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The Housing Bill 2003 (Qld)

The Queensland Government's Housing Policy Statement commits the Government to ensuring that all Queenslanders have access to safe, secure, appropriate and affordable housing in diverse, cohesive and sustainable communities. On Tuesday 27 May 2003, the Minister for Housing, the Honourable Robert Swarten MP, introduced the Housing Bill 2003 into the Queensland Parliament. The Bill, which repeals the State Housing Act 1945, will provide a modern basis for present and future housing directions in Queensland.

Research Brief 2003/19 *examines key provisions of the Bill and how they seek to address perceived problems with the current State Housing Act 1945. It also backgrounds the history of public housing in Queensland, and the impact on people's lives that changes in housing circumstances can make.*

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1 INTRODUCTION

The Queensland Government's Housing Policy Statement, endorsed by Cabinet in May 2001, states:

*The Queensland Government will seek to ensure that all Queenslanders have access to safe, secure, appropriate and affordable housing, in diverse, cohesive and sustainable communities.*¹

On Tuesday 27 May 2003, the Minister for Housing, the Honourable Robert Swarten MP, introduced the Housing Bill 2003 into the Queensland Parliament. In his Second Reading Speech to introduce the Bill, the Minister said:

*The Bill has two main objects, that is to improve the access of Queenslanders to safe, secure, appropriate and affordable housing; and to help build sustainable communities. These objects will provide a strong basis for the government to continue with traditional responses to housing need as well as pursue new activities in response to emerging needs and changing circumstances.*²

Information from the Director-General of the Department of Housing notes that:

*The Housing Bill 2003 has been developed to provide a modern basis for present and future housing directions in this State. The legislation will continue to recognise Government's role in our traditional forms of housing assistance and will establish some new ways of conducting current activities such as the regulation system for funded community housing organisations. It will also provide a basis for the Department to undertake new activities such as engaging in the broader housing system.*³

¹ *Affordable Housing, Residential Development and Community Well Being – Proposed Legislative Framework and State Planning Policy – A Discussion Paper*, April 2002, Queensland Department of Housing, p 5.

² Hon R E Swarten MP, Minister for Public Works and Minister for Housing, Housing Bill 2003, Second Reading Speech, *Queensland Parliamentary Debates*, 27 May 2003, pp 2079-2082 at p 2080.

³ *New Housing Legislation – Information Sheet 1 – Message from the Director-General*, Linda A Apelt, Director-General Queensland Department of Housing, as downloaded on 29 May 2003 from http://www.housing.qld.gov.au/strategic_policy/legislation/new/message.htm

2 BACKGROUND

2.1 THE HISTORY OF PUBLIC HOUSING IN QUEENSLAND⁴

The Queensland Government first became involved in housing in 1910 by establishing the Workers' Dwellings Branch to lend money and provide expertise for house construction.⁵ The Depression years of the late 1920s and early 1930s and the beginning of World War II in 1939 saw Australia's prosperity as a nation threatened, and consequently, economic and building activity slowed dramatically, with many people not having the land, labour or materials to build their own home. By 1942, there was an Australia-wide shortage of 250,000 houses. By 1947, 4218 Queensland families were living in homes made from calico, canvas or Hessian, with others in makeshift bark shelters.⁶

The end of World War II in 1945 heralded the return of many service personnel to their families, as well as increasing numbers of immigrant families to Australian shores. This rapid increase in the population was reflected in a nation-wide shortage of both established houses and building supplies. The emerging housing crisis led to housing becoming the top priority for State and Commonwealth Governments in 1945. It was in that year that Queensland's then Premier, Frank Cooper, signed the Commonwealth and State Housing Agreement with the five other States, heralding the start of public rental homes being built across Australia. The Queensland Housing Commission ('the Commission') was also established in 1945.⁷

The Commission began building Queensland's first rental homes. It also started converting ex-wartime barracks into temporary accommodation for families in need. During the late 1940s, the Commission had thousands of workers under contract or on day labour teams working to build brick, timber and fibro homes for Queenslanders to rent. Within a few years, 14 temporary camps were set up, two of which were in Townsville and Toowoomba. The camps provided rustic and

⁴ The material in this part is largely sourced from *Fifty Years of Public Housing in Queensland – Developing Better Communities 1945 to 1995*, Queensland Department of Housing, Local Government and Planning, 1996.

⁵ *Fifty Years of Public Housing in Queensland*, p 3.

⁶ *Fifty Years of Public Housing in Queensland*, p 7.

⁷ *Fifty Years of Public Housing in Queensland*, pp 7-10.

sometimes unsuitable accommodation – they were army barracks converted into small flats with communal bath and laundry facilities.⁸

By 1950, more than 2000 families lived in temporary accommodation in Queensland, paying rents ranging from 12 shillings and sixpence (\$1.25) for a one-bedroom unit to up to 27 shillings and sixpence (\$2.75) for a four bedroom unit. In 1950, the average weekly wage was almost £10 (\$20).⁹ As well as establishing temporary camps, the Commission was also building new houses to try and meet the growing demand.

By mid-1945, the Commission had built 198 homes for rent. These had increased to around 2000 homes by mid-1948, when Queensland could also boast the highest rate of construction per capita. This was still not enough to overcome the housing crisis however and so Queensland began importing pre-fabricated houses made to Queensland designs from French, Swedish, Dutch and Italian building firms. Importing pre-fabricated houses meant the Commission could launch a large scale attack on the housing shortage. Land was cleared throughout Brisbane and regional Queensland, large housing estates were built, roads were constructed and services established. By the end of the 1950s, the Commission had constructed nearly 23,000 houses across the State – over half were sold and the others rented.¹⁰

The rent for public housing was called the ‘economic rent’ and was calculated by a formula, averaging such elements as the cost of the house and the loan, maintenance and administration. No Australian family was expected to pay more than a fifth of their weekly income in rent, so rebates were introduced.¹¹ The 1970s saw public housing move away from large estate developments towards unit blocks and attached houses.¹² The designs of most unit blocks and the imposing size of some of the larger blocks did not improve the aesthetic or community appeal of public housing, with unit blocks coming to be known as ‘six-packs’ because of their box-like appearance.¹³

Since the 1990s the type and quality of home provided has changed dramatically. No longer are estates built with hundreds of similar dwellings. Public housing now

⁸ *Fifty Years of Public Housing in Queensland*, p 12.

⁹ *Fifty Years of Public Housing in Queensland*, p 13.

¹⁰ *Fifty Years of Public Housing in Queensland*, pp 18-21.

¹¹ *Fifty Years of Public Housing in Queensland*, p 21.

¹² *Fifty Years of Public Housing in Queensland*, p 25.

¹³ *Fifty Years of Public Housing in Queensland*, p 26.

is built with full consideration being given to surrounding designs and landscapes and with the goal of ensuring public housing is integrated into the community, is not easily identifiable and blends in with the surroundings. Housing options are provided for both small and large families, for single people, for people with a disability, and for older people. Housing designs have also been developed to meet the specific cultural needs of Aboriginal and Torres Strait Islander people.¹⁴

The Queensland Council of Social Service has very recently (May 2003) analysed Queensland's performance across housing and assisted accommodation services and produced a comprehensive report entitled *Fair Housing: A Report Card on Housing and Supported Accommodation Services*.¹⁵ The Report addresses housing performance in Queensland from the perspective of government funding, housing accessibility, affordability and suitability.¹⁶

2.2 THE HUMAN SIDE OF THE HOUSING EQUATION

*The Social and Economic Impacts of Unmet Housing Needs*¹⁷ is a paper presented to a Housing Department Seminar in November 1999 which provides the results of a project to identify and design a methodology to measure the social and economic impacts of unmet housing need. 'Unmet housing needs' referred in this study to questions of housing affordability, availability, appropriateness, quality and security of tenure.¹⁸ Stage 1 reviewed literature on the social and economic impacts of unmet housing needs with a view to identifying appropriate population groups and methodology for further research. That literature review identified a number of useful studies illustrating a range of social impacts from unmet housing needs.¹⁹ The studies found that unmet housing needs impact negatively on:

- Health;

¹⁴ *Fifty Years of Public Housing in Queensland*, p 30.

¹⁵ *Fair Housing: A Report Card on Housing and Supported Accommodation Services*, Queensland Council of Social Service Inc., May 2003.

¹⁶ *Fair Housing: A Report Card on Housing and Supported Accommodation Services*, p 6.

¹⁷ *The Social and Economic Impacts of Unmet Housing Needs - Occasional Paper 4*, Prepared by Dr Peter Phibbs, University of Sydney, Presented by Housing Policy and Research Unit, Queensland Department of Housing, November 1999.

¹⁸ *The Social and Economic Impacts of Unmet Housing Needs - Occasional Paper 4*, p 4.

¹⁹ *The Social and Economic Impacts of Unmet Housing Needs - Occasional Paper 4*, p 1.

- Education;
- Crime;
- Employment prospects; and
- Family and community relationships.

The paper noted that:

Most studies have had difficulty in quantifying the costs for the individual and the community resulting from the negative social impacts of unmet housing needs. Some studies have however, provided quantitative data indicating that these impacts result in higher costs and that improvements to housing would result in net cost benefits.²⁰

Stage 2 of the project involved case studies for individuals living in:

- A boarding house managed by a community housing association
- Public housing allocated on a priority basis
- The private rental market
- A housing co-operative
- A densely populated public housing estate.

Population groups reflected in the case studies included the following:

- The aged
- People with HIV/AIDS/Other health problems
- Single parents
- Young singles
- In the case of the public housing estate – a range of low income households from a variety of cultural backgrounds.

