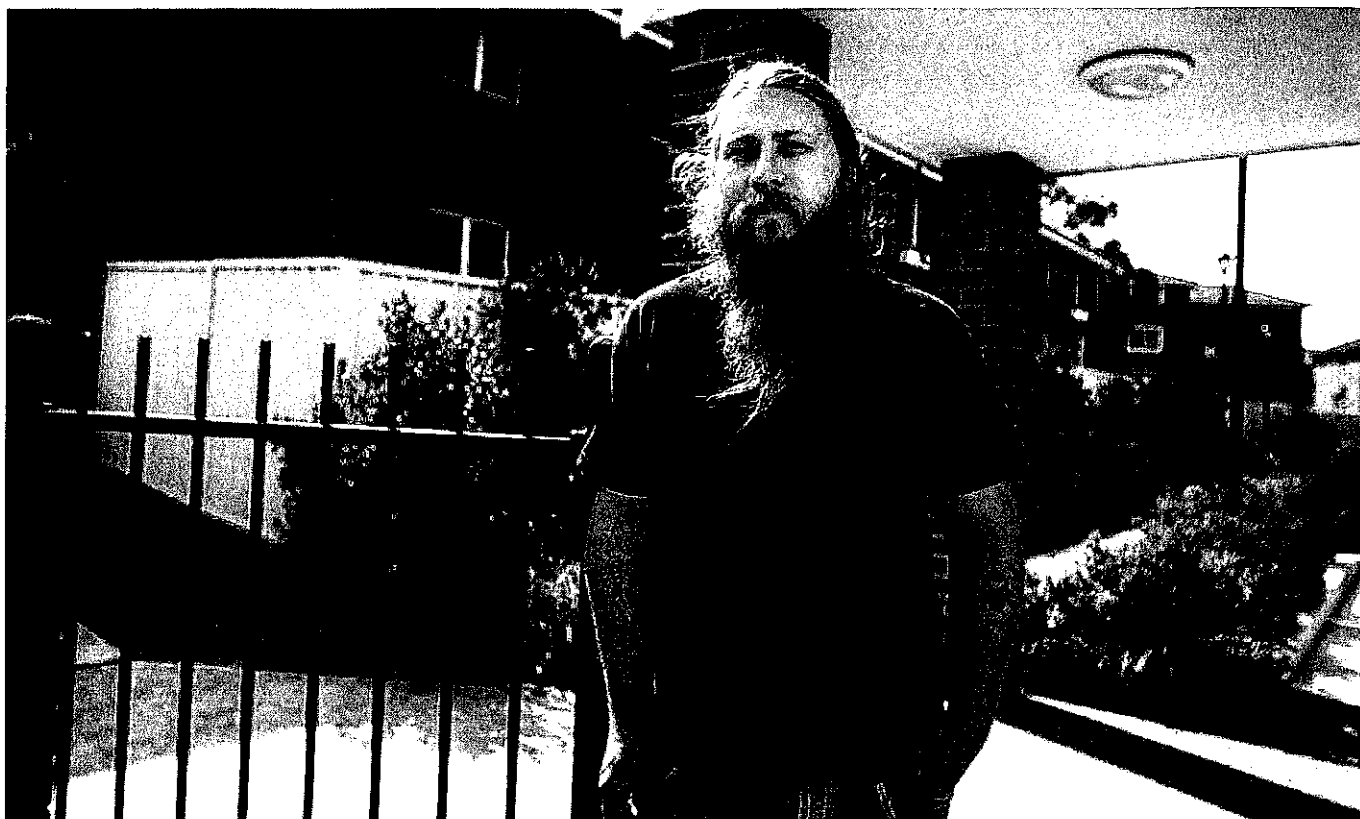


Social housing law cracks down on anti-social, illegal behaviour

By AGRON LATIFI Aug. 10, 2015, 5:09 p.m.

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Illawarra and South Coast Tenants Services team leader Warren Wheeler says the proposed housing bill sets the burden of proof for illegal activity way too low.
Picture: SYLVIA LIBER

The NSW government has introduced new legislation into state parliament it says will deliver on its promise to crack down on anti-social and illegal behaviour in social housing.

But Illawarra and South Coast Tenants Services team leader Warren Wheeler is adamant sufficient legislation is already in place with built-in safeguards and oversight to minimise the risk of unjust outcomes.

Mr Wheeler said the Residential Tenancies & Housing Legislation Amendment (Public Housing - Antisocial Behaviour) Bill 2015 proposed to strip public and social housing tenants of the rights enjoyed by their counterparts in the private market.

"Keeping in mind that public and social housing tenants are - by their very definition - already amongst the most vulnerable in our community, this bill merely puts them at an increased risk of homelessness," he said.

Kiama MP Gareth Ward said the government was committed to making social housing better and stronger for all involved.

"Sadly, anti-social and illegal behaviour hurts good tenants and neighbours. It also pulls resources away from more important investments in social housing like building more homes," Mr Ward said.

The legislation introduced includes a one-strike policy for those who seriously breach their tenancy agreement - the NSW Civil and Administrative Tribunal must terminate a tenancy where it is proven that the individual has committed certain serious criminal offences including serious drug offences.

The government also want to implement a three-strikes policy so that Family and Community Services officials can issue a notice of termination if a tenant has received three breach of tenancy agreement notices in a 12-month period.

This doesn't sit well with Mr Wheeler, who fears the NSW Civil and Administrative Tribunal will lose its discretion to deal with matters where illegal activity has been proven.

"Disturbingly, the bill also proposes to introduce a new law that allows any evidence put forward by the department to be seen as 'conclusive proof' in certain matters. That is to say, that unlike every other court in the land, the evidence submitted by the department could not be scrutinised and tested," Mr Wheeler said.

"It is not uncommon for us to see clients who are being charged thousands of dollars for alleged damage to Department of Housing properties. Time and time again though, once the evidence is tested, these bills drop dramatically - in some instances they are wiped altogether - because the evidence produced by the department fails to stand up to scrutiny," Mr Wheeler said.

Mr Ward said a recent survey of public housing tenants found the majority of tenants think that anti-social behaviour is a problem.

"Each year, Family and Community Services takes cases of illegal and anti-social behaviour to the NSW Civil and Administrative Tribunal. The tribunal has declined to terminate the tenancies in a number of these cases even where the tenant has been charged or convicted of a serious criminal offence," Mr Ward said.

"The NSW government remains committed to delivering stable communities not just stable housing."

Mr Wheeler argues that the only way to truly address antisocial behaviour and illegal activity in public and social housing properties is to invest in community support services.

"More funding needs to go into employing and training FACS staff who are skilled in dealing with complex issues," he said.



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