

Chapter 15 Queensland Police Service Residential Housing Policy

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15.1 Introduction

Definitions

For the purpose of this chapter:

Accommodation contribution

means a sum of money determined by this policy, which members of QPS housing are required to pay to the Service on a fortnightly basis via payroll deduction or direct payment where payroll deduction cannot occur.

Centre

means a location to which an employee has been appointed, transferred, redeployed or promoted.

DHLGPPW leased residence

means a unit of accommodation which the Service leases from Department of Housing, Local Government, Planning and Public Works (DHLGPPW) and which is intended for occupancy by a Service member.

Discrete First Nations communities

include Aurukun, Bamaga, Cherbourg, Doomadgee, Hopevale, Horn Island, Kowanyama, Lockhart River, Mornington Island, Palm Island, Pormpuraaw, Thursday Island, Woorabinda, Wujal Wujal and Yarrabah.

Exceptional circumstance

means any circumstance that is not addressed within the provisions of this policy.

Exempt location/residence

means locations and/or individual residences that are approved for exemption by the State Housing Management Committee (SHMC). Members residing in approved exempt locations/residences are excluded from payment of the accommodation contribution.

As of 1 January 2019 exempt locations include Aurukun, Bamaga, Cherbourg, Coen, Doomadgee, Hopevale, Horn Island, Kowanyama, Lockhart River, Mornington Island, Palm Island, Pormparaaw, Thursday Island, Woorabinda, Wujal Wujal and Yarrabah. These locations are reviewed annually. An exemption status may be removed or added to a location/residence by the SHMC where justified.

Fixed term agreement

refer to Schedule 2: 'Dictionary' of the *Residential Tenancies and Rooming Accommodation Act* (RTRAA).

Housing fringe benefits

means fringe benefits tax (FBT) legislation determines residential housing provided by the Service to members which is located within 100 km of Brisbane or the Gold Coast (by shortest practical surface route) is termed 'non-remote housing'. Non-remote housing is a housing fringe benefit which is subject to FBT. Residential housing located further than 100 km from Brisbane or the Gold Coast is termed 'remote housing' and is exempt from FBT.

Local government service charge

means the charges outlined in the rates notice issued by the relevant regional government council for a residence.

Member

means an officer, recruit and staff member (see s. 2.2: 'Membership of service' of the PSAA). For this policy, the term member is regularly interchanged with tenant.

Multiple tenancy accommodation

means any unit of QPS housing which is designated for occupancy by more than one member at any given time. A single bedroom in multiple tenancy accommodation is allocated for the use of one member only. Multiple tenancy accommodation includes any accommodation where members share a bathroom, or a lounge/common room, or a kitchen. Multiple tenancy accommodation does not include instances where two members of the Service reside together in a spousal/partner relationship and have exclusive use of the unit of accommodation.

Neighbourhood police beat

means where a member resides in QPS housing within the designated beat area and operates from an office attached to the residence.

Periodic tenancy

refer to Schedule 2 of the RTRAA.

Private dwelling

means any residential dwelling (including investment properties) located within 45 km via shortest route of the member's centre where:

- (i) the member;
- (ii) the member's spouse/partner;
- (iii) any entity controlled by the member of the member's spouse/partner; or
- (iv) the member, spouse or partner is entitled to any dividend disbursement or benefit, owns or has an interest in.

QPS housing

means any unit of accommodation occupied or unoccupied, that is allocated by the Service and made available to members for residential occupation. QPS housing includes:

- (i) QPS owned housing;
- (ii) housing leased from DHLGPPW;
- (iii) housing leased from the private rental market; and
- (iv) housing leased from local government authorities (e.g. local and Aboriginal councils) and other government agencies.

Note: this definition also applies to unit of accommodation which is regularly interchanged with QPS housing within this policy.

Rental assistance

means a sum of money approved by the SHMC and reimbursed to a member to subsidise the cost of private rental accommodation.

Service charge

refer to s. 164: 'Meaning of *service charge*' of the RTRAA.

Short term accommodation

means members who reside in any type of QPS housing for planned periods not exceeding three months.

Single tenancy accommodation

means accommodation where a member has exclusive use of a single unit of QPS housing.

Station/single tenancy combination accommodation (including neighbourhood police beats)

means a single unit of QPS housing which is utilised for both operational and residential accommodation purposes in a shared arrangement.

Tenancy agreement

refer to s. 12: 'Residential tenancy agreement' of the RTRAA.

Tenant

means members utilising QPS housing are regarded as tenants in accordance with the RTRAA.

The Act

refers to the RTRAA.

The agreement

refers to the Queensland Police Certified Agreement in force at a particular time.

Unit of accommodation (UoA)

follows the same definition as QPS housing within this policy. UoA also refers to any UoA, occupied or unoccupied, that is allocated by the Service and made available to members for residential occupation.

