



# **COMMUNITY SUPPORT AND SERVICES COMMITTEE**

**Members present:**

Ms CP McMillan MP—Chair  
Mr SA Bennett MP  
Mr MC Berkman MP  
Ms CL Lui MP  
Dr MA Robinson MP  
Mr RCJ Skelton MP

**Staff present:**

Ms L Pretty—Committee Secretary  
Dr A Lilley—Assistant Committee Secretary

## **PUBLIC BRIEFING—INQUIRY INTO THE PROVISION AND REGULATION OF SUPPORTED ACCOMMODATION IN QUEENSLAND**

### **TRANSCRIPT OF PROCEEDINGS**

**Monday, 27 November 2023  
Brisbane**

## MONDAY, 27 NOVEMBER 2023

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### **The committee met at 9.05 am.**

**CHAIR:** Good morning, everyone. I declare open this public briefing for the committee's inquiry into the provision and regulation of supported accommodation in Queensland. My name is Corrine McMillan. I am the proud member for Mansfield and chair of the committee. I would like to respectfully acknowledge the traditional custodians of the land on which we meet this morning and pay my respects to elders past, present and emerging. I acknowledge Cynthia Lui, my colleague, a member of our committee and a proud Aboriginal and Torres Strait Islander woman from the Far North. The committee is very fortunate to have her input and contributions. We are very fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander peoples whose lands, winds and waters we are all so lucky to share.

With me here today are: Mr Stephen Bennett, the deputy chair and member for Burnett; Mr Michael Berkman, the member for Maiwar; Dr Mark Robinson, the member for Oodgeroo; Mr Rob Skelton, the member for Nicklin; and, as I mentioned, Cynthia Lui, the member for Cook. This briefing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath or affirmation, but I remind witnesses that intentionally misleading the committee is a serious offence. I also remind members of the public that they may be excluded from the briefing at the discretion of the committee or at my discretion as chair. I remind committee members that departmental officers are here to provide factual or technical information. Any questions seeking an opinion about policy should be directed to the minister or left to debate on the floor of the House.

These proceedings are being recorded and broadcast live on the parliament's website. Media may be present and are subject to the committee's media rules and to my direction at all times. You may be filmed or photographed during the proceedings and images may also appear on the parliament's website or social media pages. I ask everyone to turn their mobile phones off or to silent mode.

**BOLTON, Mr Wayne, Manager Regulatory Operations, Department of Housing**

**FRANK, Mr Karl, Executive Director, Regulatory Services, Department of Housing**

**GREEN, Mr Terence, Acting Director, Regulatory Services, Department of Housing**

**HARVIE, Ms Kirstine, Acting Deputy Director-General, Policy Performance and First Nations, Department of Housing**

**RAINE, Ms Chantal, Acting Deputy Director-General, Housing and Homelessness Services, Department of Housing**

**TOOMBES, Ms Ngaio, Director, Strategic Analysis Strategy and Policy Services, Department of Housing**

**CHAIR:** I now welcome representatives from the Department of Housing who have been invited to brief the committee on the bill. I invite you to brief the committee after which committee members will have a series of questions for you. We will hand over to you to help us understand this very complex environment.

**Ms Harvie:** Thank you, Chair and committee. I, too, would like to start by acknowledging the traditional owners of the lands on which we meet and pay my respects to elders past, present and emerging and extend those respects to all First Nations people joining us today. I thank the committee for the opportunity to provide a briefing and the extension of time provided to us for both written and public briefings. This inquiry, in response to the recommendation of the Public Advocate's report, is welcomed by the department, particularly the opportunity to hear the views of residents and former residents.

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As the committee would be aware, the department administers the Residential Services (Accreditation) Act 2002, which I will refer to as the residential services act, and is the policy lead for the Residential Tenancies and Rooming Accommodation Act 2008, which I will refer to as the RTRA Act. Tenancy arrangements in residential services are managed under the RTRA Act with complaints about the terms of these agreements handled by the Residential Tenancies Authority. Significant reform has occurred to that act since 2018. The Housing and Homelessness Action Plan 2021-2025 commits to a review of the residential services act. It is anticipated that this inquiry will inform the review as well as the Queensland government response to the recommendations of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability and the Independent Review of the National Disability Insurance Scheme.

I will turn to the regulatory role of the department. The Queensland government's regulatory role in the supported accommodation sector emerged with the introduction of legislation in 2002. This was in recognition that some of the most vulnerable people in the Queensland community reside in these services, and it aimed to improve their safety and wellbeing. Since its introduction, some amendments to the residential services act were introduced in 2017 that were aimed at bolstering connections for vulnerable community members and confidence in a fair and responsive housing system. Subsequently, the Residential Services (Accreditation) Regulation 2018 was introduced. Importantly, the residential services act predates the United Nations Convention on the Rights of Persons with Disabilities and the department's own housing principles for inclusive communities.

