

Fact Sheet 9:

Department of Housing: 3 Strike Policy



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As a tenant you have rights under the *Residential Tenancies Act 1987* (the Act). This fact sheet explains the law in Western Australia about the Department of Housing 3 strike policy and incorporates the changes made to the Act, which came into effect on 1 July 2013.

Three strike policy

The Department of Housing has three categories of disruptive behavior of which you can be evicted. This process is managed by their Disruptive Management Unit.

If you receive any strike or a notice of a hearing for termination, contact your local tenant advocate.

Minor Disruptive Behaviour

Definition: activities that interfere with the reasonable peace, comfort and privacy of people in the immediate vicinity. They are activities that cause a nuisance but are considered non-threatening.

Examples

- Night time parties that create loud and excessive noise.
- Family arguments that disturb neighbours.
- Excessive noise from TVs, stereos, vehicles etc.
- Unwarranted entry into neighbouring properties.
- Disputes with other tenants over communal parking bays or laundry areas.
- Unreasonable disturbances from children.

Action: The Department of Housing will issue a strike for each substantiated incident. Legal action to terminate the tenancy will proceed if **three strikes** are substantiated within a 12 month period.

Serious Disruptive Behaviour

Definition: intentional or reckless actions causing serious disturbances to people in the immediate vicinity. They can be actions which cause concern for the safety or security of people or their property.

Examples

- Threats to the health and safety of other people.
- Abusive language based on race, gender, sexual orientation and other forms of harassment.
- Fighting between householders or visitors to the property.
- Vandalism to property in the immediate area, such as graffiti.

Action: The Department of Housing will **issue a strike as a first and final warning** following one substantiated incident. Legal action to terminate the tenancy will proceed if another incident occurs within a 12 month period.

Dangerous Behaviour

Definition: actions posing a risk to the safety and security of people or property in the immediate vicinity. They can be actions resulting in injury to persons stemming from police charges or from court convictions.

Examples

- Physical assaults or violence to people other than household member or visitors.
- Aggravated threats of violence such as threats with a weapon.
- Extensive and deliberate serious damage to property.

Action: The Department of Housing will take immediate action to **terminate** the tenancy. An application will be made to the Magistrates Court for an urgent Court hearing date.

METROPOLITAN: Fremantle Community Legal Centre (Fremantle) (08) 9432 9790 www.fremantle.wa.gov.au | Gosnells Community Legal Centre (Gosnells) (08) 9398 1455 www.gosclc.com.au | MIDLAS (Midland) (08) 9250 2123 www.midlas.org.au | Northern Suburbs Community Legal Centre Inc. Mirrabooka: (08) 9440 1663 Joondalup: (08) 9301 4413 www.nsclegal.org.au | SCALES, Rockingham: (08) 9550 0400 www.law.murdoch.edu.au/scales | Sussex Street Community Law Service Inc. (Victoria Park) (08) 6253 9500 www.sscls.asn.au | Welfare Rights & Advocacy Service (Perth) (08) 9328 1751 www.wraswa.org.au **REGIONAL:** Albany Community Legal Centre Inc. Albany: (08) 9842 8566, Free call: 1800 606 060 www.albanyclc.com.au | Agencies for South West Accommodation (ASWA), Bunbury: 08 9791 1877 www.glcl.com.au | Geraldton Resource Centre, Geraldton 08 9938 0600 www.grc.asn.au | Goldfields Community Legal Centre, Kalgoorlie: (08) 9021 1888 www.glcl.com.au | Kimberley Community Legal Services, Kununurra: (08) 919 3100 Free Call: 1800 686 020 | Peel Community Legal Service Inc. (Mandurah) (08) 9140 1613 www.peelclc.com.au | Pilbara Community Legal Service Karratha: 08 9185 5899 Newman: 08 9177 8708 Roeburne: 08 9182 1169 South Hedland: (08) 9140 1613 | Wheatbelt Community Legal Centre Inc. (Northam) (08) 9622 5200 www.wheatbeltclc.com.au | State wide legal telephone advice line Metro: (08) 9221 0088 Regional: 1800 621 888

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