

Regulator model practices and supporting principles

Outline evidence and relevant information to demonstrate the extent to which your regulatory practices align with the regulator model practices throughout 2020–21.

Outline any actions taken in 2020–21, or currently being taken by your agency, to improve regulatory activities and business practices to reflect the regulator model practices.

1. **Ensure regulatory activity is proportionate to risk and minimises unnecessary burden**

- 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.

Overview:

In March 2020, the RTA commenced a Regulatory Performance Review. With Queensland Rental Reforms in progress, it was considered timely to conduct a holistic review of the RTA’s investigation’s function. The review developed two separate work packages:

Operational: to resolve barriers to achieving efficiencies and improvements within the day-to-day operations of the Investigations unit. This included examination of key processes, business rules, use of the case reporting system, customer feedback, gaps in education and information and consultation with team members about delivering the regulatory service.

Strategic: to give direction to the investigations function in achieving the organisation’s vision and objectives contained in the *Strategic Plan 2019–2023*. To ensure that solutions would be effective in real-world conditions, we consulted with other regulators about how they had refined an approach to meet continuing challenges, for example, an increasing number of investigation requests.

At the conclusion of the Regulatory Performance Review, the RTA Compliance and Enforcement Strategy 2021–23 was published which outlines its four strategic goals as:

- Improve rate of compliance
- Action emerging issues in the sector
- Provide accessible compliance and enforcement information
- Deliver ‘best fit’ service to customers

The RTA ensures regulatory activity is proportionate to risk and minimises unnecessary burden by adhering to the following guiding principles as outlined in the RTA Compliance and Enforcement Strategy 2021–23:

	<i>Guiding principle</i>	<i>How is it applied?</i>	<i>What is the focus?</i>
	Proportionality	Investigative skills and resources are directed according to the needs of the investigation case. Decisions about actions and compliance and enforcement outcomes are in proportion to the seriousness of the matter, the level of harm to the complainant and the extent of the conduct within the sector.	Apply resources to deliver the greatest benefit to the sector. Target conduct that is a continuing or emerging trend in the sector to reduce levels of non-compliance.
	Targeted	Investigations make effective use of finite resources, use data driven intelligence to target ongoing and new trends, develop proactive activities aimed at curbing repeat offences, and partner with other regulators to target uncooperative repeat offenders.	Achieve a reduction in common offences and high-harm offences, particularly to vulnerable groups and deter repeat acts of non-compliance.
	Effectiveness	The most appropriate approach is selected to achieve voluntary compliance in the sector, which includes collecting intelligence to guide efforts and using other tools such as targeted educational activities and working co-operatively with other regulators.	Improve voluntary compliance throughout the sector. In addition, the RTA seeks to empower customers to contribute to a culture where offences are less likely to occur.
<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 	<p>The RTA consulted with key stakeholders and other industry bodies throughout the Regulatory Performance Review to drive the development of the RTA Compliance and Enforcement Strategy 2021–23, to understand and align with community expectations and emerging issues within the rental sector. The RTA maintains contact with these stakeholders through various ongoing forums and groups to capture feedback on its regulatory function at both an operational and strategic level and to continue to deliver a meaningful service that is relevant to its customers.</p> <p>During 2020–2021, 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"> Undertook 38 stakeholder engagement activities to provide education and information on tenancy rights and responsibilities under the RTRA Act. Participated in 13 online and face-to-face presentations, interactive workshops and information stalls hosted by stakeholders. 		

<ul style="list-style-type: none"> • Cooperative and collaborative relationships are established with stakeholders, including other regulators, to promote trust and improve the efficiency and effectiveness of the regulatory framework. 	<ul style="list-style-type: none"> • Engagement activities targeted different stakeholder groups within the residential sector and delivered direct tenancy education to approximately 287 people. • Recommenced the Talking Tenancies podcast in January 2021 to release episodes fortnightly, attracting 2,402 listens across 19 episodes. • Webinar recordings received over 4,400 views from the RTA website and the RTA Queensland YouTube channel. • Delivered tailored introductory and advanced training for staff from community housing providers and specialist homelessness services in conjunction with Q Shelter. • Presented on the rights, roles and responsibilities of tenants and property owners in a Queensland Council of Social Services’ webinar series on water charges. • Recorded a joint video with Queensland Shelter on the COVID-19 Regulations relating to tenancies impacted by domestic and family violence. • The RTA facilitated two meetings of its Stakeholders Forum to allow the RTA to gain insights and further understand the interests and concerns of stakeholders, and advance stakeholders’ understanding of the RTA’s role and its strategic direction.
<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>Key Performance Indicators were included for staff targeting timely responses to customers throughout the investigation. An emphasis was placed on delivering education or caution outcomes in an articulate and in-depth manner that would ensure understanding and future compliance of legislative obligations from our customers. The tailoring of each education or caution letter to all parties in an investigation drives confidence that voluntary compliance through empowering the customer with a greater understanding of their legislative obligations can be met. Providing tailored outcomes in this manner gives a proportionate outcome across the rental sector, including small businesses.</p> <p>The RTA reviewed and updated its Investigations webpages after internal and external feedback, including key stakeholders to provide clear and concise information to our customers. The Investigation Request Kit was added to the website, allowing customers 24-hour access when needed. This was complimented with the introduction of an online questionnaire to ensure that an investigation was the most appropriate service the RTA could offer the customer and provide additional resources including self-resolution advice and dispute resolution assistance where practicable.</p>

