



Western Australian Association
for Mental Health

5 August 2011

«Hon» «First_Name» «Surname» «House»
«Title1»
«Ministerial_Address»
«Ministerial_Address_2»

Dear «Greeting»

Residential Tenancies Amendment Bill 2011

We write regarding the Residential Tenancies Amendment Bill 2011 (the RTA Bill), which was introduced before the Parliament of Western Australian on May 18, 2011.

The review of the Residential Tenancies Act, 1987, (the Act) commenced in late 2001. The review involved a period of significant consultation with not for profit organisations in the tenancy sector. The WA Community Sector was broadly supportive of the review's recommendations and viewed most of the proposed amendments that arose from these consultations as improvements of tenant rights.

However, there is significant concern in relation to the latest addition of provisions related to social housing and the implementation of the Government's 'disruptive behaviour management' policy to the RTA Bill. These provisions are set out in: Part IV, Division 3 (amendments relating to terminating social housing tenancy agreements); and Section 75A (termination of social housing tenancy agreement due to objectionable behaviour).

These amendments have been introduced to the Bill without consultation, and their potential to produce unintended consequences which are at odds with other areas of State and Federal policy has become a source of concern in our sector. We do not believe that the relevant peak representative and service bodies have been consulted in their development and many are concerned about the about potential impacts on their services and clients.

This lack of consultation is particularly problematic for the Community Housing Sector, as it appears that the proposed amendments are designed to apply to community housing as well as public housing. Community Housing currently accounts for almost 20% of the State's social housing stock and will grow further over the coming decade in line with State and Federal social housing policy.

We acknowledge that a clear, consistent and effective policy response is needed to tackle the issue of disruptive and 'anti-social' behaviour by tenants in public and social housing, and the sector is keen to work with the Government to develop a consistent and equitable response. We do not believe that the policy approach contained in these sections of the RTA Bill will achieve these objectives, and we remain concerned that they will produce unintended consequences that will create more problems for government and increase the demand on already overloaded community services.

The profile of social housing tenants is increasingly characterised by social and economic disadvantage, and multiple and complex needs. We are concerned that the broad application of the RTA's social housing amendments will have a disproportionate impact and unintended consequences for particular groups of vulnerable people.

For example, recent cases raised by a community legal centre have highlighted the policy's impact on clients with mental health issues. The recent funding commitment towards Mental Health wrap-around services is an example of innovative service delivery to better reflect community needs. There is concern that Section 75A may impact the recent innovation in mental health wrap-around services to support people with mental health issues to stay in stable and sustainable housing.

The community sector is concerned with Section 75A and the alignment with the Government's revised disruptive behaviour management policy. This clause may exacerbate the type of behaviour it intends to regulate. An increase in evictions from social housing may correspond to increase in the number of people evicted who resort to living in marginal tenures, shared accommodation and overcrowding – situations that may give rise to further incidents of 'anti-social' behaviour.

An increased numbers of evictions of people with multiple and complex needs may also result in direct and indirect costs with limited benefits for the management of social housing and the creation of additional demands on the public and community sector. Evictions generate a number of challenges that include: evictees who end up in high cost hospital or other institutions; children separated from their parents; the education of children disrupted; additional demands placed on the community housing and crisis accommodation; and the majority of evicted persons who end up homeless^[1].

The WA Community Sector acknowledges the challenging issues surrounding 'anti-social' behaviour but would like to take the time to work with the Government towards an effective, collaborative strategy that brings together the support services and people impacted by the proposed legislation. We seek greater clarity about the overarching policy objectives of the social housing amendments and would like to be involved in the development of social housing regulations, which shape our services and the people we represent.

We encourage you to work with our sector in the development of social housing regulations and to oppose Section 75A in your upcoming debate of the RTA Bill.

Yours respectfully,

Lyn Levy, A/Chief Executive Officer, **Western Australian Council of Social Service Inc.**

John Perrett, Executive Officer, **Tenants Advice Service WA**

Colin McClughan, Executive Officer, **Community Housing Coalition of WA**

Bronwyn Kitching, Executive Officer, **Shelter WA**

Stephen Hall, Executive Director, **Western Australian Association for Mental Health**

Myles Kunzli, Executive Officer, **Community Legal Centres Association (WA) Inc.**

Ann-Margaret Walsh, Principal Solicitor, **Street Law Centre WA Inc.**

^[1] Bear, A, Slatter, M, Baulderstone, J and Habibis, D, *Evictions and Housing Management*, Australian Housing and Urban Research Institute, Southern Research Centre, June 2006.