

# Management of Antisocial Behaviour (QLD)

## 1. Purpose

To define how HOME in PLACE will manage reports and incidents of antisocial behaviour within the HOME in PLACE portfolio.

## 2. Scope

This policy applies to all tenancies and properties managed by HOME in PLACE in its Queensland portfolio.

## 3. Policy Statement

HOME in PLACE is committed to successful tenancies and sustainable communities and will utilise a range of early intervention strategies to assist tenants to maintain their tenancies.

HOME in PLACE manages tenancies in accordance with the provisions of the Residential Tenancies and Rooming Accommodation Act 2008. Reports of alleged antisocial behaviour are managed as tenancy issues and will be managed by the relevant branch to action in the first instance.

HOME in PLACE recognises that the majority of tenants are good neighbours and member of their communities. Tenants who continue to meet their obligations under the tenancy agreement will not be affected by this policy.

However, HOME in PLACE, will not tolerate continued antisocial behaviour that disturbs the peace and risks the safety of neighbourhoods. Where tenants engage in unacceptable behaviour, HOME in PLACE will take action to assist tenants to address and cease the behaviour. Where behaviour is considered to be dangerous, severe or illegal, HOME in PLACE will take immediate action to end the tenancy.

HOME in PLACE will endeavour to balance the needs and rights of other tenants, neighbours and the broader community with the need to support tenants to sustain their tenancies. It is not the role of HOME in PLACE to conduct criminal investigations, such investigations are the responsibility of the Queensland police.

### Categories of antisocial behaviour

HOME in PLACE describes antisocial behaviour under the following categories:

- Minor/moderate
- Serious
- Dangerous/severe

## Minor/moderate antisocial behaviours

This behaviour involves activities that disturb the peace, comfort or privacy of other tenants or neighbours.

This includes, but is not limited to:

- noise causing a nuisance, eg, loud parties, excessive shouting or excessive noise from music or television;
- leaving large amounts of rubbish in the home, garden or common areas;
- inappropriate use of parking areas;
- behaviour that limits other tenant's access to common facilities, eg, preventing other tenants from accessing common gardens or laundry facilities;
- bullying or harassment towards neighbours;
- using obscene language towards neighbour and/or visitors

## Serious antisocial behaviours

This behaviour involves the following types of activity that:

- severely disturbs neighbours;
- places the safety or security of a tenant, other household members, neighbours of HOME in PLACE staff or contractors at risk; or
- causes damage to HOME in PLACE property/facilities.

These types of behaviours may be illegal and may include, but are not limited to:

- threats, abuse, intimidation or harassment towards neighbours, visitors, HOME in PLACE staff or contractors;
- provoking pets to attack;
- using aggressive or obscene language;
- damaging HOME in PLACE property
- hate and other threatening behaviour towards members of identified groups because of their perceived differences, eg, race & ethnicity, gender, age, religion, sexual orientation, mental health or disability.

## Dangerous/severe antisocial behaviour

These are activities that pose a risk to the safety or security of residents or property and illegal or alleged illegal activity at the property and may result in police charges/convictions or significant damage to property.

Examples of dangerous/severe antisocial behaviour may include but is not limited to:

- committing injury to a neighbour, visitor, staff member or contractor;
- domestic and family violence;
- intentionally or recklessly causing serious damage to a HOME in PLACE property/facilities;
- use of the property for the manufacture, cultivation, sale or supply of any prohibited drug;

## Principles

HOME in PLACE will be guided by the following principles in the implementation of this policy:

- tenants are provided with clear information on their rights and responsibilities pursuant to their tenancy agreement at the commencement of their tenancies;
- reports of alleged antisocial behaviour will be taken seriously and actioned appropriately;
- the process for managing/investigating reports of alleged antisocial behaviour will ensure the principles of procedural fairness are applied;
- tenants will be given the opportunity to respond to reports of alleged antisocial behaviour;
- when reports are substantiated, tenants are given the opportunity to remedy the breach; and
- tenants will be provided with information on complaints, appeals and QCAT processes.

## Review of Decisions

If a tenant is dissatisfied with a decision made by HOME in PLACE they should discuss with a Tenancy Relations Officer in the first instance. If they are still dissatisfied in some circumstances they may be able to request a review of the decision.

## 4. Responsibilities

All HOME in PLACE workers have an obligation to:

- familiarise themselves with and ensure they have a clear understanding of HOME in PLACE policies and procedures,
- observe and implement such policies, and associated procedures in delivering services to HOME in PLACE clients,
- inform HOME in PLACE clients of the impact of this policy on them and assist them to understand their rights and obligations, as required,
- identify issues that require amendment to this policy document and complete the relevant documentation to propose any amendments, and
- report breaches of HOME in PLACE policies or procedures.

