

Housing Act 2003

What is the *Housing Act 2003*?

The *Housing Act 2003* is the State legislation that establishes the Queensland Government's role in providing housing assistance to people with a housing need. The *Housing Act 2003* replaced the *State Housing Act 1945*.

Objects of the *Housing Act 2003*

The *Housing Act 2003* contains two objects which are the housing goals of the Queensland Government:

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

To help achieve these goals, the *Housing Act 2003* (the Act) provides for the Department of Housing and Public Works to provide public housing and other services, for example bond loans. The department will also support other organisations that provide a housing service (for example, by providing funding to crisis accommodation services).

What are clients' responsibilities under the *Housing Act 2003*?

To ensure that housing assistance is provided to those people most in need, obligations for clients of the department are included in the Act.

The Act requires that a person:

- must not deliberately provide false or misleading information to the department
- must notify the department of a change in certain information (income, number and identify of occupants) that impact on the housing service they are receiving, within 28 days of the change in information
- must not sublet a departmental property without the prior written consent of the department
- must not use or allow a departmental property to be used for a purpose other than their place of residence without the department's prior written approval.

If an obligation is not met, in the first instance the department will discuss the issue with the client. If this does not resolve the issue, the department may choose to take administrative action such as ending the tenancy. In some cases, a failure to meet an obligation may constitute an offence. In some of these cases, the department has the option to take a case to the Magistrate's Court for a decision about whether an offence has occurred. The Magistrate may impose a penalty for an offence.

Appeal rights for clients under the *Housing Act 2003*

Under the *Housing Act 2003* (the Act) clients of the department have the legal right to appeal certain decisions. Clients can appeal decisions about:

- a person's eligibility to be provided with housing
- the type of housing to be provided
- the place where the housing is located.

Under the Act, an application for appeal must be lodged with the department within 28 days of the decision. The outcomes of an appeal will be given in writing, to the applicant, along with the reasons for the decision, within 28 days of the application being received. The department will continue to offer clients an appeal of other types of decisions that are not listed in the Act. The right to have these other decisions appealed is based in departmental policy and is not specified in the *Housing Act 2003*. More information about appeals is available from your local area office or at www.hpw.qld.gov.au.

Debt management

The department has a debt management process under which debts owing by clients to the department are managed. This includes bond loan debts and debts incurred from the rent of a public housing property. Under the debt management process, the department has several options and will generally negotiate repayment of the debt with the client.

The *Housing Act 2003* provides the department with the option to waive debts owing by clients. A debt can be waived fully or partly, and conditions can be placed on the waiver. Once a debt is waived the department cannot seek repayment of the debt from that person.

Any consideration by the department of the waiver option will occur as part of the debt management process; it is emphasised that negotiating debt repayment will usually be considered in the first instance. Debts will only be waived in exceptional circumstances and only after a comprehensive assessment of the client's situation.

For more information

For more information about the *Housing Act 2003*, contact us at:

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