Purpose

The Service provides housing to strategically support the delivery of policing services. The objective of the QPS Housing Policy is to provide a consistent, transparent, simple and fair framework to aid in the administration and management of QPS housing. It is accepted that this policy will not address every aspect of QPS housing management and discretionary decision making may need to be undertaken by the relevant governance bodies referred to within. Both the Queensland Police Union of Employees (QPUE) and the Queensland Police Commissioned Officers Union of Employees (QPCOUE) are represented within both governance bodies. The Service acknowledges the contribution of both the QPUE and QPCOUE in the development of this policy.

This policy replaces the 2010 Residential Housing Policy in its entirety from 01 January 2019 and is to be read in conjunction with the RTRAA, the DHLGPPW, Government Employee Housing (GEH) Standards and Guidelines, any relevant industrial agreement provisions and procedural guidelines as contained within the QPS Housing database. Nothing in this policy shall override the Commissioner's responsibilities in accordance with s. 4.8: 'Commissioner's responsibility' of the PSAA to determine the eligibility for QPS housing on a case by case basis.

This policy will regularly utilise the term QPS housing when referencing any UoA, occupied or unoccupied, that the Service makes available to members for residential occupation. This includes QPS owned housing, and leased accommodation, including instances where the Service leases accommodation and funds the median market rent value and the member contributes any additional rent above this value.

Relevant forms, documents and procedural workflows are available on the QPS Housing database and will not be duplicated further within this policy. Reference may also be made to the Residential Tenancies Authority (RTA) webpage.

Inquiries relating to the management of QPS housing should be directed to QPSHousing@police.qld.gov.au in the first instance and may be referred to the State Housing Management Committee via SHMC.Secretariat@police.qld.gov.au, if a decision relating to the implementation of this policy is required.

15.2 Policy review

To remain current and compliant with legislative and industrial provisions, the State Housing Management Committee will conduct an annual review of this policy in the first quarter of each calendar year.

15.3 Governance

The QPS housing portfolio functions under the authority of the Deputy Chief Executive, Strategy and Corporate Services. The Service has implemented two governance bodies to manage and administer the QPS Housing portfolio, namely:

- (i) State Housing Management Committee (SHMC) core membership consisting of:
 - (a) a regional assistant commissioner (chair);
 - (b) a regional assistant commissioner (deputy chair);
 - (c) the Assistant Commissioner, Organisational Capability Command;
 - (d) the Director, Capital Assets and Facilities Management Group (CA&FMG);
 - (e) the Director, Financial Resource Services;
 - (f) a principal finance officer;
 - (g) a representative from the Queensland Police Union of Employees (QPUE);
 - (h) a representative from the Queensland Police Commissioned Officers Union of Employees (QPCOUE); and
 - (i) a district officer as nominated by the QPUE on rotation as a non-voting advisory member.
- (ii) District Housing Management Committees (DHMCs) consisting of (at a minimum):
 - (a) a district officer or assistant district officer (chair);
 - (b) a patrol group inspector(s) or support services inspector;
 - (c) an employee wellbeing representative(s) (senior psychologist, senior social worker or peer support officer); and
 - (d) a representatives from the QPUE and/or QPCOUE.

The SHMC and DHMCs through governance processes will have a holistic perspective of housing issues across the state to ensure that the Service maximises the effective delivery of housing related programs.

Additional members will be appointed to either committee at the discretion of the chair to perform administrative roles (e.g. secretariat, advisor), however these members will not form part of the core membership of the committee. The chair retains the discretionary right to invite stakeholder representatives to attend committee meetings in an advisory capacity. A DHMC must consult with commands or divisions where matters involving hosted members/positions are to be determined. Invitational attendees will not form part of the core membership of either committee.

The SHMC is governed by a single term of reference which outlines the roles, responsibilities and reporting obligations of the committee. DHMCs will be required to align with the principles contained within the SHMC terms of reference. This does not preclude the formation of informal housing administration bodies within a region/district as deemed necessary for effective service delivery, nor the appointment of additional members to a DHMC.

Unless explicitly specified, DHMCs are the primary governance body for decision making processes relating to QPS housing matters within districts. The delegate decision maker is the appointed district officer in consultation with the DHMC. Where agreement cannot be reached at the level of the DHMC, the matter under consideration may be referred to the relevant assistant commissioner for overview and referral to the SHMC if required.

Minutes of every DHMC meeting are to be forwarded to the SHMC secretariat within two working days.

15.4 Supply of housing

QPS housing may be provided to members to:

- (i) attract and/or retain members at locations to support the operational needs and organisational capabilities of the Service to effectively and efficiently deliver policing services; or
- (ii) support established or anticipated management and/or operational needs and organisational capabilities of the Service to effectively and efficiently deliver policing services.

QPS housing may be provided through any of the following:

- (i) QPS owned housing;
- (ii) housing leased from the Department of housing, local government, planning and public works (DHLGPPW);
- (iii) housing leased from the private rental market; or
- (iv) housing leased from local government authorities (e.g. local and Aboriginal councils) and other government agencies.

QPS housing allocated for occupancy by members is available in any of the following categories:

- (i) single tenancy accommodation; or
- (ii) multiple tenancy accommodation; or
- (iii) station/single tenancy combination accommodation (including neighbourhood police beats).

