



Speech by

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RESIDENTIAL SERVICES [ACCOMMODATION] BILL

Ms NOLAN (Ipswich—ALP) (2.48 p.m.): I rise to speak strongly in favour of the Residential Services (Accommodation) Bill. This is a bill which I have been very involved with and keen to see introduced for some time. It is desperately needed. I have often encountered surprise among people who have learnt that the government does not in any way regulate the many boarding houses and hostels which dot our suburbs and which house thousands of people. People have expressed amazement to me that, while these operators are able to take up to 87.5 per cent of a person's pension, there has not been any regulation of the quality of accommodation or the standards of care that must be provided.

As it stands, anyone can set up a boarding house or hostel and provide accommodation for those in serious need. The people who tend to live in these places are among the most vulnerable in our community. They include the victims of the massive levels of undiagnosed and untreated mental illness in our community, those with intellectual disabilities, some of whom used to be institutionalised, and those simply down on their luck.

This bill will, for the first time, regulate the standard of accommodation and care which these places must provide. It will also put in place tenancy agreements—effectively leases—which state both tenants' and landlords' responsibilities. At present, residents have no legislative protection and very few, poorly defined rights. While there are good operators who do the right thing, there are others who provide substandard accommodation and who exploit residents.

The challenge in introducing legislation to regulate the residential services industry is to protect residents but to do so in a practical way that recognises the legitimate interests of service providers. The accommodation bill responds to this challenge by setting out a framework of accommodation rights and responsibilities both for residents and service providers. The legislation recognises that both parties have interests and seeks to strike a balance between those interests.

While providing this balance, the challenge has been to ensure that the bar is not set too low—with no effective protection for residents. At the same time, the bar cannot be set too high with very long notice periods or onerous and protracted dispute handling procedures. The net result of that approach would be to wipe out a sector that accommodates many vulnerable people who would otherwise be homeless.

So how does the bill strike this balance in practice? The approach taken in dealing with breaches of the agreement due to non-payment of rent is a good example. The bill distinguishes between rent and other breaches, because rent is a key concern to operators. In dealing with rent, the bill distinguishes short-term residents as those who have been at the premises for less than 28 days. These residents have two days to remedy the breach or make an alternative agreement to pay before the agreement is ended. On the other hand, longer-term residents who have been at the premises for 28 days or longer have a process of a total of 10 days, including notice to remedy and to leave if the breach is not remedied. What is noticeable in this approach is that the fundamental importance of rent to the service provider is acknowledged through a reasonably quick process to deal with the issue. At the same time, residents are given a specific time in which to pay or make alternative arrangements. Longer-term residents receive a longer period in recognition of their accommodation history at the premises.

While individual rights need to be protected, these rights need to be balanced with the rights of all residents to quiet enjoyment of their accommodation. That is why this bill provides for an agreement to be terminated immediately in case of very serious breaches. If a resident is seriously damaging the premises, endangering other people or very significantly interfering with the quiet enjoyment of the premises by other residents, speedy action to protect the rights of the majority is necessary. Overall, I believe that this bill achieves a reasonable balance between the competing interests of residents and service providers.

There has been criticism of this legislation, much of which I consider to be unfair. The Tenants Union has—I believe, quite amazingly—actively campaigned against change. As I understand it, the crux of its argument is that the legislation provides what it sees as insufficient protection for tenants. But just where we find the logic in opposing the introduction of some quite substantial protection when there is currently none is absolutely beyond me. I have also encountered some surprise in the community at the length of the implementation period—four years. The bottom line is simply, though, that private supported accommodation providers do not receive direct government support. They must run their establishments from the fees paid by residents, many of whom are on the dole or the disability pension. This is at best a marginal exercise and to put the high bar of regulated standards up overnight would simply close down many of these places, leaving many extremely vulnerable people homeless. This legislation absolutely must be implemented over time.

There is a strong case that private supported accommodation providers, particularly those who deal with the mentally ill and those with disabilities, should receive direct government assistance. Many are providing services that are not unlike those provided by nursing homes, yet we well know that nursing homes find it hard to manage, even with direct federal support. This is a question for the community and not just for the government to seriously consider. The bottom line is that there is simply no money, at least at a state level, for the huge responsibility of bringing these private providers of supported accommodation into the funding net. We all wear our hearts on our sleeve and say that it is important that those in need are taken care of, but the community needs to seriously decide if we are willing to provide that support. I always find it shocking when I encounter people who tell me that they very much support public housing, but they do not want any of those kinds of people living in their street, or they sincerely believe that there should be better care for those with disabilities but become hysterical at the mention of higher taxes.