As at 31 October 2023 there were 252 registered residential services in Queensland with the capacity to accommodate 7,483 residents, and this is inclusive of 42 level 3 services with capacity to accommodate 1,435 residents. Registered services take diverse forms, for example: a boarding house in which each of the residents occupies a room and shares a bathroom, kitchen, dining room and common room with the other residents; accommodation that is headleased from the property owner and subleased to residents; or an aged rental scheme comprised of self-contained units and sharing a communal dining room. Significantly, regulated services are privately owned and operated and do not receive any funding from the Department of Housing. However, frequently the referral pathways to these privately owned and operated residential services come from the Queensland government, including the Department of Housing's housing service centres and from Queensland Health and Queensland Corrective Services. All services must be accredited by the department to level 1 minimum operational standards, those providing food to level 2 and those providing personal care services must be accredited to level 3.

The department's engagement in the life cycle of a residential service is as follows: services are first registered by the department, which includes meeting building compliance and fire safety requirements and demonstrating suitability of the operator and associates including a criminal history check. Services are only registered once in their life cycle and thereafter they go through regular accreditation and their compliance with statutory obligations is monitored. The application for accreditation must be made within three months of registration. Accreditation involves a self-assessment against the relevant standards, a desktop assessment by the department and a site visit where the department's inspector uses a site audit tool to assist in collection of evidence to inform decision-making. Subsequently, a recommendation is made in an accreditation report regarding: if the accreditation can be granted; the appropriate level of accreditation; the time period of accreditation, which is a maximum of three years; any conditions proposed to be placed on the accreditation; and then the report is considered by the department's delegate and a certificate of accreditation granted if appropriate. Accreditation must be renewed in line with the time period of the certificate of accreditation. This process is similar to the initial accreditation process.

Importantly, the department is responsible for compliance activities associated with both registered and unregistered services. These may be investigations, audits, inspections or actions undertaken to improve the delivery of services to residents through engagement with industry and educating providers and residents about their rights and obligations. The department assesses complaints and assigns a priority rating of high, medium or low and utilises its regulatory powers to respond. These powers include monitoring, investigation and enforcement. Enforcement proceedings, where legislated standards are not met, may include amendment of that accreditation to include conditions, cancellation of the accreditation or cancellation of registration. However, where operators genuinely attempt to comply with their statutory obligations, the department may seek to educate and inform. A further regulatory compliance tool is the ability to require a quality improvement plan to be put in place to provide a pathway to improving particular aspects of the service.

In 2022-23, the department conducted 203 investigations relating to residential services and responded to 278 inquiries. Substantiated breaches of the act resulted in 41 service providers issued

with warning notices and seven issued with quality improvement plans. Level 3 accredited residential services were subject to the majority of investigations conducted in 2022-23, accounting for 98 of the 203 investigations and, in addition, eight of the 41 warning notices issued. Since 2020, there have been four successful prosecutions related to the operation of an unregistered residential service and the provision of false or misleading information. One of those successful prosecutions was of an unregistered and unaccredited provider who was providing personal care services to residents.

In the course of fulfilling its regulatory role, the department's observations regarding the issues impacting the wellbeing and safety of residents in residential services generally aligns with those identified in the Public Advocate's report. In the event that a residential service ceases operation or is required by the department to cease operation, the department responds with housing solutions for the impacted individuals. In many cases, those individuals may be eligible for social housing or assisted to access other private market housing solutions as appropriate.

I will now seek to provide further information on matters highlighted by the committee in correspondence from the chair relating to the resident cohort, costs and charges, the impact of the NDIS on service provision and examples and issues or benefits associated with alternate or unregulated models of service provision. The resident cohort: the department does not collect data about residents but observes that residents are more likely to be male, older, facing complex mental and/or physical health issues, in receipt of a Centrelink pension and may be receiving federally funded NDIS supports.

Costs and charges: neither the RTRA Act nor the Residential Services (Accreditation) Act restricts the amount that can be charged for a residential service and the department does not collect or publish the costs and charges borne by residents in these privately operated services. However, a rooming accommodation agreement must be written in a clear and precise way; state the amount of rent payable, when it is payable and how it must be paid; fully describe the services to be provided under the agreement; and separate the rent attributable to accommodation, food service, personal care service or other service.

