

Mr Matt Birney; Deputy Speaker; Ms Alannah MacTiernan; Acting Speaker; Mr Rod Sweetman; Mr John Kobelke; Mr David Templeman; Mr Martin Whitely; Mr Dan Barron-Sullivan

PUBLIC HOUSING TENANTS, ANTISOCIAL BEHAVIOUR

Motion

MR M.J. BIRNEY (Kalgoorlie) [4.25 pm]: I move -

That this House condemns the State Labor Government for failing to ensure that law-abiding Western Australian citizens living in the vicinity of unruly and disruptive public housing tenants are not continually subjected to antisocial behaviour. And further, that the State Labor Government moves to streamline eviction processes relating to antisocial public housing tenants who refuse to respect the rights of their neighbours.

As members of Parliament, we are called on daily to address wide and varying issues. We do what we can to help progress those issues or to help people with their problems. However, some issues are re-occurring to the point at which all involved become particularly frustrated. One overwhelming issue that I, as a member of Parliament in Kalgoorlie, and other members of Parliament around the State are required to deal with is antisocial and unruly behaviour emanating from some Homeswest tenants. I advise members present that in the two years that I have been in this place, antisocial and unruly behaviour emanating from some Homeswest properties is the single biggest issue with which I have had to deal. I deal with this issue almost on a daily basis. People come into my office and have breakdowns or collapse in tears in my foyer because they are too frightened to go home for fear of some kind of intimidation from their neighbours. One lady who collapsed in the foyer of my office said to me that if the next-door neighbours happen to be in the front yard when she comes home from work, she will continually drive around the block before pulling into her own driveway because she is fearful of the tenants living next door.

In my experience, most Homeswest tenants are hardworking, law-abiding citizens who simply find themselves in somewhat challenging circumstances. However, some are not. Some are intent on terrorising their neighbourhoods, holding their neighbourhoods to ransom and physically and mentally intimidating their neighbours and all the people in the immediate vicinity. The time has come for this Parliament to recognise that this is a significant problem. I am not talking about poor, downtrodden, socially disadvantaged people. I am talking about thugs and thieves and people who could not give a stuff about their neighbours or their neighbourhoods. Those are the people at whom this motion is aimed, not those people who simply find themselves in somewhat challenging circumstances. The vast majority of people who come to my office with a complaint against a neighbouring Homeswest property are single mothers. I have a great deal of respect for single mothers, who are obviously doing it tough on a number of fronts. They are charged with raising their children in a reasonable, rational environment and their number one priority is to provide for those children. Of course, they are economically and financially disadvantaged as well. While they have their blinkers on and they are working hard in the interests of their children, they are suffering because of some unruly Homeswest tenants who simply do not care about anyone's welfare other than their own. This must stop, and now is the time. A lot of the single mothers have nowhere to turn. Some of them have had their lives turned upside down by some unruly Homeswest tenants who continually intimidate them, either physically or mentally. We are talking about antisocial behaviour at midnight or three o'clock in the morning, fights that spill over the fence into people's yards, people banging on doors at midnight, ranting and raving and screaming. We are talking about a single mother coming home from picking up her kids from school only to find that her house has been broken into, and a trail of footprints lead to the next door neighbour's fence. That person is under no illusions about who the perpetrator of that offence is. These people cannot continue to enjoy taxpayer-funded housing if they are intent on terrorising their neighbours. Today we need to send out that simple and clear message by passing this motion. I am hopeful that the Labor Party, which has superior numbers in this Chamber, will be supportive of this motion in the interests of those people who simply want to get on with their lives.

This motion is about a basic and simple principle that everybody in this Chamber can identify with. If we provide people with taxpayer-funded accommodation, we expect some form of reciprocation; we expect those people to fit in with their neighbours and to allow others to quietly enjoy life. That is what this legislation is about. Homeswest is subject to the Residential Tenancies Act, particularly in the process of evicting an unruly Homeswest tenant. This motion is about streamlining the eviction processes that are currently in place to remove an unruly Homeswest tenant.

Mr M.P. Whitely: Can you tell us what those processes are?

Mr M.J. BIRNEY: I fully intend to. As I said, Homeswest is subject to the Residential Tenancies Act and, for the benefit of my poor friend sitting at the back, I advise that section 62 requires, first, that three substantiated complaints be lodged against a Homeswest tenant within a three-month time frame prior to the eviction of that tenant. Even then, section 62 is written in such a fashion - I hope the member for Roleystone is writing this

Mr Matt Birney; Deputy Speaker; Ms Alannah MacTiernan; Acting Speaker; Mr Rod Sweetman; Mr John Kobelke; Mr David Templeman; Mr Martin Whitely; Mr Dan Barron-Sullivan

down - that it does not necessarily require Homeswest to evict that tenant. The Act simply states that it may evict them. After the third notice has been served, under section 62, the tenant is given 14 days' notice to rectify the problem; if the tenant does not rectify the problem, he or she can be served with another notice. We are now up to four notices. Then the tenant can be evicted from that property - for the benefit of the member for Roleystone - only after a court appearance. In order to secure sufficient evidence to run a successful court prosecution, a witness is needed. The person who would be called upon to be the witness in any such event would be the neighbour. That person is required to stand before the court and point the finger at the alleged perpetrator to have that person evicted. Provided all those hurdles are overcome, an unruly Homeswest tenant, who has driven people absolutely mad for a period of up to six months, can be evicted. I submit to members that six months is a ridiculous length of time to take to remove people from their property.

Section 73 of the Residential Tenancies Act is a somewhat stronger provision, and that section provides for the immediate eviction of a tenant who is intentionally causing or is likely to intentionally cause harm to a neighbouring property owner or to the Homeswest property itself. Section 73 strikes me as a particularly good section of the Act. However, I am reliably advised that Homeswest is reluctant to use section 73 for fear of legal challenges and the like from some legal aid organisations, and that is particularly sad.

We are now faced with a couple of choices. A government policy can be put in place to streamline the eviction of unruly Homeswest tenants, or we can look at other innovative ways of doing it. One such innovative way of streamlining the eviction process is to set up a tribunal. This tribunal would circumvent the court system, because at the moment a magistrate generally gives the order to evict. Of course, it takes so long to get into court in the first place and it is so difficult to convince a person to front up to court as a witness, that the whole process is fatally flawed. I offer members food for thought for the establishment of a tribunal. That tribunal would have the absolute power to evict a tenant, or otherwise it would have the power to hear in confidence evidence from both the alleged perpetrator and the complainant. It is a good idea for that tribunal to consist of an odd number of people - possibly five - and I would like to think that the manager of Homeswest for that region would be on that tribunal, together with the assistant manager, an Aboriginal Legal Service lawyer and perhaps a Legal Aid lawyer. I would like to see it chaired -

Ms M.M. Quirk: Why ALS?

Mr M.J. BIRNEY: Because Aboriginal people are over-represented in the state housing population. I would like that tribunal to be chaired by a police officer.

Mr J.C. Kobelke: Would this be for only Homeswest tenants?

Mr M.J. BIRNEY: For public housing tenants. The reason I say that the eviction process for public housing tenants should be removed from the Residential Tenancies Act and given to a tribunal is that the Act should be reserved for market transactions. When people lease their properties for the current market value, then both the landlords and the tenants should have rights and obligations under the Residential Tenancies Act. If a property owner simply allowed a person to live in his house, he should have the power to take it back if he saw fit. In this instance, public housing is heavily subsidised by the taxpayer, so the taxpayer needs a firm mechanism by which to take back that property should there be a need to do so. It should not be necessary to jump all the hurdles that people engaged in private market transactions have to. This is not a market transaction; this is accommodation heavily subsidised by the taxpayer and the taxpayer needs the power to take back the right to that accommodation should it see the need to do so.

This tribunal would follow the rules of natural justice and procedural fairness. Some sections of the Residential Tenancies Act require the board of commissioners to first sign off before things can happen. It is very difficult to get together a board of commissioners in Perth, to present a case and get it to sign off on something. The system is far too cumbersome. A localised tribunal consisting of an ALS lawyer, a Legal Aid lawyer, a Homeswest manager and assistant manager and a police officer could come together at the drop of a hat. It would be charged with discharging the affairs of those public housing tenants who might be considered particularly unruly. When I have raised this issue in the past, members opposite have said, "Where will these people go? Do you want to throw them onto the street and forget about them?" What members opposite forget is that Homeswest currently evicts people; so where do they go?

The Opposition is not suggesting that people can now be evicted whereas in the past they could not be. An eviction process was already in place. That eviction process must be streamlined in the interests of all concerned. It is unacceptable for this antisocial behaviour to continue for six months, as has been the case on many occasions. It is a basic principle that if people are to enjoy taxpayer-funded housing, they must reciprocate by behaving decently. That is a simple principle to grasp. I hope that the Labor Party members, who have superior numbers in this Chamber, will think seriously about that principle when they vote on this motion.

Mr Matt Birney; Deputy Speaker; Ms Alannah MacTiernan; Acting Speaker; Mr Rod Sweetman; Mr John Kobelke; Mr David Templeman; Mr Martin Whitely; Mr Dan Barron-Sullivan

As I said earlier, people who are beside themselves with fear and anguish have contacted me almost on a daily basis. Most of that fear and anguish emanates from some antisocial public housing tenants. One address in my electorate was causing problem after problem. Neighbour after neighbour saw me with the most horrendous stories about the residents of that property. I made a freedom of information application to the Police Service to find out how many times the police had attended that property. The report shows that between 10 March 2001 and 3 August 2002 - some 17 months - the police had attended that property 44 times, yet no serious action was taken against those tenants.

Mr J.C. Kobelke: Was this in your electorate?

Mr M.J. BIRNEY: Yes. That is utterly ridiculous. That information was provided in a freedom of information application that was lodged in 2001.

Mr M.P. Whitely: Did you take these issues up directly with Homeswest?

Mr M.J. BIRNEY: Yes, I did. Homeswest is hamstrung by the current regime.

Mr M.P. Whitely: I have found it to be very effective.

Mr M.J. BIRNEY: It must operate under the conditions of the current Act. It can take six months to evict a person from a property and a court appearance is required. Even if a court appearance is not required, the process is just as cumbersome

Mr P.B. Watson: What is your prognosis now?

Mr M.J. BIRNEY: The member was not here and did not hear what I said. I will not go over it again.

I will provide members with an example of some of the problems in my electorate. I have a number of police reports regarding Homeswest properties in my electorate. I will read some of them to give members an idea of the gravity of this problem. I will not read out the addresses because some of the tenants have since moved on. I would hate to bring the current tenants into disrepute. A police report from 30 April 2001 states -

People fighting then phone cut off. Male person in street with head injuries having a fit.

Many of these reports emanate from Homeswest properties. A police report on 15 May 2001 states -

Sounds like a domestic over the road, lots of screaming, banging, crashing and yelling.

A police report on 16 May 2001 states -

Smashing bottles/breaking glass yelling and screaming.

Another police report on 16 May 2001 states -

People from -

Address suppressed -

are running amok, jumping fences into number -

Address suppressed. A police report on 24 May 2001 states -

There was an old holden with only one headlight that just boored down the road knocking bins over with a guy yelling obscenities out the window

A police report on 25 May 2001 claims that a person whose name is suppressed -

... is smashing up the house, has a pocket knife

A police report on 18 June 2001 states -

People across the road are fighting, yelling and swearing amongst themselves.

A police report on 15 November 2001 says - name suppressed -

... is going off with a broom handle.

A police report on 16 June 2002 says - name suppressed -

... woman has been assaulted and is unconscious.

A police report on 15 July 2002 states -

000 call received from vki caller hung up, police rang back and a female voice said help and hung up.

