

## COMMUNITY SUPPORT AND SERVICES COMMITTEE

### Report No. 44, 57<sup>th</sup> Parliament, *Inquiry into the provision and regulation of supported accommodation in Queensland*

#### QUEENSLAND GOVERNMENT RESPONSE

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On 7 June 2024, the Committee tabled *Report No. 44, 57th Parliament, Inquiry into the Provision and Regulation of Supported Accommodation in Queensland* (the Report), making twelve recommendations. The Inquiry considered all residential service accreditation levels under the *Residential Services (Accreditation) Act 2002* (RSA Act) with several recommendations focused specifically on level 3 residential services that provide accommodation, food and personal care services to residents and generally referred to as ‘supported accommodation’. Residents living in supported accommodation are vulnerable Queenslanders with complex needs and typically have multiple points of connection across government service systems.

The Queensland Government recognises the vital insights the Report provides into the lives of some of Queensland’s most vulnerable citizens. The Queensland Government response requires whole of government action to identify opportunities and actions to address unmet needs and regulatory complexity identified in the Report.

Significant commitments made in 2024 to *Homes for Queenslanders*, the long-term whole of system plan to ensure Queensland has an agile and sustainable housing system where all Queenslanders can access safe, secure and affordable housing, will be enablers for reform and improved housing responses for vulnerable Queenslanders. *Homes for Queenslanders* commits \$3.1 billion over five years as a downpayment to deliver 1 million new homes, including 53,500 new social homes, across the State by 2046. This includes a pipeline of more accommodation for people experiencing homelessness including eight sites for young people, nine for families and 20 sites for individuals at risk, as well as a new supportive housing policy and framework to guide investment into the future.

The Queensland Government response is supported by commitments announced in *Partnering for inclusive housing with Queenslanders with disability 2024-2027* (Partnering for Inclusive Housing) to strong safeguards for people with disability in residential services and underpinned by the *Housing principles for inclusive communities* of rights, choice, control and inclusion (Housing Principles). Partnering for Inclusive Housing is supported by \$55.7 million over the life of the plan and \$15.9 million per annum ongoing.

Whole of government actions as part of the Queensland Government response will be aligned with the reform directions outlined in the *Queensland Disability Reform Framework – The Next Chapter* (the Framework), which provides a comprehensive approach for considering disability reform in the context of significant reforms responding to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (DRC) Final Report and the Independent Review of the NDIS (NDIS review) Report findings and recommendations. The Framework outlines three broad objectives for disability reform that closely align with the intent of the Report’s recommendations, including:

- The rights, voices and participation of people are elevated
- Queenslanders with disability can access high-quality, safer services, and
- Strong structures drive outcomes for Queenslanders with disability.

The Queensland Government accepts or accepts in principle all recommendations in the Report directed towards it. Recommendations are accepted in principle where the Queensland Government accepts the intent of the recommendation but considers further work is required to determine how that intent can be achieved.

A Deputy Director-General Supported Accommodation Steering Committee (DDG Steering Committee) and a Residential Services Expert Advisory Group of people with lived experience, advocates, industry and peak bodies will be established to oversee and guide the residential services reform process.

The Queensland Government thanks the Committee for its considered report and joins the Committee in its appreciation of the many individuals and organisations who participated in the Inquiry.

Recommendation	Queensland Government Response
<p>1. The committee recommends the Legislative Assembly note the report.</p>	<p><b>Note</b></p> <p>The Queensland Government thanks the Committee for undertaking the inquiry and notes the Report.</p>
<p>2. The committee recommends the Department of Housing, Local Government, Planning and Public Works undertake a review of the <i>Residential Services (Accreditation) Act 2002</i> with a focus on improving the safeguards for residents living in residential services and the regulatory framework available to residential service providers to effectively deliver accommodation services.</p>	<p><b>Accept</b></p> <p>The Queensland Government has committed in <i>Homes for Queenslanders</i> to modernising the housing legislative framework to improve consumer protections while ensuring it continues to be viable to supply housing options. This continues the Queensland Government’s ongoing commitment to deliver improvements for residential services to ensure resident safety, fair trading, and viability of the residential services industry.</p> <p>The Queensland Government will immediately commence the review of the RSA Act to redesign the residential services regulatory framework to provide contemporary resident protections aligned with reform directions in the Framework and Housing Principles.</p> <p>To support this work, a Residential Services Expert Advisory Group will be established ensuring voices from across the sector and from advocates will inform future directions. The Queensland Government will consult on options for the redesigned regulatory framework in mid-2025.</p> <p>The regulatory framework will be subject to Queensland’s regulatory impact analysis requirements to ensure the framework is fit-for-purpose, meets the needs of Queenslanders with a disability and supported accommodation providers, and provides the greatest net benefit to the community.</p> <p><i>Note that recommendations 5, 7 and 11 also relate to aspects of the review of the regulatory framework.</i></p>
<p>3. The committee recommends that the Department of Housing, Local Government, Planning and Public Works commence a periodic census of residents living in residential services. The census should ask providers of</p>	<p><b>Accept in principle</b></p> <p>Regular data collection will be critical to deliver greater insights into the residential services sector and the needs of residents as well as to inform service delivery responses and ensure regulatory</p>

