



Hon Dr Bruce Flegg MP
Member for Moggill



Minister for
Housing and Public Works

Ref: HPW02219/12

4 JUL 2012

Mr Neil Laurie
Clerk of Parliament
Parliament House
Cnr of Alice and George Streets
Brisbane Qld 4000

Dear Mr Laurie

I refer to the Petition tabled on 5 June 2012 and sponsored by the Member for Townsville the Honorable John Hathaway MP on behalf of the Principal Petitioner, R Gledhill. The Petition relates to the implementation of a 'Three Strikes Policy' for social housing tenants displaying or engaging in antisocial behaviour.

While this Petition refers to the Department of Communities, matters in relation to social housing are now under the auspices of the Department of Housing and Public Works.

Social housing tenants in Queensland and in other jurisdictions have, from time to time, attracted attention as a consequence of criminal behaviour being carried out in dwellings allocated to them.

Under the *Western Australian Disruptive Behaviour Management Strategy (Three Strikes Policy)*, tenant disruptive behaviour is divided into three categories:

- **Dangerous behaviour** - includes assault and acts of violence toward neighbours, arson, manufacture of drugs, stalking. The Western Australian Department of Housing will initiate immediate legal action to seek eviction.
- **Serious behaviour** - includes aggressive and threatening acts, vandalism to neighbouring properties. First and final warning for the first incident. A subsequent incident within 12 months will trigger legal action to evict the tenant.
- **Minor behaviour** - includes acts of nuisance such as excessive noise, property condition that impacts on neighbours. Three incidents within a 12 month period will trigger legal action to evict the tenant.

To support this policy, the Western Australian Government also created the Antisocial Behaviour Reporting Line, a phone number manned by the Housing Direct call centre to provide a single point of contact to raise concerns about disruptive tenants. The policy also established a Disruptive Behaviour Compliance unit to assess whether complaints have been managed effectively and manage disruptive tenancies.

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The Queensland Government has no immediate plans to implement a 'three strikes policy' similar to the one in Western Australia. Queensland has strong processes in place to respond to anti-social behaviour. However, the Queensland Government is looking at ways to strengthen these, particularly to facilitate the termination of tenancies more quickly where serious anti-social and/or illegal behaviour is occurring in social housing.

The existing Queensland policy includes a detailed process response depending on the behaviour category:

- For 'Urgent' behaviour (objectionable, damage or injury, or repeated breaches behaviour) the department does not need to issue a Notice to Remedy. Instead, the department can proceed directly to the Queensland Civil and Administrative Tribunal (QCAT) to apply for an **Urgent Termination Order**.
- For anti-social behaviour, such as illegal activity, the department can issue a **Notice to Leave – without grounds** to end the tenancy. The tenant has two months to vacate. If the tenant does not vacate, the department can apply to QCAT for a **Termination Order for failure to vacate**.
- For other behavioural issues, the department can issue a **Notice to Remedy** – giving the tenant 10 days to remedy the breach. If the tenant fails to remedy the breach, the department will issue a **Notice to Leave**, giving the tenant 16 days to vacate the social housing property. If the tenant does not vacate the property, the department will apply to QCAT for a **Termination Order** to end the tenancy and evict the tenant from the property.

The department can only act on serious antisocial behaviour when it is made aware that the behaviour is occurring. Often, notifications of anti-social behaviour or illegal activity are received from a neighbour or identified through the media. There are no legal provisions for any property owner or lessor to be automatically advised of any criminal activity in a property they own.

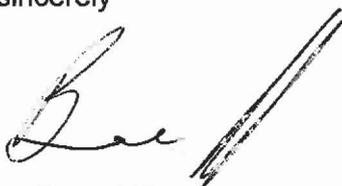
Should a member of the public suspect any unlawful activity in their community they should contact the Police. It is not the role of the department to carry out criminal investigations. When made aware of these behaviours, the department must respond within the provisions regarding the rights of tenant's privacy and confidentiality in the *Information Privacy Act 2009*.

It should also be noted that any tenant, including those housed in the private sector, has the right to quiet enjoyment of their property and members of the community should take care not to make false or vexatious claims against tenants, particularly where there are health issues to be considered.

As a summary, Queensland has strong processes in place to respond to antisocial behaviour in social housing. However, the Department of Housing and Public Works is currently looking at ways to strengthen these, particularly to facilitate the termination of tenancies more quickly where serious antisocial behaviour and/or illegal behaviour is occurring.

I trust this information addresses your enquiry. If I can be of assistance with other matters within my portfolio, please do not hesitate to contact my office on telephone 07 3237 1832.

Yours sincerely



Dr Bruce Flegg MP
Minister for Housing and Public Works