

Regulator model practices and supporting principles	<p>Outline evidence and relevant information to demonstrate the extent to which your regulatory practices align with the regulator model practices throughout 2019–20.</p> <p>Outline any actions taken in 2019–20, or currently being taken by your agency, to improve regulatory activities and business practices to reflect the regulator model practices.</p>
<p>1. Ensure regulatory activity is proportionate to risk and minimises unnecessary burden</p> <ul style="list-style-type: none"> • A proportionate approach is applied to compliance activities, engagement and regulatory enforcement actions • Regulations do not unnecessarily impose on regulated entities • Regulatory approaches are updated and informed by intelligence gathering so that effort is focussed towards risk. 	<p>The purpose of the Residential Tenancies Authority’s (RTA) compliance and enforcement function is to monitor, encourage and enforce compliance with the <i>Residential Tenancies and Rooming Accommodation Act 2008</i> (RTRA Act). The RTA ensures compliance and enforcement measures are proportionate to the seriousness of the offence.</p> <p>The RTA does not focus on enforcement alone but rather on using a full range of activities and powers to encourage and enforce compliance with the RTRA Act. The RTA will assess, investigate and enforce matters fairly based on the sufficiency of evidence, any public interest consideration, combined with an objective and transparent system of checks and balances when making a decision. In most cases, engaging with an offender and providing education of their obligations is enough to prevent further offending.</p> <p>During the reporting year, the RTA facilitated its function by communicating openly with parties to investigations to ensure alleged unlawful conduct resulted in an investigation, if and when there was sufficient evidence to substantiate an allegation.</p> <p>To support the Queensland Government’s public health emergency directions in response to the COVID-19 pandemic, the RTA remained conscious of not placing further economic strain on the community. As a result, the issuing of Penalty Infringement Notices (PINs) and prosecution as an enforcement action was considered on a case-by-case basis only. Instead, the majority of investigations resulted in education to parties to increase the rate of voluntary compliance. This approach strengthens knowledge of the RTRA Act within the community and encourages compliance.</p> <p>Criminal proceedings or the issuing of PINs will generally be utilised for cases when:</p> <ul style="list-style-type: none"> • the respondent has a history of non-compliance and has previously been educated and issued with a caution notice • there are offences involving multiple complainants and over an extended period of time • it is in the public interest

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	<ul style="list-style-type: none"> • the conduct involves deceit, dishonesty or is unconscionable • the case has a significant impact upon the complainant <p>During 2019–20, where criminal proceedings commenced in the Magistrates Court to initiate a prosecution, the RTA considered the burden of its decision-making based on:</p> <ul style="list-style-type: none"> • sufficiency of evidence • each offence must be proven beyond reasonable doubt • public interest
<p>2. Consult and engage meaningfully with stakeholders</p> <ul style="list-style-type: none"> • Formal and informal consultation mechanisms are in place to allow for the full range of stakeholder input and Government decision-making circumstances • Engagement is undertaken in ways that help regulators develop a genuine understanding of the operating environment of regulated entities • Cooperative and collaborative relationships are established with stakeholders, including 	<p>During 2019–2020, the RTA undertook the following activities to provide education, information and support to raise awareness of the rights and responsibilities of tenants and managing parties under the RTRA Act:</p> <ul style="list-style-type: none"> • Participated in 21 face-to-face presentations, interactive workshops and information stalls hosted by stakeholders. • Engagement activities targeted different stakeholder groups within the residential sector and delivered direct tenancy education to approximately 1,385 people. • More than 2,200 people attended RTA live webinars. • Webinar recordings received over 6,800 views from the RTA website and the RTA Queensland YouTube channel. • In response to COVID-19 impacting on how face-to-face education was delivered across education providers, the RTA developed a video titled “Renting in Queensland – A guide for students” as an online resource. • The Regional Roadshow launched in February 2020 and provided in-person support and information on RTA services and tenancy matters, with a total of 620 property managers and property owners attending 12 sessions.

