

PUBLIC HOUSING — EVICTIONS

1313. Hon Dr Brad Pettitt to the minister representing the Minister for Housing:

I refer to question on notice 1050, and thank the Minister for the answers provided, and I ask:

- (a) does the answer to 1(b) state the number of tenancies with an Aboriginal or Torres Strait Islander tenant or household member that was evicted by the bailiff (ie: not including tenancies terminated by termination notice or court order);
- (b) how many public housing tenancies with an Aboriginal or Torres Strait Islander tenant or household member were terminated by termination notice, or by Court order, or by bailiff eviction in the following years (please provide the figures separately for termination notice, court order and bailiff eviction):
 - (i) 201–19;
 - (ii) 2019–20;
 - (iii) 2020–21; and
 - (iv) 2021–22;
- (c) does the answer to question on notice 1050 (1)(c)–(d) state the number of tenancies with children evicted by the bailiff and not include tenancies terminated by termination notice or court order; and
- (d) how many public housing tenancies were terminated by termination notice, court order or bailiff eviction where there were children on Housing Authority records as household members, in the following years (please provide the figures separately for termination notice, court order and bailiff eviction):
 - (i) 2016–17;
 - (ii) 2017–18;
 - (iii) 2018–19;
 - (iv) 2019–20;
 - (v) 2020–21; and
 - (vi) 2021–22:
 - (A) what is the total number of children listed as household members in terminated public housing tenancies for each of those years;
 - (B) for each of those years, how many of these children were Aboriginal or Torres Strait Islander (ATSI) children, according to Housing Authority records; and
 - (C) how many of these children (ATSI and non-ATSI) vacating public housing had “Intensive Family Support” files open at the Department of Communities when their public housing was terminated by the Department of Communities?

Hon Jackie Jarvis replied:

- (a) As stated in the response to Question on Notice 1050 1(b) the data provided was an aggregation of voluntary vacations where a tenant has received a termination notice, voluntary vacations following a court order, as well as bailiff evictions.
- (b) A tenant voluntarily vacating their house after receiving a termination notice or a court order is not an eviction. After a termination notice or court order is issued, Department of Communities will continue to work with tenants to rectify issues impacting their tenancy. Even following eviction orders, tenants have the opportunity to remediate their tenancy and engage with Communities.

The decision to terminate a public housing tenancy agreement sits with the Magistrate who will only grant an order for vacant possession if satisfied that there has been a breach of the tenancy agreement and that the tenant has been given every opportunity to rectify the breach and has failed to do so.

It is important to note that when applying for public housing, it is voluntary for applicants to disclose whether they identify as Aboriginal or Torres Strait Islander (ATSI). Applicants in WA are not required to disclose their ethnicity when applying for public housing and therefore a further breakdown of the data cannot be provided with a high level of certainty.

To support tenants who have disclosed their ATSI status, Department of Communities provides culturally appropriate supports as well as engages service providers to help deliver sustainable, longer term supports.

The following table provides data on bailiff evictions where tenants repeatedly and egregiously fail to rectify their behaviour or engage with Department of Communities to sustain their tenancies.

Financial Year	Bailiff Evictions Where At Least One Householder Has Identified as ATSI*
2018–2019	100
2019–2020	45
2020–2021	3
2021–2022	16

*Noting that data on ATSI tenants can not be provided with a high degree of certainty

- (c) Yes. Noting that tenants voluntarily vacating following termination notices or court orders are not evictions.

Even after a termination notice or court order is issued, the Department of Communities will continue to work with tenants to rectify issues impacting their tenancy. Even following eviction orders, tenants have the opportunity to remediate their tenancy through engagement with Communities.

- (d) (i)–(iv) and (vi)(A) Tenants voluntarily vacating following receipt of a Department of Communities-issued termination notice or a court order issued by a Magistrate are not evictions.

The table below provides information relating to bailiff evictions (where a Magistrate has made a decision to terminate a tenancy agreement). It should be noted that this data likely includes children who are listed on the tenancy agreement but may not be residing at the property and therefore cannot be provided with a high level of confidence.

Financial Year	Total Tenancies with Children Vacated following Bailiff Eviction	Total Tenancies with Total Number of Children Vacated following Bailiff Eviction
2016–2017	171	388
2017–2018	80	176
2018–2019	85	199
2019–2020	42	81
2020–2021	4	6
2021–2022	9	12

Note: in 2019 and 2020 vacates and/or bailiff eviction figures were updated due to data processing errors. Therefore, some historical figures released prior to these updates will differ.

Where children are involved, Communities provides additional supports to help sustain the tenancy. Communities also has processes which ensure that Child Protection and Family Support officers are notified when termination orders are issued or eviction proceedings are initiated for households that include children, to provide child protection officers the opportunity to engage the family with appropriate support or intervention.

This often results in referrals and engagement of tenants in collaborative support programs such as Thrive, or alternative supported accommodation options.

Clients also remain eligible to reapply for further housing assistance.

- (vi) (B) Applicants are not required to disclose their ethnicity, including whether they identify as Aboriginal or Torres Strait Islander when applying to access public housing in WA. It is also voluntary for applicants or tenants to disclose whether a child that may reside in a public housing tenancy identifies as Aboriginal and Torres Strait Islander.

Given the voluntary nature of disclosing ethnicity for both tenants and children residing in public housing, and the overall small number of tenancies with children that proceed to bailiff eviction, the Department of Communities cannot provide complete data.

(C) This question should be referred to the Minister for Child Protection.