prescribed minimum housing standard.	9 10 11 12 13
191F Orders of tribunal relating to application	14
(1) On an application under section 191E, the tribunal may make an order requiring the lessor to ensure that the residential premises comply with a specified prescribed minimum housing standard.	15 16 17 18 19
(2) An order under subsection (1) must specify the prescribed minimum housing standard and the time within which it must be complied with.	20 21 22
(3) A lessor to whom an order under subsection (1) applies must comply with the order. Maximum penalty—20 penalty units.	23 24 25
191G If the tenant has not entered into occupation	26
(1) This section applies if—	27
(a) the tenant has not entered into occupation of the residential premises; and	28 29
(b) the premises do not comply with a prescribed minimum housing standard; and	30 31

-
- (c) a tenant has given the lessor a notice under section 191B(2) or the authority has given the lessor a report under section 191C. 1
2
3
- (2) If this section applies, a tenant is not required— 4
- (a) to enter into occupation of the residential premises; and 5
6
- (b) to pay rent for the premises despite the residential tenancy agreement in respect of the period beginning on the agreed day on which the tenant would otherwise have entered into occupation of the premises and ending on the day on which the tenant actually enters into occupation. 7
8
9
10
11
12
13
- 191H If the tenant has entered into occupation before lessor is given notice or report** 14
15
- (1) A tenant may apply to the tribunal for an order authorising the tenant to pay the rent under the residential tenancy agreement into the special rent account if the tenant has entered into occupation of the residential premises and— 16
17
18
19
20
- (a) the tenant has given a notice to the lessor under section 191B(2); or 21
22
- (b) the authority has given a report to the lessor under section 191C. 23
24
- (2) The tribunal may make an order authorising the tenant to pay the rent into the special rent account if it is satisfied that— 25
26
27
- (a) the tenant gave the lessor a notice under section 191B(2) or the authority gave a report to the lessor under section 191C; and 28
29
30
- (b) the lessor has not ensured that the residential premises comply with the prescribed minimum housing standards within 28 days after being given the notice or the report. 31
32
33
34
-

[s 7]

- (3) Subsection (4) applies if the tribunal— 1
 - (a) makes an order under subsection (2); and 2
 - (b) is satisfied that the lessor has ensured, or is 3
ensuring, that the residential premises 4
comply with the relevant prescribed 5
minimum housing standard. 6
- (4) The tribunal may order that the whole of the rent, 7
or such part of the rent as the tribunal may 8
determine, be paid to the lessor. 9

191I Special residential tenancy rent account 10

- (1) The authority must keep a special residential 11
tenancy rent account. 12
- (2) The account is in addition to other accounts the 13
authority is required or permitted to keep under 14
this or another Act. 15
- (3) The authority may pay only an amount payable 16
under section 191H from the special residential 17
tenancy rent account. 18

Clause 7 Insertion of new ch 4, pt 1A 19

Chapter 4— 20

insert— 21

**Part 1A Minimum housing 22
standards—rental 23
premises 24**

256A Operation of pt 1A 25

This part operates in addition to, and does not 26
limit, the obligations of a provider under section 27
247. 28

256B Rental premises to comply with prescribed minimum housing standards	1 2
(1) A provider must ensure that, before rental premises are provided under a rooming accommodation agreement, the premises comply with the prescribed minimum housing standards.	3 4 5 6
(2) A resident may give a written notice to a provider stating that the rental premises do not comply with a prescribed minimum housing standard.	7 8 9
256C Authority may investigate without application	10
(1) The authority may, without application by a resident, investigate whether a provider has failed to ensure that rental premises comply with a prescribed minimum housing standard.	11 12 13 14
(2) If the authority is satisfied that the rental premises do not comply with the standard, the authority must—	15 16 17
(a) give a written report of the investigation to the resident and provider; and	18 19
(b) inform the resident that the resident may make an application to the tribunal under section 256E.	20 21 22
256D Application to authority to investigate whether premises meet standards	23 24
(1) A resident may apply in writing to the authority to investigate whether the provider has failed to ensure that the rental premises comply with a prescribed minimum housing standard if—	25 26 27 28
(a) the resident has given the provider a written notice under section 256B(2); and	29 30
(b) the provider has failed to ensure that the rental premises comply with the relevant	31 32

[s 7]

- prescribed minimum housing standard 1
within 28 days after being given the notice. 2
- (2) On an application under subsection (1), the 3
authority— 4
- (a) must investigate; and 5
- (b) may negotiate arrangements for ensuring 6
that the rental premises comply with the 7
prescribed minimum housing standard, if 8
the authority is satisfied that the premises do 9
not comply with the standard; and 10
- (c) must give a written report to the resident 11
within 28 days. 12

