



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](http://www.housing.wa.gov.au)**

## Department of Housing Offices

**Head Office**  
99 Plain Street  
East Perth 6004  
Tel: (08) 9222 4666  
Toll free: 1800 093 325

### METROPOLITAN OFFICES

**Fremantle**  
42 Queen Street  
Fremantle 6160  
Tel: (08) 9432 5300

**Kwinana**  
2 Stidworthy Way  
Kwinana 6167  
Tel: (08) 9411 9500

**Mandurah**  
11 Pinjarra Road  
Mandurah 6210  
Tel: (08) 9583 6100

**Cannington**  
17 Manning Road  
Cannington 6107  
Tel: (08) 9350 3244

**Armadale**  
Shop 2A, Armadale Shopping Centre  
Cnr Commerce Ave & Third Road  
Armadale 6112  
Tel: (08) 9391 1600

**Bentley**  
Please see Victoria Park

**Victoria Park**  
269 Albany Highway  
Victoria Park 6100  
Tel: (08) 9350 3700

**Mirrabeeka**  
8 Sudbury Road  
Mirrabeeka 6061  
Tel: (08) 9345 9655

**City Office**  
605 Wellington Street  
Perth 6000  
Tel: (08) 9476 2444

**Joondalup**  
Unit 4, 7 Wise Street  
Joondalup 6027  
Tel: (08) 9404 3300

**Midland**  
21 Old Great Northern Highway  
Midland 6056  
Tel: (08) 9250 9191

**GREAT SOUTHERN**  
**Albany**  
131 Aberdeen Street  
Albany 6330  
Tel: (08) 9845 7144

**Katanning**  
6 Daping Street  
Katanning 6317  
Tel: (08) 9891 1800

**SOUTH WEST**  
**Bunbury**  
22 Forrest Avenue  
Bunbury 6230  
Tel: (08) 9792 2111

**Manjimup**  
Unit 10, 30-32 Rose Street  
Manjimup 6258  
Tel: (08) 9771 7800

**Busselton**  
Suite 1A, 9 Harris Road  
Busselton 6280  
Tel: (08) 9781 1300

**GOLDFIELDS**  
**Kalgoorlie**  
Unit 1-2,  
84-96 Brookman Street  
Kalgoorlie 6430  
Tel: (08) 9093 5200

**Esperance**  
92 Dempster Street  
Esperance 6450  
Tel: (08) 9072 3000

**MID WEST**  
**Geraldton**  
201 Marine Terrace  
Geraldton 6530  
Tel: (08) 9923 4444

**Carnarvon**  
30 Robinson Street  
Carnarvon 6701  
Tel: (08) 9941 6500

**Meekatharra**  
14 Main Street  
Meekatharra 6642  
Tel: (08) 9956 5000

**PILBARA**  
**South Hedland**  
Cnr Brand & Tonkin Sts  
South Hedland 6722  
Tel: (08) 9160 2800

**Karratha**  
3-5 Welcome Road  
Karratha 6714  
Tel: (08) 9159 1700

**WEST KIMBERLEY**  
**Broome**  
Frederick Street  
Broome 6725  
Tel: (08) 9158 3600

**Derby**  
West Kimberley House  
16-22 Loch Street  
Derby 6728  
Tel: (08) 9158 4000

**EAST KIMBERLEY**  
**Halls Creek**  
Lots 72 & 73  
Great Northern Hwy  
Halls Creek 6770  
Tel: (08) 9168 9300

**Kununurra**  
16 Coolibah Drive  
Kununurra 6743  
Tel: (08) 9166 5100

**WHEATBELT**  
**Northam**  
Mclver House  
297 Fitzgerald Street  
Northam 6401  
Tel: (08) 9690 1900

**Merredin**  
27 Mitchell Street  
Merredin 6415  
Tel: (08) 9081 3800

**Narrogin**  
Government Building  
11-13 Park Street  
Narrogin 6312  
Tel: (08) 9881 9400

# Disruptive Behaviour Management Strategy



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](http://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.