Rental law reform remains a priority of the Queensland government with delivery of stage 1 rental law reform, including amendments to the RTRA Act, which commenced in October 2022, allowing rooming accommodation residents to challenge excessive rent increases through QCAT. In July 2023, the Queensland government limited the rent increase frequency to once a year, including for rooming accommodation. On 18 April 2023, the stage 2 rental law reform options paper was released for consultation. Feedback was sought on reform options and the government is now considering that feedback.

The impact of the NDIS on service provision: this inquiry and the planned review of the residential services act are timely as there has been a substantial shift in community attitudes and expectations in the 21 years since the introduction of the act as well as broader policy shifts at a state and national level. This is particularly evident with regard to the provision of disability services with the NDIS being legislated in 2013 and the transition to full scheme rollout by 2020. The department observes that the significant proportion of residents living in level 3 accredited residential services are recipients of NDIS services provided by either the residential service provider, an external disability support provider or a combination of both. However, the department does not gather data on this as part of its regulatory role.

In addition, the advent of the NDIS means that many disability providers that offer supported independent living and specialist disability accommodation have potentially come under the scope of the residential services act where previously they would have been exempt due to receiving funding under the Disability Services Act 2006. The Public Advocate's report notes the complex regulatory and legislative frameworks include all levels of government and the department recognises the particular challenges for specialist disability accommodation and supported independent living providers that are also regulated by the NDIS Quality and Safeguards Commission under the Commonwealth National Disability Insurance Scheme Act and operate under the NDIS rules. The department has established a disability accommodation project team, which is working to address this issue including engagement with the NDIA.

Finally, other models of service provision: this committee has sought examples and any potential issues or benefits associated with alternate and/or unregulated models of service provision. In the department's capacity as a regulator, it is inappropriate to provide comment on benefits of unregulated models of service provision. However, in its written statement the department has highlighted a range of initiatives where the department contributes to providing integrated service responses and supported accommodation to individuals with complex needs by working collaboratively.

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In addition, I am pleased to advise that the department engaged the Queenslanders with Disability Network to run two co-designed workshops with stakeholders from diverse backgrounds to inform the development of a new disability housing action plan. This draft plan will enable the delivery of the Queensland Housing and Homelessness Action Plan commitment to promote the rights, choice, control and inclusion in housing with support for people with a disability and contribute to the delivery of the Queensland government's housing commitments in key national and state disability strategies, reviews and inquiries.

That concludes our opening statement. We hope that the committee has found this information useful. Of course, we are happy to take any questions from the committee.

**CHAIR:** Thank you very much, Acting Deputy Director-General. That was very informative. Certainly you have answered some of the committee's concerns or questions but I am sure we will have more questions for you.

**Mr BENNETT:** It will take a bit of re-reading, I guess. There is a lot of information in there so thank you for that. You mentioned the inspectors. I am curious about the number and where they are deployed. Secondly, how do the residents engage with the inspectors, particularly around having confidence that their comments and feelings will be heard in the process?

**Ms Harvie:** I will turn to the regulator.

**Mr Frank:** We currently have five staff within our residential services team who work across the whole state. Predominantly, our residential services are within the south-east quarter but, of course, they are across the state and those five team members do visit all of them at one time to do the on-site audits. Every three years, they will have an on-site audit and they will visit those establishments.

As part of that, they do interact with the residents as well as the service provider as they are wanting to understand whether they are meeting the specific standards that we look for. It is about understanding whether they have the appropriate freedoms to move around within the establishment, to use all of the services that they are able to use as part of their tenancy agreement and also that they have the ability to gain external services and service providers coming in. That is part of the role of the investigators, to really understand from the residents how they are experiencing that service.

**Mr BENNETT:** Is the data about complaints published in the public domain? I think Ms Harvie mentioned there were 41. Are they in the public domain, so in annual reports of the department that we could reference?

**Mr Frank:** The data that is available on our open data sources is more about the service providers themselves. That is listing who they are, where they are, who the associates are and the contact details. I would have to check previous years as to exactly what we have put in there, but we do include some of the data around inspections and investigations in our annual report as a regulator.

**Mr BENNETT:** A compliance report is needed for some issues. There is a responsibility around people making choices about where they are going to put the most vulnerable. I guess that is where I am heading.

**Mr Frank:** Not to that degree of specificity.

**Ms LUI:** I am trying to get my head around this. Obviously, we are talking about the most vulnerable and complex group in our population. Could you clarify whether or not people in that complex and vulnerable population could be on a waiting list for social housing?