To best support the operational needs and organisational capabilities of the Service to effectively and efficiently deliver policing services and maximise the availability of residential accommodation to members, a District Housing Management Committee may designate a category to any unit of accommodation.

15.5 Capital planning/acquisition of housing

The State Housing Management Committee and Capital Assets and Facilities Management Group will conduct regular reviews of the housing portfolio to ensure that it continues to support the management of a location and/or the operational needs and organisational capabilities of the Service to effectively and efficiently deliver policing services. Reviews and viability assessments may be undertaken to:

- (i) determine if there is a need to acquire additional housing; and/or
- (ii) determine if there is a need to rationalise housing at current locations; and/or
- (iii) examine any planned or unplanned events/factors which are impacting (or have potential to impact) police housing and the delivery of policing services throughout the state. This includes both demographic and industry changes.

Such assessments will be conducted in consultation with relevant stakeholders. In some cases, recommendations will be presented to the Demand and Capability Committee for consideration and endorsement.

15.6 Eligibility

No member is entitled to QPS housing unless provided for in an industrial instrument or under the provision of a contract of employment. QPS Housing may however be reserved to best support the management of a location and/or the operational needs and organisational capabilities of the Service to effectively and efficiently deliver policing services. The eligibility of any member to reside in QPS housing will be assessed on a case by case basis in accordance with this policy.

Vacant positions, with the exception of district officer positions in Far North, Townsville, Mackay, Capricornia, Wide Bay Burnett, Darling Downs, Mt Isa and South West districts, and regional crime co-ordinator positions in Central, Southern and Northern/Far Northern (whether the position is in Townsville or Cairns), will not be advertised with a specified housing entitlement. Members filling or applying for a vacancy are to make inquiries with the district regarding the availability of QPS housing.

The below circumstances may deem a member ineligible for QPS housing:

- (i) the member owns a private dwelling (refer to definitions of this policy) within 45 km by shortest route of the member's centre. Any exceptions to this provision are to be referred to the State Housing Management Committee for further consideration and determination; or
- (ii) an alternative housing option is available (e.g. partner/spouse is provided housing in connection with their employment within the same centre); or
- (iii) a member has resided in QPS housing for a period exceeding five years and is therefore deemed to be a permanent resident. In such cases, their eligibility for QPS housing in accordance with this policy ceases. Such determinations will be made by the District Housing Management Committee (DHMC) in full consultation with the relevant member. If exceptional circumstances are identified, the DHMC may approve the member's occupancy beyond this five-year period; or
- (iv) termination of employment; or
- (v) career break (members accessing career break leave whilst occupying QPS housing may be required to forfeit QPS housing prior to the commencement of such leave).

The eligibility of district officer's in Far North, Townsville, Mackay, Capricornia, Wide Bay Burnett, Darling Downs, Mt Isa and South West districts, and regional crime co-ordinator's in Central, Southern and Northern/Far Northern regions (whether the position is in Townsville or Cairns), will be assessed against the above-mentioned eligibility criteria's (i), (ii), (iv), and (v).

It is the responsibility of the member to advise the DHMC as soon as reasonably practicable of any information which may affect their eligibility to apply for or remain in QPS housing. If a member ceases to be eligible for occupancy of QPS housing in accordance with the eligibility provisions of this policy, the tenancy agreement may be terminated in accordance with the *Residential Tenancies and Rooming Accommodation Act*.

15.7 Allocation of QPS housing

QPS housing will be allocated to members in a manner that best supports the management or operational needs and organisational capabilities of the Service to effectively and efficiently deliver policing services. This includes the attraction and retention of members performing specialist roles or functions at locations specified by the District Housing Management Committee (DHMC) in consultation with commands/divisions.

The Commissioner has determined the operational need exists to allocate QPS housing to members performing the following roles:

- (i) district officer positions in Far North, Townsville, Mackay, Capricornia, Wide Bay Burnett, Darling Downs, Mt Isa and South West districts; and
- (ii) regional crime co-ordinator positions in Central, Southern and Northern/Far Northern regions (whether the position is in Townsville or Cairns).

Where any UoA is assessed by the DHMC as no longer being required to be retained by the Service, rationalisation must be considered.

Where a UoA is not required to attract or retain members for a specific role or purpose but is still assessed by the DHMC as being required to attract and retain members, a formal expression of interest (EOI) process may be undertaken by the DHMC.

In cases where there is more than one applicant in an EOI process, the DHMC will prioritise allocation after considering factors including:

- (i) management and/or operational needs and organisational capabilities of the Service to effectively and efficiently deliver policing services; and
- (ii) personal circumstances, needs, health and wellbeing of the applicant including those directly affected by a decision; and
- (iii) availability of alternate accommodation for the applicant.

If an allocation outcome cannot be reached by the DHMC, the matter under consideration should be referred to the relevant assistant commissioner for determination.

All Service supplied residences in the relevant location must be fully occupied before additional accommodation is acquired. If a Service owned residence becomes available in the same locality where leased accommodation is utilised, the DHMC may consider that the relocation of a member residing in leased accommodation to the available Service owned residence is appropriate. If initiated by the Service, relocation costs will be met by the Service.