**256E Application to tribunal in relation to minimum 13
housing standards 14**

- (1) Subsection (2) applies if a resident— 15
- (a) receives a report of the authority under 16
section 256C or 256D; and 17
- (b) considers that the provider has not made 18
satisfactory arrangements for complying 19
with the standard. 20
- (2) Within 60 days after receiving the report, the 21
resident may apply to the tribunal for an order 22
requiring the provider to ensure that the rental 23
premises comply with a specific prescribed 24
minimum housing standard. 25
- (3) Subsection (4) applies if a resident— 26
- (a) has made an application under section 27
256D(1); and 28
- (b) has not received a report of the authority 29
under section 256D within 90 days after 30
making the application. 31
- (4) The resident may, without the report of the 32
authority, apply to the tribunal for an order 33

requiring the provider to ensure that the rental premises comply with a specified prescribed minimum housing standard. 1
2
3

256F Orders of tribunal relating to application 4

- (1) On an application under section 256E, the tribunal may make an order requiring the provider to ensure that the rental premises comply with a specified prescribed minimum housing standard. 5
6
7
8
9
- (2) An order under subsection (1) must specify the prescribed minimum housing standard and the time within which it must be complied with. 10
11
12
- (3) A provider to whom an order under subsection (1) applies must comply with the order. 13
14
- Maximum penalty—20 penalty units. 15

256G If the resident has not entered into occupation 16
17

- (1) This section applies if— 18
- (a) the resident has not entered into occupation of the residential premises; and 19
20
- (b) the premises do not comply with a prescribed minimum housing standard; and 21
22
- (c) a resident has given the provider a notice under section 256B(2) or the authority has given the provider a report under section 256C. 23
24
25
26
- (2) If this section applies, a resident is not required— 27
- (a) to enter into occupation of the residential premises; and 28
29
- (b) to pay rent for the premises despite the rooming accommodation agreement in respect of the period beginning on the 30
31
32

[s 7]

agreed day on which the resident would 1
otherwise have entered into occupation of 2
the premises and ending on the day on 3
which the resident actually enters into 4
occupation. 5

**256H If the resident has entered into occupation 6
before provider is given notice or report 7**

- (1) A resident may apply to the tribunal for an order 8
authorising the resident to pay the rent under the 9
rooming accommodation agreement into the 10
special rent account if the resident has entered 11
into occupation of the residential premises and— 12
- (a) the resident has given a notice to the 13
provider under section 256B(2); or 14
- (b) the authority has given a report to the 15
provider under section 256C. 16
- (2) The tribunal may make an order authorising the 17
resident to pay the rent into the special rent 18
account if it is satisfied that— 19
- (a) the resident gave the provider a notice under 20
section 256B(2) or the authority gave a 21
report to the provider under section 256C; 22
and 23
- (b) the provider has not ensured that the 24
residential premises comply with the 25
prescribed minimum housing standards 26
within 28 days after being given the notice 27
or the report. 28
- (3) Subsection (4) applies if the tribunal— 29
- (a) makes an order under subsection (2); and 30
- (b) is satisfied that the provider has ensured, or 31
is ensuring, that the rental premises comply 32
with the relevant prescribed minimum 33
housing standard. 34

	(4) The tribunal may order that the whole of the rent, or such part of the rent as the tribunal may determine, be paid to the provider.	1 2 3
	256I Special rooming accommodation rent account	4
	(1) The authority must keep a special rooming accommodation rent account.	5 6
	(2) The account is in addition to other accounts the authority is required or permitted to keep under this or another Act.	7 8 9
	(3) The authority may pay only an amount payable under section 256H from the special rooming accommodation rent account.	10 11 12
Clause 8	Amendment of s 415 (Meaning of urgent application)	13
	(1) Section 415(5)—	14
	<i>insert—</i>	15
	(ba) section 191E (Application to tribunal in relation to minimum housing standards);	16 17
	(2) Section 415(5)—	18
	<i>insert—</i>	19
	(ha) section 256E (Application to tribunal in relation to minimum housing standards);	20 21
Clause 9	Amendment of s 468 (Authority's functions)	22
	Section 468—	23
	<i>insert—</i>	24
	(ba) to receive, hold and pay monies from the special rent account; and	25 26
Clause 10	Insertion of new ch 14, pt 4	27
	After section 556—	28

[s 11]

insert—

**Part 4 Transitional provision
for Residential
Tenancies and
Rooming
Accommodation
Amendment Act 2014**

557 Transitional regulation-making power

- (1) A regulation (a *transitional regulation*) may make provision of a saving or transitional nature for which it is necessary to make provision to allow or facilitate the change from the operation of the Act as in force immediately before the commencement of this section to the operation of this Act on or after the commencement.
- (2) A transitional regulation may have retrospective operation to a day not earlier than the day of the commencement.
- (3) A transitional regulation must declare it is a transitional regulation.
- (4) This section and any transitional regulation expire 1 year after the day of the commencement.
- (5) In this section—
commencement means the commencement of this part.

Clause 11 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

prescribed minimum housing standard see section 17A.

<i>special residential tenancy rent account</i> , for a residential tenancy, means the account kept under section 191I.	1 2 3
<i>special rooming accommodation rent account</i> , for rooming accommodation, means the account kept under section 256I.	4 5 6

Authorised by the Parliamentary Counsel