**Ms Harvie:** Some might be. I will turn to Chantal Raine on the interface with social housing.

**Ms Raine:** In regards to the residents of those services, there are examples where there are residents who have a social housing application. There are also examples where the residents have chosen not to lodge a social housing application. Yes, we are seeing people transition from these residences into social housing and that is dependent on the individuals and when a social housing home becomes available for them.

**Ms LUI:** A site audit questionnaire is referenced in the written briefing. It has questions for a provider about whether they keep a list of external providers and if they help residents to access them. Beyond the questionnaire, what efforts are made to verify if this is happening? If a provider is not satisfying this requirement, what action is taken?

**Mr Frank:** Yes, it is part of the site audit. As we said before, we will talk to residents to ensure that they are getting the services and the external support that they need. We respond to complaints as well. That is a good indicator for us as to whether there are any specific issues with a specific service provider. We will also look at their history. That gives us an indication if there is something

that we should be looking at a little bit more with them. It is not just around the site audit; it is all other information that we can gather there to determine whether they are meeting their obligations under the legislation. If they are not, then there are mechanisms in place. There are different enforcement mechanisms, whether it be a quality improvement plan, an enforcement action or even conditions on their accreditation and conditions on their registration. If that is the case, we will be monitoring that ongoing.

**Dr ROBINSON:** You may have touched on this already in your briefing and I want to give you an opportunity to expand on it. Following the implementation of the NDIS, disability accommodation providers are no longer receiving funding under the Disability Services Act 2006, with reference to page 40. Could this lead to a cohort having a harder time finding disability accommodation so people are falling through the cracks, particularly in cases where they do not meet the criteria for access to the NDIS?

**Mr Green:** Essentially, because they are no longer able to rely upon that exemption, a number of NDIS registered providers may need to register with the department to also provide a residential service. What we are likely to see is, in fact, an increase in the number of services that are captured under our regulatory framework rather than potential gaps where residents are unable to access services.

**Mr SKELTON:** Anecdotally, residential service providers have indicated that hiring staff is challenging. They claim the industry award is very costly, particularly regarding penalty rates. These services are privately run so it follows that costs will be recouped in rent. There seems to be a considerable risk of putting already vulnerable people into further housing stress. How does the department support those vulnerable people or, given the tenancy agreements covered by the RTRA Act, is the Department of Housing adequately positioned to monitor that?

**Ms Harvie:** All of these residents have rooming accommodation agreements that are administered under the Residential Tenancies and Rooming Accommodation Act, so they have all of the protections of the Residential Tenancies and Rooming Accommodation Act, including to challenge rent increases if they are excessive. Residential service providers now have to comply with that annual limit, so there is an annual limit to the frequency of rent increases. As I mentioned in my opening statement—and it is in our written briefing—a rooming accommodation agreement has to set out clearly the rent payable and the parts of the rent that are attributable to accommodation and food and personal services and how the rent is to be paid. Under neither of our acts—neither the RTRA Act nor the residential services act—are the costs and charges quantum regulated, just as it is not in the private rental market.

**Mr BERKMAN:** Before I ask the question I was going to ask, just picking up on that most recent response, has the department heard directly from any of these residents—any clients with residential service providers—concerns about the amount by which their rent is increasing?

**Ms Harvie:** I am not sure if the regulator has—and I will turn to the regulator in a moment—but typically the Residential Tenancies Authority might hear of complaints or disputes about obligations in the Residential Tenancies and Rooming Accommodation Act.

**Mr BERKMAN:** In that context though—I will add to the question—does the department have any concerns that this is a cohort of people that might not ordinarily, without additional support, be able to access those conventional avenues to challenge rent increases or other conditions of their rooming accommodation agreement through the RTA?

**Ms Harvie:** I think it is safe to say the department is very concerned about the health, wellbeing and welfare of those very vulnerable residents who live in residential services and funds a QSTARS service through Tenants Queensland that provides support to people and engages with organisations like Queenslanders with Disability Network and others that provide direct support in those locations. Anything to add to that answer?

**Mr Frank:** No, nothing further to add. It is not something that we generally collect when we do a site audit or work with the service providers. It is not within the regulatory requirements within which we play. No, I am sorry. I am just trying to think if there is any information that has been reported back through my team but not really. It is not really us that they work with when it comes to rental increases because that is not under our scope.

**Ms Harvie:** Chair, do you mind if I just add to that answer—

**CHAIR:** Sure, absolutely.

**Ms Harvie:**—because we have some statistics from the Residential Tenancies Authority. They advised that at 30 June 2023 they provided dispute resolution services for 109 disputes in relation to rooming accommodation, including 51 disputes relating to the bond, 14 relating to repairs, nine relating to ending a tenancy and 11 disputes in relation to level 3 residential services comprising six bond disputes, two repairs and five other disputes.