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<p>accredited residential services to identify:</p> <ul style="list-style-type: none"> <li>• the number of residents currently living in accredited levels 1, 2 and 3 residential services</li> <li>• the general nature of the disability and other support needs of residents</li> <li>• the number of residents who are current National Disability Insurance Scheme participants, and the number who do not receive this support</li> <li>• the services provided by the residential service provider that are not funded by the National Disability Insurance Scheme.</li> </ul>	<p>settings and responses are well targeted and fit for purpose.</p> <p>Data gathered by Queensland Advocacy for Inclusion and Queenslanders with Disability Network alongside their work to support residents to contribute to the Inquiry has contributed to a greater understanding of the demographics, connections to the broader service system and the support needs of residents. This data provides information that fills a gap in knowledge and will support future Queensland Government consideration in response to the report recommendations.</p> <p>The Queensland Government will continue to work with the sector to improve understanding of residents living in residential services, including by building on the work undertaken by the Supported Accommodation Providers Association (SAPA) and the Department of Child Safety, Seniors and Disability Services to profile the needs of residents accessing level 3 residential services.</p> <p>Partnering for Inclusive Housing commits to commissioning analysis to provide insights into the residential services sector and its capacity to evolve into a contemporary supported accommodation framework, including to better understand residents and their confidence in engaging safeguards. This work will also inform the redesign of the residential services regulatory framework.</p> <p>Through its response to the DRC Final Report, the Queensland Government has accepted in principle multiple recommendations aimed at improving disability data collection on a national scale. National data consistency approaches arising through the Queensland Government's implementation of DRC Final Report recommendations will inform a data collection approach for residential services, particularly in relation to supported accommodation.</p> <p>Information sharing about resident's participation in the NDIS and how access to other support services can be improved needs to be carefully considered, including potential legislative barriers to information sharing between residential services and government agencies, while ensuring</p>

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	<p>residents retain control over their information.</p> <p>Acknowledging the need for a coordinated approach across these actions, the DDG Steering Committee will oversee their implementation to monitor their implementation and assess whether the intended outcomes are being delivered and what if any further actions are necessary.</p>
<p>4. The committee recommends the Department of Housing, Local Government, Planning and Public Works publish fulsome compliance conditions and census data gathered by the department (see Recommendation 3) on registered residential services in the publicly available Register of Residential Services, and update the Register to maintain its currency.</p>	<p><b>Accept in principle</b></p> <p>The Queensland Government has moved swiftly to update the Register to improve transparency of current registered residential services.</p> <p>The Department of Housing, Local Government, Planning and Public Works (DHLGPPW) has increased the frequency of publishing residential services' open data sets from quarterly to monthly to ensure more accurate and transparent reporting.</p> <p>There is also strong commitment to the publication of compliance conditions on registered residential services to enhance the existing open data sets and improve transparency. Further opportunities to improve making information about residential services compliance available to residents and the people and agencies supporting them will be considered as part of the redesign of the regulatory framework.</p> <p>The Queensland Government supports publication of data to provide greater insight into the needs of residents, subject to its considered design (see response to recommendation 3).</p>
<p>5. The committee recommends the Department of Housing, Local Government, Planning and Public Works, as part of its review of the <i>Residential Services (Accreditation) Act 2002</i>, focus on improvements to the accreditation process that:</p> <ul style="list-style-type: none"> <li>• reflect the contemporary sector and the shifting business structures that operate within it</li> <li>• support residents and promote their right to exert choice and control</li> <li>• combat isolation and institutionalisation in residential services</li> </ul>	<p><b>Accept</b></p> <p>The regulatory framework needs to reflect a contemporary approach to housing, disability and human rights and the Queensland Government commits to a redesign of the residential services regulatory framework and accreditation process to ensure resident safety, fair trading and viability of the industry.</p> <p>A key focus of this review will be ensuring appropriate safeguards and protections for all residents of residential services that acknowledges the complex regulatory environment and interface with other service systems, including the National</p>

