



**Comment on the Housing ACT discussion paper:**

**Improved Support, Stronger Communities:  
antisocial behaviour response and support  
in Housing ACT**

**December 2011**

## About ACTCOSS

ACTCOSS acknowledges that Canberra has been built on the traditional lands of the Ngunnawal people. We pay our respects to their elders and recognise the displacement and disadvantage they have suffered as a result of European settlement. We celebrate Aboriginal and Torres Strait Islander cultures and ongoing contribution to the ACT community.

The ACT Council of Social Service Inc. (ACTCOSS) is the peak representative body for not-for-profit community organisations, people living with disadvantage and low-income citizens of the Territory.

ACTCOSS is a member of the nationwide COSS network, made up of each of the state and territory Councils and the national body, the Australian Council of Social Service (ACOSS).

ACTCOSS' objectives are a community in which all people have the opportunities and resources needed to participate in and benefit from social and economic life and the development of a dynamic, collaborative and viable community sector.

The membership of the Council includes the majority of community based service providers in the social welfare area, a range of community associations and networks, self-help and consumer groups and interested individuals.

ACTCOSS receives funding from the ACT Government - Community Services Directorate.

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## Introduction

The ACT Government have proposed the introduction of specialist response workers to 'strengthen the Housing ACT response to antisocial behaviour by assisting tenants to address the underlying causes of their behaviour, and thus help them maintain their tenancy. The workers will also focus on supporting and protecting individuals and communities affected by antisocial behaviour'. The introduction of such specialist response workers is discussed in *Improved support, stronger communities: antisocial behaviour response and support in Housing ACT*.<sup>1</sup> ACTCOSS welcomes the opportunity to comment on this paper.

The intention to provide further support to tenants displaying 'antisocial behaviour' and to those affected by such behaviour is most welcome. However, some concern has been expressed about the language being used. Discussing 'antisocial behaviour response' has been interpreted as quite stigmatising from the outset. Housing ACT is encouraged to find strength based language to apply to these specialist response workers and for the work they do.

## Role of workers

The discussion paper indicates the specialist response workers will have several roles: providing support to address the underlying causes of antisocial behaviour; providing support to individuals and communities affected by the effects of antisocial behaviour; and potentially imposing tenancy sanctions. There is concern there are conflicts of interest if the specialist response workers attempt to juggle these three roles. If specialist response workers are to play a supportive role with tenants, they should remain separate from any sanction process.

Housing ACT has identified there may be a significant proportion of the tenants displaying problematic antisocial behaviour who are experiencing mental illness or alcohol and other drug dependence. It must be noted where behaviour is resulting from a health issue, a health response is best. It is unlikely sanctions will be a motivator to change behaviour in such circumstances. Housing ACT has identified the need for specialist response workers to have expertise in working with such target groups. It will be beneficial for workers to have these skills, however preference would be for the workers to link tenants with external supports rather than them providing intensive support themselves. They would play a supportive coordination role, linking the tenant displaying antisocial behaviour to external supports to work on underlying issues; providing support to those affected by the antisocial behaviour, and mediating where appropriate; and coordinating with other Housing ACT staff on tenancy management requirements.

When Housing ACT seeks to build new partnerships with the community sector around this initiative, the organisations involved need to be given a clear

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<sup>1</sup> Community Services Directorate, October 2011, *Improved support, stronger communities: antisocial behaviour response and support in Housing ACT*.

understanding of the role of the specialist response worker and Housing ACT will need to deliver continued and consistent communication.

As linking tenants with community supports is highly recommended, strong partnerships will need to be developed with community support providers. There is good evidence providing an intensive level of support for people can be effective in addressing tenancy issues. The Housing and Accommodation Support Initiative (HASI) model of working with people experiencing serious mental health issues is a good example to draw from. Public Housing provides a property, sensitive tenancy management and coordination; clinical services provide specialist support and treatment; and community providers are engaged to provide broader support (with appropriate resourcing).

Strong partnerships with the community sector would be beneficial recognising resources are currently stretched. When engaging with people displaying antisocial behaviour who are experiencing mental health issues or who have alcohol and other drug dependence where a high level of support is available at the outset, the approach is more likely to succeed. There are existing supports available in the community however, whether those supports are available at short notice and to the extent required is unclear. If tenants are simply linked in with existing supports which don't meet their needs, the intervention may not produce the desired outcomes. It is unlikely there is capacity for community providers to provide the intensive level of support required for effective results without additional resourcing.