15.8 Multiple tenancy accommodation

To ensure that sufficient accommodation is available to support the operational needs and organisational capabilities of the Service to effectively and efficiently deliver policing services, a District Housing Management Committee (DHMC) may designate units of QPS housing as multiple tenancy accommodation. If the UoA is leased from the Department of Housing, Local Government, Planning and Public Works (DHLGPPW), written application should be made to Capital Assets and Facilities Management Group (lease managers) via email QPSHousing@police.qld.gov.au who will seek approval from DHLGPPW.

In a multiple tenancy arrangement, one bedroom is allocated to one member. All members are required to have individual tenancy agreements which reflect the accommodation as multiple tenancy. The DHMC reserves the right to allocate other members to vacant bedrooms at any time. All attempts will be made to provide individual, securable bedrooms.

To protect the privacy and living environment of all tenants, cohabitation with a spouse/partner or guests in multiple tenancy accommodation for periods exceeding two weeks will not be permitted without prior written approval of the DHMC. In some instances where suitable accommodation may not be available to support service delivery, cohabitation may be required, however this should be considered only until alternative accommodation becomes available.

15.9 Tenancy agreements

All members allocated Service supplied residences (excluding short term accommodation) are required to sign a State Tenancy Agreement in accordance with the *Residential Tenancies and Rooming Accommodation Act* upon commencement of tenancy. Unless exceptional circumstances exist, all tenancy agreements are to be fixed term agreements for a period determined by the District Housing Management Committee (DHMC). Tenancy agreements are to be reviewed prior to the end date if the tenancy is continuing beyond the initial term.

A tenancy agreement may end prior to the end of the fixed term if mutually agreed by the DHMC and the member.

Members who reside in Service supplied residences for planned periods of short-term occupancy not exceeding three months are not required to enter into a tenancy agreement, however the relevant DHMC must be advised of their occupancy. In the unplanned event that short term occupancy is extended beyond three months, members must enter into a tenancy agreement. All members, irrespective of duration of tenancy, must comply with all relevant provisions of this policy.

Members are not permitted to sub-lease any portion of a Service supplied residence. Any request made by a member allocated a Service supplied residence for approval to sub-lease, is to be declined by the DHMC.

Any additional special terms (outside of this policy) which are deemed necessary by DHMC for inclusion within a tenancy agreement, must be consistent with the RTRA and referred to QPSHousing@police.qld.gov.au for consideration prior to implementation.

15.10 Members on extended leave (with or without pay)

Members who are on or are granted extended leave (excluding career break leave) may be permitted to maintain their occupancy in Service supplied housing, or may be allocated a unit of housing, provided that:

- (i) the provision of service to that particular community is not adversely affected in any manner;
- (ii) in the case of long-term leave, a replacement member or relieving member is not denied access to existing QPS supplied accommodation; and
- (iii) in the case of unpaid leave, where accommodation contributions cannot be made via payroll deductions, the member must make alternative payment arrangements in consultation with the district housing management committee (DHMC) and regional finance officer.

Prior to accessing leave, the member must make application to the DHMC for approval in writing to retain housing. Members accessing career break leave whilst occupying QPS supplied housing may be required to forfeit Service supplied housing prior to the commencement of such leave.

The DHMC reserves the right to assess each application on a case by case basis. Exceptional circumstances may be referred to the SHMC including the need to source alternative temporary accommodation where required.

15.11 Members on relieving duties

Where a relieving member occupies QPS supplied housing in their substantive location and has been allocated temporary QPS supplied housing in a relieving location, that member is required to meet the accommodation contribution on the housing in their substantive location only.

For accommodation contributions relating to short term occupancy, refer to 'Short Term Accommodation' in 'Accommodation Contribution Exemptions' of this policy.

15.12 Relocation of members

If a member residing in QPS supplied housing is approved by a district housing management committee for relocation to another residence (in the absence of an approved transfer or promotion), all costs associated with the relocation are to be met by the member. If the Service initiates the relocation, relocation costs will be met by the Service.

15.13 Use

Members must seek approval from the district housing management committee to use QPS supplied housing for a use other than for residential purposes (e.g. home operated business).

15.14 Accommodation contributions

Unless specifically provided for by this policy or any industrial agreement, all members residing in Service supplied housing will pay a fortnightly accommodation contribution to the Service. This includes members residing in private rental accommodation where the member may be contributing to the rental cost. The accommodation contribution is to be deducted from the member's base rate of pay, in accordance with the following:

- (i) single tenancy accommodation – 2.5% deduction from the member's full time substantive base rate of pay or equivalent amount;
- (ii) multiple tenancy accommodation – 1.5% deduction from the member's full time substantive base rate of pay or equivalent amount;
- (iii) station/single tenancy combination accommodation (including Neighbourhood Police Beats) – 1.5% deduction from the member's full time substantive base rate of pay or equivalent amount; and
- (iv) one/two officer station accommodation (irrespective of housing configuration) – 1.5% deduction from the member's full time substantive base rate of pay or equivalent amount.

