



Government of **Western Australia**
Department of **Housing**
Office of the Director General

OPENING DOORS
To Affordable Housing



Our Ref: 37-2015

Ms Lyn Beverley
Committee Secretary
Senate Standing Committee on Finance and Public Administration
References Committee
Parliament House
CANBERRA ACT 2600

Dear Ms Beverley

Thank you for the invitation to provide a response to Daydawn Advocacy Centre's submission to the Senate Inquiry into Domestic Violence.

The Western Australian Department of Housing is a statutory authority operating across the land, housing and finance sectors to deliver affordable housing solutions for a growing number of Western Australians, including Aboriginal people. The Department is a social housing landlord, not a human services agency.

The Department is actively committed to working with Aboriginal people to deliver positive housing outcomes. Responses include:

- building nearly 500 new homes in remote communities and refurbishing 1,299 homes;
- piloting a successful transition scheme for Aboriginal people to move from social housing rental to home ownership in Kununurra;
- providing 77 home loans through Keystart's Aboriginal shared equity home ownership program;
- public housing, where approximately one quarter of households are Aboriginal.

The Department is also committed to addressing Family and Domestic Violence by ensuring that victims are appropriately assessed and assisted. As part of this, the Department also upgrades security at properties where domestic violence is prevalent.

Additionally, the Department provides around 630 properties used for women's refuges and crisis housing. Primarily, these responses are supported by community organisations funded through the Western Australian Department for Child Protection and Family Support.

The Department recognises the need for a properly maintained home. As the biggest residential landlord in Western Australia, the Department owns and carries out maintenance services to more than 40,000 properties across the State, issuing up to 20,000 works orders a month. Around 90% of this work is carried out on time and to a high standard.

Tenants are able to report maintenance issues in person to a housing officer or they can report issues 24 hours a day online or via a call centre.

The Liberal-National Government's Disruptive Behaviour Management Strategy was designed as a strong response to the community's reaction over the perceived lack of action regarding the disruptive behaviour of some public housing tenants.

The aim of the strategy is to balance the needs of tenants with those of the wider community. All action taken under the strategy complies with *Residential Tenancies Act 1987*. (Information Brochure attached – Attachment 1)

The strategy is not simply about punishing unacceptable behaviour, it is about deterring it. For example, of the 3,562 first strikes issued since July 2012, only 1,395 progressed to second strikes and of those only 479 progressed to third strikes. Increasingly, the strategy is having a positive effect on tenant behaviour and is achieving its objective.

Where a tenancy is at risk, the Department works with relevant in a coordinated approach to managing disruptive behaviour. Formal agreements are in place with the Mental Health Commission and the Department for Child Protection and Family Support to notify those agencies when the Department issues a strike against tenants with disclosed mental illness or families with children, allowing those agencies to determine whether support is necessary.

The Department also works closely with the WA Police in exchanging information about disruptive behaviour occurring at its properties.

In addition, the Department funds the Support and Tenant Education Program (STEP), which aims to assist tenants in understanding their tenancy obligations, addressing issues impacting on their tenancy and developing life skills needed to do so. TEP also has a strong focus on brokering more specialised support services where tenants have complex or specific needs.

When domestic violence is the issue, the focus is on the tenant, and discretion is always used before any action is taken. Where the tenant has not caused or permitted the behaviour to occur, such as in family and domestic violence situations, the Department will not issue a strike.

While every effort is made to intervene early and assist clients to sustain their tenancies, ultimately the responsibility to treat neighbours with respect rests with the tenant. Where tenancy obligations are repeatedly ignored, tenants will be held accountable for their behaviours.

Transfers are provided on a priority basis only, that is, in situations where a tenant has no viable alternative to relocation. Every consideration is given to a tenant's individual situation, including those experiencing family and domestic violence.

If the transfer application is accepted, the tenant is placed on the Department's priority waiting list. Everyone on the priority waiting list has an urgent need for housing and with the high demand for public housing; suitable vacant properties are not always readily available

The Department no longer has a separate Aboriginal public housing program. All applicants, including Aboriginal people, can access all public housing.

I thank the Committee for the opportunity to respond

Yours sincerely

GRAHAME SEARLE
DIRECTOR GENERAL

30 January 2015

Attachment- Disruptive Behaviour Management Brochure

DISRUPTIVE BEHAVIOUR

Definition:

Activities that cause a nuisance, or unreasonably interfere with the peace, privacy or comfort, of persons in the immediate vicinity.

Examples:

- Loud parties with no violent or destructive behaviour
- Excessive noise from household items, such as TVs, stereos and vehicle engines
- Domestic and family disputes which impact on neighbours
- Communal property disputes such as laundries and car parking bays
- Unwanted entry into neighbouring properties (where no criminal charges are laid or malicious intent demonstrated)
- Substantial and unreasonable disturbance from children associated with loud noise but short of serious misdemeanours, such as property damage

Response:

A strike will be issued for each substantiated incident. Legal action to terminate the tenancy will proceed if three strikes are issued within a period of 12 months.

LEGAL PROCEEDINGS

The Department of Housing is applying the strategy within current provisions of the *Residential Tenancies Act 1987*. Members of the community are entitled to the quiet enjoyment of their own homes and as such, consistent disruptive behaviour in public housing will not be tolerated.