As the specialist response workers role includes providing support to individuals and communities affected by antisocial behaviour, clear information will need to be provided to the community giving an understanding of the role of the specialist response workers and the legal limitations of that role (such as privacy issues). There needs to be a balance between community expectations and the individual rights of tenants. There are also tenants who will not complain about antisocial behaviour as they may have the perception nothing happens. Others may be hesitant to complain as they are fearful of repercussions. It is hoped the specialist response workers will be able to work closely with these communities and counter those fears.

Additionally, whilst there is support for assertive intervention to support tenants to address issues, there is no ready evidence 'forcing' tenants to engage with supports is successful. It is essential the program is developed from a strengths based perspective, supporting people to change rather than relying on sanctions.

## Sanctions

In certain circumstances additional support may be unsuccessful in addressing antisocial behaviour, giving need for the imposition of sanctions, however these must only be implemented as a last resort and the loss of a tenancy must be the final step. Any sanctions considered must be applied following human rights obligations and tenancy and civil legislation. Additionally, all consequences and sanctions must be applied consistently to all tenants

The discussion paper outlines proposed sanctions available under the Residential Tenancies Act. It is of concern Housing ACT would consider the option of giving a tenant 26 weeks notice and issuing a 'termination of tenancy without cause' as an initial response. There is sufficient legal recourse in the Residential Tenancies Act to put a case to the tribunal to address antisocial behaviour without resorting to 'without cause' terminations.

There is also concern tenancy agreements may have additional clauses added to address behaviour. This gives rise to significant equity concerns – it is not appropriate tenancy agreements are used in certain ways for one tenant but not others. Tenants in the ACT should ideally have equal rights and obligations. However, Housing ACT might consider a proactive approach, providing increased and accessible information to tenants about the requirements and obligations of their tenancy agreements. This could be provided when tenants sign contracts and through initiatives such as a 'new tenants seminar' where tenancy agreements can be fully explained.

Even when information is provided once, many people do not keep such information long term, nor recall it when an issue arises. Therefore Housing ACT staff need to proactively provide information which might be of relevance to tenants throughout their tenancy, not just at the point of application or allocation. Additionally around 78,000 Canberrans do not have the minimum required literacy skills to meet the complex demands of everyday life and work.<sup>2</sup> This means the traditional reliance on the provision of information in written format is inadequate and social housing staff must find a range of ways to communicate information on an ongoing basis.

## Other Comments

Concern has been expressed complaints are currently disproportionately made against Aboriginal and Torres Strait Islander tenants. Housing ACT must be aware racism can be a driver of complaints, and must ensure an equitable and consistent approach with all tenants.

It must also be recognised not all tenants displaying antisocial behaviour are experiencing mental health issues or have alcohol and other drug dependence. Therefore the specialist response workers will require a flexible approach and will benefit from further skills in working with difficult behaviours, such as mediation. In some cases it may also be beneficial to refer to specialist mediation services. All parties involved should be offered the option of accessing individual support throughout the mediation process.

The initiative as currently proposed could be a significant workload for a team of three staff. The team will only be effective if workers can provide appropriate levels of coordination, support and intervention in a timely way. To focus on the needs of tenants, the needs of the workers need to be considered. It will be essential to manage staff caseloads and support. Social Researcher Dr Eileen

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<sup>2</sup> ACTCOSS, February 2009, *On the same page: towards partnerships for adult literacy in the ACT*

Munro has undertaken leading research calling for greater support for workers in such systems:

problems are rarely due to a "bad apple", one incompetent worker who caused it all. They usually result from a combination of small lapses by several people.<sup>3</sup>

If case loads are excessive, training and new policies will not address the fact there may simply not be enough hours to appropriately follow up all tenants in a timely manner. Having appropriate staffing levels for this new initiative with realistic caseloads will mean better outcomes for all.

Therefore Housing ACT will need to develop clear protocols about what complaints will continue to be dealt with using existing processes and at what stage the specialist response workers would be called on to intervene.

Additionally, the definitions of antisocial behaviour referred to in this paper and in consultations are very broad. A clear definition of the types of behaviours the team will be responding to is required.

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3 Dr E Munro 25 March 2008, "Protecting children is liking guessing whether a headache is a tumour" *Sydney Morning Herald* accessed at [www.smh.com.au](http://www.smh.com.au)