

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 2021–22.

Outline any actions taken in 2021–22, 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 2021–22, the RTA continued to align its services to the RTA Compliance and Enforcement Strategy 2021–23 (see below) and the Queensland Audit’s Office’s insights on good regulatory practices. The RTA commenced new compliance activities designed to be intelligence led, transparent and to measurably improve sector compliance with the *Residential Tenancies and Rooming Accommodation Act* (2008) (the RTRA Act).

<b>Guiding principle</b>	<b>How is it applied?</b>	<b>What is the focus?</b>
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.

In May 2022 the RTA attended the Insight session for regulators from the Queensland Audit Office and gained further understanding of how proper planning of proactive compliance activities through utilising an intelligence

	<p>and risk-based approach can deliver effective regulation that promotes public confidence in the regulator and withstands scrutiny.</p>
<p><b>2. Consult and engage meaningfully with stakeholders</b></p> <ul style="list-style-type: none"> <li>• Formal and informal consultation mechanisms are in place to allow for the full range of stakeholder input and Government decision-making circumstances.</li> <li>• Engagement is undertaken in ways that help regulators develop a genuine understanding of the operating environment of regulated entities.</li> <li>• Cooperative and collaborative relationships are established with stakeholders, including other regulators, to promote trust and improve the efficiency and effectiveness of the regulatory framework.</li> </ul>	<p>During 2021–2022, 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"> <li>• Undertook 70 stakeholder engagement activities to provide education and information on tenancy rights and responsibilities under the RTRA Act.</li> <li>• Participated in 11 online and face-to-face presentations, interactive workshops and information stalls hosted by stakeholders.</li> <li>• Engagement activities targeted different stakeholder groups within the residential sector and delivered direct tenancy education to approximately 2,800 people.</li> <li>• Continued to release the Talking Tenancies podcast fortnightly, receiving 4,415 listens across 44 episodes.</li> <li>• Webinar recordings received over 3,594 views from the RTA website and the RTA Queensland YouTube channel.</li> <li>• The RTA facilitated three 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.</li> <li>• A presentation on the RTA Compliance and Enforcement function was also delivered to staff from Tenants Queensland, QSTARS, LawRight and their community partners.</li> </ul> <p>In December 2021, the RTA launched a new Memorandum of Understanding (MOU) with the Office of Fair Trading. Under the MOU, the RTA directs complainants seeking an investigation request to the OFT regarding:</p> <ul style="list-style-type: none"> <li>• late or non-lodgement of rental bonds by licensed agents and/or</li> <li>• using rent money for another purpose (e.g. paying for a water bill) by licenced agents.</li> </ul> <p>The exception is if an investigation request is around these offences but also includes other unrelated alleged breaches of the RTRA Act. In these cases, the RTA will handle the investigation</p> <p>Quarterly meetings between the agencies were held for reporting on case redirection and to ensure a positive customer experience is maintained in the process.</p>
<p><b>3. Provide appropriate information and support to assist compliance</b></p>	<p>In June 2022, the RTA launched its Proactive Compliance Program. This pilot program used data to identify agencies with a high non-compliance rate of lodging bonds within ten days of receiving bond payments from a tenant. This program was chosen based on historic RTA investigation trends, to proactively target the ongoing industry compliance issue of late bond lodgements.</p>

<ul style="list-style-type: none"> <li>• Clear and timely guidance and support is accessible to stakeholders and is tailored to meet the needs of the target audience.</li> <li>• Advice is consistent and, where appropriate, decisions are communicated in a manner that clearly articulates what is required to achieve compliance.</li> <li>• Where appropriate, regulatory approaches are tailored to ensure compliance activities do not disproportionately burden particular stakeholders (e.g. small business) or require specialist advice.</li> </ul>	<p>The RTA proactively engaged agencies with high levels of non-compliance around bond lodgement timeframes, offering them individually tailored and interactive education sessions that:</p> <ul style="list-style-type: none"> <li>• outlined the agency's legislative obligations</li> <li>• identified common challenges and trends that often lead to non-compliance</li> <li>• showcased RTA services, such as the Bulk Bond Lodgement Web Service</li> <li>• provided practical solutions to help the agency meet their obligations.</li> </ul> <p>The agencies which participated have since begun embedding changes and improvements in their bond lodgement processes. The RTA continue to monitor these agencies to measure the success of the program, and will publicise its shared learnings from the program to increase broader industry voluntary compliance with the RTRA Act.</p> <p>To further support compliance rates, the RTA collaborated with the Office of Fair Trading to amend the Agents Financial Administration Regulation 2014. This amendment ensures that all agencies can use modern payments, such as BPAY, to pay for bonds from a trust account.</p> <p>The RTA continues to collate feedback from the customers that engage in the programs to deliver state-wide information on the compliance issue to drive voluntary compliance through awareness and advice.</p>
<p><b>4. Commit to continuous improvement</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• To the extent possible, reform of regulatory activities is prioritised on the basis of impact on stakeholders and the community.</li> </ul>	<p>The RTA was challenged with maintaining solid regulatory compliance in a rental sector experiencing a housing crisis.</p> <p>The RTA also received feedback from customers and stakeholders on trending compliance issues that due to the involved risk to the sector, launched proactive investigations to achieve regulatory compliance.</p> <p>In March 2022, the Investigations Unit of the RTA was renamed to Compliance and Enforcement to reflect the focus of achieving regulatory compliance within the rental sector through a balance of proactive compliance activities and reactive investigations received. Staff received regular training to support their role of providing compliance through education and engagement in addition to enforcement of the RTRA Act through investigation outcomes.</p> <p>These activities are guided by the principles in the Compliance and Enforcement Strategy 2021–23:</p>

