

From:
To: [MG Consumer Law](#)
Subject: SUBMISSION TO TREASURY - Unfair trading practices
Date: Wednesday, 4 October 2023 1:55:58 PM

TO:
AUSTRALIAN GOVERNMENT TREASURY

RE: Unfair trading practices – Have your say on proposed law reforms to ACL

My submission relates to Unfair Trading Practices within the Property Rental industry in Queensland.

Many property management businesses (and owners), do not engage in fair trading practices when dealing with tenants in what is being describe as a “*Rental Crisis*” across Australia.

A tenant when unfairly treated, can seek the assistance of QCAT.

The problem is, a QCAT Adjudicator can just double down on the unfair treatment, by solely relying on the provisions of the Residential Tenancies and Rooming Accommodation Act (RTRA Act).

An Adjudicator can also appear oblivious to provisions within the ACL such as Unconscionable Conduct, and decide matters solely on the basis of what the RTRA Act provides, blissfully unaware of the overriding provision of the ACL or even the Duty of Care that owners owe to their tenants, which could be extended to unfair evictions.

The unlucky tenant is likely never represented and is likely unaware of their full rights under the ACL, and probably has to just accept the raw deal dished out.

In my opinion this is disgraceful, and I point to my review at <https://coronis.rentals> (myself being the tenant & litigator), and in particular “*Lapping Up The Lie*” at <https://coronis.rentals/index.html#MISLED> and “*The Extortion Argument*” at <https://coronis.rentals/index.html#EXTORTION> within that publication as examples of unfair treatment.

The Statement of Claim is here: <https://pleading.com.au/URGENT-APPLICATION.pdf>

I am attempting to introduce Unconscionable Conduct into the mix. However the Adjudicator demonstrated zero understanding of ACL or how it should be applied. I am hopeful a Member at the future Appeal in the matter, will take some interest.

What can be done about it?

Well if the ACCC provided notice to QCAT that it was taking an interest in Adjudicator behaviour would be a start, and perhaps introduce some sort of education to Adjudicators regarding the ACL.

Hoping you will give this consideration in the process of reform.

Written reasons for decision are available for forwarding on to you, and a transcript should be available by the end of this week. I am not a lawyer.

Yours faithfully,

Gordon Craven