**Mr BERKMAN:** Okay, so 11 examples of disputes where the RTA has given assistance; is that right?

**Ms Harvie:** Eleven disputes in relation to level 3 residential services as at 30 June 2023.

**Mr BERKMAN:** Thank you. The question I was going to ask initially was around, I suppose, the precarity that is experienced by people in level 3 residential services. We are very early in this inquiry, but it seems that already there have been some concerns raised by residents around the risk that they might lose their accommodation if they make certain observations about the state of their accommodation or raise issues with the service providers. Is that an experience that the department is familiar with? Have you heard of similar concerns from residents around that?

**Mr Frank:** Yes, we do, and whether they are founded or not there is always that sort of concern. There are complaint mechanisms that they can follow and within the standards a service provider does need to provide a grievance mechanism, so that is sort of the first point of contact or first port of call, and they have the ability to raise that with the service provider and they are to then action that accordingly and feed back to the tenant. However, if they do not feel comfortable to do that, then the regulator is their next port of call and so they can come to us. We are contacted by email and by phone and if they wanted to raise a complaint with us they can do that anonymously, so privacy is important. We will not raise who raised the complaint, but we will go and action that on their behalf and do some investigations accordingly, so they do have that avenue through the regulator.

**Mr BERKMAN:** Further to that, through the process of those semiregular site visits under the accreditation process, can you describe any ways that that process is managed to provide an opportunity for residents to confidentially or in a way that they feel safe and unthreatened provide that kind of critical feedback?

**Mr Frank:** What we look at when we go in to do an inspection is we are looking for evidence of a grievance mechanism and also a list of complaints that have been lodged and we will be looking to see how they have been actioned along the way. We will also work with the service provider to ask them to provide specific examples or how they have worked with a resident to come to a resolution to their issues and where we can we do, as I say, talk to residents as well to double-check to make sure that they feel comfortable, that they feel like they have been heard and that the mechanisms in place are working.

**Mr BERKMAN:** Thank you.

**CHAIR:** Director-General, from my understanding there are residents who receive NDIS and those who do not. For those who do not receive NDIS, how is their additional support managed?

**Ms Harvie:** We actually hold no records of which residents have an NDIS package and which do not, but our observation as regulator is that many do. Many are on NDIS services. Do you have anything to add to that?

**Mr Frank:** I guess the challenge is when you have an establishment where you have some that are NDIS and some people who do not fall underneath that, and we do not have visibility of all those records. However, we do ensure the standards. If it is a level 3 service provider, we do make sure that the standards required of that provider are being met for those who do not fall under the NDIS side of things, and that relates to their personal care specifically as well.

**CHAIR:** In relation to those residents who are high needs, are there minimum ratios of support workers to residents?

**Mr Frank:** No, there is not and that is a decision that is made by the service provider.

**CHAIR:** And the service providers are primarily private?

**Mr Frank:** Yes.

**CHAIR:** To what extent do you regulate the service provision being adequate for those residents given the private nature of the service, and obviously the service would need to be profitable?

**Mr Frank:** I guess from the regulator's perspective within the act and within the regulations there are specific requirements that need to be met or standards that need to be met for a level 3 provider and they refer to financial and clerical support, assistance with medication, health care, clothing, hygiene management, being able to have the choice and decision-making of a provider and

that sort of thing. From a regulator's perspective, we will go in and make sure that that is being delivered accordingly and according to the standards that are required, so that is our role within that. Some of them are more prescribed than others, but we do what we can underneath the current legislation.

**Mr BENNETT:** I want to stay on that same line. I was a bit confused, with all due respect, Mr Green, to your response to the member for Oodgeroo. If an individual does not now qualify for or moves from the NDIS package, I think the question Dr Robinson asked how we still capture that person's needs and responsibilities, and we have heard now. As a regulator, if you are only looking at those items, how do we ensure that the provider has the financial capacity or the individual somehow can maintain that level of support? The NDIS seems to be the trigger for so many good things for people with disability, but what happens to everyone else? How are they captured and how are they then providing quality-of-life issues? It is a whole line of questioning. Can you 'dumb it down' for me

**Mr Green:** Yes, certainly, and apologies if I was not—

**Mr BENNETT:** No, you were very professional, but this is a committee.

**Mr Green:** Yes. Essentially the residents self-select what services they want to purchase from—

**Mr BENNETT:** If they are on NDIS though, Mr Green.

**Mr Green:** If they are on NDIS then I am aware that they can choose who their NDIS provider is. Some do choose that their residential service provider, if they are registered to provide NDIS service, is their NDIS provider. They can choose for an external NDIS provider to visit the site to provide those services, and they may also purchase additional assistance above and beyond their NDIS package from their residential service provider. So they could be getting some assistance in-house for some things and they could be getting assistance for other matters from service providers outside of in-house. Does that answer the question?