The case studies found that positive changes in housing circumstances had a number of impacts on the individuals concerned. These included:

- An increase in disposable income through a reduction in rent
- The increase in disposable income from lower rent, in turn, led to outcomes such as improved diet and the ability to achieve a higher standard of living

²⁰ *The Social and Economic Impacts of Unmet Housing Needs - Occasional Paper 4, p 1.*

- Improved health, medical care and a reduction in hospitalisation
- A reduction in stress and improved sleeping
- The ability to pursue hobbies because of larger accommodation
- A reduction in costs such as child care through the availability of support networks
- Improved educational performance of children arising from having a stable environment and space for children to do their homework
- Improvements in personal safety
- A reduction in the use of support agencies
- A reduction in public housing vacancy rates and tenant disputes
- Skills development potentially leading to employment
- A general increase in personal happiness and quality of life.²¹

By way of contrast, one case study described a sudden deterioration in housing circumstances. In this case impacts included:

- Psychological trauma and increased stress
- Increased travel to access work, university and support networks
- A deterioration in university studies
- Loss of privacy.²²

2.3 THE DEPARTMENT OF HOUSING'S VISION FOR THE FUTURE

The Queensland Department of Housing outlines its vision for the future in its *Strategic Plan 2002-2007*²³. Key aspects of that vision are extracted below:

The Department of Housing's vision is to improve people's lives through housing. The fundamental assumption underpinning this vision is that housing can make a significant difference in people's quality of life now, and their opportunities in the

²¹ *The Social and Economic Impacts of Unmet Housing Needs - Occasional Paper 4*, p 2.

²² *The Social and Economic Impacts of Unmet Housing Needs - Occasional Paper 4*, p 2.

²³ *Strategic Plan 2002-2007*, Queensland Department of Housing, downloaded on 23 June 2003 from http://www.housing.qld.gov.au/publications/strategic_plan/vision.htm

future. Good housing offers many benefits. For example, stable housing close to family and friends can provide families with a refuge in difficult times. Well-located housing can improve people's access to transport, employment and training opportunities. Affordable housing can help to alleviate the stresses of poverty associated with unaffordable rents.

This Plan reflects a strategic direction grounded on the understanding that housing matters. Key external factors, outlined in the previous section, determine the nature of the housing issues and the resources to address them. In this environment the Department has no option but to embark on new directions.

The Department needs to review and refine its range of social housing assistance to ensure value for money and that those in greatest need are getting timely access to necessary assistance. More and more people are in need of housing assistance, and our capacity to respond is limited. To make the best use of available resources in this environment we need to be able to offer clients a wider range of more flexible options.

The Department must broaden its role to influence the wider housing system. Our second goal is to ensure that the housing system works for as many Queenslanders as possible, thereby reducing reliance on government-funded housing assistance. In particular, we need to better understand why low-cost housing is disappearing, and implement strategies to reverse this trend.

Improving people's lives through housing also requires taking a community or neighbourhood perspective. For many people, their neighbourhood is the aspect of housing that impacts most on their health, happiness and future life chances. Our third goal therefore reflects our growing focus on building sustainable communities.

Making the best use of our resources requires better understanding of the needs of our clients, and putting greater effort into matching clients with the most appropriate housing assistance. Our fourth goal is therefore to continue to improve the quality of client service we deliver. A more flexible and collaborative approach across support services should result in better outcomes for our clients, and the capacity to help more people with our limited funding base.²⁴

3 PROBLEMS WITH THE STATE HOUSING ACT 1945 (QLD)

The Department of Housing has considered the *State Housing Act 1945* (Qld) outdated for some time. During the 1990s, reviews of the Act conducted by the then Department of Housing, Local Government and Planning concluded the Act was mostly irrelevant to how housing assistance was delivered in practice. They also concluded that the Act did not provide the flexibility necessary to enable the

²⁴ *Strategic Plan 2002-2007*, Queensland Department of Housing, downloaded on 23 June 2003 from http://www.housing.qld.gov.au/publications/strategic_plan/vision.htm

Department to develop new products and services.²⁵ The *Review of the State Housing Act (Draft) Issues Paper*²⁶ (the *Issues Paper*) noted that the *State Housing Act 1945* has been amended many times since it was passed and outlined reasons for reviewing the legislation.²⁷ A summary of those reasons is given below:²⁸

- **The present 1945 Act is over-specific:**
 - Over-specific legislation is considered inappropriate because:
 - Specific legislation inevitably gets stale quickly;
 - Tight or detailed specifications of programs is unnecessary given the framework of external legislation and regulation within which programs now operate; and
 - Such an approach is inconsistent with the approach now taken by Parliamentary Counsel and the approach prescribed in the *Legislative Standards Act*.
- **The approval and reporting structures in the Act are outdated:**
 - Since the present Act was drafted in the 1940s, the processes of program formulation and approval, and of financial reporting, have become more sophisticated.
 - To some extent the Act is a code which assumes all legislative powers for a program need to be located in the Act itself. In reality however, other statutes and Government processes provide much of the framework and legislative authority for the Department's programs (eg. *Residential Tenancies Act 1994*, *Financial Administration and Audit Act 1977*, Public Finance Standards, *Credit Act 1987*, *Freedom of Information Act 1992*, and the Commonwealth State Housing Agreement).

²⁵ *New Housing Legislation – Consultation Feedback Report - Book One - March-May 2002*, Department of Housing, p 2 as downloaded on 29 May 2003, from http://www.housing.qld.gov.au/strategic_policy/legislation/new/pdf/book1.pdf

²⁶ *Review of the State Housing Act Issues Paper (Draft for Discussion Purposes Only)*, Queensland Department of Housing, Local Government and Planning, (prepared by Blake, Dawson Waldron Solicitors), September 1994.

²⁷ See *Review of the State Housing Act Issues Paper (Draft)*, September 1994, pp 2-3.

²⁸ *Review of the State Housing Act Issues Paper (Draft)*, September 1994, pp 2-3.

- **Review of the Act was necessary to allow the Department to further improve client focus:**
 - The Department provides service to a broad range of clients and thus information about the Department's programs needs to be widely available and decisions by the Department should be open to review.

The 1994 *Issues Paper* also suggested what the objects of new legislation should be.²⁹

- *To improve access to secure, affordable and appropriate housing by providing a range of integrated housing assistance programs which best meet demonstrated need;*
- *To ensure that housing assistance is directed across tenures as required and is targeted to those most in need;*
- *To ensure that housing assistance reflects the changing needs of the community;*
- *To ensure that housing assistance is provided effectively and efficiently and is delivered in a co-ordinated manner;*
- *To promote effective consumer protection in housing assistance;*
- *To ensure the assets of the Department are managed effectively and efficiently;*
and
- *To provide opportunities for the broader community to be involved in decisions about housing assistance measures and to be accountable to the broader community.*

In 2001, the Department of Housing considered two options to replace the *State Housing Act 1945* with new arrangements, being – to replace the old Act with new legislation or to use administrative arrangements such as contracts and codes. Consultation with key government and non-government agencies in mid 2001 showed support for repealing the *State Housing Act 1945* and strong support for replacing the Act with new legislation.³⁰ The Minister approved the development of new housing legislation in October 2001.³¹ The main purpose of the new

²⁹ *Review of the State Housing Act Issues Paper (Draft)*, September 1994, p 7.

³⁰ *New Housing Legislation – Consultation Feedback Report - Book One - March-May 2002*, Department of Housing, p 2 as downloaded on 29 May 2003, from http://www.housing.qld.gov.au/strategic_policy/legislation/new/pdf/book1.pdf

³¹ *New Housing Legislation – Consultation Feedback Report - Book One - March-May 2002*, Department of Housing, p 2 as downloaded on 29 May 2003, from http://www.housing.qld.gov.au/strategic_policy/legislation/new/pdf/book1.pdf

legislation is to provide a modern basis for the Department of Housing to administer housing and housing-related programs.³²

The Department's July 2001 Discussion Paper – *Implementing the Queensland Government's Housing Policy Objectives*³³ - proposes a repeal of the *State Housing Act 1945* on the grounds that the Act is “*outdated and no longer an effective legislative mechanism for the Queensland Government to achieve its housing aims. Greater diversity and flexibility in how housing assistance is provided – along with an enhanced role for the Queensland Government in the wider housing system – require different supporting arrangements.*” The Discussion Paper then goes on to say (at pp 13-14) that:

The State Housing Act was initially drafted over 50 years ago in an environment of quite different government service delivery. It was first enacted in a period where few external frameworks were in place for establishing the financial, accounting and reporting requirements of public agencies.

The State's contemporary legislative framework includes legislation that enables the Queensland Government through the Department of Housing to operate a public housing portfolio, engage in land purchase and development, and otherwise carry out the functions associated with directly providing housing assistance. The range of statutory financial and administrative arrangements that require accountability and probity to be demonstrated for transactions conducted by government agencies did not exist in 1945. Some of the provisions of the Act are inconsistent with this contemporary framework and while these inconsistencies can generally be reconciled using principles of statutory interpretation, this is not desirable.

The State Housing Act 1945 is an increasingly untenable legislative base for the Queensland Government due to its inappropriately restrictive regulation of housing assistance, and the way in which it inhibits and restricts innovation such as the development of new forms of housing assistance.

