

Gail Easton

From: Margaret Ponting
Sent: Friday, 11 November 2011 4:45 PM
To: Legal Affairs Police Corrective Services and Emerg Svc Committee
Subject: Amendments proposed to the Right to Information Act 2009
FAO the Research Director acting for LAPCSES Committee

Dear Sir/Madam

It has come to our attention that some amendments are proposed to the *Right to Information Act 2009* which could have the effect of extending the application of the Act to any corporation that receives government funding or assistance (or at least a certain level of such funding or assistance). We also understand that submissions are required by today.

Queensland Community Housing Coalition (QCHC) is an industry body for the social/community and affordable housing sector within Queensland. Unfortunately, due to the deadline for submissions we have not had an opportunity to formally consult with our sector on this matter but, in our role as the industry body (where we have regular contact with members and the sector as a whole), we are aware of the general views of our members. It is on this understanding that we make the following submission.

Our concerns are as follows:

- **There is already adequate accountability:** Not for profits such as the providers within our sector of social and affordable housing operate in a wide range of ways with varying types and amounts of public funding. In every instance the grants or loans that we receive are provided subject to funding agreements that specify outputs and reporting obligations. Our members provide weekly, monthly, quarterly and annual reports of various types. When a new information requirement is identified this is discussed and the reports enhanced as warranted. We are therefore already accountable for what public funds we spend and if the public require to know about this they are already empowered by the act to request information from the government which (in consequence of our reporting in accordance with an agreed framework) is in a position to respond.
- **There are comprehensive statutory obligations already in place:** Social housing organisations are already very comprehensively covered in respect of their contribution to the community for funding received (for example the Qld Housing Act 2003 makes provision for all housing allocations we make to be subject to a system operated by the State and for providers receiving funding to be accredited under the national community housing accreditation scheme which also imposes requirements for transparency, reporting and formal processes in respect of complaints etc.).
- **The scope of this act seems very broad and in consequence inappropriate:** Many organisations within our sector also receive funding from other non-government sources. These include investments and commercial activities that are necessarily “commercial in confidence”. Will the fact that they have a part of their activities funded by government mean that everything they do is subject to potential disclosure? We would be interested to know where the line is drawn by this legislation so that activities not funded by government are enabled to be private.
- **Not all funding is ongoing – should the obligations be ongoing:** Many providers within the sector do not get recurrent funding but capital injections. It seems to us that the obligations that might be imposed by this legislative change would be “on going” and

could exceed the life of the funding.

- **Even good works are sometimes controversial and this process could be used unfairly:** Our sector provides much needed social and affordable housing to rent to those on low or moderate incomes. This can be controversial as some communities do not want what they (mistakenly) regard as troublesome neighbours in their “backyard”. Obligations to make information public can be time consuming and resource intensive and could well be used by antagonistic opponents of reasonable proposals to delay and discourage organisations such as ours. Such opposition is all the more unreasonable when charities such as our providers (run in a responsible and ethical manner) take their obligations to the community for consultation and disclosure very seriously.
- **Inappropriate use of charitable resources:** This amendment might well result in resources that were acquired to meet the objects of our charitable purpose being redirected to producing replies to enquiries (whether frivolous or not) that impose costs and which frustrate the purpose of our charity. In law “charities” cannot be government or controlled by government and this amendment seems to be undermining this principle.

We would be grateful for confirmation that this submission has been received in time to satisfy the deadline.

Yours sincerely

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