**Mr BENNETT:** For a residential service provider that somehow no longer qualifies for the NDIS, how do we ensure that that particular institution is providing like or similar or a quality of service that we would expect?

**Mr Green:** That is unfortunately outside of our remit, so that would essentially be a decision of the NDIA and the NDIS Quality and Safeguards Commission.

**Mr BENNETT:** I am sure inspectors would be going out there to ensure quality of service and quality of appropriate needs, so I guess there is my confusion.

**Mr Green:** Yes, certainly. Our inspectors are appointed as inspectors under the Fair Trading Act and they have responsibilities for enforcing service and standards under the Residential Services (Accreditation) Act, which does not cover the provision of NDIS services, so they can go and review the quality of services being purchased through the residential service provider. They do not have a role in determining the quality of the provision of NDIS services.

**Mr BENNETT:** Without verballing or putting words in your mouth, it is fair to say that some service providers would be better financially positioned with their service delivery than others based on the comments we have heard; is that right?

**Mr Green:** We have heard the same.

**Mr BENNETT:** Thank you.

**Ms LUI:** My question relates back to that of the member for Mansfield. In relation to your response, Mr Frank, you spoke about the level 3 service providers and their specific requirements to ensure that specific needs are met for our most vulnerable. Does that include people with disability with specific needs who may need to make improvements to the living space to make life more livable for them in a supported accommodation situation?

**Mr Frank:** It would be within, I guess, the confines of the service provider. In that instance my observations would be a service provider would not take on someone who has higher needs than their property or establishment could provide. That would be a decision for the service provider as to whether they want to make alterations to their property, and maybe it would be the building itself that needs to change. It is not something that falls within our requirements or ability to regulate, if that makes sense. We will do everything that we can to make sure that the standards are met accordingly, but it is not within our remit to require the service provider to make changes to the property in any way, if I have that right. Is that what you were thinking, sorry?



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**Ms LUI:** You are on the right path; thank you for your response. There are people from that seniors' cohort with vulnerable complex needs, as well as people with physical disability. How do we ensure we are working closely with service providers to ensure their specific needs are met? Right now in Queensland there are huge challenges with housing. Supported accommodation gives people an option for housing, but how do we ensure that their safety and their specific needs are met?

**Mr Frank:** Just to add, the other thing is that on registration they are required to meet certain building requirements. They need to be a class 1b property. There are disability requirements within those building standards that need to be met as part of it. There is a certain requirement on registration to achieve that.

**Ms LUI:** Thank you.

**Ms Harvie:** Through you, Chair, could I add something to that answer? It goes to a couple of the last questions asked by the committee. The standards are quite extensive. I will read a couple: one that relates to personal care and one that relates to the living environment, which relate to the last couple of questions. These are criteria for an accreditation decision by the chief executive. For a level 3 service, if providing personal care—

... the chief executive must have regard to ...

- (a) the extent to which the service provider provides the personal care service in a way that meets the individual needs of the residents to whom the service is provided, protects their interests and maintains and enhances their quality of life generally;

That goes to that earlier question about, if they do not have an NDIS package, how do you ensure their support needs are met? For living environment—

- A safe, secure and comfortable living environment is provided to residents.
- All areas of the registered premises, including, for example, internal and external areas and common areas, are kept clean and in good repair and, free from hazards.

There are quite extensive standards for accreditation decisions. Then it comes down to monitoring enforcement, complaints, investigations and compliance activity to ensure these standards are being complied with.

**Mr BERKMAN:** Ms Harvie, I want to check that I caught this correctly in your opening statement. You said that four successful prosecutions have been taken to date?

**Ms Harvie:** Since 2020. I will turn to my opening statement.

**Mr BERKMAN:** Is it the case that all four of those were for providing false and misleading information?

**Ms Harvie:** No, that included 'some' for false and misleading information.

**Mr BERKMAN:** I am interested in what other offences have been the basis of those successful prosecutions?

**Ms Harvie:** I am wondering if anyone has that information.

**Mr Frank:** I am just looking to see if we have the specifics.

**Ms Harvie:** One of those prosecutions was an unregistered and unaccredited provider who was providing personal care services. There were four prosecutions since 2020, including the provision of false and misleading information. We might be able to come back to you in the course of the hearing about those four prosecutions.