A police report on 25 July 2002 says -

Mr Matt Birney; Deputy Speaker; Ms Alannah MacTiernan; Acting Speaker; Mr Rod Sweetman; Mr John Kobelke; Mr David Templeman; Mr Martin Whitely; Mr Dan Barron-Sullivan

Caller states that there is approx. 8 aboriginals smashing bottles and yelling and screaming in the house next door.

Another police report on 25 July 2002 states -

Aboriginals at above address are going off, can be heard over phone yelling and screaming.

A police report on 30 August 2002 says - name suppressed -

is running amuck, he's been hitting -

Name suppressed -

has o/s bench warrant

A police report on 9 August 2002 states -

There is a large amount of blood here. If you don't want to come then don't, -

Name suppressed -

heard crying in the background.

Members do not have to be Einstein to work out there is a massive problem with Homeswest tenancies. It is time the Government was prepared to get tough on those people who could not give a stuff about the rights of their neighbours or their neighbourhood. As I look around the Chamber, I see many members, particularly regional members, with a look of familiarity on their faces when listening to what I am saying. We have all had this problem. No members are prepared to deal with it because we are frightened that we might be perceived to be kicking socially disadvantaged people. I have absolutely no respect for people who break into other houses. I have no respect for those who have no respect for their neighbours or their neighbourhoods. There are many good law-abiding, hard-working Homeswest citizens who go about their business.

Mr P.B. Watson interjected.

Mr M.J. BIRNEY: If brains were taxed, the member would probably get a rebate.

I met a delegation of people about four weeks ago. They all came from a street in Kalgoorlie known as Littlewood Place. That is a crescent with about 13 houses in it. Each of those residents formed a deputation and saw me regarding one Homeswest property in that street. Not one of them said they were too busy to see me because they had to take their kids to school or had to be at work at that time. Each of them took the time to see me out of their absolute frustration with the goings on at that Homeswest property.

Ms J.A. Radisich: Why did you make them go to you? Why did you not go to them?

Mr M.J. BIRNEY: They had been to other authorities to no avail. At this point I would like to place on record my -

Mr P.B. Watson: He is too scared to go to the people's houses.

Mr D.F. Barron-Sullivan interjected.

Mr M.J. BIRNEY: Is that not reminiscent of the modern day Labor Party?

Mr P.B. Watson interjected.

The DEPUTY SPEAKER: I call the member for Albany to order for the first time.

Mr M.J. BIRNEY: The member for Albany is proof that evolution can work in reverse.

Ms A.J. MacTiernan: He has been reading the bottom of the calendar.

Mr M.J. BIRNEY: I am not joking. I place on record my absolute respect for the person who I believe has the hardest job in Kalgoorlie, that is Mr Atilla Mencshelyi, the manager of the Homeswest region in the goldfields. He is particularly dedicated to his job and makes himself available to anyone and everyone as the need arises. He is genuinely committed to ensuring that his tenants do not cause a ruckus for their neighbours. I have said many times that he has the most difficult job in the State, to which he replies that he thinks I have.

Mr J.C. Kobelke: That is because he is matching your ability with the demands of the job. It is very difficult.

Mr M.J. BIRNEY: I choose not to take that interjection.

The evidence will show that he has a more difficult job than I do. He discharges his duties admirably, albeit he is hamstrung by a ridiculous eviction process. A number of unruly and antisocial occurrences have emanated from Homeswest properties. An extraordinary situation developed in Kalgoorlie not so long ago when the

Mr Matt Birney; Deputy Speaker; Ms Alannah MacTiernan; Acting Speaker; Mr Rod Sweetman; Mr John Kobelke; Mr David Templeman; Mr Martin Whitely; Mr Dan Barron-Sullivan

landlord of a property situated next to a Homeswest tenant threatened daily to sue the Government over damage to his property. An article in the *Kalgoorlie Miner* of 8 May 2001 reads in part -

An Adeline resident is considering legal action against the Ministry of Housing, claiming vandalism and antisocial behaviour by Homeswest tenants is the worst he has ever seen in the area.

That story details a number of occurrences in which, sadly, his property was damaged by some unruly Homeswest tenants. I also have a record of a number of complaints about varying Homeswest properties, one in particular. The neighbours submitted the complaints to Homeswest and gave me a copy of each one. I will read some of the incidents that have occurred on some Homeswest properties to once again illustrate the gravity of the situation to members. The first complaint report was received on 22 October 2001 and reads in part -

Occupants of this house are continually causing problems and harassing neighbours. The house is a disgrace and being destroyed by occupants.

Another one received on 27 July reads -

Sunday 22nd July 2001. Appx 1:30 PM my partner and I noticed four children from No. 5 . . . breaking into the house at No. 10 . . . We went there, approached them and advised them to leave. They had knocked out a vent in the wall at laundry and broken the toilet window - which is how one got into the house and opened laundry door. One of them had used their bowels on the porch near laundry. The police went to tenants at No. 5. Owner of No. 10 was putting in a report also.

Another complaint reads in part -

My partner and I were woken by loud banging and loud voices arguing. I got up and looked out my window to see 3 youths punching at each other, swearing and yelling loudly.

That activity came from a Homeswest property. A further complaint on 26 September 2001 reads in part -

Wed. 26th September 2001 3PM. Children from 5 . . . were throwing rocks at dog . . . I told them to stop it, but they then threw stones at the house at No. 10. . .

Also, I am sick of them going to my letter box and taking out mail.

I could go on and on. Clearly, everybody in this Chamber is now aware, if they were not already, that there is a significant problem with some unruly and antisocial Homeswest tenants. It is time we made them pay for their behaviour. It is time we said enough is enough. If they want to live in taxpayer subsidised houses, they must demonstrate reciprocal behaviour. It is time we said it is no longer acceptable for them to terrorise their neighbours and neighbourhoods.

Mr J.C. Kobelke: Is it all right to behave like that in private rental accommodation?

Mr M.J. BIRNEY: We are talking about discharging our duties as members of Parliament, particularly those in government, in the best interests of taxpayers. We are all taxpayers. If the minister thinks it is okay to spend taxpayers' money housing people who do not give a stuff about their house, their neighbours or their neighbourhood, he is in the wrong job.

Mr J.C. Kobelke: I am not saying that but you do not seem to think it applies to private rentals.

Mr M.J. BIRNEY: I can go through reams of evidence and talk about people who collapse crying in the foyer of my office because they do not want to go home due to unruly, antisocial Homeswest tenants. It is time to say that enough is enough and they can get out. I do not care where they go. I say to those people who argue otherwise: Homeswest evicts people now, but it takes too long. The Opposition is saying that that process should be expedited. The minute someone makes a complaint about a Homeswest tenant, Homeswest must investigate the complaint. The alleged offender then knows who made the complaint and he makes life hell for the person who made the complaint. It is not acceptable to have a six-month timeframe before someone can be evicted. Here is our opportunity. The choice is very simple. This issue is not about poor, socially disadvantaged people trying to make their way in life. It is about threatening, intimidating and lawless behaviour practised by some public housing tenants. The choice is very clear.

The Labor Party has superior numbers in this Chamber. If it decides to vote against this motion, it will send a clear message that threats, intimidation and lawless behaviour at some Homeswest properties is okay. Members opposite can rest assured that I will propagate that message if the Labor Party uses its numbers to sink this motion. However, if the Labor Party is prepared to use its numbers to support this motion, I guarantee that I will go straight to my office and prepare a press release congratulating the minister responsible and the Labor Party for dealing with a very difficult issue. I will circulate that press release to the Labor Party. If it has any concerns and wants to tighten up the wording to give itself a slightly bigger pat on the back, I will allow that. Members

Mr Matt Birney; Deputy Speaker; Ms Alannah MacTiernan; Acting Speaker; Mr Rod Sweetman; Mr John Kobelke; Mr David Templeman; Mr Martin Whitely; Mr Dan Barron-Sullivan

can rest assured that if the Labor Party uses its superior numbers in this Chamber to vote down this motion, I will equally be on the front foot to the media and make sure the people of Western Australia know that the Labor Party thinks it is okay for public housing tenants to terrorise others and hold their neighbourhoods to ransom.

Let us remove the politics from this and acknowledge that this is a very serious issue that affects people's lives on a daily basis. It drives people to the brink. I can understand why people, quite rightly, are very concerned about the devaluation of their properties after an unruly public housing family moves in next door. We can understand their frustration when their property is devalued by \$20 000 or \$30 000. It is time to put politics aside and to take a stand on this issue.

As I said, if the Labor Party allows this motion to be passed, I will be the first to congratulate it publicly without reservation.

MS A.J. MacTIERNAN (Armadale - Minister for Planning and Infrastructure) [5.00 pm]: This is a very serious problem, but it is not the black and white issue that has been presented by the member for Kalgoorlie. As he said, many of us on this side of the House have encountered these very real and serious problems in our electorates. When I was in opposition, I would be approached from time to time, perhaps by the Aboriginal Legal Service, to take up a complaint against Homeswest on a particular eviction. I made it very clear that I was not prepared to do it because I thought that the conduct of Homeswest was appropriate under the circumstances. We need to address these issues, and the Minister for Housing and Works, whom I am representing today, is extremely mindful of these issues.

I think the member for Kalgoorlie has gone to make a press release. I will wait until I have his attention because this is such a serious issue that I am presuming the member for Kalgoorlie, unlike the Deputy Leader of the Opposition who routinely raises issues and then charges out of the Chamber, wants to hear the Government's view on it.

I repeat, this is not the black and white issue that has been made out by the member for Kalgoorlie. He says that innocent Homeswest tenants are being victimised by their neighbours, and that the neighbours do not have any social problems but are simply recalcitrant people who lack respect for their neighbours. If the member for Kalgoorlie really did know his electorate, he would know that the problem was infinitely more complex than that. He would know that the litany of complaints that he read out today had behind it very obviously seriously dysfunctional families and individuals who have really been the captives of their history. To pretend that these people can be assessed and judged without any assessment or understanding, or indeed even will or desire, to work out how these individuals -

Mr M.J. Birney: We are simply saying that the Government should streamline the process.

Ms A.J. MacTIERNAN: No, the member is not.

Mr M.J. Birney: We are not saying that they should be thrown out. That is what the motion says. Read the motion.

Mr P.B. Watson: The member for Kalgoorlie said that he would throw them into the street.

Mr M.J. Birney: It is under a streamlined process. Read the motion.

The ACTING SPEAKER (Mr P.W. Andrews): Members, I was not in the Chair at the time but I believe that the member for Kalgoorlie has already had his say. Other members on my right can certainly seek the call, but at this moment the minister has the floor.

Ms A.J. MacTIERNAN: I listened in great detail precisely to the argument, because I am well aware of this problem. It is one that I deal with constantly and which I have often sought to address.

The member for Kalgoorlie's critique that he set out today contains a fundamental misanalysis, which, in my view, calls into contention the genuineness of the motion and its real intent. It is the member's complete failure and lack of preparedness in any way to countenance that those people who are perpetrating undeniably anti-social behaviour are in a longer, more historic sense victims.

Mr M.J. Birney: That is typical Labor Party politics. Protect the offender and forget the victim.

Ms A.J. MacTIERNAN: If an argument cannot be presented to the member for Kalgoorlie in 25 words or less, his concentration span is not capable of coping with it. I want to engage in this issue because I have personal experience of it. Unlike the member for Kalgoorlie, I was brought up in a housing commission area, as was my good friend the member for Riverton. We had Aboriginal families move into our street. I remember the disruption that was perceived to occur when those Aboriginal families first moved into our street. I understand

Mr Matt Birney; Deputy Speaker; Ms Alannah MacTiernan; Acting Speaker; Mr Rod Sweetman; Mr John Kobelke; Mr David Templeman; Mr Martin Whitely; Mr Dan Barron-Sullivan

the difficulty that their immediate neighbours had. Even more than that, I understand where those people came from and the long-term problems that they faced. That is not to say that their neighbours should have had to tolerate it, but it is to say that for the member for Kalgoorlie to argue in his populist, One Nation way that this is a black and white argument, that there are good people and bad black people who are the perpetrators who should be thrown out on their ear -

Withdrawal of Remark

Mr M.J. BIRNEY: The minister is casting a slur upon my character by implying that I was simply saying that all the bad people are black when in fact it was not the case. I have never made that assertion. The minister should withdraw that remark.

