



Speech by

CHRISTINE SMITH

MEMBER FOR BURLEIGH

Hansard 10 May 2002

RESIDENTIAL SERVICES [ACCOMMODATION] BILL

Mrs SMITH (Burleigh—ALP) (4.00 p.m.): I am pleased to offer my support for the Residential Services (Accommodation) Bill 2002. The purpose of this bill is to improve the situation for residents in boarding houses, supported accommodation and aged rental complexes. The residents of these premises are often among the most disadvantaged in the community and I congratulate the minister on his efforts to improve their lot in life.

Currently, there is no legislation to cover residential services. At present, it is one of the very few sectors of the entire residential market that offers no protection to tenants. We are aware that many residential service providers are scrupulous in their dealings with clients and work hard to provide excellent care. However, it is true that many residents are often disadvantaged by physical or intellectual disabilities, age or infirmity and/or low incomes. This makes them particularly susceptible to exploitation by some service providers. Because tenants often have little or no options and this type of accommodation is the only alternative to homelessness, they are obliged to submit to uncaring treatment and poor conditions.

In my electorate of Burleigh there are a number of converted motels, boarding houses and the like that provide basic, affordable accommodation. Most of those are well run, but there are some that will need to be brought up to scratch. This bill does not seek to phase out this type of accommodation but to improve conditions for residents through regulation. The bill aims to take into account the rights and obligations of both tenants and providers and to regulate and protect the interests of both parties. At present, residents of this type of accommodation have no formal rights or protection in relation to their tenancy. A service provider can ask 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 the only restriction on the means used to remove the resident. That means that, currently, tenants are protected only by common law. Many may not be aware of their rights or cannot afford to enforce them.

These legislative changes will mean that a residential service agreement ends only by written agreement after a period of notice due to a breach of the agreement that has not been remedied or if the resident had abandoned the premises. It further sets out a list of rights and responsibilities of both service providers and tenants and allows for disputes to be settled through a new three-stage dispute resolution process similar to that applying to other residential agreements covered by the Residential Tenancies Act. This includes the provision to seek arbitration by the Small Claims Tribunal. This prevents the present unfair system of residents being unable to seek legal assistance due to lack of funds.

Safeguards have been put in place to ensure that the new legislation is effective. The Residential Tenancies Authority will monitor the new legislation and it will be reviewed in two years to ensure that the legislation works correctly and is as fair as we hope it is.

I believe that this bill will go a long way towards improving the living conditions of residents and will provide legislative protection for both residents and service providers. It has my full support.