**Mr BERKMAN:** Thank you. Can I also clarify: in your opening statement you said that there are currently 42 level 3 facilities; is that right?

**Ms Harvie:** I will turn to that information. Yes. There are 252 registered residential services and 42 level 3 services with capacity to house about 1,435 residents, as of 31 October.

**Mr BERKMAN:** Within those 42 level 3 facilities, are there facilities that are owned and operated by common providers or are we talking about 42 separate providers?

**Mr Green:** A provider may have more than one registration. A provider might have multiple locations in various parts of the south-east corner of the state, and each of those could be separately registered with us.

**Mr BERKMAN:** What I am keen to understand is—and this might need to be taken on notice—are there, for example, any service providers that have 10 facilities? I am curious to understand, whether or not you can provide this information, the way the 'business models', for want of a better term, are set up around the provision of these services?

**Ms Harvie:** Yes, we can take that question on notice.

**Mr BERKMAN:** That would be great, thank you.

**Mr SKELTON:** We have spoken about the NDIS and the disability component of supported accommodation. In your opening statement you alluded to accommodation for rehabilitative purposes, and I am talking particularly about corrective and youth justice. Who has oversight of those facilities to ensure they provide the right level of care and have the right level of personnel? I have a couple in my electorate. One is for males who have left the prison system and it is run by a church group. I have no concerns; I have been there. There is another called IFYS, which is for young people who have been in contact with the youth justice system. Who audits those types of accommodation?

**Mr Green:** Where the site meets the definition of a 'residential service', which is where four or more people are living together and sharing communal facilities, and it is not funded under one of the exemptions of the act then it is captured under our regulation. I do not know the site specifically, but if there are four or more gentlemen there and they are each renting a room and sharing a kitchen, bathroom and laundry, for example, then they should be captured under our legislation and we would be regulating the provision of services there. They may not be accredited at a level 3. They may only be accredited at a level 1. The difference is that they are not purchasing personal care services from the service provider; they may just be accessing that site as accommodation.

**Mr BENNETT:** Do we have access to statistics around newly released prisoners in the level 1, 2 or 3 facilities?

**Mr Green:** We do not. We do not generally hold information on the residents. The service providers can self-select who they offer their assistance to. They may accept individuals who are leaving correctional centres or other health facilities, if it meets their business goals.

**Mr BENNETT:** Mr Green, further to that, are you saying that the provider self-selects, in some instances, the appropriate demographic of the residents they accept so it could be a mixture of those vulnerable people in our community?

**Mr Green:** That is correct.

**Mr BENNETT:** How do we then assign the appropriateness of that for the safety of those vulnerable people?

**Mr Green:** From our perspective, under the legislation the same standards apply, irrespective of what the clientele group is.

**Mr BENNETT:** Because it is a residential act.

**Mr Green:** So we are looking at it from whether the property meets the minimum building standards, whether they have the appropriate fire safety standards in place and, depending upon the services they are providing to their clients, whether they are providing those services at an acceptable level. From that perspective, it is agnostic to who is the client group that they are servicing.

**Mr BERKMAN:** You mentioned, at some point, that there are five staff in the residential services team so that covers all three levels—levels 1, 2 and 3?

**Mr Frank:** Yes, that is right.

**Mr BERKMAN:** You also mentioned that the inspectors who are responsible for the auditing and site visiting are appointed under the Fair Trading Act. Are those five staff all in inspector roles? How many inspectors are there?

**Mr Frank:** Yes, they all fall under that definition.

**Mr BERKMAN:** I am interested in the capacity of five staff to cover so many facilities. Obviously, if they cover levels 1, 2 and 3 then that is an enormous number of facilities across the state. Without disparaging them in any way, have they expressed concern about their ability to comprehensively monitor and keep across so many sites in the entire state?

**Mr Frank:** To address that, we take a risk-based approach. I guess that is the way that we manage with the number that we have. All of the residential services fall under a risk category that we categorise internally. They will be high, medium or low. Our focus will be predominantly on the high-risk or medium-risk services and the best use of the team that we have. That does not mean that we do not work and inspect the others; it just means that they may not get as many visits or there may be different requirements for the higher risk services.

**Mr BERKMAN:** That is interesting to know. I will turn my attention specifically to level 3 facilities. How many of those 42 facilities are considered high risk? Are there high, medium and low risk within level 3 services?

