

Remote Community and Town Camp Visitor Management

Policy

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1. Policy Purpose

The purpose of this policy is to provide guidelines to tenants and the CEO (Housing) in relation to the management of visitors to remote community and town camp public housing premises.

The intent of the policy is to assist tenants to manage their tenancy, support tenants to maintain positive community relationships, and to assist the CEO (Housing) to protect and manage public housing assets.

2. Scope

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

The policy applies to all town camps and remote community public housing tenants, recognised occupiers and visitors to public housing premises owned or leased by the CEO (Housing). The policy does not apply to other housing programs that are managed by agents on behalf of the CEO (Housing), such as affordable housing.

3. Definitions

Antisocial Behaviour	Behaviour is antisocial if it involves abusive or violent behaviour directed to a person, creates alarm or fear in, or annoyance to, neighbours or other(s) in the vicinity, or involves graffiti, littering or vandalism.
CEO	The Chief Executive Officer of Territory Families, Housing and Communities constitutes the Chief Executive Officer (Housing).
CEO (Housing)	Chief Executive Officer (Housing) is an entity by that name, a body corporate sole with perpetual succession, has a common seal, and is capable, in its corporate name, of acquiring, holding and disposing of real, leasehold and personal property and of suing and being sued.
Complexes	Any residential development which includes two or more dwellings on the same property.
Extended Term Visitor	A visitor staying at a tenanted public housing premises longer than two weeks.
Notice of Direction	A written notice issued to any person on public housing premises (including a tenant, recognised occupant, visitor or any other person) directing that person not engage in specific conduct, or to cease the conduct, which the officer reasonably believes to be a prescribe offence or antisocial behaviour.
Recognised Occupier	All person(s) (including children) that the tenant has notified the CEO (Housing) has made a notation in the lease about the occupancy.
Remote Community	Community living areas outside urban areas of Darwin, Katherine and Alice Springs.
Temporary Visitor	A visitor to a tenanted premises for the day or evening or staying no longer than two weeks.
Tenant	The person(s) specified in the lease for the public housing premises as the tenant of those premises.

4. Policy Statement

4.1. Permitted temporary visitors (overnight)

Temporary visitors are permitted in remote community and town camp public housing premises for up to two weeks without prior approval providing:

- The tenant allows the visitor to stay in their home;
- The CEO (Housing) has not issued a Notice of Direction under the *Housing Act 1982*;
- Police have not issued a Trespass Notice under the *Trespass Act 1987* excluding the visitor(s) from the dwelling;
- The visitor/s are not engaging in conduct on the premises, or permitting conduct to occur, that constitutes a breach of a prescribed offence or antisocial behaviour causing disruption to the tenant/s, recognised occupiers, other visitors or neighbours; and
- The visitor can, on request, provide evidence that their primary place of residence is elsewhere.

The tenant does not have to inform the CEO (Housing) about these visitors.

Where it is apparent that a visitor is frequently returning to the premises over a 12 month period, the CEO (Housing) may request the visitor to provide evidence that they have a primary place of residence elsewhere. If this evidence is not provided, or the CEO (Housing) determines through other inquiries, that the person is not a genuine temporary visitor they may be asked to leave the premises.

4.2. Extended term visitors (staying longer than two weeks)

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

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

- Their presence will cause overcrowding (see below);
- The visitor cannot provide evidence of having a permanent place of residence elsewhere;
- The visitor is a former tenant or recognised occupant of a CEO (Housing) tenancy which has been terminated and/or repossessed by the CEO (Housing) within the last two years; or
- A Red Card demerit point has been issued to a tenancy as a result of a substantiated incident caused by a visitor.

4.3. Overcrowding

The CEO (Housing) limits the number of tenants who can live in a public housing dwelling to prevent overcrowding. This limit is dependent upon how many bedrooms the dwelling has and how many people normally reside there. See the Allocation and Commencement of a Tenancy policy for more information.

The CEO (Housing) has discretion to vary the number of people permitted in a household, taking into account a range of factors, including the number, age, relationship and gender of the occupants.

The CEO (Housing) recognises that short term visitors may cause temporary overcrowding. The CEO (Housing) will not object to a reasonable number of temporary visitors in accordance with section 4.1 of this policy.

4.4. Complexes

Tenants residing in complexes are encouraged to be mindful of the peace, privacy and quiet enjoyment of their neighbours when considering having temporary or extended term visitors.

5. Managing visitors

5.1. Assistance to manage visitors

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

Where a tenant is finding it difficult to limit the number or control the behaviour of visitors, the CEO (Housing) can assist. Tenants can contact the CEO (Housing) for assistance, which may include speaking directly with visitors, issuing a letter to ask visitors to move on, assessing the number of people in the household to decide if the dwelling is overcrowded, or providing referral to a support program.

In areas where they patrol, Public Housing Safety Officers can assist tenants to manage antisocial behaviour associated with visitors. Public Housing Safety Officers are empowered by legislation to investigate and take action relating to antisocial behaviour on public housing premises. Northern Territory Police can provide further assistance and in locations that do not have Public Housing Safety Officers.

5.2. Notice of Direction

Public Housing Safety Officers have the delegated authority to issue a 'Notice of Direction' under section 28E and 28F of the *Housing Act 1982* if there is sufficient evidence to suggest that a person on public housing premises (including a tenant, recognised occupier, temporary or extended term visitors or any other person) is engaging in conduct on the premises, or permitting conduct to occur, that constitutes a prescribed offence or antisocial behaviour.

Northern Territory Police can provide further assistance and in locations that do not have Public Housing Safety Officers.

Failure to comply with a Notice of Direction is an offence under the Act and may result in enforcement action being taken.

5.3. Trespass notices

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

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

6. Red Card policy

Tenants are responsible for the actions of visitors who are at the premises with the consent of the tenant. The CEO (Housing) may issue a demerit point to a tenancy where an incident of antisocial behaviour is substantiated and constitutes a breach of the tenancy agreement. The number of points issued relates to the severity of the antisocial behaviour. If a tenancy receives six demerit points the CEO (Housing) may initiate action to terminate the tenancy and take possession of the premises. See the Red Card policy.

7. Rent calculation

Visitors' incomes are not assessed as part of the household, so it does not affect the rent payable. Where a visitor applies, and is accepted, to become a permanent member of the household (a recognised occupier), their occupancy will be added to the tenancy agreement and the rent will be adjusted accordingly.

8. Decision-making (delegation and discretion)

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

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

9. Complaints and/or appeals

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

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

10. Review of the policy

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

11. References

11.1. Legislation

Housing Act 1982

Residential Tenancies Act 1999

Trespass Act 1987

11.2. Policies

Allocation and Commencement of a Tenancy policy

Appeals policy

Complaints policy

Discretionary Decision Making policy

Eligibility for Public Housing policy

Red Card policy

Rental Rebate policy