

29 July 2013

Hon William (Bill) Marmion MLA  
Minister for Mines and Petroleum; Housing  
29<sup>th</sup> floor Allendale Square  
77 St George's Terrace  
PERTH WA 6000

Dear Minister

**Re Disruptive Behaviour Management Strategy**

We are writing to raise our concerns about the Ministerial instigation of the criteria regulating the Disruptive Behaviour Management Strategy (DBMS) and urge you as Minister for Housing to remove the criteria leading to strikes against public housing tenancies for minor behaviours. Our concerns revolve around what is described as minor disruptive behaviour within the DBMS, and the implications of its application on some of the most vulnerable members of our community.

The arguments we wish to raise in relation to the DBMS relate to four specific areas. *Firstly*, the development of DBMS minor disruptive behaviour criteria, which in reality constitute normal residential behaviours but only apply to public tenancies. *Secondly*, the impact of the criteria for minor disruptive behaviour on vulnerable tenants with limited social power and resources. *Thirdly*, the failure of evictions resulting from three minor strikes to stop or address the challenging behaviour. And *finally*, the opportunity for this Strategy to be utilised as an early intervention tool, to sustain public housing tenancies, rather than as a punitive device contributing to homelessness, overcrowding and the costs of these situations on the State and the community.

Shelter WA conducted a series of workshops for tenants and community support agencies in 2012 about the DBMS and released a report of our findings, *Shelter WA Disruptive Behaviour Management Strategy Community Forums*, which included several recommendations. The report has already been provided to you but is enclosed herewith for your attention. Our report, which preceded that of the Equal Opportunity Commission's (EOC's), echoes many of the concerns raised in the EOC's report *A Better Way – A Report into the Department of Housing's Disruptive Behaviour Strategy and More Effective Methods for Dealing with Tenants*.

Shelter WA acknowledges the difficult task facing the Department of Housing in managing its portfolio across the state. Further, our concerns do not relate to threatening or dangerous behaviour, and it is acknowledged that termination at times is the only recourse to protect the community. However, Shelter WA strongly opposes a strategy where public tenants are subjected to strict behaviour codes which do not apply to the rest of the community, and a policy which encourages complaints against public housing tenants for behaviours generally tolerated in other residential situations.

Our primary concern is with the criteria which currently constitutes minor disruptive behaviour and for which tenants can be issued a strike. The criteria which define minor disruptive behaviour, and may result in strikes and subsequent terminations, are what could normally be expected in a residential tenancy. Examples included in the Department's own brochure cite children playing or adults having a verbal argument. In some instances, minor actions by tenants, their children or visitors such as these examples are construed under the Strategy as behaviour which warrants a strike.

Consequently, as a result of these criteria public housing tenants are expected to adhere to higher community standards than private tenants or any other people residing in the community. Noise disturbances such as children playing or loud music are regulated through local council bylaws (i.e. noise disruption after hours), and are not normally subject to property management standards.

Secondly, public housing tenants are people unable to access alternative housing options for various reasons. Many public housing tenants are some of the most vulnerable members of our society. In some instances, public housing tenants have complex issues which manifest in demanding behaviours, but which have resulted from childhood and ongoing abuse, generational homelessness, the effects of the Stolen Generation and the residual effects of government policies which have impacted Aboriginal peoples in this state. Rather than penalising people exhibiting these demanding behaviours, Shelter WA considers the DBMS requires reconsideration and amendments made to reformulate the Strategy as an alert system for the Department of Housing to instigate supports to these vulnerable tenants with complex needs to assist in sustaining tenancies.

Most notably, Shelter WA recommends that the Department of Housing suspends the use of strike action associated with the DBMS for those criteria described as minor disruptive behaviour. We would suggest, instead, that the Department of Housing implements measures to sustain at risk tenancies. These measures could include providing *formal* referrals to support agencies or Strong Families, referring to a mediation service where there may be neighbourhood disputes which have resulted in complaints from neighbours, or instigating case management support through STEP (formerly SHAP).

It would also be useful to differentiate between complaints and information, in early identification of issues which could place a tenancy at risk. Several participants of the Shelter WA workshops cited instances where neighbours' intentions were not to lodge a complaint, but rather to alert the Department to a situation which required external support, although the contact was treated as a complaint.

Whilst the rhetoric in relation to the DBMS often cites that supports are offered following the issuing of a strike, the information provided to Shelter WA by community support providers and tenants who attended the forums presents a very different view. Further, when supports are put in place, no latitude is provided for the tenants to develop strategies to address the behaviour, and further strikes are issued immediately if changes do not take place.