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<ul style="list-style-type: none"> <li>promote best practice in line with current disability research.</li> </ul>	<p>Disability Insurance Scheme, to minimise regulatory burden.</p> <p>To promote best practice in line with current disability research, the approach will be informed by the Framework and Housing Principles and analysis of the residential services sector commissioned under Partnering for Inclusive Housing.</p> <p>The Queensland Government is supporting the Queenslanders with Disability Network (QDN) and SAPA to operate as peak bodies for Supported Accommodation providers and clients, to ensure their voices are heard in reform activities.</p> <p>QDN will be funded to establish a client advisory network (to promote self-advocacy) for people with disability in residential services settings. This funding will also extend the annual Voice of Queenslanders with Disability survey to include the experiences of people with disability in residential services settings.</p> <p>SAPA will be funded in part to:</p> <ul style="list-style-type: none"> <li>Lead systemic advocacy on behalf of the residential services sector, including through: <ul style="list-style-type: none"> <li>Capturing and promoting data and evidence of client need</li> <li>Capturing and promoting data and evidence about sector needs, including provider sustainability</li> <li>Participating in disability reform activities and advising on impacts and implications for the supported accommodation sector</li> </ul> </li> <li>Work productively with other peak organisations to advance the interests of supported accommodation clients and providers, including through encouraging participation in annual surveys conducted by National Disability Services and QDN.</li> </ul> <p>Further, a Residential Services Expert Advisory Group will be established ensuring a broad range of perspectives will be engaged to inform future directions. The Queensland Government will consult on options for the redesigned regulatory framework in mid-2025.</p> <p><i>Note that recommendations 2, 7 and 11 also relate to aspects of the regulatory framework.</i></p>

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<p>6. The committee recommends the Department of Housing, Local Government, Planning and Public Works consider how it can better support vulnerable tenants living in residential services, including:</p> <ul style="list-style-type: none"> <li>• tenants issued with a Notice to Leave without sufficient notice, following an alleged breach</li> <li>• modification of zero tolerance requisites in tenancy agreements with vulnerable residents.</li> </ul>	<p><b>Accept</b></p> <p>The Queensland Government recognises the opportunity to enhance its service response to those in residential services who have been issued a Notice to Leave and commits to working with residential service providers to ensure better linkage and pathways for these residents.</p> <p>Partnering for Inclusive Housing includes several commitments to better support residents of residential services, including commissioning services to offer support, such as peer support and independent advocacy, for people with disability who are or are at risk of homelessness or living in residential services. Funding for independent advocacy will be in place by 1 October 2024.</p> <p>DHLGPPW has developed a website that will help people find and compare registered residential services, enabling greater access to information on which to base the selection of residential services. This website also includes accessible links to support from Housing Service Centres, the Homelessness Hotline, financial care, the Queensland Statewide Advice and Referral Service, Aboriginal and Torres Strait Islander Legal Services and reporting of an illegal service.</p> <p>If a residential service ceases operation or is required by DHLGPPW to cease operation, the department responds with housing solutions for the impacted individuals. This is a coordinated response which is deployed at a local level, bringing together the Housing Service Centre and other local housing and support providers to provide direct housing assistance to impacted individuals. In many cases these individuals may be eligible for social housing or assisted to access other housing solutions as appropriate, including bond loans, rental grants, rental security subsidies and assistance to find an affordable private rental property (RentConnect).</p> <p>The Queensland Government will consider the impact of 'zero tolerance' policies in residential services and appropriate safeguards for all residents as part of the residential services regulatory framework redesign process, noting the need for providers to meet their obligations to each resident individually and all residents collectively in communal living settings.</p>