All accommodation contributions by a member will be:

- (i) paid via fortnightly payroll deductions;
- (ii) established when signing a tenancy agreement;
- (iii) established by payroll deduction commenced on occupancy and ceased on termination of occupancy;
- (iv) remain continuous and accurate throughout the duration of the occupancy; and
- (v) where payment cannot be made via payroll deduction, the member is to arrange an alternative payment method in consultation with the District Housing Management Committee (DHMC) and regional finance officer.

The Service is to ensure payroll deduction processes are operating efficiently and effectively and take steps to immediately resolve any identified errors or malfunctions. Any identified instances of accommodation contribution underpayments or overpayments are to be rectified by both the Service and member as soon as practicable.

Any change in a member's circumstance which would interrupt the payroll deduction process are to be reported to the member's supervisor within seven days. The supervisor is to investigate the circumstances and take any necessary action.

Where two members of the Service reside together in single tenancy accommodation in a spousal/partner relationship, the member allocated the QPS housing will be required to pay the accommodation contribution. This is to be the member whose transfer or promotion first initiated the allocation process for QPS housing and has signed a State Tenancy Agreement in accordance with s. 15.9: 'Tenancy agreements' of this chapter. Exceptions may be determined by the DHMC on a case by case basis.

The Service commits that no variations will be made to the amounts specified in the 'Accommodation Contribution' for the effective period of the Queensland Police Service Certified Police Agreement. Any future changes to Accommodation Contributions will be negotiated in full consultation with stakeholders including the Queensland Police Union of Employees and the Queensland Police Commissioned Officers Union of Employees

15.15 Accommodation contribution exemptions

State Housing Management Committee (SHMC) approved exemptions – by location/residence

The Service has designated an exemption status to several units of accommodation (UoA), whereby members occupying the QPS supplied housing are not required to pay the accommodation contribution. A current list of exemptions will be maintained on the QPS Residential Housing webpage. All existing exemptions will be reviewed annually by the SHMC. The SHMC reserves the right to amend the exemption status of any UoA at any time to ensure that the needs of the Service are being met.

Should a district housing management committee identify exceptional circumstances where an exemption status should be applied to QPS supplied housing, a SHMC Business Case is to be submitted for consideration and determination.

Short Term Accommodation

Members who reside in QPS supplied housing for planned periods of short-term occupancy not exceeding three months are exempt from paying an accommodation contribution. In the unplanned event that short term occupancy is extended beyond three months, members must commence the payment of the accommodation contribution however will not be charged retrospectively for the initial three-month period.

15.16 Accommodation Contribution Reinvestment Program

The Service has committed to the reinvestment of all net funds recouped from Accommodation Contribution Revenue (ACR) into the ongoing maintenance of Service owned accommodation. The Accommodation Contribution Reinvestment Program' (ACRP) will reinvest the accommodation contributions paid by members residing in all categories of Service occupied accommodation (irrespective of ownership or leasing arrangements), into Service owned accommodation.

The reinvestment focus, of ACR member derived funds is at the discretion of the State Housing Management Committee (SHMC) with district specific input from District Housing Management Committee (DHMC). From time to time the SHMC will issue guidelines for ACRP investment. The SHMC supports flexible and discretionary decision making of the DHMC in administering the ACRP provided it meets the funding guidelines issued by the SHMC. Should any doubt exist, the DHMC is to consult the SHMC.

The Service acknowledges the ACRP is in addition to the Annual (Housing) Maintenance program and the Minor Works Schedule which are administered by Capital Assets and Facilities Management Group, OCC.

15.17 Housing assistance for private rental accommodation

Subject to the following provisions, private rental accommodation will only be considered where Service owned housing, or Department of Housing, Local government, Planning and Public Works (DHLGPPW) leased accommodation, is not available.

Where an assistant commissioner identifies a need for additional unit/s of accommodation (UoA) in an area under their control, they are to forward a submission to the Capital Assets and Facilities Management Group (CA&FMG) via email to QPSHousing@police.qld.gov.au.

A submission must:

- (i) provide evidence the UoA is required to support the management of and/or the operational needs and organisational capabilities of the Service to effectively and efficiently deliver policing services;
- (ii) provide evidence that a UoA cannot be provided by existing QPS owned housing or DHLGPPW leased accommodation;
- (iii) not be based on the individual needs of a member; and
- (iv) identify a funding source for the provision of UoA.

CA&FMG hold responsibility for the Service housing lease budget and delegation to execute and terminate a residential lease on behalf of the Service. CA&FMG will consider the submission and where necessary, seek approval from the Deputy Chief Executive, Strategy and Corporate Services for a nominated subsidised housing benefit.

A nominated subsidised housing benefit is to consider the median market rent (as guided by the RTA median market rent finder or equivalent statutory based guide) for a UoA of comparable standard with existing or formerly owned (divested) QPS housing in the relevant area.

