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Reference: FCR TF18/741 - D18/24565

Queensland
Family & Child
Commission

Renting in Queensland Survey Response
Department of Housing and Public Works
GPO Box 690
BRISBANE QLD 4001

Dear Sir or Madam

The Queensland Family and Child Commission (QFCC) welcomes the opportunity to make a submission to the Queensland Government's consultation *Open Doors to Renting Reform*.

One of the functions of the QFCC is to promote and advocate the safety and wellbeing of children and young people, particularly vulnerable young children. As part of its child death functions, the QFCC is responsible for maintaining the Queensland Child Death Register, which contains information relating to the deaths of all children and young people in Queensland since 1 January 2004. Further, the QFCC is able to make recommendations, arising from keeping the register and conducting research under this section, about laws, policies, practices and services.

The QFCC supports a review of the *Residential Tenancies and Rooming Accommodation Act 2008* (the Act). In particular, the QFCC would like to provide advice on the topics of 'Property Condition – repairs and maintenance' and 'A house and a home – making changes to the property' with evidence to support changes that would allow tenants to fix furniture and televisions to the walls or make other changes for safety reasons.

The Child Death Register contains information relating to the deaths of five children in Queensland from falling furniture and televisions since 1 January 2004. Each of the children was under 5 years of age.

Kidsafe Queensland has published a 'Home Safety Checklist' with specific reference to whether large items of furniture, such as televisions, bookcases and entertainment units, are secured to prevent them falling on children.¹ The QFCC notes that under Division 1 (Fixtures and structural changes) of the Act, a tenant may only attach a fixture to the premises if the lessor agrees in writing to the fixture's attachment.

The QFCC supports tenants having the opportunity to afford their children the same level of protection from accidental death as that provided by homeowners. Census data from 2016 indicates that 34% of Queensland households live in rental properties. The QFCC therefore supports changes to legislation, similar to those recently introduced in Western Australia and Victoria, that would allow tenants to fix furniture or televisions to the walls for safety reasons, unless there are reasonable grounds to refuse (such as the presence of asbestos at the property or heritage-listing status).

¹ Kidsafe (2016). Home Safety Checklist, see <https://www.kidsafegld.com.au/home-safety-how-can-we-help/>

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Further, tenants should be advised of asbestos or heritage listing for a property, either within the rental advertisement or before signing the lease, so they are able to take this information into consideration before renting the property.

The QFCC also advocates for the changes tenants are able to make be extended to include installation of other safety features to prevent child deaths or serious injury, including:

- safety gates fixed to doors and walls to restrict access to known risks (such as stairs, fireplaces, garages and nearby water hazards), and
- blind anchors to keep cords out of reach of young children where anchors have not already been installed.

Furthermore, in reference to 'Property Condition – repairs and maintenance', the QFCC suggests that the Queensland Government's review is an opportunity to consider the recommendations made by Coroner Annette Hennessy during the inquest into the death of Isabella Diefenbach in 2012 and the effectiveness of subsequent changes that were made to the Act. The Coroner made thirteen recommendations, particularly around the need for regular and proper maintenance of residential rental properties.² The review of the Act also offers the opportunity for what is considered to be a reasonable amount of time for repairs to be conducted, specifically where a hazard (where not considered to be urgent repairs) may pose a risk to the safety of children.

Whilst not within the scope of this review, the QFCC also acknowledges the drowning risk posed to young children by residential swimming pools and notes the provisions about compliant pool fencing in relation to residential swimming pools is mandated under the *Building Act 1975 (Qld)*.

If you or your officers have any queries in relation to this submission, they may contact Ms Fiona Boorman, Manager Child Death Prevention, on 07 3900 6030 or Fiona.Boorman@qfcc.qld.gov.au.

Yours sincerely



Cheryl Vardon
Principal Commissioner
Queensland Family and Child Commission

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² See *Queensland Government's response to coronial recommendations 2012* (pp37-50), at <https://cabinet.qld.gov.au/documents/2013/Oct/Resp%20CoronRecs2012/Attachments/Response2012.pdf>