In his Second Reading speech for the Housing Bill 2003, Minister for Housing, Hon R E Schwarten MP, said, of the need to change from the present *State Housing Act 1945*:

This Bill provides a modern legislative basis for the State's present and future housing directions. Queensland's existing State Housing Act 1945 reflects the policy and administrative environment of 1945. It largely concerns the constitution and powers of the Queensland Housing Commission, a body created to allow the State, through the Commission, to hold freehold land, construct and sell dwellings, create perpetual leases, and lend to eligible persons and approved institutions. The Commission was established in an era when there was uncertainty about whether the State could own and deal in freehold title to land. However times have changed and

³² *New Housing Legislation – Consultation Feedback Report - Book One - March-May 2002*, Department of Housing, p 6 as downloaded on 29 May 2003, from http://www.housing.qld.gov.au/strategic_policy/legislation/new/pdf/book1.pdf

³³ *Implementing the Queensland Government's Housing Policy Objectives – Discussion Paper*, July 2001, Housing Policy and Research, Department of Housing (Qld), pp 13-14.

today there is no longer any doubt that the State can indeed acquire, hold and deal with land.

While it has been amended on many occasions to allow for the introduction of specific products, the general purpose and structure of the State Housing Act 1945 remains largely unchanged since 1945. It contains a high level of detail about many obsolete programs, outdated and restrictive approval structures and does not reflect the existing range of measures provided by the State Government to families and individuals who are in need of housing assistance.

The legislation of 1945 has become redundant and therefore has ceased to be a useful legislative tool for the Government. The Housing Bill 2003 has been prepared in response to the constraints of the existing legislation and supports the Queensland Government's broader role in influencing the effectiveness of the overall housing system to expand the provision of appropriate and affordable housing for Queenslanders.³⁴

Some specific areas for improvement in the existing legislation that were noted during the consultation process and the proposals that were put forward in response are discussed below:

3.1 NO LEGISLATIVE SYSTEM OF REVIEW

The *State Housing Act 1945* (Qld) does not contain a system of review of decisions which can have a significant impact on a person's housing interests (eg. those related to a person's eligibility for public housing, their eligibility for a transfer between locations, their eligibility for priority housing, rent assessments, or allocation decisions on the type and location of allocated housing). The current review process for public housing and Aboriginal and Torres Strait Islander Housing clients has its base in policy, not legislation.³⁵

The consultation process revealed general support from its participants for a review system being set out in the new legislation. It was reportedly felt by many participants in the consultation process that, given that nearly all Departmental decisions can have a significant impact on a client's housing interests, all decisions should be reviewable. In addition to appealing these types of eligibility and allocation decisions, which apply policy to an individual's situation, some participants felt that there should be a system under which the policy itself can be reviewed. This was felt necessary to address cases where the policy has been

³⁴ Hon R E Schwarten MP, Minister for Public Works and Minister for Housing, Housing Bill 2003, Second Reading Speech, *Queensland Parliamentary Debates*, 27 May 2003, pp 2079-2082 at pp 2079-2080.

³⁵ *New Housing Legislation – Consultation Feedback Report - Book One - March-May 2002*, Department of Housing, p 19.

applied correctly to an individual's situation, but the policy itself is considered faulty or inequitable.³⁶ The actual review process ultimately adopted by the Housing Bill 2003 is discussed in Part 4.4 of this Brief.

3.2 COMPLIANCE AND OFFENCE PROVISIONS

During the community consultations, Departmental officers noted that people not complying with the rules of various programs imposes a cost on the Department and on the general community, as it may mean that housing assistance is not given to those most in need (eg. a person deliberately providing false information to make themselves appear eligible for public housing may deprive or delay a person who is genuinely eligible from being assisted).³⁷

Subsection 41(1)(d) of the *State Housing Act 1945* states that any person who furnishes the commission with a written declaration or statement which the person knows is false in a material particular, is liable to a penalty of between \$100 and \$400. It was proposed during the consultation process that the new legislation include a compliance system and (among other things) make certain activities (such as the intentional provision of false or misleading information) unlawful.³⁸ Arguments for and against various compliance tools proposed during consultation are discussed in the *Consultation Feedback Report*.³⁹ The sanctions ultimately included in the Bill for people providing false or misleading information to the Department are outlined in Part 4.5 of this Brief.

³⁶ *New Housing Legislation – Consultation Feedback Report - Book One - March-May 2002*, Department of Housing, pp 19-20.

³⁷ *New Housing Legislation – Consultation Feedback Report - Book One - March-May 2002*, Department of Housing, p 21

³⁸ *New Housing Legislation – Consultation Feedback Report - Book One - March-May 2002*, Department of Housing, p 21

³⁹ *New Housing Legislation – Consultation Feedback Report - Book One - March-May 2002*, Department of Housing, pp 21-22

4 KEY PROVISIONS OF THE HOUSING BILL 2003 (QLD)

4.1 PRINCIPLES AND OBJECTIVES

Clause 4 and **5** of the Housing Bill set out the main objects of the proposed Act, and the way in which they are primarily to be achieved, while **Clause 6** provides that the proposed Act is to be administered in a way that has sufficient regard to eight guiding principles.

4.1.1 Objects of the legislation

As stated in **Clause 4**, the main objects of the legislation are to:

- improve the access of Queenslanders to safe, secure, appropriate and affordable housing; and
- help build sustainable communities.

Clause 5 provides that these objects are to be achieved primarily by making provision about:

- housing-related activities carried on by the State, including—
 - providing public housing and other housing services; and
 - developing, undertaking or supporting other housing programs and initiatives; and
- a system, for supporting and regulating certain types of entities providing housing services, that includes—
 - registering the entities; and
 - giving them financial assistance, making land available to them or giving them other types of assistance; and
 - regulating how they provide housing services using the assistance.

4.1.2 Principles guiding the administration of the legislation

The Department's July 2001 Discussion Paper - *Implementing the Queensland Government's Housing Policy Objectives* – outlined the Government's vision for housing (p 12):

This vision for housing promotes secure, affordable and appropriate housing in diverse, cohesive and sustainable communities as fundamental to a good quality of life for families and individuals. This vision for good housing outcomes recognises that housing enables people to participate in the social and economic life of the community. Good housing outcomes in sustainable communities provides a healthy environment in which to bring up children, improves health and is a basis for taking up education, training and job opportunities. This vision also recognised that

housing assistance helps to reduce the incidence of after-housing poverty for households.

The Discussion Paper also suggested⁴⁰ housing principles which can contribute to the Housing Policy Statement as being:

- Housing is to be affordable;
- Housing is to be in the right place;
- Housing gives people a chance to be part of the community;
- People need housing at the right time;
- Housing offers security; and
- Housing fosters independence.

In keeping with the sentiments expressed in the Discussion Paper, **Clause 6** of the Bill states that the Act is to be administered in a way that has sufficient regard to the following principles:

- (a) That the availability of safe, secure, appropriate and affordable housing in a community enhances the quality of life of people living in the community and contributes to the wellbeing of the community by enabling people to participate in its social and economic life.
- (b) The need for safe, secure, appropriate and affordable housing can be met by entities from government, industry and the community, acting separately and in partnership.
- (c) A community is sustainable if it is socially and economically diverse, cohesive, resilient and adaptable, and if it has access to appropriate services and amenities.
- (d) Housing services should be provided in a way that responds to the diverse and changing needs of individuals, families and other households.
- (e) The State's provision of housing services should provide leadership and promote best practice in housing provision and residential development and be integrated as far as is reasonably practicable, with the provision of other government social services.
- (f) Individuals being provided with housing under this Act should have access, as far as is reasonably practicable, to an appropriate choice of housing types and tenures.

⁴⁰ *Implementing the Queensland Government's Housing Policy Objectives - Discussion Paper*, Department of Housing (Qld), July 2001, p 12.

- (g) Housing services should be provided in a way that has appropriate regard to local and regional differences, cultural diversity, and Aboriginal tradition and Island custom.
- (h) The needs, views and interests of consumers of housing services, indigenous community members and representatives, non-government entities, industry bodies and local governments should be taken into account in developing government housing policy.

4.2 THE QUEENSLAND HOUSING COMMISSION

The *Consultation Feedback Report* proposed the abolition of the Queensland Housing Commission. As background to this proposal, the Report stated, at p 24:

Under the new Act, the Queensland Housing Commission will be abolished, with all rights and obligations transferring to the State of Queensland through the Department of Housing. As explained at the consultations, this will not have any impact on tenants or clients of the Department. The ending of the Commission does not mean the end of public housing, or any other program of the Department of Housing. It also does not mean any change to the current delivery of services.

The Commission is being abolished because it is an outdated entity no longer required by the State Government. The Commission was established in 1945 when it was generally believed that the State Government, unlike an individual person or a corporation, did not have a legal identity that would allow it to own and manage housing property in its own name. The Commission was created as a corporate vehicle to represent the State, and in particular to operate the public housing rental portfolio.

Developments in law have clarified that the State does have its own legal identity and can hold property in its own name. There is therefore no longer legally a need to have the Commission.

A Queensland Housing publication notes that:

The introduction of new housing legislation will mark the end of the Queensland Housing Commission. The Director-General will take the place of the Commission in all agreements, including tenancy agreements. This will not require a change to the agreements as the Housing Bill 2003 states that wherever the words 'Queensland Housing Commission' appear in a document, they will be taken to refer to 'the Chief Executive (Director-General) on behalf of the State'.

