



ESC - C062 Independent Living Facility Eligibility Policy

**Independent Living Complex (Units 1A, 1B, 1C & 2A)
at Lot 5 Forsayth Road, Georgetown**

POLICY VERSION AND REVISION

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1. BACKGROUND & CONTEXT

Etheridge Shire Council is committed to delivering housing options for elderly residents in our community through quality social infrastructure that makes the Shire a desirable place to live. Our commitment to enhancing the quality of life for Shire residents includes the development of an Independent Living Complex at Lot 5 Forsayth Road, Georgetown for elderly residents over 65 years of age.

To support this initiative, Council has four two-bedroom dwellings within the Independent Living Complex available for rent to applicants that meet the eligibility criteria.

2. PURPOSE & SCOPE

This policy sets out the criteria and procedures to guide Council Officers in making decisions that comply with Council's Corporate Plan, while promoting consistency, fairness and a coordinated approach to managing applications for the Independent Living Facility across four units within the Complex (Units 1A, 1B, 1C and 2A). Council has been granted an exemption from the Queensland Civil and Administrative Tribunal from the operation of section 7(f) of the *Anti-Discrimination Act 1991* (Qld), which prohibits discrimination on the basis of age and is committed to delivering housing to individuals aged 65 and over.

This policy applies to all Etheridge Shire Council employees involved in processing applications for Independent Living Facility dwellings (Units 1A, 1B, 1C and 2A) within the Independent Living Complex located at Lot 5 Forsayth Road, Georgetown.

This policy does not apply to applications for Units 2B and 2C. Council employees must refer to the policy titled "Eligibility Policy – Affordable Housing Dwellings".

3. POLICY STATEMENT

3.1 DUE DILIGENCE INVESTIGATIONS

- 3.1.1. An Applicant is an individual who applies to become an Independent Living Facility tenant.
- 3.1.2. Council may let a dwelling to an Applicant who meets the C062 Independent Living Facility Policy Eligibility Criteria, or to an Applicant approved by the Chief Executive Officer under the discretion set out in this Policy.
- 3.1.3. Council Officers are responsible for properly processing applications, assessing each Applicant against the Independent Living Facility Eligibility Criteria, and referring any application that does not meet all criteria to the Chief Executive Officer for determination.
- 3.1.4. In evaluating Applicants for the Independent Living Facility, Council Officers must conduct thorough due diligence investigations to determine whether an Applicant meets the Eligibility Criteria.
- 3.1.5. The Chief Executive Officer has delegated authority to assess and determine applications under this Policy and may approve an application where the Applicant does not meet one or more Eligibility Criteria, including the minimum age requirement, where satisfied that approval is reasonable and supports the purpose of the Independent Living Complex.
- 3.1.6. In exercising this discretion, the Chief Executive Officer must consider the Applicant's individual circumstances, demonstrated housing need, connection to the Etheridge Shire, suitability for independent living, availability of dwellings, the interests of other eligible Applicants, and any relevant legal or funding requirements. The reasons for the decision must be documented.

3.2 ELIGIBILITY CRITERIA

Applicants and existing tenants who are renewing an existing tenancy agreement are expected to meet all the following criteria. An application that does not meet one or more criteria may be referred to and approved by the Chief Executive Officer under the discretion set out in this Policy.



3.2.1. Age

Applicants should ordinarily be aged 65 years or older. The Chief Executive Officer may approve an Applicant who is under 65 years of age in accordance with the discretion set out in this Policy. Council holds a QCAT exemption under the *Anti-Discrimination Act 1991 (Qld)*.

3.2.2. Australian Citizenship and Residence Status.

The Applicant must be:

- a. an Australian citizen;
- b. a permanent resident of Australia;

3.2.3. Residency

Applicants will be prioritised based on a demonstrated connection to the Etheridge Shire, including the following criteria:

1. current residence in Etheridge Shire;
2. previous residence in Etheridge Shire with an intention to return; or
3. strong ties to a community within Etheridge Shire (eg: family, work, cultural or community involvement).

