

ANTISOCIAL BEHAVIOUR MANAGEMENT POLICY

1.1 PURPOSE

The purpose of this policy is to set out Woomera Aboriginal Corporation's (WAC) approach to responding to issues of antisocial behaviour when a tenant breaches their Residential Tenancy Agreement.

WAC is committed to an organisational culture where Anti-Social Behaviour Management is an integral part of the organisational plans, objectives, and management systems. Antisocial or illegal behaviour puts the safety of neighbours at risk and impacts negatively on the local community.

WAC promotes and respects the human rights and fundamental freedoms of all persons and provides a service to tenants. WAC is committed to supporting and encouraging a person-centred and culturally sensitive approach to service delivery.

1.2 SCOPE

This policy applies to all WAC and Aboriginal Housing Office tenants, household members and visitors, all employees and Board members. Through this policy WAC aims to balance the responsibilities of tenants and the rights of neighbours and the surrounding community with the need to support tenants to sustain their tenancy.

1.3 POLICY

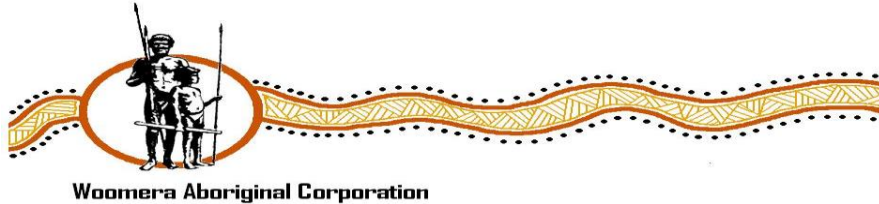
Broadly, anti-social behaviour is defined as behaviour which disturbs the peace, comfort or privacy of other tenants, neighbours, or the surrounding community.

Categories of antisocial behaviour range from minor antisocial behaviour to severe illegal behaviour as outlined below:

Minor and moderate antisocial behaviour – activities which disturb the peace, comfort and / or privacy of other tenants or neighbours. Examples include but are not limited to the use of obscene language towards others, bullying, harassment, noise causing nuisance, vandalism, graffiti, and failure to correctly dispose of rubbish.

Serious antisocial behaviour – activities which severely disturb neighbours or place the safety of others at risk. Examples include but are not limited to the use of obscene language towards others, threats, abuse, intimidation, harassment, or victimisation.

Severe or illegal behaviour – behaviour which poses a risk to the safety or security of residents or property and may result in criminal charges and / or conviction. Examples include but are not limited to committing injury towards others, the use of the premises for the manufacture, sale, cultivation, or supply of any prohibited drug, storing unlicensed firearms, physical assault or acts of violence.



Response and intervention

Woomera Housing will investigate allegations of alleged antisocial behaviour only where there is an alleged breach of the tenancy agreement. Where a breach has been substantiated and where appropriate, WAC will facilitate early intervention and referral to support services to minimise the escalation of antisocial behaviour cases to the NSW Civil and Administrative Tribunal (NCAT).

WAC will exercise discretion and consider the safety of victims of antisocial behaviour when making decisions surrounding action to be taken for substantiated incidents. Where there is reasonable suspicion that a child or young person is at risk of harm a report to the NSW Department of Community and Justice (DCJ) will be made. Any criminal investigations in relation to antisocial behaviour are the responsibility of the NSW Police.

WAC will not intervene or investigate allegations unless there is an alleged breach of the tenancy agreement. Where there is no breach of tenancy, WAC will encourage tenants to resolve neighbourhood disputes independently or with the assistance of mediation services. WAC Housing may recommend or refer tenants for assistance with mediation when appropriate and in cases where parties agree to attend.

WAC will respond to antisocial behaviour based on the categories outlined above in the following ways;

Minor and moderate antisocial behaviour

In the first substantiated instance of minor or moderate antisocial behaviour resulting in a breach of tenancy, WAC will facilitate early intervention and referral to appropriate support services.

If a further breach occurs WAC will request a tenant to provide a written undertaking, by way of an acceptable behaviour agreement not to engage in specified antisocial behaviour.

For any further breaches WAC may apply the strike notice provisions of *the Residential Tenancies Act 2010*.

Severe or illegal behaviour

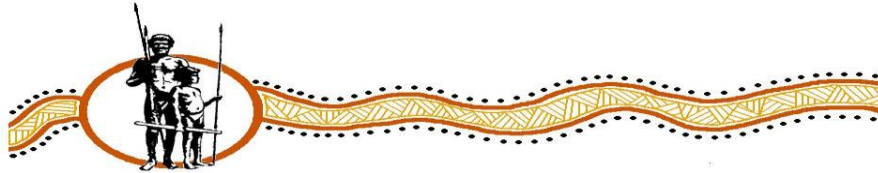
In the first substantiated instance of serious antisocial behaviour resulting in a breach of tenancy WAC will request a tenant to provide a written undertaking, of an acceptable behaviour agreement not to engage in specified antisocial behaviour.

For any further breaches WAC will apply the strike notice provisions of the Residential Tenancies Act 2010 – where three strikes are recorded within a 12-month period WAC may make an application to NCAT seeking termination.

In substantiated instances of severe illegal behaviour Woomera Aboriginal Corporation will seek termination of tenancy through NCAT.

1.4 APPEALS

If a tenant believes Woomera Aboriginal Corporation has made a wrong decision, they can ask for a formal review of the decision. To do this, they can complete a Housing Review of Decision Form stating why they disagree with the decision. The form, or a letter, can be emailed, posted, or delivered in person to the WAC



Woomera Aboriginal Corporation

office. If the appellant remains unsatisfied with the outcome of this appeal, they can take the matter to the NSW Housing Appeals Committee, NSW Aboriginal Housing Office, NSW Fair Trading and the NSW Civil and Administrative Tribunal (NCAT).

Tenants cannot appeal to WAC on matters where an application has been made by WAC to the NCAT. Those matters are managed through the NCAT.

1.5 LEGISLATION OR OTHER REQUIRMENTS

Woomera Aboriginal Corporation manages tenancies in accordance with the provisions of *the NSW Residential Tenancies Act 2010* and *the NSW Housing Act 2001*.

1.6 RELATED LEGISLATION

NSW Aboriginal Housing Office (AHO)
NSW Residential Tenancies Act 2010
NSW Housing Act 2001

1.7 RELATED POLICIES AND PROCEDURES

Housing Policy
Complaints Management Policy and Procedure
Housing review of decision form

Policy Area: Social Programs - Housing		
Policy Number:	Version: 2	Pages: 2
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Approved by: Management Board		
Date: October 2019	For Review: October 2024	