Provisions in the Bill preserve the rights of Commission tenants to continue to occupy their homes under the same rental agreements. The rights of people with other agreements with the Commission, for example, loan agreements, are also protected under the Bill. No one who has an existing contractual arrangement with

*the Commission will be disadvantaged. All existing rights, obligations, assets and liabilities of the Commission will transfer to the State Government.*⁴¹

A related issue noted at p 24 is that the *State Housing Act* provides for the establishment of a Queensland Housing Commission Fund, with money for public housing being paid into this fund. It was felt that the fund would have to be renamed if it was to be retained. As noted below at Part 4.3 of this Brief, the Queensland Housing Commission Fund under the *State Housing Act 1945* is proposed by **clause 10(1)** of the 2003 Bill to be continued in existence as the Queensland Housing Fund. **Clause 10** also proposes that the accounts for the fund be kept as part of the departmental accounts (**cl 10(3)**) and that the *Financial Administration and Audit Act 1977* (Qld) apply to the fund (**cl 10(2)**).

4.3 THE QUEENSLAND HOUSING FUND

Clause 110 of the Bill seeks to repeal the present *State Housing Act 1945* (Qld). As discussed above, **Clause 10** proposes, however, to continue the present *Queensland Housing Commission Fund* (established in 1945 following Queensland becoming a signatory to the Commonwealth and State Housing Agreement),⁴² with the newly proposed *Queensland Housing Fund*. Sources of revenue for the new fund are outlined in **clause 10(5)** and include such items as amounts received from the Commonwealth for providing housing services, the proceeds of sale of portfolio property, and rent payments from public housing tenants. **Clause 10(6)** states that an amount is payable from the fund for the purposes of the Act, including for purposes such as giving grants to registered providers, giving loans to individuals to obtain housing and for purchasing land for the property portfolio.

Clause 11 vests responsibility for using the Queensland Housing Fund and portfolio property to achieve the objectives of the Act in the Chief Executive. **Clause 11(2)** lists permitted uses of the fund or property by the Chief Executive as including:

- To provide public housing;

⁴¹ *Housing Bill 2003 – Information for Department of Housing Clients – Information Sheet 4*, Department of Housing, p 1, as downloaded on 4 June 2003 from http://www.housing.qld.gov.au/strategic_policy/legislation/new/info4.htm

⁴² *Celebrating Fifty Years of Public Housing in Queensland – Developing Better Communities 1945 to 1995*, Queensland Department of Housing, Local Government and Planning, 1996, p 7. A full copy of the *Commonwealth State Housing Agreement 1999-2003-(Bilateral Agreement as entered into by the Commonwealth of Australia and Queensland)* can be downloaded at: <http://www.housing.qld.gov.au/pdf/bilateral.pdf>

- To provide grants, loans, land or other assistance to individuals in need of housing services and to entities providing housing services or housing for their employees/contractors;
- To conduct housing-related research;
- To develop, undertake or support other housing programs and initiatives to:
 - Promote the development and sustainability of the housing sector; and
 - Improve the responsiveness of the housing sector to housing need, housing design issues and planning issues; and
 - Otherwise help the housing sector to meet the demand for safe, secure, appropriate and affordable housing; and
- To provide housing-related infrastructure.

4.4 SYSTEM FOR REVIEW OF CERTAIN DEPARTMENTAL DECISIONS

Under the present system, individuals who are adversely affected by a decision made by the Department of Housing can request a statement of reasons for the decision and apply to the Supreme Court for a judicial review of the decision-making process. According to the Department,⁴³ this arrangement will continue under new legislation. The 2003 Bill will, in addition, give Department of Housing clients the legislative right to have certain decisions reviewed. Reviewable decisions are defined in **cl 63** of the Bill and include:

- A person's eligibility to be provided with public housing;
- The type of public housing to be provided to a person;
- The place where public housing is to be provided to a person;
- A decision under **cl 28** (application for registration) to refuse registration;
- A decision under **cl 30** (application to cancel registration) to refuse the application or that requires the applicant take stated action before the application is granted
- A decision under **cl 31** to cancel registration without application;
- A decision to appoint an interim manager under Part 5, Division 2;
- A decision to register an entity under **cl 127** (registration of entity that is party to a continuing agreement).

⁴³ *Housing Bill 2003 – Information for Department of Housing Clients – Information Sheet 4*, Department of Housing, p 2, as downloaded on 4 June 2003 from http://www.housing.qld.gov.au/strategic_policy/legislation/new/info4.htm

Under **cl 64** of the Bill, immediately after making a reviewable decision in relation to a person, the chief executive must give the person a notice stating the reasons for the decision and notifying the person that they have 28 days after receiving the notice to apply to the chief executive for a review of the decision and how to do so. The recipient of the notice may apply to the chief executive under **cl 65** for a review of the decision. If he or she does so, the chief executive must then review the original decision and make a ‘review decision’ either confirming or amending the original decision, or substituting another decision for the original (**clause 67(3)**). The review must not be conducted by the original decision maker or by a departmental officer less senior than the original decision maker (**clause 67(2)**). The outcomes of a review and reasons for the decision must be given in writing (**cl 67(5)**). According to information from the Department, it will continue to offer clients a right to seek review of other decisions (eg. the decision whether to offer a home loan), but the right to have these other decisions reviewed will be based in departmental policy and is not specified in the Housing Bill 2003.⁴⁴

4.5 OBLIGATIONS AND OFFENCE PROVISIONS

A person who provides the Department with false information about his/her income in order to obtain public housing may obtain assistance in priority to a person with a genuine need who is within the income eligibility limits. To help overcome such problems, the Housing Bill 2003 requires that a person:

- Must not deliberately provide false or misleading information to the Department (**cl 17(1)**);
- Must notify the Department of a change in housing service⁴⁵ information within 28 days (**cl 18(2)**);
- Must not sublet a departmental property without the prior written consent of the Department (**cl 19(1)(b)**); and
- Must not use or allow the premises to be used for a purpose other than their place of residence without the Department’s prior written approval (**cl 19(1)(c), (d)**).

Breaching these provisions may attract a maximum penalty of 10 penalty units (currently equivalent to \$750).⁴⁶ The Department will retain the discretion about

⁴⁴ *Housing Bill 2003 – Information for Department of Housing Clients – Information Sheet 4*, Department of Housing, p 2, as downloaded on 4 June 2003 from http://www.housing.qld.gov.au/strategic_policy/legislation/new/info4.htm

⁴⁵ See definition of “housing service” in cl 8 and “housing service information” in cl 16.

whether to apply the offence provisions, but will still be able to respond in other ways such as issuing ‘Notices to Remedy’.⁴⁷ The decision about whether an actual offence was committed and whether a fine should be imposed will be made by the Magistrate’s Court.⁴⁸

4.6 REGISTRATION OF ORGANISATIONS FUNDED BY THE DEPARTMENT

Part 4 of the Bill covers ‘registered providers’. It establishes a system under which the Chief Executive may register certain entities, give them assistance with which to provide housing services, and regulate some aspects of their operations (cl 20).

As outlined in the Minister’s Second Reading Speech:

A key element of the bill is the introduction of a system to regulate not-for-profit agencies that deliver housing and housing-related services to some of the most vulnerable members of our community. The community housing sector provides housing to approximately 6,000 households at any one time and manages assets worth approximately \$500 million. This sector operates a range of housing from crisis accommodation to long-term community housing for people on low to moderate incomes, many of whom face additional disadvantage in their lives.

... In future, only registered housing providers will be eligible to receive assistance from the department. Registered providers that receive assistance from the Department of Housing to deliver housing services will be required to comply with a number of specific minimum standards that will be prescribed by regulation.

The objective of the registration system is to ensure good outcomes for tenants and clients of registered providers and in particular ensure stability and continuity of tenure and service delivery by funded organisations. The system will also ensure accountability in the use of funds provided by government and provide a framework within which registered agencies can further develop their viability as providers of housing and housing related services. The registration system provided for in the bill will apply to organisations that are direct providers of housing, in addition to those

⁴⁶ The value of a penalty unit with respect to this (and most other) Act(s) is \$75 per ss 5(1)(b) of the *Penalties and Sentences Act 1992* (Qld).

⁴⁷ *Housing Bill 2003 – Information for Department of Housing Clients – Information Sheet 4*, Department of Housing, p 3, as downloaded on 4 June 2003 from http://www.housing.qld.gov.au/strategic_policy/legislation/new/info4.htm

⁴⁸ *Housing Bill 2003 – Information for Department of Housing Clients – Information Sheet 4*, Department of Housing, p 3, as downloaded on 4 June 2003 from http://www.housing.qld.gov.au/strategic_policy/legislation/new/info4.htm

*that provide housing related services such as tenancy advice and advocacy and home maintenance and modification services.*⁴⁹

4.6.1 Entities that may be registered

Those entities which may be registered under Part 4, **clause 21**, are:

- (a) Nonprofit corporations
- (b) Local governments
- (c) Aboriginal Councils
- (d) The Aboriginal Coordinating Council
- (e) Island Councils
- (f) The Island Coordinating Council
- (g) An entity, or an entity of a type, prescribed under a regulation.

4.6.2 Ways in which assistance may be given

The Chief Executive may give assistance to a registered provider under **clause 24** to enable it to provide housing services in ways that best achieve the objects of the legislation. **Clause 23** outlines the way the Chief Executive may give assistance to a registered provider, including, for example –

- (a) Making, on appropriate conditions, a monetary grant or series of monetary grants to the provider; or
- (b) Making a secured loan to the provider; or
- (c) Transferring to the provider land subject to an appropriate security or covenant relating to the use of the land; or
- (d) Leasing land to the provider.

The Chief Executive is not required to give assistance to an entity merely because the entity is a registered provider (**cl 27**).

4.6.3 Gaining registration status

An entity of the type in **cl 21** may apply to the Chief Executive for registration under **cl 28**. Within 28 days from receiving the application, the Chief Executive must decide the application and give the entity notice of the decision (**cl 28(3)**).

