



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON HEALTH, AGEING AND COMMUNITY SERVICES
BEC CODY MLA (CHAIR), VICKI DUNNE MLA (DEPUTY CHAIR), CAROLINE LE COUTEUR MLA

Inquiry into referred 2017–18 Annual and Financial Reports
ANSWER TO QUESTION ON NOTICE

Asked by Mark Parton MLA: To ask the Minister for Housing and Suburban Development:

Ref: CSD Annual Report, Page 89, Housing ACT, Table 20 - Complaints and Performance Orders.

1. The Annual Report at Table 20 indicates there were 756 complaints regarding disruptive behaviour and 368 on property condition (about 1100 in total), and that seven applications for Performance Orders were made. In relation to these:
 - a. What does a Performance Order require a tenant to do
 - b. What criteria determine a decision by Housing ACT to seek a Performance Order
 - c. How does Housing ACT deal with persistent complaints of anti-social behaviour and allegations of criminal activity in terms of tenant obligations under their leasing agreement, and
 - d. How were the 1100-odd complaints on disruptive behaviour and property condition resolved given there were only seven applications for Performance Orders?

Minister Berry: The answer to the Member's question is as follows:–

- 1.a. A Performance Order is issued by the ACT Civil and Administrative tribunal (ACAT) under Section 83 of the *Residential Tenancies Act 1997* (the RTA). The requirements are specific to the circumstances and may include an order to:
 - stop doing something that is in breach of a tenancy agreement
 - start doing something to take action to comply with a tenancy agreement
 - require a payment to the territory or a person, or
 - require the payment of compensation for the loss of rent or any other loss caused by a breach of the tenancy agreement.

1.b. Housing ACT may seek a Performance Order where efforts to engage with a tenant and achieve a required outcome have been ineffective. Housing ACT seeks to work with tenants, neighbours and the community to resolve disputes without recourse to legal action wherever possible.

A Performance Order is at the upper end of the hierarchy of response which, for example in the context of anti-social behaviour, may involve a combination of:

- efforts to engage with tenants to ensure they understand their responsibilities to respect the right of others' to the quiet enjoyment of their homes
- direct provision of support to tenants to assist them to comply with their tenancy obligations and work through the underlying challenges that may be causing the behaviour
- connecting tenants to a range of supports in the community sector, including a range funded by government, such as the Sustaining Tenancy Service
- where appropriate, linking tenants and neighbours to collaborative dispute resolution such as through the Conflict Resolution Service (just like in private neighbourhood disputes), and
- issuing more formal notices ranging from written warnings to formal notices to remedy (under the RTA).

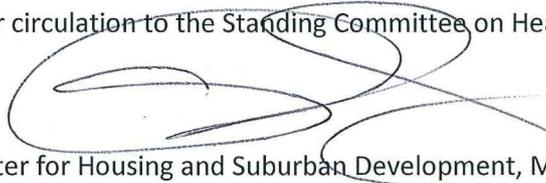
1.c. See 1.b. Housing ACT also works with and refers matters to other regulators, including the Domestic Animal Services (nuisance and dangerous dogs), the Environment Protection Services (noise and amenity) and the Health Protection Service (unsanitary conditions). Criminal activity is referred to ACT Policing.

1.d. Complaints are managed through the Community Services Directorate Complaints Handling and Management Policy. All complaints are actioned and complainants advised of outcomes (unless they are anonymous). The resolution of complaints from a complainant's perspective is challenging for a range of reasons including, ensuring the privacy of our tenants is protected, differing perspectives on reasonable neighbourly behaviour, the underlying cause of a tenant's behaviour which may take time to understand and work through and the complex and multifaceted nature of neighbourhood (both public and private residences) disputes.

Performance Orders involve a legal process that requires supporting evidence and, in some cases, complainants are reluctant to provide this information.

Approved for circulation to the Standing Committee on Health, Ageing and Community Services

Signature:



Date: 27/11/16

By the Minister for Housing and Suburban Development, Ms Yvette Berry