

Jewell, Renae

Submission 13

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Sent: Thursday, 6 October 2011 9:19 AM

To: Jewell, Renae

Cc: Stephen Hall

Subject: Residential Tenancies Amendment Bill 2011

PUBLIC

upon tabling of Committee's Report

To the Members Conducting the Inquiry into the *Residential Tenancies Amendment Bill 2011*,

On 7 September 2011 the Legislative Council referred the *Residential Tenancies Amendment Bill 2011* to the Uniform Legislation and Statutes Review Committee for consideration and report by 1 November 2011. The Western Australian Association for Mental Health (WAAMH) has prepared this response for consideration by the Committee.

WAAMH is the peak body representing the community managed mental health sector. Our role is to support the development of the sector, providing systemic advocacy and representation, and influencing public opinion for the benefit of people with mental illness and their carers. WAAMH has a diverse membership base, including organisations that provide accommodation and supports to individuals living with a mental illness. This submission is provided with consideration for this context.

WAAMH's concern with the amendment to the existing *Residential Tenancies Act 1987* rests with Section 75A *Termination of social housing tenancy agreement due to objectionable behaviour*. This inclusion gives legislative force to the Department of Housing and Works already unpopular, *Disruptive behaviour Management Strategy*. The Strategy has been roundly criticised already by WAAMH and others including Shelter WA.

While people have a right to quiet enjoyment of their neighbourhood, the eviction of disruptive tenants who are so by virtue of their mental illness is not a satisfactory outcome. Support and medical intervention is necessary in these situations to ensure that people living with a mental illness can maintain their tenancies and are not dealt with punitively by a system that does not take into consideration individual circumstances. Indeed it is the role of housing providers, servicing tenants living with a mental illness, to ensure that housing *and support* is provided.

Eviction from public housing is not only problematic at the time but has consequences in the future, with evicted tenants not being able to access public housing again. This amendment also only serves to increase the burden on already-stretched community housing providers who are often called on to step into the breach.

Embedding the Disruptive Behaviour Management Strategy in legislation is discriminatory and demonstrates a lack of compassion to the most vulnerable in the community, who are not homogenous and for whom the act of maintaining a tenancy more difficult than for other people in the population. Access to safe and secure housing is a basic human right and limiting the access of a person with a disability to such housing is a contravention of the United Nations *Convention on the Rights of Persons with Disabilities*.

Amendment 75A and the already existing strategy is at odds with statements made by the Minister for Mental Health and Disability Services, Helen Morton who has recognised that without access to affordable housing, people with a mental illness often languish unnecessarily in psychiatric hospital beds. *'Stable and well supported accommodation is pivotal to the wellbeing of their lives. It allows for independence, recovery and provides peace of mind to family and friends...'* (<http://www.theaustralian.com.au/national-affairs/m-to-give-mentally-ill-privacy-and-independence/story-fn59niix-1226059248724>)

WAAMH asks that the committee remove the proposed amendment 75A *Termination of social housing tenancy agreement due to objectionable behaviour* and as part of the recommendations of the committee, encourage the Minister for Transport and Housing and the Minister for Mental Health and Disability Services to meet urgently to address the Strategy and changes that can be made to it so that it does not impact unfairly on individuals living with a mental illness.

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Peak body representing
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mental health sector in WA

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