The ACTING SPEAKER: There is no point of order. We can all check *Hansard* tomorrow to see what the member said.

Debate Resumed

Ms A.J. MacTIERNAN: I was talking about a black and white argument. Although it is certainly true that the member for Kalgoorlie did not say that all the perpetrators of these crimes that he was describing were black, it is interesting the number of times the word Aboriginal popped up in his description of the perpetrators.

Mr M.J. Birney: It is in the police reports. You were not listening.

Ms A.J. MacTIERNAN: I was listening chapter and verse to the member's arguments and to the subtext of his arguments, which was clearly populist. There is a problem but the member is not interested in that problem; he is interested in running a race debate.

We need to deal with the issue. The Minister for Housing and Works is trying to deal with this issue on a number of different fronts. First, it is important to understand that evictions are occurring across racial boundaries; indeed, the figures show that the rate of evictions for the past two years was 157 and for the last two years of the previous Government it was 168. There has quite clearly been a similar number of evictions. We are trying to do something more. We recognise that there are enormous problems. We have put a raft of money into special programs that are designed to recognise that these problem tenants need assistance. The member for Kalgoorlie can advocate throwing them out. I do not know whether he is proposing some sort of Pol Pot solution under which we would line people up beyond the borders of Kalgoorlie and shoot them if they tried to get back, but simply throwing them out will not solve Kalgoorlie's problems.

The Government is trying constructively to solve the problem. An enormous effort has gone into developing and expanding programs and putting more money into them. These initiatives include the supported housing assistance program, Aboriginal tenant support services, customer support officers from the Aboriginal Housing and Infrastructure Unit, involvement programs such as strong families, the community development referral program, and the use of mediation and referral to financial support agencies. We recognise the seriousness of the problem. The member for Kalgoorlie is right in the way he describes the impact that such families can have on their neighbours, but his pretence at a diagnosis of the problem is absolutely wrong. We need to go in and, where we can, turn around that dysfunctional behaviour. We must give these dysfunctional people who are creating difficulties in their neighbourhood the opportunity to resolve those problems.

Mr M.J. Birney: Why don't you wrap them up in cottonwool?

Ms A.J. MacTIERNAN: This is not new, totally radical communist stuff, as the member for Kalgoorlie proposes. This is a program that operated under his Government. This Government has further expanded the program and is committed to resourcing it; however, it is not the only solution. Quite frankly, in some cases the problem goes well beyond that and from time to time, unfortunately, we have to resort to eviction.

The member pointed out that public housing is subject to the Residential Tenancies Act. He asked why the Government was not prepared in many instances to use the process available under section 73 of that Act, which is a far quicker process than the normal series of notices that must be given leading to an order for eviction. Quite simply, that section has a number of limitations and has been interpreted by the courts in a fairly restrictive way.

Mr M.J. Birney: What I am saying -

Ms A.J. MacTIERNAN: The member for Kalgoorlie has said that he is interested. I bothered to listen to his address and I am attempting to address it.

Mr Matt Birney; Deputy Speaker; Ms Alannah MacTiernan; Acting Speaker; Mr Rod Sweetman; Mr John Kobelke; Mr David Templeman; Mr Martin Whitely; Mr Dan Barron-Sullivan

Mr M.J. Birney: You haven't. I am saying that the process of eviction for Homeswest tenancies should be removed from the courts because they are not market transactions. We rent a property to a Homeswest tenant at a heavily subsidised rate and we should have the right to take it back without going through the court process.

Ms A.J. MacTIERNAN: That is a novel proposition. The member for Kalgoorlie suggests that a tenant in public housing be deemed a lesser creature and deserving of fewer rights than a person in a private tenancy.

Mr M.J. Birney: No, I am simply saying it is not a market transaction.

Ms A.J. MacTIERNAN: We are probably getting closer to the true complexion of the member for Kalgoorlie. That is a load of nonsense. The Labor Party will never accept the proposition that being a public housing tenant should be the basis for discrimination. We steadfastly stand behind the proposition that -

Mr M.P. Whitely: I wonder what the member for Kalgoorlie's attitude is to those people in private housing who have a government subsidy. What category do they fall into? Are they wholesome private tenants or are they public housing tenants?

Ms A.J. MacTIERNAN: It probably depends on whether one of the member for Kalgoorlie's Liberal mates is renting out the house!

I took at face value part of the member for Kalgoorlie's analysis and I presumed he was interested in these issues. I am trying to describe the problems with section 73 of the Residential Tenancies Act. First, it is necessary to prove that the behaviour complained of was caused by the tenant and not by visitors to the house who are not tenants. Secondly, section 73 is very confined in its operation because damage to property or physical harm must be proved. I accept that much of the behaviour described by the member for Kalgoorlie is truly antisocial and legitimately worrying to those neighbours; however, it does not fall within the definition of section 73.

Mr D.F. Barron-Sullivan: There is another reason. Very often the neighbours do not want to say boo about such behaviour because they are terrified of going to court.

Ms A.J. MacTIERNAN: That can apply to any eviction, not just a section 73 eviction. However, Homeswest has made representations on the review of the Residential Tenancies Act and has suggested that we consider making section 73 clearer and more useable. The time delays referred to by the member for Kalgoorlie are acknowledged and we want to deal with that problem. We are hoping to get a better section 73 from the review of the RTA that will operate more efficiently and more effectively.

Mr M.J. Birney: Does that mean you will vote for the motion?

Ms A.J. MacTIERNAN: It means that I have considered the measures that have been taken by Hon Tom Stephens to address these issues in a creative way, not by just simply running a debate along black and white lines, and that I propose to move an amendment to the motion.

Amendment to Motion

Ms A.J. MacTIERNAN: I move -

To delete all words after "House" and substitute the following -

recognises the need for positive interaction between public housing tenants and their neighbours and congratulates the Gallop Labor Government for increasing financial support to programs for managing difficult tenancies. Furthermore the House applauds the officers of the Department of Housing and Works for their sensitive and proactive approach to meeting the needs of tenants and the community at large in often difficult circumstances.

I have referred to the creative ways in which these issues are being addressed and I will summarise them again. The problem outlined by the member for Kalgoorlie is serious and the Department of Housing and Works is dealing with it. However, the member's analysis of the cause of the problem is fundamentally flawed. It must be acknowledged that dysfunctional families are often the cause of this antisocial behaviour. Mechanisms that have worked in my electorate must be put in place as early as possible to hopefully turn around that behaviour and to support these dysfunctional individuals and families so that they can develop into good neighbours. It is not always possible to achieve that, and from time to time the department must resort to eviction. The process is a very lengthy one and we hope to streamline section 73 to make it easier. I make an observation about my electorate that some of my colleagues referred to; that is, the biggest problems emerge from private rentals. Often a property owner has moved on and let his house to his 19-year-old or 20-year-old son. They are the ones who create the worst problems for people in my electorate. Again, we in our electorates always try to deal with those people proactively, whether they be Aboriginal tenants or white tenants. We are prepared to contact not

Mr Matt Birney; Deputy Speaker; Ms Alannah MacTiernan; Acting Speaker; Mr Rod Sweetman; Mr John Kobelke; Mr David Templeman; Mr Martin Whitely; Mr Dan Barron-Sullivan

only the property owner, but also the tenant to facilitate some sort of mediation. I ask the member for Kalgoorlie to take the opportunity to get to know the constituents in his electorate who are creating these problems. If he gets to know them and comes to understand the basis of their difficulties, I will issue a press release patting him on the back.

MR R.N. SWEETMAN (Ningaloo) [5.18 pm]: I wish to make some comments on the motion moved by the member for Kalgoorlie. I regret that the Minister for Planning and Infrastructure has moved to amend the motion to the extent that she has. I am also disappointed that the minister tried to cast this matter as a black versus white or white versus black issue; it is not that. If the past week has taught members of this Parliament anything, it would be reinforcement of the fact that a week is a long time in politics. Only a week ago we were in this place voting in favour of the Reserves (Reserve 43131) Bill 2003, which will facilitate direct intervention in a very difficult situation in the Swan Valley Nyungah Community.

Mr J.P.D. Edwards interjected.

Mr R.N. SWEETMAN: It is a good point, but it might be lost on the Minister for Planning and Infrastructure.

I have on many occasions spoken about problems in my electorate, particularly in my home town of Carnarvon. I provide a snapshot. My electorate office this morning faxed me the 13 letters of endorsement I have provided for constituents who have requested either priority housing or priority transfers. All but four relate to antisocial behaviour by neighbours. The common theme among the complaints relating to antisocial behaviour is that they are about Aboriginal neighbours. Interestingly, all but two of the 13 people who requested a letter of endorsement to help with their Homeswest application were Aboriginal. Aboriginal people are suffering just as much from antisocial behaviour. I do not identify colour as an issue. It is an issue in our communities that we must take some action to try to resolve.

I do not know whether any of the ministers in the Government are aware of what I am about to say. I do not think it will be long before a particular case study is done of the Aboriginal community. Part of that study might compare Australia with other countries, some of which may not be as developed or enjoy the same lifestyle, degree of affluence and opportunities. I suspect that such a study would show that Australia has close to the highest number of grandmothers under the age of 30. It is extraordinary. Two of the people for whom I gave priority housing application endorsements were 30-year-old grandmothers. To some extent, they created their own problems by overcrowding their houses. Some households include the mum, the kids and the kids' kids. A family might have lived comfortably until the grandchildren arrived, then found they were overcrowded. That overcrowding prompts people to get a place of their own. The young mother, approximately 20 years old with maybe a couple of kids four or five years old, might move into a place on her own or with her partner. It is an issue that requires closer consideration. I do not think the Department for Community Development has picked up on this because it is snowed under with some of the more significant problems in the broader community. Those problems are similar to but hopefully not as bad as what has been experienced in the Swan Valley Nyungah Community. However, we need to look more closely at that issue. We need to be much more objective and deal with it in the same way we dealt with the Swan Valley Nyungah Community and in the same way the Premier is trying to deal with the curfew issue. I think the word curfew will be deleted from the vocabulary. Contrary to what people think, I have never supported curfews. I have spoken about difficulties in the communities in my electorate, but I do not think a curfew is achievable. Police and others currently have the power to pick up kids who are roaming at large, creating problems for other people and, more particularly, placing themselves in physical and moral danger. There are already Acts and powers that allow people to intervene in those situations and take juveniles to a safe place. I often frequent Northbridge, because the trading hours are very convenient for the lifestyle of a politician. It is somewhere I can go late in the evening and still get a meal. I have seen some of the things that the traders in that area find offensive. They are not greatly different from the things I see day in, day out in my home town or elsewhere in my electorate. The area in Carnarvon in which I live has a very interesting history. It does not contain many Homeswest tenancies. Although a couple remain, most have been purchased by residents. I live in more of a normal residential area in which there are not many rental properties. The rental property about five or six doors down from us was the house from hell. It was very bad. The husband had long since left and the mum raised her kids in that house. As the kids got older they developed some fairly bad habits, and attracted other kids to those habits and those premises. Some terrible things happened either on the way to or from or in the premises. The niece of the tenancy holder was murdered four doors down from our place, and her partner committed suicide. That murder-suicide got some publicity at the time. Much of that happened as a consequence of substance abuse and the general bad habits caused by the antisocial environment at that tenancy. Numerous complaints about that tenancy were made to Homeswest. However, the natural justice and breach processes mean that Homeswest is unable to take any realistic action until it receives a rapid-fire succession of complaints followed by substantiation. Further, even if neighbours complain en masse about events taking place at that residence, they

Mr Matt Birney; Deputy Speaker; Ms Alannah MacTiernan; Acting Speaker; Mr Rod Sweetman; Mr John Kobelke; Mr David Templeman; Mr Martin Whitely; Mr Dan Barron-Sullivan

need to be directly linked to that tenancy. It is not good enough if the complaint is about someone who frequents that place or is a family member of the tenancy holder, even if that person is committing offences or roaming at large and being antisocial. That is not sufficient, as it is not linked to the tenancy holder. The actions may constitute an offence or may simply be seen as antisocial behaviour. However, for an incident to constitute a black mark against the tenancy holder, it needs to be specific and must be committed by the tenant. Natural justice provides that if someone messes up, he is given an opportunity to recant and the benefit of the passage of time. If there are no further complaints about that tenancy within six months, no further action is taken; in other words, the process starts again. If a complaint is made, the natural justice provisions are applied, and if nothing happens in the next three to six months - I think it is six months - the tenant once again has a clean sheet. The residents are then free to mess up again and the natural justice cycle repeats.