⁴⁹ Hon R E Swarten MP, Minister for Public Works and Minister for Housing, Housing Bill 2003, Second Reading Speech, *Queensland Parliamentary Debates*, 27 May 2003, p 2080.

When deciding the application, **clause 28(4)** requires the Chief Executive to have regard to the following:

- (a) The housing services provided, or proposed to be provided, by the entity;
- (b) The need for the services;
- (c) The entity's record of financial management;
- (d) How the entity conducts, or proposes to conduct its operations;
- (e) Another matter prescribed under a regulation.

4.6.4 Continuing Agreements

Clause 127 of the Housing Bill 2003 provides that organisations funded by the Department of Housing to provide housing and housing-related services which have a 'continuing agreement' with the Department may be registered without a need to submit an application for registration. A 'continuing agreement' is an agreement such as a lease, funding agreement or service agreement, entered into by a funded organisation and the Queensland Housing Commission on or after 1 January 1996 and which is current immediately before the Act commences: **cl 127(9)**. The Bill specifies in **clause 127(4)** that the Department must provide organisations with at least 14 days notice of an intention to register them, and consider any issues raised by the organisation within this time, before proceeding with the registration. After making a registration decision, the Bill requires the Department to notify the organisation of the decision in writing. If an organisation does not agree with the Department's decision, it can apply to have the decision reviewed. Once an organisation is registered, any agreement that was in place between the Queensland Housing Commission and the organisation at the time of registration will become an 'assistance agreement' for the purposes of the Act.⁵⁰

The Explanatory Notes for the Bill (pp 3-4) indicate that:

These provisions are aimed at ensuring that the majority of organizations that have current funding agreements with the Department of Housing for financial or capital assistance, will be subject to the proposed regulatory framework. This approach will also enable the Department to utilise its powers under the legislation to monitor and enforce compliance where organisations fail to meet those requirements. The overarching objective of this approach is to protect clients and tenants and ensure the use of assets and funds is consistent with funding purposes.

⁵⁰ *New Housing Legislation Information Sheet 5 – Information for funded providers of housing and housing-related services*, Department of Housing (Queensland), downloaded from Department's website on 29/05/03.

Organisations that are a party to a continuing agreement are already required to comply with a range of requirements consistent with the draft requirements to be prescribed by regulation. It is intended that the prescribed requirements will closely mirror existing requirements for accountability, service delivery and standards that are presently contained in funding agreements and program guidelines. As such the proposed regulatory requirements are not expected to impose a significant additional financial or administrative burden on organisations or otherwise negatively affect them. In essence, the effect of registration on these organisations will be to maintain the status quo.

Clause 127(1) applies to an entity that on the commencement day is party to a continuing agreement. **Clause 127(2)** specifies that, at any time while the continuing agreement is current, the Chief Executive may register the entity, even though the entity has not applied for registration under **clause 28**. The factors to which the Chief Executive must have regard when deciding whether to register an entity are set out in **clause 127(3)**. These are:

- The time for which the continuing agreement will remain current;
- The nature and extent of the assistance that has been or is proposed to be, provided to the entity under the continuing agreement;
- Whether the entity has complied or is complying with the continuing agreement; and
- The matters contained in **clause 28(4)**.

As noted above, the Chief Executive must give the entity a notice proposing to register the entity and inviting it to provide a written response within at least 14 days, before the chief executive can register the entity (**cl 127(4)**). He or she must consider any timely written response received from the entity, before deciding whether to proceed with the registration (**cl 127(5)**). Immediately after the Chief Executive makes a registration decision, he/she must give the entity notice of that decision (**cl 127(6)**), which is a reviewable decision under **cl 63**.

Upon registration of the entity, each continuing agreement that is current at the time of registration is an ‘assistance agreement’; and a housing service provided by the entity using assistance from the Chief Executive under an assistance agreement is a funded service (**cl 127(7)**).

Clause 127(8) states that cl 127 does not limit the application of part 4 (thus, if the Chief Executive decides not to register an entity under **cl 127**, the entity may apply for registration under **cl 28**; and under **cl 29**, the registration of an entity remains in force unless it is cancelled under part 4).

4.6.5 Cancellation of registration

Registration of an entity continues until it is cancelled (**cl 29**). A registered provider may apply to the Chief Executive for cancellation of the registration (**cl 30(1)**) and within 28 days after receipt of the application, the Chief Executive

must decide the application and give notice of the decision (**cl 30(3)**). The Chief Executive must, and may only, grant the application if there is no assistance agreement in force with the provider and the Chief Executive considers it unlikely that he/she will take action to enforce compliance by the provider with the legislation (**cl 30(4)**). Even if no cl 30 application has been made, the Chief Executive may still cancel the registration of a registered provider if:

- (a) There is no assistance agreement in force with the provider; and
- (b) The Chief Executive is satisfied that it is unlikely that the Chief Executive will wish to do either of the following:
 - (i) Take action to enforce compliance by the provider with the Act;
 - (ii) Give assistance, or further assistance, to the provider under this part.

Before cancelling the registration, the Chief Executive must give the provider a notice outlining the reasons for the proposed cancellation and inviting the provider to give a written response within a stated period of at least 30 days (**cl 31(2)**). The Chief Executive must consider any such written response before deciding whether to cancel the registration (**cl 31(3)**). If the registered provider agrees to it however, the registration may be cancelled without following this notice/response process (**cl 31(5)**).

4.6.6 Keeping A Register of Providers

Clause 36(1) of the Bill requires the Chief Executive to keep a register containing a list of all registered providers. The register may include the information the Chief Executive considers appropriate (**cl 36(2)**) and be kept in any way he/she considers appropriate (**cl 36(3)**). **Clause 36(4)** provides that the Chief Executive must keep the register open for inspection, free of charge, by members of the public during ordinary office hours at an office of the department. Information from the Department⁵¹ suggests that it is likely that the register will be available on the Internet; and that the register will not contain information that identifies an individual, but may contain the following details:

- An organisation's name and address (business not residential properties);
- The Act the organisation is incorporated under;
- The types of housing services the organisation provides; and
- Enforcement action, such as whether an organisation has not complied with a Compliance Notice issued by the Department.

⁵¹ *New Housing Legislation Information Sheet 5 – Information for funded providers of housing and housing-related services*, Department of Housing (Queensland), downloaded from Department's website on 29/05/03.

4.6.7 Compliance with prescribed requirements

Registered providers must comply with the prescribed requirements relating to the provision of a funded service, as set down in a regulation (see **clauses 33 and 34**). A regulation may prescribe a requirement about such things as:

- how a registered provider conducts its operations while providing a funded service, including-
 - financial management and accountability; and
 - corporate governance; and
- how a registered provider delivers services to clients, including-
 - deciding eligibility and priority for services; and
 - giving information; and
 - resolving disputes
- other matters about providing a funded service, including-
 - tenancy management; and
 - rent assessment and collection; and
 - property management.

Inadequate policies and practices on the part of funded agencies can result in clients/tenants not receiving adequate or appropriate services, paying higher than affordable rents, being without adequate complaints and appeals systems, having insecure tenancies, breached residential tenancy rights, poor tenant participation and ongoing disputes. Potential tenants/clients of an organisation with poor eligibility or allocation policies may also experience difficulty or inequity in accessing housing services.⁵²

In outlining why regulating funded providers through legislation is appropriate, the Department noted that:

The housing rights of vulnerable clients can be at risk where the providers have inadequate financial and housing management practices and inadequate asset-management planning. Regulation would protect the rights of these tenants and clients in a way that they are not protected by other legislation.

For example, the Residential Tenancies Act 1994 governs the relationship between landlords and tenants, but does not protect the supply of secure, adequate and affordable housing to vulnerable tenants and clients of not-for-profit agencies providing housing and housing-related services. Agencies providing crisis

⁵² *New Housing Legislation – A Framework for Regulating Providers of Community-Managed Housing and Housing-Related Assistance – Discussion Paper*, Queensland Department of Housing, March 2002, p 6, as downloaded on 4 June 2003 from http://www.housing.qld.gov.au/strategic_policy/legislation/new/pdf/consultation_paper.pdf

*accommodation services for homeless people are exempt from the Residential Tenancies Act for the first 13 weeks of a client occupying accommodation.*⁵³

4.6.8 Contravention of prescribed requirements

If the Chief Executive reasonably believes a registered provider is contravening a prescribed requirement, or has contravened one in circumstances that make it likely the contravention will continue or be repeated, the Chief Executive may give the provider a ‘compliance notice’ requiring the provider to remedy the contravention.

Clause 35(3) requires the compliance notice to state:

- the prescribed requirement the Chief Executive believes is being, or has been, contravened;
- how it is believed to have been contravened;
- that the provider must remedy the contravention within a stated reasonable time;
- that it is an offence to fail to comply with the compliance notice without reasonable excuse.

A failure to comply with a compliance notice without reasonable excuse attracts a maximum penalty of 20 penalty units (currently \$1,500) - (**cl 35(5)**). Additional sanctions are available to the Chief Executive as set out in **clauses 35(6) and 35(7)**. According to information from the Department, however, “*Before taking legislative remedies, the Department will take steps to work in co-operation with the organisation to achieve the necessary service improvements*”.⁵⁴

4.7 APPOINTMENT OF AUTHORISED OFFICERS

If an organisation fails to meet its legal requirements, the Department may issue that registered provider with a compliance notice, as detailed above. In addition, the Bill allows the Director-General of the Department to appoint authorised officers to monitor and enforce compliance with the Act and prescribed requirements (**cl 69**). To enable authorised officers to act in this role, the Bill affords them powers to require information and documents from individuals and

⁵³ *New Housing Legislation – A Framework for Regulating Providers of Community-Managed Housing and Housing-Related Assistance – Discussion Paper*, p 10.