The relevant Group Executive Manager is ultimately responsible to:

- ensure all stakeholders within their area of responsibility are informed about HOME in PLACE Policies and Procedures,
- ensure appropriate processes and controls are implemented to enable the correct application of and adherence to relevant policies and procedures, and
- ensure appropriate processes and controls are implemented to enable breaches of approved HOME in PLACE Policy and Procedures to be reported and managed.

## 5. Implementation and Review

This policy is listed on HOME in PLACE's Controlled Documents Register and is a controlled document requiring approval of any changes. It may not be amended or shared outside HOME in PLACE without approval. The policy is reviewed regularly and published on HOME in PLACE's SharePoint intranet once approved. Employees receive communications and training on new and reviewed policies and procedures.

HOME in PLACE complies with relevant contractual compliance obligations and jurisdictional laws and regulations when implementing this policy. Confirmation of internal compliance with this policy is undertaken regularly.

It is the responsibility of HOME in PLACE Group Executive Services to maintain and update the HOME in PLACE's Master Policy Document, Policy Directory and the Policy Review Register, administer the review and approval process and inform and distribute new and amended policies and procedures once approved (refer PROC-011 Policy and Procedure Development Approval).

HOME in PLACE Workers should refer to SharePoint for the latest version which takes precedent over any uncontrolled version. If this document is printed, downloaded, or saved elsewhere from this site it becomes an uncontrolled version.

For further information contact the Responsible Officer listed under Document Information

## 6. Related documents

### *Related documents*

- Tenancy Agreement
- HOME in PLACE Tenant Participation & Community Development Policy
- HOME in PLACE Complaint Handling Policy
- HOME in PLACE Appeals Policy
- HOME in PLACE Ending Tenancy Policy
- HOME in PLACE Privacy Policy
- Department Communities, Housing & Digital Economy's Tenancy Management Policy

### *Related legislation/standards*

- Residential Tenancies and Rooming Accommodation Act 2008 (QLD)
- Housing Act 2003
- Housing Regulation 2005

## 7. Definitions

Please refer to HOME in PLACE Glossary of Definitions for Policies and Procedures. Terms and definitions identified below are specific to this policy and are critical to its effectiveness:

| Term                        | Definition  |
|-----------------------------|---|
| <b>Antisocial Behaviour</b> | Antisocial behaviour occurs when another person's behaviour repeatedly interferes with your reasonable peace or privacy in the use of your home.  |
| <b>Appeals</b>              | A Community housing appeal is defined as 'any expression of dissatisfaction with a decision made by a social housing provider to provide or not provide a service (such as housing, transfer or priority on the housing register) or, a decision relating to a tenant or service user's dissatisfaction of a decision made by the organisation.'<br>An application for a decision to be reversed or overturned. Includes but is not limited to: |