I refer to a 70 or 80-page document published on the Department of Housing and Works' web site. I recall speaking to the regional manager in my area about antisocial issues and what we could do with some of the delinquent tenancies. We tried to determine whether there was an opportunity, other than going to court, to interfere in the operation of these tenancies to prevent the nuisance and difficulty they were causing their neighbourhoods and the people who lived in those houses. After speaking with the regional manager I spoke with the Director General of the Department of Housing and Works, Mr Greg Joyce. He said that the department was coincidentally preparing a section 80 report for the Equal Opportunity Commission. He said he could not divulge any of that to me, but that when it was made public he would provide me with a copy or I could read the reports in the newspaper. It has taken some time, but that report is now available. It received some limited publicity. An article published on page 14 of *The West Australian* on Saturday, 31 May 2003 is headed "Aboriginal rental strife revealed". The article was written by Kate Gauntlett. To provide balance to the issue, she wrote another report providing the contradictor's view of Homeswest's submission to the Equal Opportunity Commission. In trying to present a balanced view of this motion, it is fair at the outset to highlight the position of both sides in this argument. I will briefly quote a couple of paragraphs from that article. It states -

The State's public housing authority has revealed a controversial comparison of almost 1800 Aboriginal and non-Aboriginal tenants in a bid to refute long-standing discrimination allegations.

...

Former acting equal opportunity commissioner Moira Rayner called the inquiry last year because claims against the department made up 40 per cent of her work.

That is quite extraordinary -

Most comparisons in the Housing and Works submission were based on a sample of 896 Aboriginal and 896 non-Aboriginal tenancies in 2002.

It goes on to highlight the comparisons. The figure that is worth noting in the article is in the comments of Mr Joyce -

Mr Joyce said of the 407 complaints against the department since 1996, fewer than a dozen were referred to the tribunal and there were no adverse findings.

That is interesting. That is why we have a problem that has steadily worsened. I do not think one person, particularly in country communities, would deny that. People in the Perth metropolitan area also are starting to conclude that that is the case. Aboriginal people are very quick to scream racist or victimisation in the event that they are asked to be responsible or are in any way chastised or confronted on a particular matter. That does their standing in the broader community no good. Vast reservoirs of goodwill towards Aboriginal people are still extending from the broader community. Most people are keen to help in whatever way they can to improve the circumstances of anyone in Australian communities. Four hundred and seventy complaints were made against the department but fewer than a dozen were referred to the tribunal and there were no adverse findings, so I must ask, what was the problem?

It is similar with the police. I have great sympathy for the police. They have problems, first, when they deal with the issue and, secondly, when on most occasions they find they are disappointed with the outcome of matters that are taken before a magistrate. However, there is no question that the police - I have said this publicly and the police know my position on this - have steadily been bullied into a certain position in dealing with a range of Aboriginal issues. It may be controversial for me to say this, but I will say it anyway. Only about four or five years ago - I am generalising - an Aboriginal person was about 28 times more likely to be caught up in the justice system than was a non-Aboriginal person. I believe - the member for Riverton may be able to assist me - that today that figure is closer to 18 per cent.

Mr A.D. McRae: It has fallen significantly. I do not know the precise figure.

Mr Matt Birney; Deputy Speaker; Ms Alannah MacTiernan; Acting Speaker; Mr Rod Sweetman; Mr John Kobelke; Mr David Templeman; Mr Martin Whitely; Mr Dan Barron-Sullivan

Mr R.N. SWEETMAN: It has fallen significantly. Not one person outside this Parliament will say that things have improved. That is the reality of it. With some very creative -

Mr A.D. McRae: Something has changed and it is the will of the people generally to find ways to improve that reality.

Mr R.N. SWEETMAN: I wish the member were right.

Mr A.D. McRae: I think there is a growing willingness to explore ways of changing.

Mr R.N. SWEETMAN: There certainly is a growing willingness, but I do not think the member can say that anything has changed.

Mr A.D. McRae: It has taken us 200 years to get where we are and it will take a little while to change it.

Mr R.N. SWEETMAN: I suspect the member is right. However, I make the point that a direction seems to have come from the highest authority, whether it be from the minister's office to the commissioner or from the commissioner in consultation with the minister, which has now permeated through the ranks and is manifesting itself in a very negative and sinister way, particularly in regional Western Australia. There seems to be tremendous tolerance in regional areas, in which charges are not being laid against people when clearly they should be. Kids are picking up on that a lot better than middle-aged and older people. There are clear contradictions and double standards that apply at schools and in our communities, whereby one person is picked up for doing a certain thing but another is not. Perhaps it has to do with the breach process and the number of hours it consumes of the time of law enforcement agencies, including juvenile justice, the clerk of courts and the courts in general.

I can vaguely recall a party room meeting of the previous Government during which we were advised that, I think, about \$2.5 million worth of fines would be waived. When the Attorney General was asked to give an explanation for it, he said that it was because the people who had not paid the fines could not be found. Most of them were Aboriginal people and they simply could not be located. An offence was committed for which an infringement was ultimately issued, the fine was not paid by the due date, a breach process followed and the offender could not be found. As time passed, it was questioned whether it was prudent to pursue the person or simply write off the fine, so in the end fines were written off. Perhaps that is the reason there has been a change in culture; that is, if these fines are ultimately written off, let us try to issue fewer infringements. It is a very difficult situation. However, again, it is seen as giving ground. Quite often the big stick approach does not work; it has not worked, and demonstrably so, in many instances. However, we must still have a go.

The Premier's effort to get involved in the Northbridge situation and the Government's involvement, through the Premier, in the Swan Valley Nyungah Community situation demonstrates that this Parliament is starting to get its head around some of the bigger issues in the broader community. As I said in an interview, which I do not think was aired in this State, legislators have not been sending a message to the perpetrators. However, the way in which this Parliament has legislated on the Swan Valley issue has signalled a message of hope and encouragement to the women and perhaps even the kids who are old enough to understand, having heard the bulletin or seen the issue reported on the news on television, that their cries for help have ascended to the highest office in the State. It is very significant that that has happened. We are being watched. To an extent we have been put on notice by a lot of people in the broader Western Australian community who saw decisive action taken with the Swan Valley Nyungah Community and, to a lesser extent, in Northbridge. They are saying, "What about us? We do not want to be a face in the crowd; we want you to apply the same rules and standards to our communities." It is not just white people who are saying that; both white people and Aboriginals are saying that we must enforce the rules.

[Leave granted for the member's time to be extended.]

Mr R.N. SWEETMAN: People who want to read the submission that Homeswest was required to provide as part of the section 80 requirement placed on it by the Equal Opportunity Commission can download it from the web site of the Department of Housing and Works. It is about 70 or 80 pages long. I downloaded it only this morning, so I have only glanced through it. There is some very interesting reading in it. It is worth everyone's while to read it. Although this is private members' time, and it is an opportunity for the Opposition to get issues off its chest, these types of issues will be systematically fed into this Parliament. I am of the opinion that today this Government has a mind to do something about this. It relates not just to the Gordon inquiry; it is a cry from the masses.

The ACTING SPEAKER (Mr P.W. Andrews): I have made a terrible error. I have allowed the member for Ningaloo an extension of time when I should not have. There is a double bonus for the member, because when

Mr Matt Birney; Deputy Speaker; Ms Alannah MacTiernan; Acting Speaker; Mr Rod Sweetman; Mr John Kobelke; Mr David Templeman; Mr Martin Whitely; Mr Dan Barron-Sullivan

we return to the original motion, he can speak on that. However, the member will need to sit down at the moment.

Mr J.C. Kobelke: Is there a standing order by which I can allow the member to have an additional five or so minutes in which to complete his remarks? There is an opportunity to do so in other debates, but I am not sure whether an extension of time is allowed on a motion.

The ACTING SPEAKER: I think we can accommodate that under Standing Order No 102.

On motion by Mr J.C. Kobelke (Leader of the House), resolved -

That the member for Ningaloo be given an extension of 10 minutes.

Mr R.N. SWEETMAN: I thank the Leader of the House for his generous concession to allow me to complete my presentation. I refer to the submission made by the Department of Housing and Works to the Equal Opportunity Commission and encourage members to download that from the department's web site and sift through it. I also refer to another report that was delivered to me by Chris Hall of Gascoyne Population Health Unit. I have made reference to him previously in this Parliament during debate on the Cannabis Control Bill 2000. He is a person who works actively in the community, he has the community's best interests at heart and, like me, he is to some extent captured by the views of one Noel Pearson - someone who talks a lot of sense and is dinkum about getting involved in issues affecting Aboriginal people in his area of Cape York and also in the broader Aboriginal communities across Australia. My electorate officer found a way to get this 80-page document down to me today and I have had only a very scant glance at it. Even though what is happening on Cape York Peninsula is in a completely different jurisdiction, it certainly has relevance to us in Western Australia. The introduction to that strategy states -

Cape York Peninsula substance abuse strategy

An approach to Aboriginal health and Aboriginal justice which takes substance abuse (grog and other drugs) as the starting point for holistic strategies aimed at increasing life expectancy and improving the quality of Aboriginal life, and getting our people out of the sausage machines of the criminal justice system.

That document was developed in September 2002 by the Alcohol and Drugs Working Group established by the Apunipima Cape York Health Council and Cape York partnerships under the direction of Noel Pearson. It touches on a whole range of issues, but I have not got past the first few headers on the first 10 or 20 pages. It is clear that a whole lot of themes are coming together. Perhaps circumstances are conspiring at the moment to encourage Legislatures - not just the Western Australian Parliament - to get involved in these issues that affect Aboriginal communities and are also manifest in a variety of ways across the broader community in Western Australia. As the Premier said during question time today, these issues result in behaviour that is not in the best interests of the community."

Mr F.M. Logan: Could a copy of that report be provided to the member for Kalgoorlie to assist him in his deliberations?

Mr R.N. SWEETMAN: I will provide it. If I had not rifled through it and pinched a couple of pages, I would have sought to table the report, Mr Acting Speaker. It is an incomplete report, although I can table it and undertake to provide the missing pages.

[The paper was tabled for the information of members.]

