

Government Employee Housing Visitor Management

Policy

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1. Policy statement

The intent of the policy is to support tenants to maintain positive community relationships, protect the quiet enjoyment of the property and the neighbourhood, and to assist the CEO (Housing) to protect and manage government employee housing assets.

2. Purpose

The purpose of this policy is to provide guidelines to tenants and the CEO (Housing) in relation to the management of visitors to government employee housing premises.

3. Scope

The CEO (Housing) when entering into government employee housing tenancies under the *Residential Tenancies Act 1999* and the *Housing Act 1982* provides tenants with exclusive possession of the premises, and the right to quiet enjoyment without interference with their reasonable peace and privacy. The tenant is required to adhere to the terms of their tenancy agreement, including managing the number of visitors to the premises and the visitor's behaviour, in accordance with community expectations and the law in general.

This policy applies to all government employee housing tenants, recognised occupiers and visitors to government employee housing premises whether the premises is owned or leased by the CEO (Housing). The policy does not apply to other housing programs that are managed by agents on behalf of the CEO (Housing), such as affordable housing.

4. Definitions

Antisocial behaviour	Behaviour is antisocial if it involves abusive or violent behaviour directed to a person, creates alarm or fear in, or annoyance to, neighbours or others in the vicinity, or involves graffiti, littering or vandalism.
CEO	The Chief Executive Officer of Housing, Local Government and Community Development constitutes the Chief Executive Officer (Housing).
CEO (Housing)	Chief Executive Officer (Housing) is an entity by that name, a body corporate sole with perpetual succession, has a common seal, and is capable, in its corporate name, of acquiring, holding and disposing of real, leasehold and personal property and of suing and being sued.
Extended Term Visitor	A visitor staying at a tenanted government employee housing premises longer than six weeks
Notice of Direction	A written notice issued to any person on government employee housing premises (including a tenant, recognised occupant, visitor or any other person) directing that person not engage in specific conduct, or to cease the conduct, which the officer reasonably believes to be a prescribe offence or antisocial behaviour.

Recognised Occupier	All persons (including children) that the tenant has notified the CEO (Housing) are occupying the premises and the CEO (Housing) has made a notation in the lease about the occupancy.
Temporary visitor	A visitor to a tenanted premises for the day or evening or staying no longer than six weeks.
Tenant	The person/s specified in the lease for the government employee housing premises as the tenant of those premises.

5. Policy detail

5.1. Permitted temporary visitors (overnight)

Temporary visitors are permitted in government employee housing dwellings for up to six weeks without prior approval providing:

- The tenant has reasonable and sufficient sleeping arrangements to accommodate overnight visitor/s, beyond the number of people already occupying the premises;
- The CEO (Housing) has not issued a 'Notice of Direction' to a tenant or visitor under the *Housing Act 1982*;
- Police have not issued a Trespass Notice under the *Trespass Act 1987* excluding the visitor/s from the premises;
- The visitor/s are not engaging in conduct on the premises, or permitting conduct to occur, that constitutes a breach of a prescribed offence or antisocial behaviour causing disruption to the tenant/s, recognised occupiers, other visitors or neighbours; and
- The tenant does not have to inform the CEO (Housing) about temporary visitors.

5.2. Extended term visitors (staying longer than six weeks)

The tenant must request permission from the CEO (Housing) to have a visitor stay for longer than six weeks. The CEO (Housing) may allow extended stays where the visitors are gathered for an extended cultural or community event, where access to or from a community has been cut off, or for medical or family reasons.

In determining whether to allow extended term visitors to a residence, consideration will be given to the likelihood that sustained or significant overcrowding may cause excessive wear and tear to the property. Request for permission to allow extended term visitors will be assessed on a case by case basis. Requests for significant visitor numbers, which could reasonably be considered to cause excessive wear and tear, will not be approved, and the visitors will not be permitted to remain after six weeks.

The CEO (Housing) will generally not allow visitors to stay for longer than six weeks if:

- their presence will cause overcrowding, particularly where the tenant is unable to adequately provide sleeping arrangements beyond this period;
- as a result of the conduct of a visitor or visitors, antisocial behaviour has been substantiated.

5.3. Overcrowding

The CEO (Housing) limits the number of tenants who can live in a government employee housing premises to prevent overcrowding. This limit is dependent upon how many bedrooms the dwelling has and how many people normally reside there. The CEO (Housing) has discretion to vary the number of people permitted to reside in a household, taking into account a range of factors, including the number, age, relationship and gender of the occupants.

The CEO (Housing) recognises that short term visitors may cause temporary overcrowding. The CEO (Housing) will not object to a reasonable number of temporary visitors in accordance with section 5.1 of this policy.

6. Managing visitors

6.1. Assistance to manage visitors

The CEO (Housing) will support a tenant to manage their visitors, where necessary.

Where a tenant is finding it difficult to limit the number of visitors, or control the visitor's behaviour, the tenant can seek assistance from the CEO (Housing) and should be encouraged to do so. The assistance provided may include speaking directly with visitors, issuing statutory notices to request the visitors to move on, assessing the number of people staying at the premises to decide if a premises is overcrowded, and providing referral to support services.

6.2. Notice to remedy

Government Employee Housing Tenancy Officers have the delegated authority to issue a 'Notice to Remedy' under section 96B of the *Residential Tenancies Act 1999* if there is sufficient evidence to suggest that a person on government employee housing premises (including a tenant, recognised occupier, temporary or extended term visitors or any other person) is engaging in conduct on the premises, or permitting conduct to occur, that constitutes a prescribed offence or antisocial behaviour.

Failure to comply with a Notice to Remedy is an offence under the Act and may result in termination of the tenancy.

6.3. Trespass notices

The CEO (Housing) may, with the tenants consent, liaise with Police to issue Trespass Notices under the *Trespass Act 1987*. Under the Act, a person commits an offence if they wilfully enter a premises once a notice to leave the premises or to stay off the premises has been issued to that person.

Trespass Notices may be issued for either an individual premises at the request of the tenant, or to any common area of a complex.

7. Decision making (delegation and discretion)

The CEO (Housing) may delegate a power or function under the *Housing Act 1982* (or any other legislation that confers delegable powers and responsibilities to the CEO (Housing)). Delegated officers may make decisions on behalf of the CEO (Housing) in accordance with their delegated authority. Refer to *the Housing Delegations* and *Financial Management Delegations*.

A discretionary decision may be made outside the general application of this policy if it supports the policy intent, will prevent a client from being unfairly disadvantaged, and is in accordance with the relevant Delegations and legislative obligations. Refer to the *Discretionary Decision Making policy*.

8. Complaints and appeals

If a client is not satisfied with a decision or action of the CEO (Housing) they should be advised of their right to make a complaint or to appeal the decision. The client should be provided with information about how they can make a complaint, how to appeal a decision and the support services available to them.

The information must be provided to the client in a manner and language they will understand. For further information, please refer to the Complaints policy and Appeals policy.

9. Review of the policy

The policy is subject to review or amendment at any time to maintain alignment with legislation, agency direction, operational requirements, agency systems, and to support continuous improvement and contemporary practice.

10. References

10.1. Legislation

Housing Act 1982

Residential Tenancies Act 1999

Trespass Act 1987

10.2. Policies

GEH Allocation policy

Appeals policy

Complaints policy

Designated Complexes policy

Discretionary Decision Making policy