⁵⁴ *Housing Bill 2003 – Information for Department of Housing Clients – Information Sheet 5*, Department of Housing, p 3, as downloaded on 4 June 2003 from http://www.housing.qld.gov.au/strategic_policy/legislation/new/info5.htm

organisations (**cl 81**), to enter places with consent of the occupier (**cl 77(1)(a)**), or to enter public or business places when they are open to the public (**cl 77(1)(b),(c)**).

As explained in the Second Reading Speech to the Bill:

The existing State Housing Act 1945 contains uncertain powers for the department to investigate possible breaches of that act. The bill addresses this situation by establishing explicit powers for compliance monitoring and enforcement of the legislation through the appointment of appropriately qualified and trained authorised officers. These powers will enable the department to investigate suspected breaches of the legislation by both clients in receipt of housing services and registered providers.

The bill provides authorised officers with the power to require information or documents from any person for information gathering and enforcement purposes. This power may be exercised in relation to the individual or organisation under investigation and third parties. It is intended to allow the department to obtain sufficient information in order to establish whether or not an offence or other non-compliance has been committed.

The bill also grants powers of entry by consent to assist authorised officers to conduct investigations in respect of registered providers. It should be noted that authorised officers do not have the power to enter residential premises of departmental clients in the course of investigating possible breaches of the legislation. The integrity of the services and programs provided and/or funded by government will be better maintained through these information gathering and enforcement provisions which will—

- encourage greater public confidence in the direct provision of housing assistance by the state, and in the funding provided to registered providers;*
- support the department's effective administration of its programs; and*
- provide an appropriate accountability framework for officers whose responsibility it is to make compliance and enforcement decisions in relation to the legislation.⁵⁵*

4.8 APPOINTMENT OF AN INTERIM MANAGER

In exceptional cases, where an organisation is unwilling or unable to comply with the mandatory requirements and there are no other appropriate avenues available, the Department is given power under Part 5 of the Bill to appoint an Interim Manager of a funded service conducted by a registered provider (**cl 40**). Such an appointment may be made only if the Chief Executive is satisfied it is reasonably necessary to ensure compliance with a prescribed requirement about deciding eligibility/priority for services, or rent assessment or collection, and to ensure the

⁵⁵ Hon R E Schwarten MP, Minister for Public Works and Minister for Housing, Housing Bill 2003, Second Reading Speech, *Queensland Parliamentary Debates*, 27 May 2003, p 2081.

proper and efficient use under the assistance agreement of funded property or compliance with a lessor's obligations under s 103 of the *Residential Tenancies Act 1994* (Qld) (**cl 41**).

Powers of the interim manager are spelt out in **clauses 50-52** of the Bill. They include the power to demand rental payments from tenants (**cl 51**), to exercise a right of entry under the *Residential Tenancies Act* (**cl 50(1)(b)**), or to carry out repairs to the funded residential property (see **cl 52**). It is an offence under **clause 55(1)** to obstruct an interim manager in the exercise of a power, without reasonable excuse. The maximum penalty for breaching that provision is 20 penalty units (currently \$1,500). Where an interim manager is appointed to a funded service, the Chief Executive may give the registered provider a written demand for the amount of an administration cost. That amount may be recovered as a debt owed to the State (see **cl 59**).

4.9 SAVINGS AND TRANSITIONAL PROVISIONS

Savings and transitional provisions are located in Part 10 of the Housing Bill 2003. Examples include the following:

- **Clause 110** of the Bill repeals the *State Housing Act 1945* (Qld); however, certain provisions will be relocated from that Act to the Housing Bill under Part 10, Division 3 of the Bill.
- **Clause 116** dissolves the Housing Commission and the State becomes the Commission's successor in law under **cl 117(1)**. Pursuant to **cl 119(1)**, on the commencement day, the Commission's assets and liabilities immediately before the commencement day become the State's assets and liabilities.
- Where there was an agreement to which the Commission was a party, in force immediately before the commencement day, the State becomes a party to the agreement (in place of the Commission) on commencement day (**cl 123(1),(2)**). 'Agreement' is defined in **clause 123(3)** to include a 'contract of sale, lease, tenancy agreement, loan agreement or mortgage agreement.'

APPENDIX A – MINISTERIAL MEDIA STATEMENT

Hon Robert Swarten MP, Minister for Public Works & Housing

28 May 2003

New Housing Bill To Replace Old State Housing Act

Minister for Public Works and Housing, Robert Swarten, today introduced new legislation to Parliament to provide a more contemporary and flexible system for the administration of Queensland housing programs and services.

Mr Swarten said the Housing Bill 2003 establishes a present-day basis for the state government's role in delivering social housing.

He said the new legislation will also support the state government's broader role in influencing the wider housing system to ensure it works more effectively in responding to the housing needs of Queenslanders.

"This Bill repeals the State Housing Act 1945 which is well passed its use-by date as it includes detail about many obsolete programs," he said.

"The Queensland Government faces significant challenges in meeting housing needs of Queenslanders.

"Diminishing funds from the Commonwealth and increased operational costs, as well as increasing demands means we have to develop new and innovative approaches to housing.

"Our focus through this new legislation is to improve the access of Queenslanders to safe, secure, appropriate and affordable housing; and to help build sustainable communities."

Mr Swarten said the Bill will enable the state government to continue to provide public housing, grants and loans. In addition, it will establish a regulatory system for not-for-profit organisations that are funded to provide housing and housing-related services.

"The Bill will establish both obligations and rights for Department of Housing clients and the not-for-profit organisations that are funded to provide housing and housing-related services," he said.

"This will help operate an effective program of housing assistance which is targeted to those in genuine housing need. The integrity of services and programs provided or funded by Government will benefit from the Bill."

Mr Swarten said that as a result of the Bill, there will be greater accountability in the public housing system which provides approximately 52,000 dwellings and in the community housing system which assists around 6,000 households at any one time and manages assets worth approximately \$500 million.

"The Bill will provide the basis for building and strengthening a viable and sustainable housing sector which will better meet demands for high quality, appropriate and affordable housing."

Further Information: 3237 1832

APPENDIX B – NEWSPAPER ARTICLES

Title **Public housing on a precipice - The state-by-state outlook**
Author **Carol Altmann**
Source **The Australian**
Date Issue **14 May 2003**
Page **18**

The state-by-state outlook.

Queensland.

An inner-city housing boom, escalating rental costs and reduced federal funds have been blamed for a blow-out in the number of people to almost 30,000 on the public housing waiting list.

Housing Minister Robert Swarten said the system was under great strain but insisted commonwealth funding levels were to blame.

Recent figures show there are 29,683 on the waiting list, up from 24,353 in 2001.

Most are forced to wait an average of 12.4 months for a home.

The state has 55,000 properties, including 2795 for indigenous families.

Queensland Shelter director Adrian Pisarski said the high demand for public housing meant only the most desperate people were given accommodation, which in turn placed a further strain on the system.

NSW.

NSW continues to struggle to meet demand for public housing, despite a significant fall in the number of people on waiting lists in the past three years - down 10 per cent since 2000, from 101,561 to 90,926 households.

The Housing Department conceded the fall was partly due to regular reviews of families' eligibility for accommodation.

Of those still listed, most can expect to wait anywhere from six months to three years for a home.

Shelter groups argue waiting lists are an imprecise measure of demand and that increasingly tough eligibility criteria are bumping many families off the list.

Others are removed for failing to respond to requests for fresh information, despite many families having no permanent contact address.

Victoria.

The public housing crisis is hurting most in Victoria's regional areas where waiting lists have more than doubled since the start of the decade.

Morwell, in the southeast, recorded a 168 per cent increase in demand between June 2000 and December 2002, while in Portland, on the west coast, the number of people on the waiting list rose by 111 per cent.

Other problem areas were Benalla, which recorded a 73 per cent increase, Wodonga, 69 per cent, and Horsham, 64 per cent.

According to the Auditor-General, applications statewide for public housing increased 11.6 per cent to 40,396 in the two years to June 30, 2002.

However the latest figures from the state's Office of Housing indicate applications fell to 37,994 by December 2002.

Tasmania.

An unprecedented real estate boom is squeezing Tasmanians out of private property and on to public-housing waiting lists.

State government figures show waiting lists for public housing almost doubled from June 1999 to June 2002 and by March this year had climbed another 45 per cent to 2989.

Waiting times have also doubled from 12 to 23 weeks.

The number of urgent applications due to homelessness, domestic violence or other trauma jumped by more than 150 per cent during the same period.

Housing Tasmania has about 24,000 tenants in its 12,021 homes (down from 13,405 homes in 1999-2000).

Unemployed people, single mothers and people with disabilities are finding it particularly tough in the private rental market, where investors are seeking top returns.

Western Australia.

The public housing crisis here is hitting homeless indigenous people in Perth hardest.

The wait for public housing is up to five years in some suburbs, and complaints of discrimination lodged against public housing agency Homeswest have reached unprecedented levels, according to the state's Equal Opportunity Commission.

Independent housing agency Shelter reported last September that 85 per cent of people contacting accommodation support agencies in Perth needed crisis housing within 24 hours, a rise from 68 per cent in March 2002.

Most were staying with relatives or friends.

Shelter says Aborigines account for 45 per cent of the state's homeless, yet make up only 3.1 per cent of the population.

South Australia.

South Australia was the first state to establish a public housing authority, building 25,000 houses at its peak between 1937 and 1965.