**Mr Frank:** There will be high, medium and low risk within that and they can move between categories, depending on how they perform over time. Some may constantly come on. It might be complaints or investigations that inform that. Internally, we look at complaints, investigations and the outcome of the site audits that we do. We look at how services have responded to conditions that may be put on their registration and their accreditation, and that helps us to determine a risk level. They will constantly be going up and down, depending on how they are performing. We keep a closer eye on the higher risk ones over time.

**Mr BERKMAN:** Appreciating that those categorisations change over time, could you take a question on notice to provide us with a snapshot of how many of those level 3 services are considered at what risk level at this point in time?

**Mr Frank:** We can do that.

**Mr BERKMAN:** That would be great. One other question comes to mind. Many moons ago, I lived directly across the road from Colville House, without knowing anything about the facility at the time. I came to know lots of the residents over those years. I am curious to know if you, as the regulator, have much engagement with the community, with folks outside of the residents themselves, and how is that dealt with by the regulator?

**Mr Frank:** We do if we need to, and that is predominantly complaints driven. If we do get complaints from neighbouring properties or the like, we will work closely with them to understand the nature of the complaint and how it relates to the relevant service so, yes, we do.

**CHAIR:** I note that the Public Advocate's report made mention of a social housing framework versus a social care framework and whether there were adequate aspects of social care within the housing framework. Have you read the Public Advocate's report? Yes. Specifically, they talk about a tension between level 3 residential services, being regulated by a housing framework, versus a social care regulatory perspective. Given the complex nature of needs within that level 3 category—such as mental illness, disability, trauma, residents who have exited the criminal justice system—is the current housing framework sufficient for level 3 residents?

**Ms Harvie:** This gives me a good opportunity to talk about the department. The government is committed to reviewing the Residential Services (Accreditation) Act and taking into account some of the observations of the Public Advocate, the findings of this inquiry, the NDIS review and the disability royal commission. I noticed that there were some questions earlier that went to 'resident voice'—lived experience of people; are you engaging with residents? Our review of the act gives us an opportunity to make sure that we have that resident voice and lived experience firmly front and centre in that review.

On the same theme, the department has engaged two NGOs to assist residents through this inquiry to make their views heard, to help them make submissions and to help them appear in front of a committee. Some of the questions earlier asked if they would be willing to raise questions about their living environment and the services that they provide. In acknowledgement of that, we are engaging two NGOs.

**CHAIR:** When you consult with residents, will it be a qualitative-type approach in addition to the Public Advocate's report and the recommendations made by this inquiry?

**Ms Harvie:** It would be fair to say that we have not designed it yet, but we will think about the best way to reach as many residents as we can through that review of the act, as we have done, for example, with the residential tenancies act.

**Mr BENNETT:** On that theme, how does the committee then leverage off that great initiative? There needs to be some collaboration in our site visits in advance, because we feel that there will be some pushback from operators who think we are there doing an inspector role by default. If we have non-government organisations involved, is that something you would consider working on with the chair?

**Ms Harvie:** I think we are. We are working with the committee secretary and we are happy to work with the chair on that to gain the most leverage from that engagement with those two NGOs.

**CHAIR:** Yes, lovely.

**Mr BENNETT:** Of course. I knew you would be all over it.

**CHAIR:** We have reached the end of our time together. I thank all of you. You have been incredibly responsive. I think the committee feel a lot more informed about the work that we will undertake now. I thank everyone for taking time out of their very busy schedules to support us. I thank Hansard. There were two questions taken on notice and one was outstanding. Do you need me to recall those questions?

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**Ms Harvie:** One was about the four successful prosecutions since 2020.

**CHAIR:** One was about the number of registration providers with more than one premise.

**Ms Harvie:** That is right.

**CHAIR:** The other was the number of level 3 facilities that are considered high risk.

**Ms Harvie:** That is right.

**CHAIR:** There was one about the four prosecutions.

**Ms Harvie:** Yes, there are three. On a point of clarification, Chair, I am told that I said earlier that all residents of residential services enter into rooming accommodation agreements. I am told that some can opt into residential tenancy agreements if they wish.

**CHAIR:** Right. Do they need to be on the housing register to do that?

**Ms Harvie:** No.

**Mr Frank:** Chair, I have a point of clarification as well. I want to add more to the question from the member for Burnett about what we publish with respect to warning notices, infringements and that sort of thing. Extra to that, we publish on the public list any conditions that are against a registration. That is open to the public. I wanted to clarify that.

**CHAIR:** I thank the department for your patience. You have been incredibly supportive in helping us to understand this very complex area of accommodation in Queensland. The answers to questions taken on notice are due on 4 December. Thank you again for your time. I declare this public hearing closed. Thank you, everyone.

**The committee adjourned at 10.03 am.**