Where members are in receipt of subsidised housing benefit, the lease will be taken out on behalf of the Service (as the tenant) for the approved lease period and the Service will be listed as the tenant in any private general tenancy agreement. Where the nominated subsidised benefit does not cover the total rent, the member is required to reimburse the Service for the excess amount on a fortnightly basis. The member will also be required to pay the nominated accommodation contribution as directed by this policy.

A UoA acquired under the provisions of this section will be considered as part of the QPS housing portfolio and subject to SHMC review as outlined in s. 15.5: 'Capital planning/acquisition of housing' of this chapter.

15.18 Fringe benefit tax

A fringe benefit may arise when a member is provided with a rental reimbursement or housing accommodation. Payment of any fringe benefits tax (FBT) is the responsibility of the Service, however any benefits provided to a member with FBT liability have a potential flow-on effect on a reportable fringe benefit amount (RFBA) on a member's income statement. Members should seek independent financial advice to determine if fringe benefits will impact their personal situation.

FBT concessions and exemptions are subject to on-going review and/or change by the ATO. Benefits relating to residences in a non-remote area are subject to FBT and reportable on an employee's income statement, however FBT is not payable for the period that the residence is vacant. The QPS Housing database must be updated with the vacancy period to facilitate a reduction in FBT liability, where applicable. Current rulings and more information can be found on the ATO website.

15.19 Utilities

It is the responsibility of members occupying any type of Service supplied housing, irrespective of ownership or lease arrangements, to pay for private:

- (i) telephone rental and calls;
- (ii) internet contracts; and
- (iii) energy consumption.

Members in single tenancy accommodation will be liable for 100% of the above listed costs including connection fees.

The Service will be responsible for the connection of utilities in all station/single tenancy combination accommodation (including neighbourhood police beats) and the connection of electricity in multiple tenancy accommodation. The connection of internet and telephone services to multiple tenancy accommodation is at the discretion of the district housing management committee (DHMC).

The payment of utility costs in multiple tenancy accommodation (except for Discrete First Nations communities) will be on a proportionate basis, as advised and calculated by the DHMC in consultation with the regional finance officer. The DHMC, in consultation with the regional finance officer, reserves the right to determine an appropriate calculation methodology which will consider the individual accommodation arrangement. The DHMC will consider several factors including meterage arrangements and the duration of the member's tenancy within the billing period.

Electricity for multiple tenancy accommodation in the following Discrete First Nations communities will be funded by the Service - Aurukun, Bamaga, Cherbourg, Doomadgee, Hopevale, Horn Island, Kowanyama, Lockhart River, Mornington Island, Palm Island, Pormpuraaw, Thursday Island, Woorabinda, Wujal Wujal and Yarrabah.

Unless exceptional circumstances exist, members residing in station/single tenancy combination accommodation (including neighbourhood police beats) will be apportioned for energy usage costs on a 50% (member) / 50% (Service) basis.

The DHMC may determine it appropriate to apply variations to the Service's contribution for utility costs. Any such costs will be met by the district/region. To support state-wide consistency, the DHMC and/or regional finance officers should seek guidance from the State Housing Management Committee (SHMC) or Capital Assets and Facilities Management Group, OCC.

Special agreements made by the DHMC must be reflected in the special terms of the member's tenancy agreement.

Districts are required to monitor excessive water usage and investigate probable causes with occupants.

15.20 Debt recovery

Debt recovery will be considered in cases where it is identified that any charges relating to QPS accommodation have not been paid. The regional finance officer in conjunction with the district housing management committee may determine the option of an arrear's payment plan. Where a payroll deduction is not available, the member will receive an invoice for payment of outstanding monies.

15.21 Indemnity/insurance

The Service is not liable for any loss, damage or injury to the member, the member's possessions, or any person on the premises, except to the extent allowable by law.

The Service does not insure member's possessions. It is a member's responsibility to insure their personal possessions.

15.22 Maintenance

Members are required to report maintenance (with the exclusion of unfair wear and tear) immediately upon detection to the QBuild Maintenance Response Centre. QBuild will categorise the work and response priority times.

Repairs, maintenance and upgrades to QPS owned housing will be administered by Capital Assets and Facilities Management Group (CA&FMG), OCC through the QPS maintenance (planned, unplanned and service maintenance) and Minor Works programs. The Accommodation Contribution Reinvestment Program (ACRP) is governed by the Service House Management Committee (SHMC) and is administered through CA&FMG and local districts. Maintenance and upgrades will be carried out in accordance with a prioritisation process and condition assessment.

Under the Maintenance Management Framework, the Service is required to conduct an audit on all properties and facilities every five years, or sooner. CA&FMG will be provided with a written assessment from QBuild, DHLGPPW in relation to the condition and maintenance needs of all QPS owned residences.

QPS housing which is leased from DHLGPPW will follow a similar process however will be governed by DHLGPPW. All requests for maintenance are to be made through QBuild.

In accordance with the *Residential Tenancies and Rooming Accommodation Act*, the tenant must provide access to the property to enable maintenance or other work to be carried out.