As a result, while about 5 per cent of households Australia-wide are in public housing, in South Australia it is 8.5 per cent.

Under the Commonwealth State Housing Agreement, the states receive funding on a per-capita basis, which means South Australia was being hit with a "triple whammy", according to Ian Yates, executive director of the Council on the Ageing.

"We're not getting the money to spend on the public housing we already have and because we have got a lot of people staying in it, we're not getting the rental allowance funds from the commonwealth for people on low-incomes in private rental," Mr Yates said.

Title **Public housing on a precipice**
Author **Carol Altmann**
Source **The Australian**
Date Issue **14 May 2003**
Page **18**

The booming housing market was squeezing thousands of low-income earners out of private rental accommodation into a public housing system on the verge of collapse, Australia's peak social body has warned.

According to the Australian Council of Social Service, homelessness will reach chronic levels within 10 years unless governments tackle long public housing waiting lists, declining public housing stock and increasingly tough criteria that means only the most desperately in need are accommodated.

Across says federal and state funding for public housing has been cut by 25 per cent over the past 10 years, stock has fallen from 6.2 per cent to 4.7 per cent of all housing, and the national waiting list has become "so absurd" it will take 70 years to clear.

In Tasmania, where low property prices have traditionally reduced the pressure on public housing, the real estate boom has increased waiting lists by 74 per cent since 2001 and lifted the number of urgent cases by 150 per cent.

In a report for a proposed national housing summit, the Queensland Community Housing Coalition cited figures showing a shortage of 150,000 low-cost homes across Australia, while up to 1million people will soon be living in "housing stress", where more than a third of their weekly income is spent on rent.

"Australia is not delivering on public housing," ACOSS president Andrew McCallum said.

"If we carry on the way we are, there will be no public housing in Australia in the next five to 10 years.

It's an extremely critical situation."

The federal Government has proposed a solution to the looming crisis, under which the states will have to encourage private sector investment in low-cost housing or lose 5 per cent of their federal housing funds under the \$4.75billion Commonwealth State Housing Agreement.

The agreement is under negotiation.

Data collected by ACOSS and The Australian reveals more than 200,000 Australians are waiting for public housing - some for up to five years - while the number of new people housed each year has fallen by 29 per cent in the past decade to just 38,736 in 2000-01.

South Australia has suffered the biggest drop, with a 53 per cent cut in the number of new families accommodated in 2000-01 (3822) compared with 8138 in 1993-94.

Western Australia has housed 39 per cent less people, Queensland 31 per cent, and Victoria almost 30 per cent fewer families.

In Western Australia, waiting lists are up to five years in popular suburbs.

The NSW Government prides itself on falling waiting lists and maintaining the number of new families housed each year.

However, 97 per cent of new tenants are from the lowest income group, or those people with special needs.

Public housing was intended as low-cost accommodation for blue-collar families unable to afford the private rental market, but had since become an avenue for governments to house only the most poverty stricken or people most at risk, Mr McCallum said.

A Senate committee inquiry into poverty this month heard numerous submissions on Australia's "hidden" homeless - those caught in a cycle of moving between friends, family and emergency accommodation while waiting for a home.

"We have to stop the slanging match between the state and the feds," Mr McCallum said.

"We need to look at the issues, provide encouragement for private investment in social housing, raise the percentage of social housing across the country, and acknowledge the issue of homelessness - we need longer-term plans."

Public housing waiting lists and waiting times.

	2003	2001	Waiting period
NSW	90,926	101,561	up to 3 years
Victoria	40,396	41,639	up to 2 years
Qld	29,683	24,353	one year
WA	13,500	14,276	up to five years
SA	25,000	32,570	N/A
TAS	3,000	2,089	23 weeks up to two years
Total	202,505	216,488	

***Reduced waiting lists are also linked to changing eligibility criteria.
**Waiting times differ widely according to eligibility and housing type.
Source: state housing departments; Australian Council of Social Services.**

Title **Life on the street**
Author **Fiona Donnelly**
Source **The Courier-Mail**
Date Issue **14 April 2003**
Page **13**

It would have been interesting to be a fly on the wall at the Brisbane Sheraton last week.

The exclusive hotel was host to the 3rd National Homelessness Conference and the gathering attracted a wider clientele than normal.

Homeless people were given free registration and Ara Cresswell, executive officer of the Australian Federation of Homeless Organisations (AFHO), said that for once it was good to see the homeless being able to participate equally.

Cresswell says the AFHO's choice of the up-market venue incited debate.

But she asks where else could the conference have been held: "Under the bridge?"

In the park?

We wouldn't have been able to hear each other."

With more than 1000 people attending and a need for break-out meeting rooms that could host 250 at a time, she says options were limited.

Certainly, the delegates had plenty to talk about.

Accurate statistics on the numbers of homeless are notoriously difficult to collect, but whichever set is chosen to gauge the problem in Queensland the conclusion is the same: The current system cannot cope with the demands being made on it.

The most recent census figures on homelessness date from the 1996 census.

When the census was taken it was discovered that there were more than 100,000 individuals and 73,000 households Australia-wide without a roof to call their own.

In Queensland, the Australian Bureau of Statistics estimated that 25,649 people were homeless.

In Brisbane the figure was 4900.

Since then, indications are that the problem has increased.

The new census figures won't be published until later this year but statistics tracking the use of the State/Commonwealth funded Supported Accommodation Assistance Program, (SAAP) back the theory that numbers are rising.

In Queensland, over the past five years, the numbers accessing homeless crisis services rocketed by 48 per cent.

In 2001-2002, 18,300 people became clients of SAAP.

Not all homeless people are helped by SAAP so the real numbers can only be guessed at.

Particularly, if you consider that, during the same period, the SAAP budget in Queensland grew by 40 per cent but in real terms funding per client actually dropped by 5 per cent because it failed to keep pace with the growth in client numbers.

Brisbane City Council says there is a five-year waiting list for public housing in the inner city and no vacancies at all in crisis accommodation for families.

One organisation, Brisbane Boarders has 54 families on its waiting list.

Queensland Housing Minister Robert Schwarten says the reality is simple.

"The Queensland Government has improved housing by \$145 million (since it was elected in 1998) but has lost \$174 million (in funding) from the Commonwealth Government.

What you're seeing is the result.

We're going to see homelessness in Australia like we've never seen before."

Federal Family and Community Services Minister Amanda Vanstone argues that the Queensland Government should match the Commonwealth funding dollar for dollar and doesn't.

According to Schwarten, more than 167,000 Queenslanders are now living in "after housing poverty" having paid more than 30 per cent of their incomes in rent.

There are 30,000 on the waiting list for public housing and 9000 of these are in Brisbane.

"There are people lying in parks who are eligible for rent assistance but who can't find anywhere to rent," Schwarten says.

"They can't get a house unless we build them one."

Schwarten says 65 per cent of people in public housing in Queensland have some sort of special needs.

"We don't house the family like we used to."

In the early 1990s the Government was building up to 1800 new public housing homes a year.

This financial year the number is 300.

Schwarten argues that by shifting from capital investment in public housing to providing rental assistance, the Commonwealth has ignored the basic problem of housing supply.

Vanstone says the Commonwealth has opted for rental assistance over public housing because public housing isn't flexible enough.

"State rental policies frequently mean that when someone in public housing gets a job the rent increases," she says.

"The Commonwealth says this is not a good idea because it doesn't encourage people to get a job.

If they are in the private rental sector the rent doesn't go up when their income does."

Brisbane City Council figures show that median rents have doubled over the past decade.

One advertising flyer for a South Brisbane boarding house shows it would cost a family sharing there \$490 a week.

And the problem of tracking down low-cost accommodation is about to get worse, according to Cr David Hinchliffe.

Hinchliffe says there is a massive crisis looming and predicts "several thousand more people out on the streets over July, September and October".

New legislation to protect boarding house tenants following the Childers backpacker tragedy could mean as many as 200 of the 280 remaining boarding houses in Brisbane close.

The new laws are due to be introduced on July 1 and set clear minimum standards.

But, according to Hinchliffe, profit margins already are so low for some owners that they haven't even invested in simple smoke alarms.

Insurance is another problem.

Hinchliffe says many boarding houses can't find anyone to insure them.

Those who can may not have the \$20,000 to \$30,000 required to pay the premium.

The council is trying to broker a deal to help get public liability insurance arrangements in place for boarding house owners and is offering \$500,000 in

grants to help the sector upgrade and meet new building and fire legislation requirements.

The main requirement of the funding is that the boarding house signs an agreement to remain open for the next three years.

Only \$200,000 of this funding has been awarded so far.

The State Government also is offering a further \$1 million in loans but the take-up of this has not been enthusiastic.

"At the end of the day we've got to assume that the boarding houses will close," Schwarten says.

"If someone comes along with a cheque and the value outweighs what the boarding house is making, they'll sell.

That's what has happened to the caravan parks."

Since 2000, 240 caravan parks have closed in Brisbane.

Already between March 2001 and March 2002, 531 boarding house rooms have been deregistered.

Hinchliffe, who is involved in the new Brisbane Housing Company, a not-for-profit government/council attempt to provide affordable housing, says figures drawn up two years ago show it costs about \$120,000 to rehouse an individual.

"If a thousand people are out on the street as a result of the boarding houses closing down, that's \$120 million to (re)house people who used to live in boarding houses, he says.

"If you think we have a homeless problem now, you've seen nothing yet."

The Brisbane Housing company has \$50 million pledged in funding from the State Government and a further \$10 million from the BCC.