Once the final strike has been issued, the Department will seek a Court Order from the Magistrates Court and may initiate a Bailiff eviction.

Final decision to terminate the tenancy is exclusive to the Magistrates Court. The Department is required to prove the incidents occurred, and provide evidence in the form of eyewitness testimony.

TO REPORT DISRUPTIVE BEHAVIOUR

Call **1300 597 076** or online at **www.housing.wa.gov.au**

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This publication is available in alternative formats.
Contact us through the National Relay Service (NRS):
1800 555 677 (TTY) or 1800 555 727 (Speak & Listen)



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Department of Housing

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Armadale Shop 2A, Armadale Shopping Centre Cnr Commerce Ave & Third Road Armadale 6112 Tel: (08) 9391 1600	Manjimup Unit 10, 30-32 Rose Street Manjimup 6258 Tel: (08) 9771 7800	Derby West Kimberley House 16-22 Loch Street Derby 6728 Tel: (08) 9158 4000
Bentley Please see Victoria Park	Busselton Suite 1A, 9 Harris Road Busselton 6280 Tel: (08) 9781 1300	EAST KIMBERLEY
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Joondalup Unit 4, 7 Wise Street Joondalup 6027 Tel: (08) 9404 3300	MID WEST	Northam McIver House 297 Fitzgerald Street Northam 6401 Tel: (08) 9690 1900
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The Government has introduced a Disruptive Behaviour Management Strategy to address public concern about disruptive behaviour in public housing.

The Department of Housing has a responsibility to provide housing for society's most vulnerable but will not tolerate instances of disruptive behaviour in its tenanted properties.

While the majority of public housing tenants are considerate neighbours and respect the community in which they live, the behaviour of a small number of tenants can disturb the peace and safety of the neighbourhood.

The Department of Housing views this as a serious matter. Under this strategy, the Department is taking stronger action for repeated instances of disruption including evicting tenants who disregard intervention efforts and formal warnings.

REPORTING COMPLAINTS

The Department has streamlined the way it manages complaints and has put in place several measures to ensure the improvement of the recording, actioning and tracking of complaints of disruptive behaviour.

A Disruptive Behaviour Reporting Line has been established to make it easier for people to raise concerns about disruptive tenants. The Disruptive Behaviour Reporting Line can be reached on **1300 597 076**. An online complaints form is also available on the Department of Housing's web site at www.housing.wa.gov.au.

DISRUPTIVE BEHAVIOUR MANAGEMENT UNIT

The Disruptive Behaviour Management Unit has been established to complement the Reporting Line.

Complaints made about the disruptive behaviour of tenants, other members of the household or visitors to the property will be thoroughly investigated by an officer from the local Department of Housing office or the Disruptive Behaviour Management Unit.

Incidents of disruptive behaviour must be reported as soon as possible after they happen. Complaints reported more than four weeks after the incident may not be able to be investigated due to difficulties in substantiating the behaviour.

Upon receipt of a complaint, the Department will:

- Obtain as much detail as possible and, where appropriate, seek independent verification from Police, neighbours and witnesses
- Contact the tenant to discuss the complaint and to hear their version of the incident
- Assess the tenant's response against the complaint, considering all evidence available
- Determine whether the complaint can be substantiated and whether the behaviour is a breach of the *Residential Tenancies Act 1987*.

While a complaint is being investigated the confidentiality of the complainant and tenant will be maintained. However, if action is taken under the *Residential Tenancies Act 1987*, the Department may ask the complainant to present their eyewitness account as evidence in court.

WHAT IS DISRUPTIVE BEHAVIOUR?

The Department of Housing has defined three levels of disruptive behaviour and will respond in a fair and reasonable manner to all complaints.

DANGEROUS BEHAVIOUR

Definition:

Activities that pose a risk to the safety or security of residents at the property or have resulted in injury to a person in the immediate vicinity with subsequent Police charges or conviction.

Examples:

- Physical assault and violence toward persons other than householders or visitors to the tenancy
- Aggravated threats to safety or intimidation which goes beyond verbal abuse, such as threats with a weapon
- Extensive, deliberate damage to property

Response:

Immediate legal action will be taken to terminate the tenancy. The Department will seek an urgent court hearing under Section 73 of the *Residential Tenancies Act 1987* (or other relevant section).

SERIOUS DISRUPTIVE BEHAVIOUR

Definition:

Activities that intentionally or recklessly cause serious disturbance to persons in the immediate vicinity, or which could reasonably be expected to cause concern for the safety or security of a person or their property.

Examples:

- Verbal threats to the health or safety of a person
- Abusive language directed at persons other than householders or visitors to the tenancy, including vilification based on race, religion, gender and sexual orientation and other forms of harassment
- Vandalism to property in the immediate vicinity (other than the rented premises), including graffiti or defacement, not warranting criminal charges for extensive property damage
- Fighting between householders or visitors to the tenancy

Response:

A strike as a first and final warning of eviction will be issued following one substantiated incident. Legal action to terminate the tenancy will proceed if one subsequent incident (of similar severity) occurs within a period of 12 months.