

# Regulatory Performance Framework

## Residential Tenancies Authority (RTA)

Regulators are required to prepare an annual performance report in implementing the new Queensland Government's Regulatory Performance Framework for portfolio responsibilities. To streamline and reduce administrative reporting burden, regulators have the option of including their annual performance in the agency's annual report.

The Queensland Government has endorsed model practices as shown in the first column of the table below.

You may use a mix of quantitative and qualitative information and consider the appropriate level, form and content of reporting considering:

- size, coverage or reach of the regulatory activity
- nature and number of stakeholders regulated
- significance or risk of the area of regulation
- capacity of the regulator to meet reporting requirements.

Regulator model practices and supporting principles	Outline evidence and <u>relevant information</u> to demonstrate the extent your regulatory practice aligns with the regulator model practices throughout 2018-19 Outline actions taken in 2018-19 or currently being taken to improve regulatory activities and business practices to reflect the regulator model practices
<p><b>1. Ensure regulatory activity is proportionate to risk and minimises unnecessary burden</b></p> <ul style="list-style-type: none"> <li>• A proportionate approach is applied to compliance activities, engagement and regulatory enforcement actions</li> <li>• Regulations do not unnecessarily impose on regulated entities</li> <li>• Regulatory approaches are updated and informed by intelligence gathering so that effort is focussed towards risk.</li> </ul>	<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> (the Act). The RTA ensures compliance and enforcement measures are proportionate to the seriousness of the conduct and any applicable policy considerations.</p> <p>During the reporting year the RTA has facilitated its function by communicating openly with parties to investigations to ensure alleged unlawful conduct proceeds to an investigation if and when there is sufficient evidence to substantiate an allegation.</p> <p>The compliance and enforcement function of the RTA has used a range of activities and powers during the reporting period to encourage and enforce compliance with the Act.</p> <p>The RTA assesses each alleged offence individually and appropriate risk assessment is undertaken and the Act applied fairly and consistently.</p> <p>Initially, if an offence is identified, action will be taken to prevent the offence from happening again. In most cases, engaging with the offender, and notifying them of their obligations, is enough to prevent further offending.</p>

<p><b>Regulator model practices and supporting principles</b></p>	<p><b>Outline evidence and <u>relevant information</u> to demonstrate the extent your regulatory practice aligns with the regulator model practices throughout 2018-19 Outline <u>actions taken</u> in 2018-19 or currently being taken <u>to improve</u> regulatory activities and business practices to reflect the regulator model practices</b></p>
	<p>However, the RTA may consider issuing a penalty infringement notice or prosecution when:</p> <ul style="list-style-type: none"> <li>• these strategies have failed or if they do not address the serious nature of the complaint</li> <li>• there is ongoing and systemic non-compliance</li> <li>• significant detriment has been caused</li> <li>• conduct involves deceit, dishonesty or was unconscionable</li> <li>• it is in the public interest.</li> </ul> <p>For a prosecution to commence there must be sufficient evidence and it must be in the public interest to proceed. Each offence must be proven beyond reasonable doubt, which may require the person making the complaint to appear in court as a witness.</p> <p>In 2018-19 the RTA considered the burden of its decisions and has assessed, investigated and enforced matters based on the sufficiency of evidence and any public interest considerations.</p>
<p><b>2. Provide appropriate information and support to assist compliance</b></p> <ul style="list-style-type: none"> <li>• Clear and timely guidance and support is accessible to stakeholders and tailored to meet the needs of the target audience</li> <li>• Advice is consistent and, where appropriate, decisions are communicated in a manner than 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 views education and engagement activities as a key strategy in supporting stakeholders to understand their responsibilities in complying with the Act. During the reporting period, undertaking these activities has enabled the RTA to engage in community and industry education, build positive relationships, identify concerns and issues in the industry and provide transparency in the investigation process.</p> <p>The Stakeholder and Engagement team’s activities have helped to:</p> <ul style="list-style-type: none"> <li>• clearly and efficiently demonstrate what can be investigated and how an investigation is conducted</li> <li>• build trust within the industry and increase understanding of and transparency around RTA investigative activities</li> <li>• build rapport between RTA investigation unit officers and stakeholder groups which will encourage stakeholders to seek the RTA’s assistance in meeting compliance obligations, rather than being penalised for non-compliance</li> </ul>

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	<ul style="list-style-type: none"> <li>clearly communicate the review process of a complaint to ensure stakeholders have a thorough understanding of the RTA's investigative function.</li> <li>provide general education on rights and responsibilities of all parties under the RTRA Act to help improve compliance.</li> </ul>
<p><b>3. 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> <li>Staff have the necessary training and support to effectively, efficiently and consistently perform their duties.</li> </ul>	<p>The RTA has continuously reviewed processes and procedures in order to improve and develop efficient and effective investigation procedures that are appropriate and consistent to its function. The agility of the RTA is fundamental to ensure each investigation conducted will uphold the integrity of the RTA and withstand public scrutiny.</p> <p>The RTA has a commitment to continuous improvement and will leverage technological innovations currently being implemented to achieve further consistency and transparency in the application of the Act. During the current reporting period the RTA is exploring opportunities to automate investigation processes, which would assist the RTA to meet compliance obligations during an investigation, which in turn would enable the RTA to facilitate stakeholder compliance more efficiently and consistently. By doing so the RTA is better positioned to deliver on its vision, '<i>Renting that works for everyone</i>'.</p> <p>To further underpin the RTA's commitment to making renting work for everyone, the RTA carries out its compliance and enforcement functions according to the following principles.</p> <p><b>Transparency</b> - 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><b>Consistency</b> - 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><b>Proportionality</b> - Compliance and enforcement measures are proportionate to the seriousness of the conduct and any applicable policy considerations.</p> <p><b>Timeliness</b> - The RTA handles the investigation process, resolution of matters and any complaints in a timely, appropriate and cost effective manner.</p>

<b>Regulator model practices and supporting principles</b>	<b>Outline evidence and <u>relevant information</u> to demonstrate the extent your regulatory practice aligns with the regulator model practices throughout 2018-19 Outline <u>actions taken</u> in 2018-19 or currently being taken <u>to improve</u> regulatory activities and business practices to reflect the regulator model practices</b>
<b>Regulator model practices and supporting principles Provide <u>examples</u> to highlight the extent your regulatory practices in 2018-19 aligned with the regulator model practices, or indicate where <u>business practices</u> could be enhanced in line with the model practices</b>	
<p>The RTA aligns its regulatory practices to the model practices and supporting principles.</p> <p>In 2018–19, the Investigations Unit:</p> <ul style="list-style-type: none"><li>• finalised 1,159 investigations into non-compliance with the RTRA Act</li><li>• issued 51 Penalty Infringement Notices</li><li>• finalised 6 prosecutions with all of them resulting in a guilty plea</li><li>• educated 436 individual respondents regarding their rights and obligations under the RTRA Act.</li></ul> <p>During the reporting 2018-2019 year, the RTA also undertook the following activities to provide education, information, support and 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>• participated in 59 face-to-face stakeholder engagement activities including presentations, interactive workshops, focus groups and information stalls at community/stakeholder events</li><li>• continued to deliver educational webinars and videos to ensure regional/remote communities were afforded opportunities to access RTA services</li><li>• contributed to stakeholder publications and newsletters for industry bodies including the REIQ, ARAMA and CPAQ to educate and inform the sector</li><li>• published educational materials through the RTA LinkedIn channel</li><li>• hosted quarterly RTA Stakeholder Forums</li><li>• The RTA also continued to monitor and update key publications for customers such as the <i>Pocket guide for tenants</i>.</li></ul>	