There are 70 units built in Bowen Hills and the aim is to create up to 600 low-cost dwellings.

The impact of the council's Response to Homelessness 2002-2006 has already been seen in some of Brisbane's parks - with the introduction of showers in some for use by the homeless.

A trial of more extensive facilities in New Farm Park in 2001 was scrapped because it was attracting more than the original park dwellers it had been aimed at helping.

Hinchliffe says the services this time have been kept deliberately low-key.

"We're providing basic services to help get people on track.

We're not pandering to them or turning our parks into four star accommodation," he says the profile of the homeless is also changing.

An outreach trial by the BCC between September and December 2001 showed that 46 per cent of homeless people assisted were women; 37 per cent of those assisted were under 18.

National Data Collection Agency figures tracking SAAP show that in 2001-2002 people between the ages of 15-24 had the highest rate of access to homeless services.

In the same year (2001-2002) more than 3000 young people used SAAP in Queensland.

Maria Leebeek, policy/development officer for the Queensland Youth Housing Coalition, says that a new report, Couch Surfing in the 'Burbs revealed that many young people had actually been homeless for substantial periods before even approaching a crisis service.

"The child protection system is keeling over," Leebeek says.

"This is putting strains on other services.

We're getting a younger group going into older men's and women's hostels."

The key is early intervention, Leebeek says.

"We need to respond to these young people before they even get to a youth shelter.

It's difficult to re-engage them in education and provide life choices others take for granted once they have fallen out of the system."

One strategy which is working, she says, is appointing youth support co-ordinators at some schools.

The scheme is a joint initiative between the Department of Family Services and Education Queensland and the co-ordinators work at schools, identifying at-risk youth and providing support.

Other similar initiatives are being run by non-government bodies working to keep youth at school and their opportunities open.

Schwarten says the Commonwealth's original decision to provide rent assistance was pitched as a more equitable solution to the housing problem.

But the private sector answer is clearly not working and the Commonwealth now needs to rethink its position on capital funding of public housing.

"We need a national housing summit to decide who's going to take responsibility or what," he says.

"I'm not trying to shirk the fact that we've got a problem.

We've got a bloody problem all right."

Down and Out in Queensland.

TOWNSVILLE.

An August survey of homelessness found that 98 people "slept rough".

But a state government review said the problem had been understated and identified 12 different camping sites.

Townsville's mayor Tony Mooney has denied that the city has a homeless problem and said the council's surveys had identified that most of the (mainly indigenous) "park people" had accommodation but chose not to use it.

There also were four sites homeless people used in Mount Isa.

The review estimated 19 people lived permanently in the city's dry riverbed and alcohol abuse or drunkenness affected most of them.

TOOWOOMBA.

Homelessness is affecting between 300-500 teenagers and the Toowoomba Youth Service says services are at crisis point.

Over the past 20 years the average age has dropped from 16 to 14.

There is an increasing number of children with mental health disorders and drug problems who are not being treated due to lack of facilities.

SUNSHINE COAST.

The Salvation Army says the problem locally is both low-key and transitory.

The homeless tended to be young people passing through or squatting, and the occasional older person sleeping in parks.

The Sunshine Coast had a good support network but often people were homeless because they wanted to be, not because there were no alternatives.

There was no accurate data on the region's homeless.

CAIRNS.

Youth and street workers say the number of homeless is rising.

Street Level Youth Care said there were 71 new kids on the street since last month with an average age of 15.

The St John crisis shelters all have waiting lists.

Those turned away are being referred to other shelters, Family Services or foster care but public housing in Cairns is at an all-time low and suitable rentals are "almost non-existent".

A social worker within the indigenous communities said one of the largest problems for the city is the number of "hidden homeless".

Many "park people" live in the parks by choice with more arriving from communities which have introduced new grog rules.

The Salvation Army-run Centennial Lodge, which provides services for the over 18s is overrun and workers there do not see a solution.

GOLD COAST.

The Gold Coast accounted for almost 10 per cent of all homeless in Queensland, according to report by the Gold Coast City Council in 2001.

The city had more than 2200 homeless and one crisis provider was turning away 3000 people each year.

The causes of homelessness included unemployment, relationship breakdowns, blacklisting on tenant databases, no income, evictions, health issues, domestic violence and lack of affordable housing.

But causes of homelessness in the region also related to gambling, alcoholism, and drug dependency.

Additional reporting by Nathan Scholz, Amanda Gearing, Glenis Green, Jason Gregory and Phil Bartsch.

Title **Housing report shames Vanstone**
Author **Thea William**
Source **The Australian**
Date Issue **7 February 2003**
Page **2**

More than 90,000 people face "housing stress", spending more than half their income on rent, according to a national report on poverty, to be released today, that presents a glum picture of many families.

The Anglicare report, sharply critical of federal government policy on housing, portrays children spending years moving between friends' lounge rooms, caravan parks and crisis accommodation, more likely to leave school and continue the cycle of unemployment.

It also talks of families forced to live in areas where housing is cheap but there is little employment.

So damning of the Howard Government is the report, which describes measures to tackle the public housing shortage as "clearly failing", that Family and Community Services Minister Amanda Vanstone pulled out of launching it in Canberra today.

Senator Vanstone told Adelaide Anglican Archbishop Ian George she could not take part because the study was critical of the Government.

Attempts to lure other federal ministers to launch the report also failed.

In spite of the Commonwealth Rental Assistance scheme, 90,000 families spend more than 50 per cent of their income on rent.

The emphasis on private rental has come at a cost to public housing stock, which has diminished progressively over the past decade.

From 1992 to 2000, there were 200,000 people and families on waiting lists for public housing, but in that time public housing stock increased by only 10,000 houses.

In real terms, the commonwealth contribution to the state/federal housing agreement has declined over the past decade, and this year the federal Government's almost \$100 million compensation for GST will be cut.

The report examines seven regions, rural and urban, and concludes there is an increasing division between job-rich and job-poor areas and a critical shortage of affordable housing for low-income families.

It recommends increased funding for public housing, more resources for early intervention projects and ongoing support for successful pilot programs, and more co-operation between governments.

Anglicare Australia executive officer Russel Rollason said Senator Vanstone's decision not to launch the report was disappointing.

"We don't set out to criticise the Government, we look at the issues," he said.

A statement from Senator Vanstone said yesterday she had declined to launch the report because it would have been seen as an endorsement of a paper "unbalanced and unfair in its criticism of the federal Government".

The commonwealth had increased its overall funding to "housing vulnerable people" through rent assistance and the Commonwealth State Territory Housing Agreement worth \$2.8 billion a year, it said.

Title **Home sweet home**
Author **Thea William**
Source **The Courier-Mail**
Date Issue **7 February 2003**
Page **2**

The public housing waiting list in Queensland has blown out to nearly 30,000 people during the past two years as rental costs skyrocket.

The longest waiting times are in areas where rents have increased the most.

The cost of renting a house or unit has soared by up to 34 per cent during the past two years, while the average pay packet has increased by only 5 per cent.

Some families may not get a suitable home for up to 10 years.

Public Works and Housing Minister Robert Swarten said more than 167,000 Queensland households were living in "after-housing poverty" where they spent more than 30 per cent of their income on rent.

Mr Swarten said the dwindling supply of low-cost rental housing, as well as the closure of boarding houses and caravan parks, had increased competition for the most affordable housing.

"As a result, rents have soared to levels that are unaffordable for low-income and very low-income households," he said.

Tenant and social groups believe the southeast Queensland housing boom has compounded the problem, which is not confined to areas where dwelling prices are increasing.

Since January 2001 the cost of renting a three-bedroom home on the Gold and Sunshine coasts has risen 18 to 29 per cent.

The cost of renting two-bedroom units and apartments has increased 13 to 34 per cent.

There is significant demand for public housing of all types on both coasts.

Rental markets in the Brisbane and Logan City areas have increased by up to 20 per cent, often in suburbs where price gains have not been significant.

Cairns, Townsville, Mackay, Bundaberg and Gladstone also have experienced significant rental increases for houses, but increases have not been as high in Gympie, Ipswich and Rockhampton.

Tenants Union co-ordinator Penny Carr said the private sector was responding to demand in the medium and high-end markets but not the low-end market.

"People might join public housing waiting lists but that will not solve their immediate problems," Ms Carr said.

Queensland Shelter policy officer Jeremy Hill said people were moving to unfamiliar areas to find affordable housing.

"That is compromising a whole range of other things including access to employment and service," Mr Hill said.

Mr Schwarten said the Federal Government had stripped more than \$90 million from Queensland's public housing budget since 1998 to direct into rental-assistance initiatives, which had "severely limited" the State Government's ability to construct new houses to meet the increasing demand.

But Queensland Council of Social Services executive director Shirley Watters said the amount the State Government had provided in the Budget for public housing had decreased by about \$44 million since the 1996-97 financial year.

"Really, it is both levels of government which have been negligent in this area," Ms Watters said.

Title **Home sweet home**
Source **The Courier-Mail**
Date Issue **7 February 2003**
Page **2**

Tenants in government-funded housing in Queensland are the most satisfied in the country, according to survey figures reported in the 2002 Report on Government Services.

About 88 per cent of tenants in public housing said they were satisfied or very satisfied with their homes in Queensland.

The figure compares with just 62 per cent in the ACT and 69 per cent nationally.

The report showed 90 per cent of new public houses were allocated to low income earners.

But the state still had one of the highest rates of rent payment, with the Government collecting 99.4 percent of all rent charged.

In "community" houses, owned by non-profit organisations, tenant satisfaction was recorded at 82 per cent, second only to the ACT, with 85 per cent.

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