



Speech by

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MEMBER FOR KAWANA

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RESIDENTIAL SERVICES [ACCOMMODATION] BILL

Mr CUMMINS (Kawana—ALP) (12.32 p.m.): I rise to speak on the Residential Services (Accommodation) Bill 2002, which will work in unison and complement the previous bill we debated, the Residential Services (Accreditation) Bill.

The Residential Services (Accommodation) Bill 2002 will regulate accommodation generally referred to as boarding houses, supported accommodation and aged rental complexes. Boarding houses generally provide a degree of communal living in which the resident rents a room and has shared access to kitchen, bathroom and other facilities. Generally, only accommodation is provided. Residents are diverse and may include students, transient workers, people with transitional housing needs, people on low incomes, people with a disability and people with substance abuse issues—people often in genuine need and people our side of politics proudly support to try to get back on their feet. We are committed to making a difference for those people in real need.

Supported accommodation is primarily targeted at people with a disability. It provides accommodation, which may be in shared rooms, and access to shared facilities. Meals and personal care services, such as cleaning, linen and medication management are generally provided. Aged rental complexes are targeted to older people. Accommodation is generally provided in self-contained rental units, with services such as meals, cleaning and linen also provided, requiring access to the premises by operators. Communal dining rooms may also be a feature of this type of facility.

This bill is being introduced in conjunction with the Residential Services (Accreditation) Bill 2002, which provides the definitions of residential services to be regulated by both bills and which sets up a mandatory standards and accreditation system. The aim of this bill is to balance the interests of service providers and residents. This is a balance between the rights of service providers to be paid for the provision of accommodation, to have their property looked after and to manage the facility to ensure the interests of all residents; and the rights of residents to safe and secure housing and quiet enjoyment of their accommodation.

Residents in this sector often have no formal rights or protection in regard to accommodation. The service provider may have an agreement for the accommodation provided, but is free to set out whatever conditions they wish. Such agreements would only be enforceable through legal action in a court. A key issue is that a service provider can require a resident to leave at any time without notice and without grounds. They may take action to remove the resident if the resident does not leave, with the criminal law as the only restriction on the means used to remove the resident.

This bill will change the situation and set out the rights and responsibilities of residents and service providers. It will also establish standard contractual arrangements through written agreements and standard house rules. The bill will change the situation and regulate the operation of agreements on key issues such as entry, handling of abandoned goods and the ending of tenancy agreements, and establish a three-stage dispute resolution process for accommodation disputes. This bill will give the clarity that is obviously warranted and needed.

There has been consultation with the Office of the Public Advocate about issues for people with an impaired capacity due to the greater proportion of residents with impaired capacity in this sector. Consequently, the bill requires notices relating to residential service agreements to be given to financial administrators appointed under the Guardianship and Administration Act 2000 or to personal attorneys appointed under the Powers of Attorney Act 1998. This issue will be addressed further in standards

developed by the accreditation agency and in community information resources developed through the implementation of the accommodation bill.

This legislation seeks to balance the rights and responsibilities of both residents and service providers. It has been developed through extensive consultation with all stakeholders. The government understands there will not always be agreement among stakeholders about where this balance has been struck in the legislation. However, the importance of addressing the total lack of protection for residents in this sector remains the Peter Beattie Labor government's key priority in the introduction of the legislation. This legislation will be reviewed after two years of operation.

The introduction of notice periods for dispute resolution processes for breaches and to end agreements follows consultation with all stakeholders. These periods were developed after considering the communal nature of the premises where residents do not have exclusive possession of the premises as in the case of premises covered by the Residential Tenancies Act 1994. The risks of closure of facilities are minimised by an integrated strategy involving a package of resident support initiatives and industry viability measures. The costs of tenancy regulation for operators are minimal but this will provide basic protection for residents who have no current tenancy safeguards. It also provides greater certainty for operators in dealing with tenancy related disputes with residents.

A resident in a residential service has the following responsibilities: to use their room in the common areas only or mainly as a place of residence; not to use their room or common areas for any illegal purpose; not to interfere with, and to ensure their guests do not interfere with, the reasonable peace, comfort and privacy of another resident in their use of their room or the common areas; to pay the rent when it falls due; not to keep an animal on the rental premises without the service provider's permission; not to intentionally or recklessly damage or destroy or allow their guests to intentionally damage or destroy any part of the rental premises or a facility in the rental premises; and to maintain their room in a condition that does not give rise to a fire or health hazard.

The service provider for a residential service has the following responsibilities in relation to each resident in the service: to take reasonable steps to ensure the resident has quiet enjoyment of the resident's room and common areas; not to interfere with, and to ensure the service provider's agents do not interfere with, the reasonable peace, comfort or privacy of the resident in using their room or the common areas; to take reasonable steps to ensure the resident always has access to the room and to bathroom and toilet facilities and has reasonable access to any other common areas; to take reasonable steps to ensure the security of the resident's room and the resident's personal property in the room; to maintain the resident's room and common areas in a way that the room and areas remain fit for the resident to live in; to take reasonable steps to ensure the resident's room and common areas and facilities provided in the room and common areas are kept safe and in good repair and, subject to any agreement with the resident about cleaning the resident's room, are kept clean; and to ensure that the times which the service provider or agent of the service provider is able to be contacted by the resident are reasonable having regard to all circumstances, including the services being provided to the resident under the residential service agreement.

It is pretty clear that the legislation has been well thought through. Consultation has been carried out. The minister should be commended, as should his department. Therefore, I commend the bill to the House.