

Human Rights for social housing tenants



The term social housing refers to both public housing managed by the Department of Community, Housing and Digital Economy ('the Department'), and community housing. You are a social housing tenant if your lessor is a community housing or affordable housing provider, or the Department. If this is the case, then this fact sheet applies to you.

The [Residential Tenancies and Rooming Accommodation Act 2008](#) ('RTRA Act') covers all rental accommodation in Queensland, including social housing (public housing and community housing). In social housing there are additional policies that apply to your tenancy, such as eligibility policies and rent setting policies.

If you have a tenancy dispute you can use the dispute resolution process under the RTRA Act to resolve your dispute.

As a tenant in social housing, your housing provider needs to act in a way that is compatible with the Human Rights Act 2019 (Qld) and give proper consideration to human rights when making decisions.

The Human Rights Act

The [Human Rights Act 2019](#) (Qld) ('the HR Act') protects and promotes the human rights of all people in Queensland, and aims to build a culture in the public sector which respects and promotes human rights.

The HR Act requires that public entities consider and make decisions that are compatible with the HR Act.

A decision is compatible with human rights if it does not limit a human right or limits a human right but only to the extent that is reasonable and justifiable in a free and democratic society based on human dignity, equality and freedom.

The Act has a direct complaints mechanism which allows you as a social housing tenant to make a complaint to the Queensland Human Rights Commission ('QHRC') if you think your human rights have been breached and you have already made a written complaint to the public entity.



What is a 'public entity'?

Public entities include Government departments, agencies and employees.

An organisation may be a public entity if:

- its function is connected to the functions of the Queensland Government; or
- the entity is funded by the Queensland Government to perform its function; or
- its function is of a public nature.

Housing services which are funded by a provider, or the Government under the Housing Act 2003 are public entities.

Federal Government departments and agencies, and private businesses are not covered by the Queensland HR Act.

Public entities must act or make decisions in a way that is compatible with human rights and give proper consideration to relevant human rights when making decisions.

Human rights relevant to tenants

The HR Act protects [23 human rights](#) however the rights most relevant for tenants are the:

- right to recognition and equality before the law (section 15);
- right to property (section 24);
- right to privacy and reputation (section 25);
- right to protection of families and children (section 26);
- cultural rights of Aboriginal peoples and Torres Strait Islander people (section 28); and
- right to liberty and security (section 29).

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Who's who?

A **lessor** is the person who gives a tenant the 'right to occupy' a residential premises. Lessors often employ real estate agents to manage premises on their behalf.

A **provider** is a person who provides rooming accommodation to residents.

Tenants Queensland (TQ) is a specialist community and legal service which has been providing services to and representing the interests of residential renters in Queensland since 1986.

QSTARS is a program providing specialist advice and support to renters, funded by the Qld Government, delivered by TQ

The **RTA** is the government authority that manages rental bonds, provides forms and information, conducts dispute resolution and investigates complaints of unlawful conduct under tenancy laws.

The Tribunal or **QCAT**, hears and makes binding decisions about residential tenancy disputes.

Human Rights for social housing tenants

There will be some occasions when your human rights conflict with the human rights of someone else.

When this happens, your housing provider may need to limit or restrict your rights to protect the rights of other people in the community.

Before making a decision, your housing provider will need to think about how to balance these competing rights, and the impact on you if they limit your human rights. They also need to consider what alternatives there are to limiting your rights.

How can I make a human rights complaint?

If your social housing provider makes a decision that affects you, and you believe that your human rights have not been given proper consideration by your housing provider, you must first make a written complaint directly to the housing provider.

You will need to identify which of the relevant human rights have not been given proper consideration and how that impacts your individual circumstances.

Your housing provider has **45 business days** to provide a written response. There are some exceptional circumstances in which the QHRC will accept an urgent complaint before the **45 business days** has passed, but you will still need to demonstrate that you have complained to the housing provider first.

Unsatisfied with your housing providers response?

If you are unsatisfied with the response of your housing provider and you believe that they did not give proper consideration to your identified human rights or make a decision in a way that was compatible with your human rights, then you may make a formal complaint to the QHRC for the provider's breach of the HR Act. Your complaint to the QHRC must be made within **one (1) year** from the date the housing provider's decision was made.

Further help

Tenants Queensland

Tenants Queensland (TQ) is a specialist community and legal service which has been providing services to and representing the interests of residential renters in Queensland since 1986. QSTARS is managed by TQ and delivered in collaboration with partner organisations.

For administration issues contact TQ on 07 3832 9447 or visit www.tenantsqld.org.au

Queensland Statewide Tenant Advice and Referral Services (QSTARS)

QSTARS provides specialist tenancy advice, advocacy support and referral for Queensland renters.

Contact QSTARS for tenancy advice on: **1300 744 263**

Open Mon – Friday 9am – 5pm
(extended hours to 7pm on Tuesdays and Wednesdays)

Visit www.qstars.org.au for more information and to access tenancy fact sheets and videos.

Complaints to the QHRC

To make a complaint you could:

- write an email or letter; or
- [complete an online complaint form](#); or
- send a completed complaint form by post or email.

If you need help writing your complaint, you could contact Tenants Queensland for assistance.

You do not need to speak with a lawyer beforehand, but you may find it useful to do so before making a complaint to find out how your complaint fits within the law or about some of the outcomes you could expect.

Tenancy Facts

Tenancy facts information for renters are available at www.qstars.org.au

Tenancy Facts include:

- Renting in Queensland
- Starting a tenancy
- Rental bonds
- Rent and other charges
- Entry and privacy
- Repairs and maintenance
- You want to leave
- Lessor ends the tenancy
- Resolving tenancy disputes
- Tenancy databases

Residential Tenancies Authority (RTA)

The RTA is the government authority. RTA tenancy forms are available online at www.rta.qld.gov.au or call 1300 366 311

The Queensland Civil and Administrative Tribunal (QCAT or the Tribunal)

To find your local Tribunal (except for Brisbane QCAT sits in the local Magistrates Court) or get QCAT forms visit www.qcat.qld.gov.au or call QCAT on 1300 753 228

Translating and Interpreting Service (TIS)

If you need an interpreter let us know when you call, or call the TIS translating and interpreting service on 131 450 so they can help you contact our service.

Further information:

Queensland Human Rights Commission (QHRC)

1300 130 670
www.qhrc.qld.gov.au

Disclaimer: This factsheet provides information only and is not intended to provide legal advice.