4. Commit to continuous improvement

- 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.

The RTA has conducted a full review of regulatory activities and published the RTA Compliance and Enforcement Strategy 2021–23. Ongoing staff training and development was implemented to ensure that staff have the necessary training and support to effectively, efficiently and consistently perform their duties. All supporting documentation utilised by staff when conducting compliance activity underwent a comprehensive internal and independent external reviewed and was updated to meet the strategic goals and principles of the Compliance and Enforcement Strategy 2021–23. The following guideline specifically addresses efficiency:

Guiding principle	How is it applied?	What is the focus?
Efficiency	<p>RTA staff are trained to make an accurate assessment of whether a customer should receive an investigation request or seek an alternative resolution.</p> <p>Act to close investigation requests and inform customers as early as possible if a matter is not suitable for investigation.</p> <p>Apply simplified processes to minor offences and low complexity investigation cases.</p> <p>Provide tools and educate complainants in order to collect sufficient evidence to avoid delays in investigation.</p> <p>Use communication modes that are appropriate to the situation and customer needs (e.g. make a phone call to give a brief update).</p>	<p>Investigation requests that can't be actioned are reduced to maximise the RTA's resources.</p> <p>Investigations proceed in a timely way.</p> <p>Customer complaints and requests for case review due to misinformation and time delays are minimised.</p>

5. Be transparent and accountable in actions

- Where appropriate, regulatory frameworks and timeframes for making regulatory decisions are published to provide certainty to stakeholders
- Decisions are provided in a timely manner, clearly articulating expectations and

As part of the Regulatory Performance Review, the RTA developed and implemented a Risk Rating Matrix as part of the investigation process. The Risk Rating Matrix is a tool used by the Investigator to assess and assign a Risk Rating to a case which assists the decision making process when finalising an investigation case. There are multiple factors that are each individually assessed when calculating the level of risk. These factors include the circumstances of the case, the background of the Complainant, the background of the Respondent and any mitigating circumstances. The Risk Rating Matrix provides transparency and consistency in the approach, investigation and outcome of each case.

The Compliance and Enforcement Procedure was updated to provide a 30 day review outcome (from receipt of the initial request) regarding case reviews.

the underlying reasons for decisions

- Indicators of regulator performance are publicly available

The following guideline in the RTA Compliance and Enforcement Strategy 2021–23 specifically addresses transparency and accountability:

Guiding principle	How is it applied?	What is the focus?
Transparency	Interactions with customers are equitable, open and transparent. Customer feedback is sought, and investigators provide education about the mandate of the Investigations function including processes and how decisions are made. There are review processes in place and decisions can be reviewed through several avenues including directly to the RTA and via the Queensland Ombudsman.	A better alignment is achieved between customer expectations and the mandate of the Investigations function. Customer complaints and requests for case review due to misunderstanding are reduced.
Accountability	The Investigations function contributes to the achievement of the organisation’s strategic goals and vision Renting that works for everyone. Methodologies, processes and responsibilities are documented, and progress is measured.	The RTA can demonstrate how it delivers benefit and regulatory outcomes to the sector.

In 2020–21, the RTA Investigations Unit finalised 567 investigations containing 1,136 alleged offences of the RTRA Act, which resulted in:

- providing education on 346 offences
- issuing cautions for 206 offences
- finding insufficient evidence for 433 offences
- requiring no further action on 151 offences – this includes instances where no offences were identified, the investigation request was outside statutory timeframes, or the matter was referred to the RTA’s dispute resolution service.