The days of institutions locking away people who are different—who are not white or who do not act in the appropriate way—are well and truly over. That is a very good thing. But for integration into the community to work, we all have to take on the responsibility ourselves. We must be willing to have a house for people with disabilities in our street. We must be committed to not totally giving up on the person with depression or a drug addiction in our family. We must think about the tax that we are willing to pay. We must assist, not pretend not to see, the person in distress in the street. These are big issues, but integration will work only if we all take on the personal responsibility. It is not up to somebody else.

Ipswich has a number of boarding houses and hostels and the difference in the standards of care provided by them are huge. Some, like the one at Blacksoil that I visited last year with the Minister for Disability Services, Judy Spence, are well maintained, modern and peaceful. The two couples who run the home have been disappointed to find that their retirement business is not a real money spinner, but they make a huge commitment in terms of time and care.

Others are less attractive. They provide food and board in old buildings that are places of depression—where people sit around, often caught up in the nightmares in their head with very little to do. I have very serious concern about the care provided at Palmville Court, which is located near the fiveways at Ipswich. Palmville Court is a boarding house in an old timber building. It used to be a nursing home called Rossili. I believe that Palmville Court provides accommodation for more than 20 people at a time. Many of those people have mental illnesses or physical or intellectual disabilities.

On 3 May 1999, Lynette Deamon, a young woman who was born with an intellectual disability and later in life suffered from manic depression and bipolar effective disorder, was found dead at Palmville Court. Her death, while tragic in itself, appeared to be the result of a difficult person finding few people who cared. Ms Deamon had been at Palmville Court for about three weeks before she died. Immediately before that, she had been in the integrated mental health unit at the Ipswich Hospital, but when ready to leave the unit she was unable to be returned to a Disability Services Queensland house because the staff refused to work with her. The causes of Ms Deamon's death were not immediately clear. At first, police were concerned that she had been sexually assaulted. Later, the coroner established she had died from an adverse reaction to the multiple drugs that she was on.

Palmville Court Hostel is owned and run by Roseanne Brown, a registered psychiatric nurse. The coroner was highly critical of Palmville Court and of Ms Brown herself, stating—

By the end of the Inquest I held grave concerns that Ms Brown should be operating a facility of this type.

In particular, the coroner found that Ms Brown's care of Ms Deamon 'left a lot to be desired'. She found her evidence about who had found Ms Deamon's body unreliable and seriously considered charging Ms Brown with perjury on the basis that there were serious contradictions within the evidence that she provided to the inquest at different times. The coroner also expressed serious concerns that, while residents like Ms Deamon are often on a range of medications, at Palmville Court, 'there is no proper recording of medication administered'. The coroner did not commit anyone for trial over Ms Deamon's death, but she recommended that the Queensland Nursing Council 'determine if any disciplinary action should be taken in respect of Roseanne Brown or indeed whether her registration should be cancelled'.

I have serious concerns about the care provided at Palmville Court and its suitability to continue operating. The hostel is situated on Ipswich's busiest road, Brisbane Road, and there is a sister hostel directly across the street. However, for a considerable time Palmville Court did not even have a front fence, meaning that residents who were not able to judge traffic well wandered across the busy street. Not surprisingly, recently this situation resulted in an accident where an elderly man was hit by a car and seriously injured while crossing the road. The carers at Palmville Court had neither the power nor the responsibility to keep residents locked in, but the absence of a front fence failed to provide any safety at all. I am pleased to see that a fence has now been built, albeit somewhat after the damage has been done.

Palmville Court does not have planning permission to exist as such a facility where it is. Currently, the council is considering an application to grant that approval in order to allow the hostel to operate where it is. Such a decision is clearly a matter for the council and must be made on planning, not care grounds. However, I believe that it is important that, should Palmville Court be given planning permission to continue to operate, it should be a priority for inspection under this new legislation.

Importantly, the coroner investigating Lynette Deamon's death also found serious problems in the way that the Department of Families—now DSQ—and the mental health area of the Department of Health interacted. Damningly, the coroner said that the government agencies at the inquest 'seem to spend a lot of time trying to avoid responsibility for their actions or lack of action'. I am pleased to say that this criticism has been taken very seriously by government agencies, both at central and local levels.

Since Ms Deamon's death, Disability Services Queensland has been established as a separate and independent department, allowing it to focus wholeheartedly on care of its clients with disabilities. At a local level, a project has been established whereby local mental health and DSQ staff meet regularly to share information and improve cooperation in dealing with clients who have previously fallen between the gaps. This is bringing about significant improvements in the way that people with intellectual disabilities and mental health issues, such as Miss Deamon, are cared for.

The coroner in the Lynette Deamon case noted—

Perhaps there should be an independent regulatory body appointed to oversee the conditions of facilities such as Palmville Court.

Setting up a regulatory regime to be administered directly through the government is closely akin to what this government is doing. Lynette Deamon should not have died and she should not have died largely because no-one cared. However, the community within which she died is changing and will take much more care in the future as a result of this bill.