Mr R.N. SWEETMAN: I will now go to the heart of the Department of Housing and Works' submission to the Equal Opportunity Commission and highlight how an agency has evolved to deal with these many and unique problems. This document is included as appendix E to that submission. I will not read what each of these support programs does; I will highlight the help that is available to all tenants in departmental housing accommodation, but particularly the support given to Aboriginal tenancies. Appendix E is headed -

SUPPORT PROGRAMS OPERATED BY THE DEPARTMENT OF HOUSING AND WORKS

It includes a domestic and family violence policy; a cultural services policy; and a supported housing assistance program, known as SHAP. I think we have all had a bit to do with SHAP over time. It has worked very well in places like Carnarvon, and particularly over the past couple of years in Newman. We had a lot of problems in east Newman with the Martu people, the western desert people, settling in Newman. In many cases they were people who were kicked out of dry communities. I have referred previously to the Aboriginal Communities Act 1979 that empowers oversight within these various Aboriginal communities to prescribe local rules or laws. If a person wants to party and play up he is not allowed to stay in those communities. Those people tended not to settle somewhere between the community and the nearest town; they gravitated towards the regional towns, and

Mr Matt Birney; Deputy Speaker; Ms Alannah MacTiernan; Acting Speaker; Mr Rod Sweetman; Mr John Kobelke; Mr David Templeman; Mr Martin Whitely; Mr Dan Barron-Sullivan

Newman was no exception. Many of those people stopped at a camp called Parnpajinya, or Capricorn, on the outskirts of Newman. The coalition Government abolished those camps four or five years ago and those people were settled in east Newman. Many of them had real difficulty settling into what was a well populated residential subdivision. They did not fit in very well; they did not like being there; they made no bones about it; and in many cases alcohol or substance abuse was not the issue, it was simply the way those people liked to live. If they wanted their bush tucker they would cook their bush tucker; if they wanted to throw the carcass of a kangaroo up against the back fence, that is what they did. They had no understanding of the nuisance they were creating in the neighbourhood. Those people were put under tremendous pressure, but the SHAP program was able to help them. Some people did not settle and chose to go back to the Aboriginal communities, believing life would be much better for them out there. The SHAP program has worked very well and has stood the test of time.

The next programs referred to in this submission are the Department of Housing and Works and the Department for Community Development tenant referral program and transitional housing program. It is interesting to see those programs referred to, because the old transitional housing program existed under the State Housing Commission. One of those houses still stands as a monument to that program. Old Mr and Mrs Winder in Carnarvon still live in their transitional home and they treat it with a great deal of pride. That was their first real home. Anyone who thinks Aboriginal people do not want to own their own homes should go and meet Mr and Mrs Winder, because they will say how desperate they were to have a home to call their own. They just needed a bit of assistance to make that transition.

Other programs mentioned in the submission are the financial counselling service; the community housing program; the crisis accommodation program; the community disability housing program; the homeless help line; the supported accommodation assistance program protocols; the Aboriginal cyclical offending program; the strong families program; the management support program; the remote area essential services program; the town reserve regularisation program; the Aboriginal community strategic investment program; the community construction program; Aboriginal customer support officers; the Aboriginal tenancy support service, which highlights where those programs are running, because they are not available everywhere, but are in locations like Kununurra, Wyndham, Halls Creek, Port Hedland, Carnarvon, Bunbury, Collie, lower and upper great southern and Kalgoorlie-Boulder; the Aboriginal housing forums; indigenous families programs; the Halls Creek task force; and the Roebourne enhancement scheme.

Homeswest has not sat back and just let things deteriorate to the extent that it has been accused of; it has tried to service its clientele, it has been creative in developing programs and has tried to assist its people. There is no question about that. Much of that was done under the stewardship of Greg Joyce. I have known him for as long as I have been a member of Parliament, which is seven years. He is an absolutely first-class public officer. He was previously the chief executive officer of the Department of Housing and Works and is now its director general. He has done a fine job. While he is there, I am confident that the department will do what needs to be done to protect the integrity of the housing stocks and ensure that people's basic rights are preserved.

I support the motion moved by the member for Kalgoorlie. Although it has been substantially amended and the Opposition does not have the numbers to knock out that amendment, it is an opportunity for us to demonstrate our support for the Department of Housing and Works. We must provide it with support when direct intervention is required to preserve the integrity of not only the housing stocks but also neighbourhoods and broader communities.

MR J.C. KOBELKE (Nollamara - Leader of the House) [5.51 pm]: The subject of the motion before us is real. It is a serious issue in my electorate and in other members' electorates. We continually seek to deal with it in better ways. It is appropriate for the Opposition to raise this matter. However, the member for Kalgoorlie's contribution and the wording of the motion are more about base politics than coming to grips with the real issue and how we should deal with it.

I acknowledge that the member for Ningaloo has given a very balanced presentation of his concerns. He expressed a better understanding than did the member for Kalgoorlie of the range of complex problems involved and of some of the programs that have been developed in response to them. I support most of what he said and most of his suggestions on how the matters he is faced with in his electorate could be dealt with. The problems vary from case to case and from electorate to electorate.

The matter of public housing provided by the Department of Housing and Works, which is the lead agency, presents a range of issues involving tenants' rights and responsibilities. The Minister for Planning and Infrastructure, representing the Minister for Works, has taken up the Government's position in this debate. I contribute to this debate because, as a local member, I have had to deal with many of these types of cases. As

Mr Matt Birney; Deputy Speaker; Ms Alannah MacTiernan; Acting Speaker; Mr Rod Sweetman; Mr John Kobelke; Mr David Templeman; Mr Martin Whitely; Mr Dan Barron-Sullivan

the Minister for Consumer and Employment Protection, I have responsibility for administering the Residential Tenancies Act, which is fundamental to the issues with which we are dealing.

People have a right to expect that they can live peacefully and quietly and enjoy their home and their suburb. Too often, disputes between neighbours affect people's enjoyment of life. In extreme cases people can no longer live in their homes because they do not feel safe. Neighbourhood disputes can vary. Some have a low-level impact on people's rights to enjoy their homes, lives and families, and others make people feel under threat and unable to live in their homes. A number of matters cause those problems. The Residential Tenancies Act is one means - there are a number of them - by which people seek to ensure that their rights are upheld. People who are the cause of those problems do not have the right to inflict antisocial behaviour on their neighbours or other people in the suburb. It is a matter of balancing the facts of the situation and effectively addressing them. In some neighbourhood disputes it is not easy to establish who is right and who is wrong.

Over 10 years ago, an Aboriginal whom I know well and have not seen for a while moved out of the neighbourhood because he said that an Aboriginal family across the road was causing too much disruption to the neighbourhood. Another good friend of mine who lived next door to that Aboriginal family said that he and his wife had no trouble with them. There could have been a dispute between the two Aboriginal families that caused one family to move out of the area because of problems the other family was creating. However, the family that was said to have created the problems had not created problems for their neighbours, who were good friends of mine. Sometimes it is not easy to establish the facts of the case.

Clearly Aboriginal families are not always the cause of the problem. The member for Kalgoorlie's speech centred on Aboriginal families. A neighbourhood dispute occurred in high-cost housing in Dianella - where no Aboriginals live - which continued for months. People hired lawyers to sue their neighbours. The dispute did not involve only two neighbours; it spread up and down the street. It was a major problem. Hundreds of people attended meetings in the local park at which neighbours complained about each other. Those types of matters must be managed. The Residential Tenancies Act is the basis for handling those types of disputes. Other statutes and authorities can be brought into effect. For example, because of the way people have been living, I have drawn on local government health regulations on occasions. A previous speaker raised the impact of people disposing of foodstuffs and rubbish in an unhygienic way. Sometimes other Acts and authorities can be brought to bear to address those types of matters.

The Residential Tenancies Act provides that all tenants, whether they are public or private, are not to cause or permit a nuisance. A property owner has the right to give notice of a breach of agreement giving the tenant 14 days to end the unacceptable behaviour. Failing this, the owner can issue a termination notice giving a further seven days to end the agreement. Following that, the eviction process can be initiated to move the tenant out of the property.

The Government is currently conducting a statutory review of all aspects of the State's residential tenancy law. The review includes consideration of submissions from landlords, property agents, tenant representatives and various other groups. The review will consider the circumstances they have come across and how the Residential Tenancies Act can be adjusted or improved. We are still going through that process.

The eviction of people from rented premises is a particularly contentious matter. There must be a balance between the legitimate rights of the owner to recover his or her residential property when there are fundamental breaches of an agreement and the protection of people's basic entitlement to housing. Although it is difficult to find the right balance, we must seek to establish it in law.

The issue the member for Kalgoorlie raised is a narrow subset of those problems. Unfortunately, I have experienced far too many of those types of cases. Some three years ago about five of them were presented to me at the same time at the end of the school holidays. They involved five separate tenancies. I acknowledge that more than half of them involved Aboriginal families, but not all of them did. The families were causing incredibly severe disruption to their neighbours. Not just one neighbour complained, but a group of people who lived in the area that surrounded the homes were no longer willing to accept the behaviour.

Mr M.J. Birney: To take the politics out of it, if the Opposition were prepared to remove that part of the motion that condemns the Labor Government and leave in the part that calls on the Government to streamline the eviction processes, would the Government be prepared to go along with that?

Mr J.C. KOBELKE: Currently, we are debating the Government's amendment. The member has a right of reply when he can put his point of view about how the motion might be amended, or he can seek to amend it further. I am currently addressing the range of issues that this motion addresses.

Mr M.J. Birney: Would you go along with that?

Mr Matt Birney; Deputy Speaker; Ms Alannah MacTiernan; Acting Speaker; Mr Rod Sweetman; Mr John Kobelke; Mr David Templeman; Mr Martin Whitely; Mr Dan Barron-Sullivan

Mr J.C. KOBELKE: I will wait to hear what the member says when he replies. I am only part way through my contribution and the member has directed my attention to the fact that he has drafted his motion poorly. At this stage I will continue to contribute to the debate on the amendment. The point I am making is that the member quite rightly considered a subsection of these issues because there is a group of tenants whose behaviour causes people not to be able to sleep at night. Neighbours of those tenants fear that bad things will happen to them; for example, they fear their property will be damaged. As the Minister for Planning and Infrastructure indicated, the first step is to determine whether the people causing that damage are the tenants. Quite often in my area they are not. That does not absolve the tenants from their responsibility to control their visitors, but it can make it one step more difficult to take legal action against the tenants. I expect that the member for Ningaloo and I have had more experience in dealing with these matters face to face than has the member for Kalgoorlie. When I am presented with those types of problems, I try to deal with them. Some members interjected that members should confront the tenants personally. In my case, that has happened only rarely. I have confronted troublesome tenants and pointed out to them that their behaviour was simply not acceptable. The more common approach is to work with the tenants.

Again, it was acknowledged by one of the earlier speakers that sometimes neighbours feel too intimidated to stand up and make a complaint. In those cases, I work with as many neighbours as possible to give them support and comfort so that they are willing to come forward. I am very much aware that the impact of some of that antisocial and illegal activity impacts on them in a way that they should not have to tolerate, so we work together. I will not go through all the things we do because I have limited time. However, we work cooperatively and, in almost all cases, we fix the problem, although it may take longer than we would like. We can do that only by working with a number of government agencies.

Another role I fulfil as a member, as do many members on this side of the House, is to pull a range of agencies together. Clearly, if it is a Homeswest property, Homeswest is central in dealing with the problem. However, the police might need to be involved. If the children are not attending school, the Department of Education and Training or the Department for Community Development might be involved. Those agencies, which are often already in touch with the relevant families, are asked to implement a plan to either help the tenants conform or allow Homeswest to take action to evict them. We do not step away from saying that if people do not want to fit in with the community, they do not have a right to stay in public housing.

The member for Kalgoorlie seems to think that bad behaviour is a problem only in government housing. That is not the experience in my electorate. Some of those problems are caused by people living in private rental accommodation.

Mr M.J. Birney: We are the protectors of taxpayers' money.