Deep cleaning maintenance of air conditioners and the maintenance of drinking water filters and dishwashers is the responsibility of the district. It is the responsibility of the member to advise the DHMC as soon as reasonably practicable when the drinking water filter/s require replacing or air conditioner/s require deep cleaning.

If keys are lost or damaged, it is the occupant's responsibility to replace at their own expense and provide a copy of any new keys to the DHMC as soon as practicable. If the lock is broken or faulty, this becomes a maintenance request via QBuild, who will arrange the repair/replacement of the lock.

Occupants must not contact QBuild for any maintenance matters in a private rental residence unless CA&FMG have authorised contact in writing. Any maintenance must be reported to the nominated repairer/Agent on the head-lease agreement.

The reinvestment focus, of ACR member derived funds are at the discretion of the SHMC with district specific input from DHMC. The Service acknowledges that maintenance delivered by ACR member derived funds is in addition to the maintenance and Minor Works programs which are administered by OCC. OCC is a member of the SHMC.

15.23 Inspections

For QPS owned accommodation, the Service will undertake inspections to ensure the overall care and condition of the accommodation.

Inspections are to be undertaken by a commissioned officer or delegate, as endorsed by the District Housing Management Committee (DHMC).

Inspections (including scheduling) must comply with *Residential Tenancies and Rooming Accommodation Act*. Reference should be made to the Service Housing database for all relevant workflows and forms as referred to in this section.

Routine inspections

DHMC are responsible for ensuring inspections are undertaken at least once every 12 months. Where significant distances are involved, the DHMC may extend inspections beyond 12 months. An annual property inspection checklist should be used for recording inspection outcomes and relevant entries made in the QPS Housing database.

When a member enters/exits accommodation, DHMCs are to ensure an inspection is conducted using a Residential Tenancies Authority Form 1a (Entry Condition Report) and 14a (Exit Condition Report) and relevant entries made in the QPS Housing database. The provision and receipt of such forms should comply with the *Residential Tenancies and Rooming Accommodation Act*.

All smoke alarms must be checked at each inspection and batteries must be replaced immediately when required.

15.24 Inspection outcomes (QPS owned)

If an inspection identifies the need for fair wear and tear maintenance, the inspecting officer is required to report to the QBuild Maintenance Response Centre. QBuild will categorise the work and response priority times.

Should any minor or upgrade works be identified, the District Housing Management Committee will report to the State Housing Management Committee who are responsible for the Accommodation Contribution Reinvestment Program. This work will be prioritised and undertaken within the scope of this program, policy and legislation.

15.25 Inspections (leased unit of accommodation (UoA))

District Housing Management Committees are not responsible for inspections of leased accommodation including DHLGPPW owned, unless explicitly stated within the lease agreement. Service members residing in leased accommodation must comply with inspection requirements as contained within the lease agreement specific to the relevant UoA.

15.26 Liability of member where abuse/neglect is identified

If an inspection of any QPS supplied housing identifies instances of abuse or neglect, the inspecting officer will direct the member to immediately remedy the situation. Such abuse or neglect is to be reported to the District Housing Management Committee and may result in the member's tenancy being ended and/or the member being excluded from occupying any other QPS supplied housing.

Should professional repairs or cleaning services be required to restore accommodation for future occupation, the member will be liable for any costs incurred.

15.27 Condition of premises at end of occupancy

At the end of the tenancy agreement, the condition of the accommodation should be consistent with the 'Cleaning Standard Factsheet' (fair wear and tear excepted). This is to ensure the premises are in a clean and habitable condition for the next member. Carpet cleaning and pest control requirements must be undertaken in accordance with the special terms contained within the tenancy agreement for single tenancy accommodation (see s. 15.29: 'Property management during occupancy' of this chapter).

15.28 Vacant housing

If a DHLGPPW leased property cannot be utilised within four months of vacation, the District Housing Management Committee (DHMC) must advise Capital Assets and Facilities Management Group (CA&FMG) (as lease managers) and the property will be relinquished back to DHLGPPW. If the Service seeks to retain a vacant DHLGPPW leased unit of accommodation for a period exceeding four months, approval must be sought from DHLGPPW via CA&FMG, in accordance with the QPS/DHLGPPW Service Level Agreement. The DHMC must advise the Service House Management Committee in writing of any such instances.

The Service remains responsible for the maintenance of all vacant accommodation which is retained by the Service for the occupation of members. Vacant residences are to be monitored regularly as neglect may result in significant expense to the Service, (see s. 15.29: 'Property management during occupancy' for district's responsibilities when vacant).

The regional finance officer should be notified of periods of significant vacancy to enable a reduction to be claimed against any Fringe Benefits Tax payable.

15.29 Property management during occupancy

The member, at their own expense, is required to keep the premises clean and in good repair in accordance with the special terms of the QPS tenancy agreement.

Pools and spas

Members are to clean any swimming pool, filter and spa equipment provided with the accommodation.

