



26 October 2015

Hon Brad Hazzard MP
Minister for Social Housing
GPO Box 5341
SYDNEY NSW 2000

BY EMAIL: office@hazzard.minister.gov.au

PUBLIC HOUSING – ANTISOCIAL BEHAVIOUR BILL

We write following the passage of the *Residential Tenancies and Housing Legislation Amendment (Public Housing – Antisocial Behaviour) Bill 2015* to seek involvement in further consultation on the implementation of the Act and other housing policy issues that affect our clients.

Thank you for your consideration of our concerns about this Bill, and also to your office and the Department of Family and Community Services for meeting with us to discuss our concerns. We appreciate the amendments to the Bill that the Government made and supported; in particular the protections for vulnerable tenants, the extension of the time limits for the review of strike notices and the clarification of the use of anonymous neighbour statements. We also welcome your statements in the Legislative Assembly that the Department will ensure that the new law does not result in unfair and unjust outcomes, by:

- not pursuing the termination of innocent tenants
- re-housing vulnerable tenants whose tenancies are terminated

We are, however, disappointed that the Government has not addressed many of the concerns raised by our services and other organisations, such as the Law Society of NSW and the NSW Tenants' Union. In particular, we remain concerned about the impact of mandatory termination on innocent tenants whose occupant/s engage in illegal or antisocial behaviour. The minor amendment to section 154D (preserving the Tribunal's discretion where grievous bodily harm to the landlord or their agent/contractor was caused by a person other than the tenant) will still leave many innocent tenants exposed to the risk of eviction for actions that they did not know about or could not control. This is despite your second reading speech indicating that the Bill is not intended to operate in this way, and assurances that were given to our services and other stakeholders at the Department briefing session on 20 August 2015

that the Bill would be amended to resolve this issue. We also remain concerned about the limits placed on the Tribunal to consider evidence about allegations contained in strike notices and the actual costs of rectifying tenant damage.

We understand that the Department will develop a policy framework to guide its use of the new laws. It is important that relevant organisations, such as community legal centres, Aboriginal & Torres Strait Islander services, tenancy services and welfare groups, are consulted during the course of that policy development process to work together with Government to achieve its desired outcome of a just and fair approach to addressing the important issue of antisocial behavior in social housing. We would appreciate being included in consultations on the policy framework.

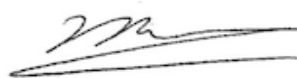
We also seek ongoing involvement in the Department's NGO Partners Reference Group. We appreciated the opportunity to attend the Group Roundtable on 20 August 2015 and provide input on the Bill, and would value the opportunity to continue to contribute to the policy issues affecting our clients. One way to facilitate this would be to include a Community Legal Centre NSW representative in the Group. CLCs are well placed to contribute because they provide a range of services to social housing tenants that span tenancy advice, domestic violence family law and general legal representation. CLCNSW have indicated their support for a representative and also noted that you wrote to them on 13 October 2015 thanking them for community legal centres' involvement in the Roundtable on the Bill. Could you please suggest who we might speak to in the Department to facilitate community legal centres' ongoing involvement in the NGO Partners Reference Group?

Please contact Edwina MacDonald on 9385 9566 or Martin Barker on 8198 8650 if you wish to discuss the matters raised in this letter.

Yours sincerely



Edwina MacDonald
Kingsford Legal Centre



Martin Barker
Marrickville Legal Centre



Jo Shulman
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Warren Wheeler
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Mark West
Eastern Area Tenants' Service