Mr J.C. KOBELKE: The member's narrow view clearly shows that he does not understand the problem. Many tenants in private rental accommodation receive government rental assistance. The federal Government is very keen that more people move into the private market and accept rental assistance rather than rent publicly owned housing. There is not such a clear distinction between tenants in publicly owned housing and tenants in private housing who receive government rental subsidies. It is not a matter of saying that tenants in private accommodation are a totally different category of people so we will not take action if they are causing a total nuisance and a clear reduction in the quality of life of one or more of their neighbours. That is similarly a problem that I have tried to deal with. It is much more difficult than dealing with Homeswest tenants. When Homeswest tenants are an issue, we can have direct access to the landlord, the Department of Housing and Works, which takes the matter seriously. It is a very difficult task, but it takes on board complaints and tries to solve the problems. However, when people renting private properties are involved, it is far more difficult to find the owner or managing agent of the property so that he can do something about the problem. I have gone to such lengths as arranging for title searches through the Department of Land Administration to find out who owners are, and of writing to owners who live interstate or in the north west to point out what is happening in their house. I have indicated my intention to consider taking legal action with the local people involved against the owners if they do not attempt to resolve the problem. It is far more difficult to resolve those issues than to deal with Homeswest. I thank Homeswest for its responsiveness to what are often very difficult issues.

The member for Kalgoorlie suggested that somehow public housing tenancies should not be covered by the Residential Tenancies Act.

Mr M.J. Birney: That is correct.

Mr J.C. KOBELKE: He suggested that Homeswest tenancies are not in a "market transaction", if I have quoted him correctly.

Mr M.J. Birney: Market-value transaction.

Mr Matt Birney; Deputy Speaker; Ms Alannah MacTiernan; Acting Speaker; Mr Rod Sweetman; Mr John Kobelke; Mr David Templeman; Mr Martin Whitely; Mr Dan Barron-Sullivan

Mr J.C. KOBELKE: The member for Kalgoorlie said not in a “market transaction”. Is he saying that a person in private rental who receives a government subsidy is in a market transaction situation?

Mr M.J. Birney: I am saying that public housing is owned by taxpayers. If Governments give something away, they should be able to take it back without having to jump through 200 hoops.

Mr J.C. KOBELKE: In his interjection, the member reflected his total lack of understanding of the relative rights of a landlord and a tenant. Tenants in public housing not only have recourse to the Residential Tenancies Act but also have other rights at law to be able to occupy the house. I do not accept that low-cost rental of a home owned by a government authority, as a form of subsidy, is different from a subsidy provided to someone who is renting from a private individual. If a home owner is in joint ownership or a shared equity situation, should that person not have the rights of a home owner? There is a range of types of ownership and tenancies. If the member thinks that people who are public housing tenants should be in a totally different category, he does not have any depth of understanding of how people are dealt with and of the rights they can uphold.

Mr M.J. Birney: If I rented a property to you at full market value, we should have rights and obligations under the Act. If I give you my property, I should be able to take it back at the drop of a hat.

Mr J.C. KOBELKE: The member is taking a very narrow view and has a misunderstanding of how things work. Public housing tenants are not given a property; they enter into tenancy agreements. It is fundamentally the same principle as that which is involved in renting any property to someone.

Mr M.J. Birney: I am aware that a rental is paid. However, it is a minuscule amount compared with the market value.

Mr J.C. KOBELKE: It is not minuscule; it is less. When tenants are on a high income, their rental is not much less than market value. Ten or 20 years ago when people in my area first held a Homeswest tenancy, they would have been on a very low income. They might have been receiving a single parents pension, for example. Some years later they might have educated themselves, got a good job and be earning a high income. In that case their rental would increase to virtually the market rental.

Mr M.J. Birney: They could not stay in Homeswest accommodation if they were on \$150 000 a year.

Mr J.C. KOBELKE: Sometimes transitional issues require that the tenants remain in the accommodation for a while, for which time they pay close to market rent. We cannot put everyone in the same category. If the member for Kalgoorlie allowed someone to rent a property of his without paying rent and without a tenancy agreement, that would be subject to a different application of the law. People who do that could often find themselves in a more difficult legal position when they fall out with the tenant.

The member’s motion shows that he has not examined this issue seriously. He is obviously aware of a very real problem, but I urge him to spend more time gaining a better understanding of the complexity of the surrounding issues. The member for Ningaloo clearly demonstrated in his contribution to the debate that he has that understanding. It is not a matter of looking at one part of the problem without understanding the surrounding issues. If tenants did not meet the member for Kalgoorlie’s standards - that raises the issue of determining the standards - they would be out on the streets. If they were out on the streets, they would be more likely to end up in our hospitals, courts and jails because we did not deal with the underlying problems. There is a very real need to make sure we deal with the underlying issues, as this Government is doing, so that most people can get on with their lives, meet the standards expected of them and live in that accommodation. Some will not be able to do so and they will face eviction. As indicated, the number of evictions under this Government is basically the same as the number that occurred during the last two years of the previous Government. However, in addition, under this Government a range of new programs have been implemented to provide support to people. Some of the programs started by Labor in the early 1990s were progressed by the coalition Government. One of those is the supported housing assistance program, to which we have allocated extra resources. The housing renewal program in some suburbs, which commenced at the end of that period, was given impetus by the Court Government. Traditional state housing areas in Girrawheen - the new north - Kwinana, Kalgoorlie and other towns and suburbs have been upgraded. That has had a direct impact on the expectations of people and the quality of life in those communities.

That attitude has been adopted by both Governments. We have certainly recognised the great work that was done by the last Government and we are continuing those programs. To deal with these issues, we need a much more thorough overview of their complexity. However, at the end of the day, the ordinary people living in our suburbs and towns have the right to enjoy their homes and neighbourhoods and not have their quality of life impacted upon in a very negative way by antisocial and illegal behaviour. The response to that has been to take up the issue and work with local communities to try to deal with the problem and resolve it. If people who are the cause of the problems will not face up to their responsibilities, they either end up in jail or are evicted. We

Mr Matt Birney; Deputy Speaker; Ms Alannah MacTiernan; Acting Speaker; Mr Rod Sweetman; Mr John Kobelke; Mr David Templeman; Mr Martin Whitely; Mr Dan Barron-Sullivan

do not resile from that fact. It is a matter of providing a process that addresses the underlying issues as well as the symptoms when issues cannot be resolved by the people involved.

MR D.A. TEMPLEMAN (Mandurah) [6.11 pm]: In making my contribution to the debate this evening, I want to demonstrate my support for the amendment moved by the Minister for Planning and Infrastructure.

Mr M.J. Birney interjected.

Mr D.A. TEMPLEMAN: The minister moved the amendment. The member for Kalgoorlie was obviously not listening. That probably reflects the ill thought out motion he moved earlier.

I will not demean the intent of the member for Kalgoorlie in bringing the motion forward. A whole range of people come to members' offices and alert them to a range of concerns and issues. However, the member for Kalgoorlie's response by bringing the motion before the House is so narrow in scope that he does not do himself any great service.

Mr M.J. Birney: Why is it narrow?

Mr D.A. TEMPLEMAN: The nature of these issues is very complex. I want to highlight to the House some examples relating to private rentals, which were conveniently forgotten in the member for Kalgoorlie's motion and in anything he has spoken about tonight. He centred only on Homeswest tenants and not on the whole range of worries experienced by other tenants. The Minister for Consumer and Employment Protection spoke of the ways in which these problems need to be dealt with when they are brought to the attention of not only members of Parliament but also various agencies. I agree with the minister. Many of these complex matters need to be addressed by a variety of means and interventions. An interagency approach is quite often important. Mechanisms are in place, and if members of Parliament and representatives of various agencies sit down with owners and Homeswest and other tenants, they can discuss, negotiate and work out a strategy for the best way of dealing with their concerns. The interagency approach has worked very well in my electorate.

I have examples of problems with rental properties, some of which are private rental properties. Agencies have worked together with tenants and neighbours to reach outcomes that have hopefully made a difference. For example, I was approached about one of the localities in Mandurah. People had a range of concerns about a rental property, including the fact that young family members were not attending school. The complainant's son was being bullied. I involved the interagency group, along with the police, the school, the district office of the Department of Education and Training and the Office for Children and Young People's Policy in the Department for Community Development. We were able to achieve some good outcomes by having discussions with the tenant and the tenant's neighbours. It took a long time; there is no doubt about that. These issues cannot be resolved overnight. That is one example of a positive outcome as a result of the community working together to deal with the problem.

I am pleased to have the opportunity to mention a private owner of rental properties who is happy for me to raise this matter in the Parliament. Mr Steven Day came to see me last week and highlighted the problems that he has been experiencing. It must be remembered that Homeswest tenants are not involved; he is a private owner who rents out his properties. He highlighted a major concern that he has had in the recent past. He has owned properties for 10 years, and in that time he has had five problem tenants who, on eviction, had rent unpaid and had damaged the property. He expressed his concern that, as a private owner who rents out his properties, his hands are tied. He explained that he had incurred costs of \$2 000 on one property. The tenant had not paid any rent for a number of weeks, and the property was badly damaged. He brought in a mini-bin to assist in cleaning up the property. When the tenant took the furniture and other items that she owned out of the property and put them on the front lawn, unfortunately some of those items went missing. Now the tenant is suing the owner because trespassers took away the items. He was quite angry when he came to see me, and I can understand his anger. He urged me to do something about it. Hopefully, as a result of the review of the Residential Tenancies Act that is currently taking place, those sorts of issues will be dealt with in a more appropriate manner. I am sure that many other property owners have experienced the same problems as Mr Day. I hope that the review will allow property owners like Mr Steven Day to be treated fairly, because he, quite rightly, claims that he has not been treated fairly.

The member for Kalgoorlie mentioned in his address today the issue of rights and responsibilities. I do not believe anybody in this House would walk away from the fact that people who are tenants of any sort of property have rights and responsibilities. Indeed, if they do not discharge their responsibilities in an appropriate manner, obviously various processes need to be implemented to make sure that they do. The member's approach to the motion that he moved in this House earlier tonight was so narrow that it does not take into account the whole range of issues that the Minister for Planning and Infrastructure and the Minister for Consumer and Employment

Mr Matt Birney; Deputy Speaker; Ms Alannah MacTiernan; Acting Speaker; Mr Rod Sweetman; Mr John Kobelke; Mr David Templeman; Mr Martin Whitely; Mr Dan Barron-Sullivan

Protection mentioned. These are complex issues, and in many respects complex solutions are needed to make sure that they are dealt with. However, no-one is walking away from the problems that arise.

As previous speakers on this side have mentioned, this Government takes very seriously the importance of ensuring that quality housing is made available for people. I am very proud of the work of Mr Rick Muir, the area manager of Homeswest in Mandurah, and the staff who work with him, to provide quality housing and quality support for Homeswest tenants. As I said, most complaints that come to my office are about private tenants, not Homeswest tenants. When I get Homeswest complaints, I work with Rick Muir, his team and other agencies to deal with them promptly and to ensure that Homeswest tenants are aware of their responsibilities. I underpin that statement by saying that the majority of complaints I receive are about private tenants; the member for Kalgoorlie's motion did not mention them.

In summary, like many other members in this place, I will continue to work with the manager of Homeswest, his staff and their tenants and with tenants in the private sector so that everybody in the community has a lifestyle that does not impinge on other people. Ultimately, this motion is about working together collaboratively to address problems when they occur, without singling out the members of one small section of the community and painting them with one brush. The member for Kalgoorlie has been very narrow this evening in his approach to the motion. I support the amendment to the motion by the Minister for Planning and Infrastructure, which acknowledges that positive interaction must take place between public housing tenants and their neighbours. It acknowledges also the ongoing programs that deal with managing difficult tenancies and the fine work and efforts made by the staff employed by the Department of Housing and Works to meet the needs of tenants and the community at large.

MR M.P. WHITELEY (Roleystone) [6.21 pm]: I will be brief because the Minister for Consumer and Employment Protection and the member for Mandurah have made most of the points I want to make very adequately.

Mr M.J. Birney: And me?

