

# 150 Antisocial Behaviour Policy

## 1. Customer Statement

At Link Wentworth our customers and communities are at the centre of what we do. We are committed to:

- treating our customers with compassion and respect
- communicating clearly so that our customers can make informed choices
- providing fair service by following the right process
- working openly with customers to find shared solutions
- following all relevant laws and regulations

## 2. Purpose

This policy defines Link Wentworth's approach to responding to antisocial behaviour by tenants, approved household occupants of Link Wentworth or their visitors.

## 3. Scope

This policy applies to all Link Wentworth tenants, approved household occupants and their visitors.

## 4. Policy

### Definition of antisocial behaviour

Antisocial behaviour is actions which disturb the peace, comfort or privacy of other tenants or neighbours or the surrounding community which results in a breach of the tenancy agreement and/or the provisions of the *Residential Tenancies Act 2010* (the Act).

### What is antisocial behaviour

There is a wide range of antisocial behaviours and the following list provides some examples:

- Excessive and frequent noise
- Loud and disruptive behaviour
- Verbal abuse and domestic disputes
- Vandalism
- Dumping rubbish
- Nuisance pets such as barking or aggressive dogs
- Any illegal activity
- Serious harassment

- Threats to the health or safety of a person
- Physical assaults and violent acts

## How Link Wentworth manages antisocial behaviour

Link Wentworth is committed to sustaining tenancies and will work in partnership with other government and non-government organisations to support tenants, including when there is antisocial behaviour.

When Link Wentworth receives a report about antisocial behaviour, Link Wentworth will investigate the matter, collect evidence, and apply the rules of natural justice so that those involved are given the opportunity to provide information about their view of events. Link Wentworth will provide feedback to relevant parties on the outcomes of the investigation while also protecting people's privacy.

Link Wentworth will work with tenants to resolve neighbourhood problems and, where required, will encourage mediation through the Community Justice Centres. Link Wentworth encourages tenants to contact their local council to report unresolved issues of barking or aggressive dogs, rubbish dumping on nature strips and excessive and frequent noise.

Link Wentworth will investigate allegations of antisocial behaviour and, where appropriate, facilitate early intervention and referral to support services to minimise the escalation of antisocial behaviour and the need to resolve cases through the [NSW Civil and Administrative Tribunal](#) (NCAT).

If the antisocial behaviour involves criminal activity, Link Wentworth will seek clarification from the NSW Police through a Record of Understanding (ROU) and may take appropriate action against a tenancy if a breach of the Residential Tenancies Act 2010 is confirmed. Link Wentworth will cooperate with NSW Police with further investigation of this illegal activity.

Link Wentworth aims to support tenants and families by effectively addressing antisocial behaviour that places them at risk. Link Wentworth will seek to refer tenants to support services when required as well as when a breach of the tenancy agreement or the Act has occurred.

Link Wentworth will always exercise discretion and in particular will consider the safety of victims of antisocial behaviour when making decisions on the action to be taken for substantiated incidents. When a substantiated breach of the tenancy agreement or the Act has occurred and it relates to antisocial behaviour and it is appropriate to take formal action, Link Wentworth may apply directly to the NCAT to seek termination of the tenancy.

## Banning Notices

Link Wentworth may, on the advice of NSW Police, issue a Banning Notice under the NSW Inclosed Lands Protection Act 1901 which prescribes rules and penalties for "trespassing" on certain lands. A Banning Notice limits the right of a person to access a Link Wentworth property and can be issued to tenants or their visitors. If a person is issued with a Banning Notice and they then return to the property, they can be removed by Police and/or be issued with a fine. Banning Notices will be used for individuals who are proven to be causing a serious ongoing nuisance or disturbance that impacts the peace and quiet enjoyment of our tenants.

You are required to perform your duties in accordance with this Policy and related procedures.

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*This Policy is subject to change at the discretion of Link Wentworth. A breach of any Link Wentworth policy may result in action being taken which may include disciplinary action.*

## 5. Responsibility

**Tenancy Managers** are responsible for performing their duties in accordance with this policy and related procedures.

**Team Leaders and Managers** are responsible for proactively overseeing compliance with this policy and addressing any non-compliance by their direct reports in a timely manner,

**Senior and Executive Leaders** are responsible for ensuring the policy is well designed to address the purpose it is necessary for, that it is clearly drafted in a way to make it implementable, and that it is kept current and approved by the ultimate approving body in accordance with the required review cycle.

## 6. Definitions

**Record of Understanding (ROU)** – a document used to facilitate the exchange of specific information for the purpose of reducing crime and antisocial behaviour.

**NSW Civil & Administrative Tribunal (NCAT)** – is an independent body which deals with certain kinds of disputes between landlords and tenants. It is not a formal court, but its decisions are legally binding.

## 7. Legislative or other applicable framework

- Residential Tenancies Act 2010
- Residential Tenancies Regulation 2010
- Smoke-free Environment Act 2000

## 8. Related Policies

- Complaints and Feedback Policy
- Appeals Policy
- Management Transfer Policy

## 9. Privacy and Confidentiality

Link Wentworth has obligations and responsibilities under its Privacy Policy please refer to the policy for further information.

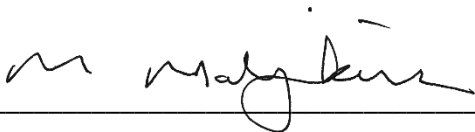
## 10. Complaints and appeals

A tenant who is not happy with a decision made by Link Wentworth or who believes that Link Wentworth has not followed this policy can complain or appeal using the complaints and appeals policies that are available on the Link Wentworth website [www.linkwentworth.org.au](http://www.linkwentworth.org.au).

Tenants cannot appeal to Link Wentworth on matters where an application has been made by Link Wentworth to the NCAT. Those matters are managed through NCAT.

## Approval, Policy Owner and Review Frequency

Policy type:	Management Level
ELT owner:	Chief Customer Officer
Business owner:	Head of Tenancy
Ultimate Approval body:	ELT-member
Review Frequency:	Annual or more frequently if circumstances warrant.



Approved by – Chief Customer Officer