Mould

Members are to address small outbreaks of mould through targeted cleaning in accordance with Queensland Health guidelines, Queensland Government Mould Guide and QPS Mould Management Procedure. Where an outbreak is persistent, or significant in size, this is to be reported immediately to QBuild and inform Capital Assets and Facilities Management Group (CA&FMG) – BuiltAssets.Maintenance@police.qld.gov.au.

Asbestos

Members are not to undertake any maintenance or works where existing structural materials will be affected without prior consultation with CA&FMG – QPSHousing@police.qld.gov.au, as there may be a risk to health from asbestos. CA&FMG are to determine if any risk exists utilising the Built Environment Materials Information Register (BEMIR). Where available, asbestos registers are held against the address record in the QPS Housing database.

Smoke alarms

Members are to clean and test smoke alarms regularly and replace batteries when necessary.

Carpet cleaning and pest control

For single tenancy accommodation, pest control is to be carried out annually by the occupant; Far Northern and Northern Region residences are to be fumigated against Singapore ants.

If the residence is vacant for four months or more, the district is required to undertake pest control one week prior to the commencement of a new occupancy.

The district is responsible for carpet cleaning and pest control in multi-tenancy accommodation and operational areas of station/single tenancy accommodation (including neighbourhood police beats) biennially.

Pest control includes the internal and external fumigation treatment of general household pests (such as rodents, cockroaches, ants and spiders) as well as any environmental pests (such as Singapore ants in the Far Northern and Northern regions). Where pets have been kept at a premises, pest control includes internal and external fumigation treatment for fleas and ticks. Between fumigation treatments, pest control includes pest prevention by ensuring food is properly stored and using sprays and baits where necessary.

Property maintenance

Members are responsible for shrubs, lawn and garden maintenance during the tenancy. Large tree maintenance is the financial responsibility of the district.

If the residence is vacant for four months or more, the district is required to undertake lawn and garden maintenance and internal clean (if necessary) one week prior to the commencement of a new occupancy.

15.30 Pets

Members may only keep a pet at a QPS supplied residence with the written approval of the DHMC. Applications are to be submitted via the 'QPS Housing Pet Application Form', prior to the member taking up occupancy. Where the residence is leased through the private market, the application is to be forwarded to the Capital Assets and Facilities Management Group who will seek approval from the property owner. Members must consider local government by-laws and where applicable, body corporate regulators prior to seeking approval to keeping a pet.

All applications must be assessed by the DHMC in accordance with the *Residential Tenancies and Rooming Accommodation Act*, and a written response provided to the member within 14 days. If approved, DHMCs must outline any conditions that are applicable to the member keeping the pet, including if the pet is allowed inside the premises. If not approved, the DHMC must provide written grounds on which the application is not approved, and the reasons for such refusal.

The member is responsible for repairing any damage to the residence, both indoor and outdoor, caused by the pet.

15.31 Furniture and equipment

Furniture and equipment may be provided to multiple tenancy dwellings at the discretion of the District Housing Management Committee (DHMC).

Where a residence is furnished with Service supplied furniture and/or equipment, an inventory is to form part of the tenancy agreement and is to be signed by members at the commencement of their tenancy and checked by the officer conducting the exit inspection.

Members are to obtain approval from the DHMC before removing any Service supplied furniture or equipment from QPS housing. The DHMC is to determine if the furniture or equipment can be stored or utilised within another residence in the same location prior to procuring a storage option. If a storage option is required, the cost is to be met by the district.

Loss or damage

Any loss or damage to furniture and equipment is to be reported to the DHMC as soon as practicable and if caused by means other than fair wear and tear, member/s may be required to make restitution of all costs associated with repair or replacement.

A determination of liability will be undertaken by the DHMC on a case by case basis and any loss is to be referred to the regional finance officer for advice and recording in the loss register.

15.32 Fixtures and fittings

Members are not to add, alter or remove any fixtures or fittings within any type of QPS supplied housing, unless prior approval has been obtained from Capital Assets and Facilities Management Group and the property owner (where the property is leased) via the District Housing Management Committee.

Members will not be recompensed for any unauthorised additions or alterations to fixtures or fittings and may be required to remove at the end of their tenancy. Removal of any unauthorised fixtures and fittings will be at the member's expense.

15.33 Disputes

If a member considers that they have been unfairly dealt with regarding the application of this chapter, the member may lodge a dispute to the District Housing Management Committee (DHMC).

If a dispute cannot be resolved at the DHMC, the matter may be referred to the relevant assistant commissioner for overview and escalation to the State Housing Management Committee (SHMC) if required. Any decision in relation to the dispute is to be consistent with the rights and responsibilities of the lessor and tenant in accordance with the *Residential Tenancies and Rooming Accommodation Act* as well as the specific tenancy agreement.

Any dispute applications which seek to waive charges associated with accommodation must be referred to the SHMC for determination. Whilst in most cases disputes will be resolved at the DHMC or SHMC levels, dispute resolution avenues are also available via the Residential Tenancies Authority and the Queensland Civil and Administrative Tribunal.

This section in no way limits or restricts the member's rights under any applicable Act, including the right to have an issue in dispute dealt with by external government bodies.