| Term                               | Definition   |
|------------------------------------|--|
|                                    | <ul style="list-style-type: none"> <li>• Allocation decisions;</li> <li>• Level of rent or rent subsidy;</li> <li>• Eligibility for a housing transfer;</li> <li>• Permission to undertake modifications;</li> <li>• Permission to keep pets;</li> <li>• Calculation of water charges;</li> </ul>  |
| <b>Complainant</b>                 | Person with a Complaint ongoing with HOME in PLACE.  |
| <b>Complaints</b>                  | <p>An expression of dissatisfaction with an aspect of the services provided by [Organisation], where the complainant is unhappy with the standard or type of service. Types of Complaint include:</p> <ul style="list-style-type: none"> <li>• Where HOME in PLACE have failed to provide or there has been a delay or problem in providing a service;</li> <li>• Where HOME in PLACE have failed to follow or have been unfair or inconsistent in applying our policies or procedures.</li> <li>• Where HOME in PLACE have failed to keep Tenants informed, through lack of or insufficient information</li> <li>• Where there has been inappropriate behaviour or attitude from a HOME in PLACE Employee or contractor.</li> </ul> |
| <b>Director</b>                    | Has the same meaning as defined in the Corporations Act 2001 Part 1.2 Division 1 Section 9 Dictionary in Australia and as defined in the Companies Act 1992 Part 1 Section 2 Interpretation  |
| <b>Employee</b>                    | A person engaged under an employment agreement or award by any company in the HOME in PLACE Group.   |
| <b>Executive Manager</b>           | Many positions within HOME in PLACE include the title “Executive Manager”. Regardless of whether an Executive Manager heads a Business Unit, the delegated authority of each Executive Manager depends on the functions and reporting relationship of the Business Unit for which the Executive Manager is responsible. Executive Managers should refer to the document HOME in PLACE Organisational Chart in Terms of Levels of Delegated Authority for confirmation of the band of authority they hold.  |
| <b>HOME in PLACE</b>               | HOME in PLACE Housing Services Co. Ltd. Trading as HOME in PLACE and includes its related body corporate (as defined by section 9 of the Corporations Act 2001 (Cth)). This includes HOME in PLACE Housing Services Co (Queensland) Ltd Trading as HOME in PLACE and HOME in PLACE Housing Services Co (Victoria) Ltd Trading as HOME in PLACE both of which are a wholly owned subsidiary of HOME in PLACE registered in Australia.   |
| <b>HOME in PLACE (New Zealand)</b> | HOME IN PLACE (NEW ZEALAND) LIMITED (formerly HOME in PLACE Housing Services (NZ) Co Ltd) is registered in New Zealand under the Companies Act and as a charity registered with Charities NZ under the Charities Act   |
| <b>HOME in PLACE Group</b>         | The corporate structure that includes HOME in PLACE (as the Parent Company) and the boards of Subsidiary Companies, Governance Committees and advisory groups as created from time to time.  |
| <b>Independent contractor</b>      | means a party engaged directly by HOME in PLACE pursuant to a contract for services. In the context of workforce engagements, this includes sole traders, companies, or partnerships with whom HOME in PLACE enters into an agreement for the provision of specified individuals to supply specific skills, services, or consultancy arrangements. It does not include individuals engaged through labour hire agencies. Independent contractors are not employees of HOME in PLACE.   |
| <b>Officer</b>                     | Has the same meaning as defined in the <a href="#">Corporate Act 2001 Part1.2 Division 1 Section 9 Dictionary</a> in Australia and as defined in the <a href="#">Companies Act 1992 Part 1 Section 2 Interpretation</a> in New Zealand.  |

| Term                                | Definition  |
|-------------------------------------|---|
| <b>Parent Board</b>                 | The current directors of HOME in PLACE.   |
| <b>Parent Company</b>               | HOME in PLACE Housing Services Co Ltd (HOME in PLACE)   |
| <b>Stakeholder</b>                  | person or organisation that can affect, be affected by, or perceive themselves to be affected by a decision or activity, may also be called 'interested party'.   |
| <b>Subsidiary Boards</b>            | The appointed board of directors of a Subsidiary Company.   |
| <b>Subsidiary Company</b>           | A company in which HOME in PLACE owns all or at least a majority of the shares.   |
| <b>User</b>                         | any person or entity that use HOME in PLACE Information or ICT Assets.  |
| <b>Worker (HOME in PLACE Group)</b> | <p>a person engaged to carry out activities in any capacity for a company in the HOME in PLACE Group, including work as:</p> <ul style="list-style-type: none"> <li>• an Employee, or</li> <li>• an independent contractor or subcontractor, or</li> <li>• a worker of a contractor or subcontractor, or</li> <li>• a worker of a labour hire company who has been assigned to work in the person's business or undertaking, or</li> <li>• an outworker, or</li> <li>• an apprentice or trainee, or</li> <li>• a student gaining work experience, or a volunteer</li> </ul>   |
| <b>Worker (HOME in PLACE)</b>       | <p>has the same meaning as defined in the <a href="#">NSW Work Health and Safety Act 2011 No 10</a> Subdivision 2 Part 7 Meaning of 'worker' (1) A person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as:</p> <ol style="list-style-type: none"> <li>a) an employee, or</li> <li>b) a contractor or subcontractor, or</li> <li>c) an employee of a contractor or subcontractor, or</li> <li>d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking, or</li> <li>e) an outworker, or</li> <li>f) an apprentice or trainee, or</li> <li>g) a student gaining work experience, or</li> <li>h) a volunteer, or</li> <li>i) a person of a prescribed class.</li> </ol> |
| <b>Worker (HOME in PLACE QLD)</b>   | is 'a person who works under a contract and, in relation to the work, is an employee for the purpose of assessment for PAYG withholding under the Taxation Administration Act 1953 (Cwlth), schedule 1, part 2-5'. This applies to a person for whom PAYG tax instalments are required or would be required to be withheld by their employer.   |

*End of Document.*