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<p>other regulators, to promote trust and improve the efficiency and effectiveness of the regulatory framework.</p>	<ul style="list-style-type: none"> • The RTA facilitated three meetings of its Stakeholders Forum. • The RTA gathered insights to further understand the issues and trends affecting the residential rental sector while continuing to educate and inform the sector through publishing its own digital newsletter and contributing to newsletters for industry bodies including the Real Estate Institute of Queensland, Australian Resident Accommodation Managers Association and Caravan Parks Association of Queensland.
<p>3. Provide appropriate information and support to assist compliance</p> <ul style="list-style-type: none"> • Clear and timely guidance and support is accessible to stakeholders and is tailored to meet the needs of the target audience • Advice is consistent and, where appropriate, decisions are communicated in a manner that clearly articulates what is required to achieve compliance • Where appropriate, regulatory approaches are tailored to ensure compliance activities do not disproportionately burden particular stakeholders (e.g. small business) or require specialist advice. 	<p>During the reporting period, the RTA focussed on increasing voluntary compliance with an emphasis on effecting a long-term change within the sector, while providing accessible compliance and enforcement information to all stakeholders. To facilitate voluntary compliance and promote community confidence in the residential rental sector, the RTA sought to maintain and encourage compliance with the RTRA Act by:</p> <ul style="list-style-type: none"> • Communicating, engaging and supporting stakeholders to understand their rights and responsibilities under the RTRA Act. • Providing practical and constructive information and education about what can be investigated and how an investigation is conducted. • Promoting a positive customer experience through value added interactions throughout the investigation process in line with RTA’s Strategic Plan objective – Customer focussed workforce. • Undertaking timely and effective compliance monitoring initiatives including analysis of data, statistics and trends. • Gathering intelligence to improve knowledge of renting practices to assist parties to understand their rights and obligations. • Providing clear guidelines to parties to investigations on a review process if the relevant policy and procedure was not followed by an investigator.

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<p>4. Commit to continuous improvement</p> <ul style="list-style-type: none"> Regular review of the approach to regulatory activities, collaboration with stakeholders and other regulators, to ensure it is appropriately risk based, leverages technological innovation and remains the best approach to achieving outcomes To the extent possible, reform of regulatory activities is prioritised on the basis of impact on stakeholders and the community Staff have the necessary training and support to effectively, efficiently and consistently perform their duties. 	<p>In March 2020, the RTA commenced a holistic review of its Investigations function, attempting to resolve barriers to achieving efficiencies and improvements with solutions that would be effective in real-world conditions. During the review, the RTA consulted other regulators about how they had refined an approach to meet continuous challenges and to improve customer experience.</p> <p>To continue to deliver its vision, ‘<i>Renting that works for everyone</i>’ and to increase voluntary compliance, the RTA carries out compliance and enforcement functions based on the following principles:</p> <p>Transparency: The RTA demonstrates impartiality, balance and integrity in every compliance or enforcement matter, which is conducted in an open and transparent manner. This is also consistent with procedural fairness and the model litigant principles.</p> <p>Consistency: The RTA does not make ad hoc decisions and will assess, investigate and enforce matters fairly based on the sufficiency of evidence and any public interest considerations. An objective and transparent system of checks and balances is used by the RTA when making decisions.</p> <p>Proportionality: Compliance and enforcement measures are proportionate to the seriousness of the conduct and any applicable policy considerations.</p> <p>Timeliness: The RTA handles the investigation process, resolution of matters and any complaints in a timely, appropriate, and cost-effective manner.</p>
<p>5. Be transparent and accountable in actions</p> <ul style="list-style-type: none"> Where appropriate, regulatory frameworks and timeframes for making regulatory decisions 	<p>In 2019–20, the RTA Investigations Unit:</p> <ul style="list-style-type: none"> finalised 1,050 investigations into non-compliance with the RTRA Act issued 10 PINs

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<p>are published to provide certainty to stakeholders</p> <ul style="list-style-type: none">• Decisions are provided in a timely manner, clearly articulating expectations and the underlying reasons for decisions• Indicators of regulator performance are publicly available	<ul style="list-style-type: none">• finalised 6 prosecutions with five of those resulting in a guilty plea• educated 342 individual respondents regarding their rights and obligations under the RTRA Act