Mr M.P. WHITELEY: The member for Kalgoorlie brought a real issue into the House, the basic premise of which is that nobody should have to live next to anybody who engages consistently in antisocial or illegal behaviour. However, his argument fell down in the narrowness of its approach to the issue. I tried to quiz the member for Kalgoorlie during his speech about the approach that he has taken on issues with problem Homeswest tenants. I will share with him some of the successes I have had in the approach that I have taken with the Department of Housing and Works. I particularly commend the work of the local manager, Mr Bruce Fouracres, who has dealt sensitively but firmly and fairly with a number of these issues. Typically, when I have approached him about a matter, his department has been well aware of the issue and has put in place the processes to deal with it. He has been only too happy to accommodate the concerns of my constituents and provide feedback to them directly or through me, whatever the constituents preferred. In one instance there was a problem with a Homeswest tenant in Beckenham. I attended a neighbourhood meeting at the home of a neighbour of the tenant and when we discussed the matter it became obvious that there was substance to the concerns. I contacted Mr Bruce Fouracres, who did a tremendous job setting in train the process that gave the tenants a fair chance to remediate some of those behavioural problems. Mr Fouracres was prepared, without fear or favour, to follow due process and to protect the rights of neighbours to a peaceful lifestyle.

I lucked out with another issue last week with a troublesome private tenant. As we heard from the Minister for Consumer and Employment Protection, private tenancies are particularly troublesome because it is difficult to have any influence or leverage over them. It is much more difficult, for instance, to establish who is the landlord. In that case there were allegations of antisocial and criminal behaviour. Fortunately, the landlord resided in a neighbouring street, was close to the problem and had a neighbourly interest in addressing it. However, the reality is that when there are troublesome private tenants - this is an issue that the member for Kalgoorlie failed to address - landlords have less leverage to engineer those sorts of results. I take this opportunity to congratulate Bruce Fouracres and his staff for the work they do. They do it in a fair way and in a way that tries to address the underlying problems and issues. Nonetheless, should they need to, they are prepared to follow the appropriate processes to ensure that the right of the tenants' neighbours to have a peaceful lifestyle is maintained.

It is a pity that the member for Ningaloo is not in the House at the moment. His contribution to this debate, as in so many other debates, was excellent and has helped make us a better Government. I may sound a bit like the member for Dawesville when I say this, but in sport a person rises to the level of his opponent, as in government. If the opposition benches were filled by members of the calibre of the member for Ningaloo, members on this side of the House would have to lift the bar to even greater heights. We would be an even better Government if we had an Opposition of the quality represented by the member for Ningaloo. He always makes an earnest,

Mr Matt Birney; Deputy Speaker; Ms Alannah MacTiernan; Acting Speaker; Mr Rod Sweetman; Mr John Kobelke; Mr David Templeman; Mr Martin Whitely; Mr Dan Barron-Sullivan

honest and well-placed contribution. He rejects the politics of division that are so often displayed by many of his colleagues on the other side.

Having said that, I did notice some improvement in the performance of the member for Kalgoorlie. Some members on our side were waiting for him to descend into a racial debate. In fairness to the member for Kalgoorlie - I listened very carefully to his speech - he did not go down that path, so he has improved. However, there is still a fundamental flaw in his approach: he could not help descending into the politics of division. This is where his motion is fundamentally flawed, as was his speech. He had to find a way of playing wedge politics, which seems to -

Mr M.J. Birney interjected.

Mr M.P. WHITELY: Perhaps on reflection he needs to raise that bar a little higher.

Mr M.J. Birney: I said to the minister, "Let us remove the part of the motion that condemns the Labor Government and just leave the bit about streamlining the eviction process", but he refused to do so. Who is playing politics now!

Mr M.P. WHITELY: This can be a learning experience for the member; he is only a young fellow -

The ACTING SPEAKER: The member for Roleystone will address his comments through the Chair and he should address the amendment.

Mr M.P. WHITELY: I am addressing the amendment but I will give a little advice to the member for Kalgoorlie through the Chair. He should reflect on the exercise that he has engaged in today. If he had put a little more care into the drafting of the original motion and taken out that element of wedge politics in the first place, he might have been able to do something constructive.

Mr M.J. Birney interjected.

The ACTING SPEAKER: Order, members!

Mr M.P. WHITELY: A stitch in time saves nine, member for Kalgoorlie.

Mr M.J. Birney interjected.

The ACTING SPEAKER: Members, please address the Chair!

Mr M.P. WHITELY: As I said, the member for Kalgoorlie had to find a way of dividing this debate, and the division that he managed to find in this case was not based on the tenant but on the landlord. The distinction was made between public housing and privately owned housing. The Minister for Consumer and Employment Protection has already addressed the argument about the fallacious nature of the member for Kalgoorlie's argument in that many privately owned residences that are rented to tenants do receive rental assistance. It is a nonsense to say that only Homeswest housing receives a benefit from the taxpayer. The tenants and the landlords of private housing receive that sort of support.

Mr M.J. Birney interjected.

Mr M.P. WHITELY: I am pleased that the member for Kalgoorlie has acknowledged the fault in his original motion. I am also pleased to note that he did not play the race card. We are seeing signs of an improvement. If he is here for another 20 to 25 years, perhaps he might begin to emulate the behaviour of the member for Ningaloo.

Mr M.J. Birney interjected.

The ACTING SPEAKER: Order, members! I ask that the member for Roleystone address the Chair.

Mr M.P. WHITELY: I acknowledge the fact that the member for Kalgoorlie has improved in that regard. I might add that it is a great improvement on his maiden speech.

Mr M.J. Birney interjected.

Mr M.P. WHITELY: That does not make it a racist speech.

The ACTING SPEAKER: Member for Roleystone, I asked you to address your speech through the Chair. Do not have a personal conversation with the member for Kalgoorlie.

Mr M.P. WHITELY: Through the Chair, I again acknowledge that the member's comments contained nothing that I could interpret as racist. However, he could not resist the opportunity to play the politics of division. I am sure that if he reflects on his behaviour, he will find that there is room for improvement. He could become even better.

Mr Matt Birney; Deputy Speaker; Ms Alannah MacTiernan; Acting Speaker; Mr Rod Sweetman; Mr John Kobelke; Mr David Templeman; Mr Martin Whitely; Mr Dan Barron-Sullivan

I tried to suggest to the member for Kalgoorlie while he was on his feet that the Residential Tenancies Act is the vehicle to which he should refer. He should look at standardising the process. He was unwilling to take that interjection, but I can see that his ears have opened slightly and that he has reflected on the error of his ways. Perhaps he will now take that advice on board. The Residential Tenancies Act offers an opportunity to address problems caused by both private and public housing tenants. A more fundamental problem is what someone would do if the neighbours from hell owned the house in which they lived. It is a problem of equal magnitude to live next door to someone who engages in antisocial and illegal behaviour and who owns his house. I suggest we need a broader process than that outlined by the member for Kalgoorlie.

In conclusion, I echo the thoughts of other members on this side and the member for Ningaloo and congratulate the work of the Department of Housing and Works. In my local area Bruce Fouracres and his staff do a tremendous job in carrying out a very difficult task in an even-handed, firm but fair manner.

Points of Order

Mr M.J. BIRNEY: I understand that it is not permissible for an amendment to a motion to negate the motion. The motion seeks to do two things: condemn the Labor Government and encourage it to streamline the eviction process for antisocial public housing tenants. The amendment refers to the need for positive interaction between those tenants, congratulates the Gallop Government and applauds officers of the Department of Housing and Works. The word eviction has been removed altogether. The amendment negates the motion, which specifically deals with the eviction process. The amendment makes no reference to eviction.

Mr J.C. KOBELKE: When drafting amendments we consider whether an amendment is a direct negation of the motion. Hundreds of thousands of amendments have been moved in this Chamber. This amendment is in no way a direct negation of the motion. An amendment can take the thrust of a motion and move it sideways or in a range of areas, but it cannot be a direct negation of it. The amendment before us clearly contains no direct negative to the motion. On that basis, it is acceptable.

Ms A.J. MacTIERNAN: As the mover of the amendment, I say that it certainly was not our intention to negate the motion. We understand that the essence and spirit of this motion is to recognise that sometimes there is problematic behaviour in Homeswest tenancies that needs to be comprehensively dealt with. We embraced that in the first paragraph of our amendment. We believe that the spirit of the motion as described by the member for Kalgoorlie has been captured in our amendment. The amendment further details some of the ways in which we have delivered on that objective.

The ACTING SPEAKER (Mr A.J. Dean): The point of order relates to Standing Order No 129, forms of amendment. In my interpretation, this amendment is not a direct negation of the motion.

Debate Resumed

MR D.F. BARRON-SULLIVAN (Mitchell - Deputy Leader of the Opposition) [6.35 pm]: Despite the language on both sides of the Chamber this afternoon, there has been a fair amount of common ground. I do not think any member has spoken in a negative way about the activities of officers of the Department of Housing and Works. We all acknowledge that people in Homeswest must sometimes carry out their duties under very onerous and difficult circumstances. I have attended situations with the regional manager in the south west, and I have seen for myself how difficult the circumstances can be for someone in such a senior position, who must weigh up some very serious social consequences and, in some cases, is constrained by legislative and policy requirements of the day.

The other thing that has come across is a general acknowledgment of the fact that there are problems with residential tenancies. I will not talk about whether they are Homeswest or private tenancies for the moment, but there is an acknowledgment by most speakers that delays and difficulties have been experienced in resolving antisocial behaviour and other problems of rental tenancies. If anything, some government members were trying to criticise the member for Kalgoorlie for focusing specifically on Homeswest tenancies. However, in fairness to the member for Kalgoorlie, that was his main concern. That is what he put on the agenda today. He was not talking about private tenancies. In my speech I intended to allude to the fact that there are huge problems in resolving tenancy disputes in privately owned properties. The member for Mandurah made that point quite succinctly, using exactly the same example I intended to use, by mentioning Steven Day from the Mandurah area, who is a landlord who has been experiencing problems. I shall not go over that example again, since the member for Mandurah has already done so. I am trying to make the point that, again, there was some common ground whereby members on both sides were suggesting that, leaving aside the question of whether Homeswest or private properties are involved, there are serious problems in resolving disputes and evicting tenants. In the interests of real bipartisanship in this House, I suggest an amendment on the amendment of the Minister for Planning and Infrastructure. This amendment has no politics whatsoever, and it would be really good if all members could walk out of here agreeing on the common ground.

Extract from *Hansard*

[ASSEMBLY - Wednesday, 11 June 2003]

p8616b-8637a

Mr Matt Birney; Deputy Speaker; Ms Alannah MacTiernan; Acting Speaker; Mr Rod Sweetman; Mr John Kobelke; Mr David Templeman; Mr Martin Whitely; Mr Dan Barron-Sullivan

Mr D.F. BARRON-SULLIVAN: I foreshadow that I intend to move the following amendment -

To amend the amendment moved by the Minister for Planning and Infrastructure to the motion moved by the member for Kalgoorlie by -

- (a) deleting “and congratulates the Gallop Labor Government for increasing financial support to programs for managing difficult tenancies. Furthermore the House” and substituting a comma; and
- (b) inserting after “circumstances” in the last line of the amendment the following -
and supports the need to expedite residential tenancy eviction procedures

I will read the whole amendment to demonstrate how I have removed all the politics and hopefully put in something that both sides of the House can agree to. The Minister for Planning and Infrastructure’s amendment, once amended, would read -

... recognises the need for positive interaction between public housing tenants and their neighbours, -

Those words were suggested by the Labor Party and we are happy to leave them in. That is a great theme, and no-one here would disagree with that sentiment. The amended amendment would continue -

applauds the officers of the Department of Housing and Works for their sensitive and proactive approach for meeting the needs of tenants and the community at large in often difficult circumstances -

Again, those words were suggested by the Labor Party. I have spoken to the member for Kalgoorlie, and he is more than happy to leave those words in. Everyone in this Chamber accepts that.