<ul style="list-style-type: none"> <li>Staff have the necessary training and support to effectively, efficiently and consistently perform their duties.</li> </ul>	<table border="1"> <thead> <tr> <th data-bbox="649 210 943 252"><i>Guiding principle</i></th> <th data-bbox="943 210 1603 252"><i>How is it applied?</i></th> <th data-bbox="1603 210 2112 252"><i>What is the focus?</i></th> </tr> </thead> <tbody> <tr> <td data-bbox="649 252 943 802">Efficiency</td> <td data-bbox="943 252 1603 802">                     RTA staff are trained to make an accurate assessment of whether a customer should receive an investigation request or seek an alternative resolution.                      Act to close investigation requests and inform customers as early as possible if a matter is not suitable for investigation.                      Apply simplified processes to minor offences and low complexity investigation cases.                      Provide tools and educate complainants in order to collect sufficient evidence to avoid delays in investigation.                      Use communication modes that are appropriate to the situation and customer needs (e.g. make a phone call to give a brief update).                 </td> <td data-bbox="1603 252 2112 802">                     Investigation requests that can't be actioned are reduced to maximise the RTA's resources.                      Investigations proceed in a timely way.                      Customer complaints and requests for case review due to misinformation and time delays are minimised.                 </td> </tr> </tbody> </table>	<i>Guiding principle</i>	<i>How is it applied?</i>	<i>What is the focus?</i>	Efficiency	RTA staff are trained to make an accurate assessment of whether a customer should receive an investigation request or seek an alternative resolution. Act to close investigation requests and inform customers as early as possible if a matter is not suitable for investigation. Apply simplified processes to minor offences and low complexity investigation cases. Provide tools and educate complainants in order to collect sufficient evidence to avoid delays in investigation. Use communication modes that are appropriate to the situation and customer needs (e.g. make a phone call to give a brief update).	Investigation requests that can't be actioned are reduced to maximise the RTA's resources. Investigations proceed in a timely way. Customer complaints and requests for case review due to misinformation and time delays are minimised.
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<p><b>5. Be transparent and accountable in actions</b></p> <ul style="list-style-type: none"> <li>Where appropriate, regulatory frameworks and timeframes for making regulatory decisions are published to provide certainty to stakeholders.</li> <li>Decisions are provided in a timely manner, clearly articulating expectations and the underlying reasons for decisions.</li> <li>Indicators of regulator performance are publicly available.</li> </ul>	<p>The RTA reports on its regulatory performance in the RTA Annual Report.</p> <p>In 2021–22, the RTA received 243 investigation requests. The RTA also finalised 178 investigation cases and 63 non-investigation cases (where the investigation request could not be actioned as either no offences were identified, the case was outside statutory timeframes, or it was referred to the RTA's dispute resolution service).</p> <p>Some investigation cases involved multiple alleged offences and, in total, the RTA investigated 549 alleged offences of the RTRA Act. This resulted in:</p> <ul style="list-style-type: none"> <li>providing education on 277 offences</li> <li>issuing cautions for 115 offences</li> <li>finding insufficient evidence for 105 offences</li> <li>the complainant ceasing contact or withdrawing their request for 29 offences</li> <li>requiring no further action for 23 offences – this includes instances where no offences were identified.</li> </ul> <p>Activities in 2021–22 were guided by the principles in the Compliance and Enforcement Strategy 2021–23:</p>						

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	Transparency	Interactions with customers are equitable, open and transparent. Customer feedback is sought, and investigators provide education about the mandate of the Compliance and Enforcement 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 Compliance and Enforcement function contributes to the achievement of the organisation's strategic goals and vision of 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.