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	<p>There is potential alignment with the Independent review of the Homelessness Response in Queensland that will provide a comprehensive examination of the efficacy of current responses to homelessness, identification of systemic factors influencing homelessness, and development of innovative, evidence-based solutions to prevent and reduce homelessness across Queensland's diverse communities.</p> <p>Particularly, actions of relevance arising from the first phase of the review include co-design of a tenancy sustainment model, focusing on preventative actions to enable housing stability and prevent increases in crisis support requirements.</p> <p>Additionally (and as noted in response to recommendation 5 above), the Queensland Government is supporting QDN and SAPA to operate as peak bodies for Supported Accommodation providers and clients, to ensure their voices are heard in reform activities.</p>
<p>7. The committee recommends the Minister for Housing, Local Government, Planning and Public Works consider an amendment to the <i>Residential Tenancies and Rooming Accommodation Act 2008</i> to incorporate a prescribed service agreement for residents in residential services.</p>	<p><b>Accept in principle</b></p> <p>The Queensland Government notes that there are existing requirements in Queensland's rental laws for rooming accommodation agreements to be written in a clear and precise way and state how much of the rent payable by a resident is for accommodation, a food service, a personal care service or another service. The individual amounts for accommodation and any food or personal care service must also be itemised in the rent receipt or payment record.</p> <p>Partnering for Inclusive Housing commits to the Residential Tenancies Authority (RTA) providing education to residential service providers about their obligations under Queensland's rental laws and the consequences of not complying with these requirements.</p> <p>DHLGPPW will also work with the RTA to improve information available to the residential services sector about best practice approaches to improve transparency of fees and charges and inclusions in special terms, including by reviewing existing forms for opportunities to clarify details required</p>



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	<p>to comply with requirements under the <i>Residential Tenancies and Rooming Accommodation Act 2008</i>.</p> <p>Consideration will be given in the residential services regulatory framework redesign to how tenancy and service agreements can be improved in residential services, particularly for supported accommodation residents.</p> <p><i>Note that recommendations 2, 5 and 11 also relate to aspects of the regulatory framework.</i></p>
<p>8. Endorsing the Public Advocate's Recommendation 2, the committee recommends the Department of Housing, Local Government, Planning and Public Works require providers of accredited level 3 residential services to arrange for individual independent assessments of the housing and support needs of all new residents, and bi-annual assessments of the housing and support needs of existing residents.</p> <p>Endorsing the Public Advocate's Recommendation 3, the committee recommends that the Queensland Government should consider funding and oversight of the provision of case management services to supported accommodation residents who currently have significant unmet support needs.</p>	<p><b>Accept in principle</b></p> <p>The Report points to unmet housing and support needs among supported accommodation residents, including housing, health and disability needs. Options to implement systems that enable residents needs to be assessed regularly and supported by appropriate referral pathways to access services and supports to address those needs will be considered as part of the residential services reform process, noting this needs to consider broader reform directions, particularly in providing services to people with disability.</p> <p>New initiatives outlined in Partnering for Inclusive Housing will contribute to positive outcomes for this cohort, including:</p> <ul style="list-style-type: none"> <li>• commissioning analysis to give insight into the residential services sector and its capacity to evolve into a contemporary supported accommodation framework, including to better understand residents and their confidence in engaging safeguards</li> <li>• empowering people to exercise their rights by commissioning providers to offer services, including peer support and independent advocacy</li> <li>• a residential services housing pathways project to support people with disability explore their housing options and transition to sustainable housing in the community if that is their choice.</li> </ul> <p>The Queensland Government is working closely with the Australian, state and territory governments to design a Foundational Support Strategy as part of the National Cabinet agreed initial response to the NDIS Review to secure the future of the NDIS and jointly commission</p>

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	<p>additional foundational supports for people with disability. People with disability, advocates and service providers are contributing to the Queensland Government's engagement with this work through a range of discussions and workshops.</p> <p>Foundational supports are expected to build on the range of existing specialist disability supports provided by the Queensland Government. This is in addition to significant supports provided through mainstream service systems, including education, health, transport, and housing.</p> <p>The Framework also sets out initial actions in response to the NDIS Review, noting the Disability Reform Ministerial Council has agreed to work together on a joint NDIS Review response by the end of 2024.</p>
<p>9. The committee encourages the Australian Government to significantly invest in the NDIS Quality and Safeguards Commission to better fund its capacity to conduct investigations and respond to complaints in state and territory jurisdictions.</p> <p>The committee recommends the Queensland and Australian governments consider a more collaborative approach to investigating and addressing allegations of substandard service providers operating in Queensland.</p>	<p>The Queensland Government <b>notes</b> part of this recommendation is directed at the Australian Government. The Queensland Government will ensure the Australian Government is aware of the Parliamentary Inquiry report, including through relevant ministerial councils, and encourage investment in the NDIS Quality and Safeguards Commission.</p> <p>The Queensland Government <b>accepts</b> a more collaborative approach to investigating and addressing allegations of substandard services operating in Queensland is needed.</p> <p>The DRC Final Report made multiple recommendations designed to improve complaints processes and associated investigation practices. It is noted that this recommendation closely aligns with the Disability Royal Commission's recommendation 10.15, for a complaint handling and investigative practice guideline that is co-designed with people with disability. The Queensland Government, along with the Australian other state and territory governments, has accepted this recommendation in principle, recognising the importance of having an accessible and responsive complaints handling system to uphold the rights of people with disability.</p> <p>The Queensland Government will consider the implementation of these recommendations as part of improving complaints processes related to</p>