Mr M.J. Birney: It is all in the interest of bipartisanship.

Mr D.F. BARRON-SULLIVAN: Exactly. The new phrase I have added to the Minister for Planning and Infrastructure’s amendment reads -

and supports the need to expedite residential tenancy eviction procedures.

I have left that fairly vague, so that those members who have demonstrated that there are problems in private tenancies can accept that there is a need to expedite procedures in that regard, and those who are aware of problems with public housing tenancies can agree that eviction procedures need to be expedited in that regard as well. I seriously hope that the minister and her colleagues in the Labor Party will agree that together we can resolve to support the motion and have the whole Chamber singing the same song and sending out the right message to the community. I, like other members, could give a number of examples of problems in my electorate, whether in relation to Homeswest tenancies or private tenancies. One of the most unfortunate Homeswest problems in my electorate was in the area of Glen Iris. For about a year the department had been working with residents to try to resolve a very unfortunate problem with one of its tenancies in that suburb. The situation involved physical abuse, very antisocial retribution that was being committed by the Homeswest tenants on families living in the street and so on. In the end, Homeswest struck a deal, if I can put it that way, but not until it had initiated a fair amount of legal action. The significant point is that the legal action that Homeswest took was in accordance with section 73 of the Residential Tenancies Act. As the member for Kalgoorlie has pointed out, that sort of action is as rare as hen’s teeth. I think I am right in saying - I will stand to be corrected - that Homeswest has never carried through with a section 73 action in the south west region. I may be wrong, but I think that is the case.

Ms A.J. MacTiernan: I cannot tell you by region, but I can say that, roughly speaking, it gets about six or seven section 73 actions a year.

Mr M.J. Birney: A year?

Ms A.J. MacTiernan: Yes. That is not the sum total of its eviction orders; it is the eviction orders done by virtue of section 73.

Mr M.J. Birney interjected.

Ms A.J. MacTiernan: That is because of their experience in the courts.

Mr D.F. BARRON-SULLIVAN: I think that is what the minister is trying to reinforce.

The ACTING SPEAKER (Mr A.J. Dean): I will expedite matters. We cannot deal with the Deputy Leader of the Opposition’s amendment until we have dealt with the previous amendment. I suggest that we deal with that amendment first and then come to the member’s amendment, because we cannot deal with his amendment until then.

Mr Matt Birney; Deputy Speaker; Ms Alannah MacTiernan; Acting Speaker; Mr Rod Sweetman; Mr John Kobelke; Mr David Templeman; Mr Martin Whitely; Mr Dan Barron-Sullivan

Mr D.F. BARRON-SULLIVAN: I seek your guidance, Mr Acting Speaker.

The ACTING SPEAKER: I will put the question of the deletion and insertion and then return to the member's amendment.

Mr D.F. BARRON-SULLIVAN: I will consider the minister's amendment, and I will take a pause while we deal with the first stage.

MS A.J. MacTIERNAN (Armadale - Minister for Planning and Infrastructure) [6.42 pm]: I am prepared to give some ground on this, but not because I think the amendment we have put forward is in any way flawed. Indeed, members will note that the amendment I have moved is quite clear and does not in any way derogate from the argument put forward in the original motion. I agree with the fundamental thrust of the motion. I foreshadow that if the Deputy Leader of the Opposition agrees, I am prepared to accept another amendment that acknowledges the Gallop Labor Government. I can understand that members opposite might not want to congratulate us, but if there were an acknowledgment, we would be prepared to further agree with the provision suggested by the Deputy Leader of the Opposition; that is, to support the need to expedite residential tenancy eviction procedures. I made it very clear in my contribution that there was a strong case for improving section 73 of the Residential Tenancies Act, that Homeswest had made submissions in that regard to the review of the Act and that we would be prepared to support that. If I can obtain an acknowledgment from the Deputy Leader of the Opposition that he will amend his amendment in the way I have suggested, I will be prepared to withdraw my amendment.

Mr J.C. Kobelke interjected.

Ms A.J. MacTIERNAN: Okay. The Government will be prepared to perhaps support my amendment and the amendment by the Deputy Leader of Opposition in its place.

Mr D.F. Barron-Sullivan: I require clarification from the minister. The difficulty of acknowledging what the Gallop Labor Government does is that we have not discussed today the detail of any increased financial support. If we acknowledge the Gallop Labor Government for providing financial support for programs, I think we will have a deal.

Ms A.J. MacTIERNAN: I suggest this matter can go forward if we vote in favour of this amendment. If the next amendment comes forward in the terms we have just agreed, the Government will agree to that.

The ACTING SPEAKER: The question is that the words to be deleted be deleted.

Question put and passed.

Ms A.J. MacTIERNAN: If the first amendment is carried, the subsequent amendment will come forward, which will effectively override it. We require clarification from you, Mr Acting Speaker.

The ACTING SPEAKER: It is quite clear that the motion before the House must be moved before being deleted. I must put the question that the words to be substituted be substituted.

Point of Order

Mr J.C. KOBELKE: The minister has moved an amendment. It is a two-step process. Having the right of reply, we must now deal with the minister's amendment before a further amendment can be moved.

The ACTING SPEAKER: There are two questions to the amendment. We are on the second question.

Mr J.C. KOBELKE: The minister has a right of reply.

Ms A.J. MacTIERNAN: We require the second part to be carried. A further amendment will amend the amendment. That will also be carried.

Debate Resumed

The ACTING SPEAKER: After serious consultation, I put the second part of the question. The question is that the words to be substituted be substituted.. The member for Mitchell has an amendment.

Mr D.F. BARRON-SULLIVAN: I will move the new amendment in my name. I intend to amend the amendment moved by the Minister for Planning and Infrastructure to the motion moved by the member for Kalgoorlie.

Ms A.J. MacTIERNAN: We have dealt with the deletion; this is now the insertion.

The ACTING SPEAKER: The full motion must be inserted.

Amendment on the Amendment

Mr D.F. BARRON-SULLIVAN: I move -

Mr Matt Birney; Deputy Speaker; Ms Alannah MacTiernan; Acting Speaker; Mr Rod Sweetman; Mr John Kobelke; Mr David Templeman; Mr Martin Whitely; Mr Dan Barron-Sullivan

To replace the words proposed to be substituted with the following -

recognises the need for positive interaction between public housing tenants and their neighbours and acknowledges the Gallop Labor Government for providing financial support to programs for managing difficult tenancies. Furthermore the House applauds the officers of the Department of Housing and Works for their sensitive and proactive approach to meeting the needs of tenants and the community at large in often difficult circumstances and supports the need to expedite residential tenancy eviction procedures.

The ACTING SPEAKER: Quite clear.

Mr D.F. BARRON-SULLIVAN: At last we have done something that a lot of people think is rare in politics. Actually, quite a lot of business goes through this Parliament with bipartisan support. I will not speak for long; suffice it to say that a number of members have referred to the review of the Residential Tenancies Act. It is important to point out that the review came up with some findings that are very relevant to the debate at hand. I will cite some of the statistics from the review that may be of some interest. More than five per cent of the residential market in Western Australia comprises public rental tenancies. That is quite significant; it represents one in 20. That compares with the number of residences owned either with or without a mortgage - that is, freehold or with a mortgage - of approximately 69 per cent. One in 20 public rental housing tenancies is quite significant. Of course, approximately 20 per cent of the market comprises private rental tenants. To back the point made earlier by the member for Kalgoorlie about the amount of rent paid by public housing tenants, the report found that the median housing cost of people in Homeswest accommodation as a proportion of income was approximately 22 per cent. That figure is significantly less than the comparable median market rental levels. I complete the example I referred to earlier before I come to the reason for thinking we should all support this amendment. I was referring to a section 73 action that Homeswest was taking under very trying circumstances. After about a year Homeswest decided, with extensive cooperation from residents in that street, often under very harrowing circumstances, to take action under section 73 of the Residential Tenancies Act. The legal representatives for the Homeswest tenants concerned eventually struck a deal with Homeswest, whereby Homeswest would arrange a transfer to alternative accommodation and the section 73 action would be dropped. Those tenants agreed and Homeswest saw it as an option that would satisfy both parties and would avoid the increasing stress and controversy that was being generated by the court case. It looked like a solution had been brokered, and following that commitment by Homeswest and the tenants' subsequent agreement to their relocation, the department withdrew its legal action. The tenants then reneged on their commitment to transfer and told Homeswest to stick it, and that they would remain at their current address. I can imagine Homeswest's intense frustration, not to mention the enormous waste of resources and so on. I have experienced other cases with Homeswest, as have other members, which have been equally frustrating. It is very difficult to come to terms with the grief and anguish that these matters cause for residents.

One day I was in the home of a woman who was involved in an ongoing eviction process by Homeswest. I always advise tenants in this situation to keep a record, to telephone the police, to telephone me as well regardless of the time of day or night, and to keep meticulous records about what goes on. Lo and behold the tenants on the other side of the road, the unruly, antisocial tenants concerned, started kicking up all sorts of palaver. I told the people I was visiting not to worry, that I would ring the police myself. I asked them if I could use their phone and they said that was okay. The very young lady had a young child and her husband was on shift work, and she was petrified because of the behaviour of this Homeswest tenant. I dialled the police and the sergeant in charge said he had received a call from the office and was sending two cars right away. I asked him why two cars, and he said that there had been a stabbing. Ironically that resolved that problem, but probably not in the way most people would have liked.

I understand what members are saying. These real-life situations can be very difficult. I also accept what members on the other side have said that sometimes the private tenant creates as much of a problem as do some of the worst Homeswest tenants. In my electorate we have tried to resolve matters that concern private rental tenancies. They can take a long time to resolve and sometimes we have to be very innovative. The review of the Residential Tenancies Act also found that there was a need to expedite processes and it clearly pointed towards the need for some form of tribunal. The focus of the member for Kalgoorlie's motion was Homeswest, and he articulated the problems he has experienced in his electorate very well and very passionately. The review of the Act demonstrated a need for two things: first, a different process - obviously, the review points to some tribunal arrangement rather than making access through the courts - and second, an expedited process. The review agreed that the broad nature of the review had not permitted sufficient scrutiny of the dispute resolution process to enable it to make recommendations on a detailed model to replace the current court system. Based on responses received, the review considered that a tribunal system was likely to provide a more favourable option than the current model. A question arises about whether a separate tribunal should be formed or whether the

Mr Matt Birney; Deputy Speaker; Ms Alannah MacTiernan; Acting Speaker; Mr Rod Sweetman; Mr John Kobelke; Mr David Templeman; Mr Martin Whitely; Mr Dan Barron-Sullivan

Government's proposed state administrative tribunal should be used. That is a debate for another time. The review recommended that the Act make provision for urgent hearings, and stated, importantly, that a time frame be set within which an application must be heard. This refers to applications by an owner for an order for possession when the tenant has caused serious damage or injury. It suggests replacing section 73 with a measure to give a firmer time line to fix the problems quickly.

I have spoken to members opposite. Everybody who wanted to speak has done so. I have made sufficient mention about the need for a different system. I support entirely the thrust suggested by the member for Kalgoorlie. I am grateful that rather than turn this debate into a political bunfight, the Minister for Planning and Infrastructure has agreed to massage the amendments to the motion so that the House can agree to it.

Mr M.J. Birney: It is a pity the Leader of the House did not do so when I offered him the chance.

Mr D.F. BARRON-SULLIVAN: I will not comment, as I am being the diplomat. It is good to have bipartisan support in the House, and that people have recognised the need to expedite the resolution of serious problems in the community.

Amendment on the amendment put and passed.

Motion, as Amended

Motion, as amended, put and passed.

House adjourned at 6.58 pm