4. DOCUMENTS

4.1 DOCUMENTS – NEW APPLICATIONS FOR AFFORDABLE

The documents that Council Officers must obtain from each Applicant include:

- 4.1.1 completed and signed Residential Tenancies Authority Rental Application (Form 22);
- 4.1.2 two documents, with at least one containing a photographic identity, proving the Applicant's identity, including:
 - a. Australian Passport;
 - b. Australian Driver's Licence;
 - c. Full Birth Certificate;
 - d. Medicare card;
 - e. Centrelink card; or
 - f. Another form of government issued identity document.
- 4.1.3 proof of current address;
- 4.1.4 documents about the Applicant's financial ability to pay rent including:
 - a. if the Applicant is employed, two most recent payslips from the Applicant's current employer;
 - b. if the Applicant is not receiving regular income, two financial documents which may include:
 - bank statements (without transaction details) to demonstrate proof of savings or assets;
 - Centrelink payment statements or letters; or
 - other proof of savings or assets.
- 4.1.5 a signed declaration from each Applicant who provided identity documents acknowledging that:



"The Landlord is collecting information, including identity documents to verify the Applicant's identity, for the purposes of assessing the Applicant's eligibility to become an Independent Living Facility tenant at Lot 5 Forsayth Road, Georgetown.

The Applicant hereby consents to the Landlord keeping a copy of the Applicant's identity documents.

The Landlord will not disclose personal information to any other third party for any other purpose, unless with consent or as required by law."

4.2 RENEWING AN EXISTING TENANCY AGREEMENT

4.2.1 Renewal of existing Tenancy Agreements will be assessed through and at the absolute discretion of the Chief Executive Officer (or a delegated officer).

4.2.2 Four (4) months prior to the expiry of a Tenancy Agreement, the Chief Executive Officer (or a delegated officer) will review the Tenant's history and conduct, including:

- a. whether rent has been consistently paid in full and on time;
- b. whether the Premises have been properly maintained;
- c. whether the Tenant has otherwise complied with the terms of the existing Tenancy Agreement.

4.2.3 If Council resolves to renew the lease, Council will, at least three (3) months prior to the expiry date, issue the Tenant with a proposed new Tenancy Agreement setting out:

- a. the proposed rent;
- b. the new lease term; and
- c. all relevant terms and conditions.

4.2.4 If the tenant does not accept Council's offer by returning a signed Tenancy Agreement within 21 days from the date the Tenant receives the proposed new Tenancy Agreement, the offer will be deemed rejected. In that case, the tenant will be issued with a Form 12 – Notice to Leave, with the tenancy agreement ending on the later of:

- a. the remaining term of the current Tenancy Agreement; and
- b. if the term of the tenancy agreement will end sooner than the date which is two (2) months after the date Council is able to issue the notice to the existing tenant, no earlier than:
 - i. the date Council is able to give notice to the existing tenant in accordance with the Residential Tenancies and Rooming Accommodation Act 2008 (Qld) that Council is not renewing the tenancy agreement; and
 - ii. the date two (2) months after the date the notice is given.

5. ENDING A TENANCY –

5.1 If the Chief Executive Officer (or a delegated officer) determines that Council does not wish to offer the existing tenant a new Tenancy Agreement, Council Officers must notify the existing tenant that their tenancy agreement will not be renewed and will end on the later of:

5.1.1. the remaining term of the current tenancy agreement; and

5.1.2. if the term of the tenancy agreement will end sooner than the date which is two (2) months after the date Council is able to issue the notice to the existing tenant, no earlier than:

- a. the date Council is able to give notice to the existing tenant in accordance with the Residential Tenancies and Rooming Accommodation Act 2008 (Qld) that Council is not renewing the tenancy agreement; and
- b. the date two (2) months after the date the notice is given.



6. RESPONSIBILITIES

When implementing this Policy, Council must make decisions fairly and transparently, using principles compatible with human rights as described in the *Human Rights Act 2019* (Qld).

Where an Applicant does not meet all Eligibility Criteria, Council Officers must refer the application to the Chief Executive Officer for determination. The Chief Executive Officer may approve or decline the application after considering the matters specified in this Policy. The decision, supporting reasons and any conditions of approval must be clearly documented and communicated to the Applicant. An Applicant whose application is declined must be advised of any available review process and may provide further relevant information for consideration.

7. TERM

This policy commences on the Effective Date and will remain in force until revoked.

8. REVIEW

This policy must be reviewed with four years, or sooner if required.

9. RELATED DOCUMENTATION

ESC – C063 Independent Living Facility Allocations Policy

ESC – C064 Independent Living Facility Rent Policy

10. LEGISLATION AND REGULATIONS

Housing Act 2003

Housing Regulation 2015

Human Rights Act 2019

Public Records Act 2002

Residential Tenancies and Rooming Accommodation Act 2008

Residential Tenancies and Rooming Accommodation Regulation 2009