It is crucial that flexibility is incorporated into the DBMS to allow for the time taken to develop skills or strategies to address issues which impact on tenancies. Changes to behavioural patterns take time, particularly in instances where other issues are impacting on the person's life.

We would also point out that some vulnerable populations are more likely to incur strikes than others. These include people with disabilities and their carers, Aboriginal tenants, people experiencing domestic violence and tenants with mental health issues. Shelter WA has received information from Carers WA, the Equal Opportunity Commission, numerous tenant advocates, and tenants themselves about instances where a mental health condition or disability has caused an episode, which then led to a strike. Concerns were also raised by Carers WA that the implementation of the DBMS as it currently stands leaves tenants in a caring role particularly vulnerable to strikes resulting from the behaviour of individuals for whom they care. Carers WA recommends that the identification of caring situations be included within the early intervention and identification of at risk tenancies.

Strikes have also been disproportionately applied to Aboriginal tenants. As described in the EOC report, Aboriginal tenants with large families and/or large numbers of visitors are particularly susceptible to complaints and many Aboriginal tenants perceive they are subject to complaints on the basis of their race or cultural responsibilities.

Every effort should be taken to ensure Aboriginal tenants are not unfairly targeted through the DBMS and that they have access to Aboriginal advocates throughout the process. In many instances, the Aboriginal tenant lacks the power to control the behaviours of visitors impacting on the tenancy and is therefore unable to exercise the vicarious responsibility stipulated in the tenancy agreement. Shelter WA considers the Department of Housing has a responsibility to support clients to exercise this type of responsibility, to ensure the sustainability of tenancies.



Thirdly, Shelter WA is concerned that the DBMS does not necessarily stop or address the unwelcome behaviour, but rather moves the problem elsewhere to impact on other tenancies and neighbourhoods. In many cases, those evicted from public housing tenancies move to other Department of Housing tenancies, causing overcrowding and the impacts usually associated with that, as well as generally continuing the behaviour for which termination proceedings took place.

Evicting public housing tenants has a number of negative consequences, as well as hidden social and health costs in increased access to health and mental health services, criminal justice, loss of productivity, educational exclusion for children, vulnerability to victimisation and increased access to homelessness and crisis services<sup>1</sup>. Some of those affected include seniors or other pensioners evicted due to the behaviour of visitors, children evicted into homelessness and women at increased risk of domestic violence – in other words people with limited power in our society.

For vulnerable people who have little to no alternative housing options, eviction from public housing may lead to homelessness, thereby increasing the demand on already overwhelmed homelessness services.

Finally, Shelter WA considers there is an urgent need to reformulate the DBMS as an early intervention tool, to identify and address less severe issues, rather than as a punitive system, which in some instances will exit tenants into homelessness or severely overcrowded conditions.

With some significant, well-planned changes the DBMS has the potential to identify difficulties, address disruptive behaviour and sustain tenancies. Shelter WA believes the changes recommended in our report would assist to transform the DBMS from a punitive system into one which works with tenants exhibiting challenging behaviours, to stabilise their tenancies and assist them to remain housed, while protecting the quiet enjoyment of those around them. A further consequence of this change will also be improved quality of life for those individuals and families.

Given the higher impact on Aboriginal tenancies of this Strategy, Shelter WA also seriously considers it is imperative to include Aboriginal groups in all consultations for reviews of the DBMS and to develop strategies to increase support in relation to vicarious responsibility.

In WA's climate of low housing vacancy rates, high rental prices and dire housing shortages, sustaining tenancies *should* be the desired outcome. Terminating tenancies adds to social issues in our community and economic pressures on the State and community agencies.

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<sup>1</sup> Habibis D, Atkinson R, Dunbar T, Goss D, Easthope H & Maginn P, *A sustaining tenancies approach to managing demanding behaviour in public housing: a good practice guide*, Australian Housing and Urban Research Institute, Southern Research Centre, July 2007

We look forward to discussing the foregoing implications in more detail with you and your Advisor, as well as the recommendations outlined in our report. Copies of this letter have been remitted to various Ministers, in the hope that informed and vigorous debate will ensue in Parliament on this issue. A copy of this letter has also been made available to Shelter WA's members and subscribers to elicit further action from the community in relation to the impact of this policy.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Chantal Roberts', with a stylized flourish at the end.

**Chantal Roberts**  
**Executive Officer**

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