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	<p>supported accommodation providers.</p> <p>In the interim, the DHLGPPW will engage with the NDIS Quality and Safeguards Commission to explore the development of a Memorandum Of Understanding that articulates processes for improved information sharing and collaboration at an operational level.</p> <p>Opportunities to promote and facilitate more collaborative regulatory oversight and responses to substandard service delivery will be considered as part of the redesign of the residential services regulatory framework and broader disability reform agenda, including to identify any legislative barriers or impediments and how they can be overcome.</p>
<p>10. The committee encourages the Queensland Government to consider grant opportunities or funding incentives to attract, train and retain staff in the sector to better support service providers, encourage investment in the sector in regional and remote areas of Queensland, and equally important, ensure service standards are maintained to better align with human rights identified in the <i>Human Rights Act 2019</i>. The committee recommends the Queensland Government consider the provision of funding for personal services provided by residential service providers, for people in level 3 accredited residential services who are not eligible for National Disability Insurance Scheme support but have complex support needs, disabilities, intellectual impairments, or are otherwise at risk of isolation.</p>	<p><b>Accept in principle</b></p> <p>New initiatives outlined in Partnering for Inclusive Housing will contribute to positive outcomes for this cohort, including empowering people to exercise their rights by commissioning providers to offer services such as peer support and independent advocacy.</p> <p>Analysis will be commissioned to better understand challenges identified by residential service providers to delivering services that meet contemporary service standards and expectations, including gaps in government funded services and the needs of residents with low to very low incomes. Consequential impacts of reforms to meet contemporary service standards and expectations, such as those outlined in the Framework and Housing Principles, will also be analysed to inform the residential services reform process.</p> <p>The Queensland Government also acknowledges the Report points to significant unmet housing and support needs for residents accessing supported accommodation, including across housing, health and disability needs.</p> <p>Options to address this recommendation more fully will be developed for consideration as part of the residential services reform process, taking into account broader reforms associated with the implementation of the DRC and NDIS Review</p>

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	<p>recommendations as well as alignment with the Framework and Housing Principles. This will include consideration of procedures that enable information about resident's needs to be shared, or where these needs are unknown to be appropriately assessed, and ensure residents are supported by appropriate referral pathways to access services and supports, will be considered as part of the residential services reform process.</p>
<p>11. The committee recommends the Department of Housing, Local Government, Planning and Public Works prioritise reform of the regulation, compliance and oversight framework of residential services in Queensland. The committee recommends the new framework incorporate a 'person-centred' approach that reflects contemporary values and expectations including the <i>Human Rights Act 2019</i>, the Human Services Quality Framework and also the United Nations' Convention on the Rights of Persons with Disabilities, and be guided by recommendations from the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, particularly Recommendation 7.38.</p>	<p><b>Accept</b></p> <p>The Queensland Government is committed to modernising the housing legislative framework, including to address the impact of significant changes affecting residential services to ensure resident safety, fair trading and viability of the residential services industry.</p> <p>The Queensland Government will immediately commence the review of the RSA Act to redesign the residential services regulatory framework to provide contemporary resident protections aligned with reform directions outlined in the Framework and Housing Principles.</p> <p>Following extensive work with the Residential Services Expert Advisory Group which will be established, the Queensland Government will consider options for the redesigned regulatory framework in mid-2025.</p>
<p>12. The committee recommends the Department of Housing, Local Government, Planning and Public Works develop a well-trained and well-resourced compliance team to oversee regulatory activities, pro-actively conduct site visits, and ensure residential service providers are given information and support to maintain standards of service provision.</p>	<p><b>Accept</b></p> <p>The redesign of the residential services regulatory framework will consider the needs of a modern regulator overseeing a contemporary residential services sector, particularly provision of supported accommodation, to monitor and enforce compliance and ensure safeguards and protections for residents are effective, including by working collaboratively with other regulators and oversight agencies.</p>