



Illegal Drug Activity in Public Housing

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A safe and secure environment for tenants

- The Director of Housing aims to ensure public housing is a safe and secure environment that supports the health and wellbeing of tenants and residents.
- Illegal drug activity undermines this aim and can have significant adverse impacts on neighbouring tenants and residents.
- Is important to also consider the individual circumstances of tenants engaging in illegal drug activity.

Residential Tenancies Act 1997

- Section 250 of the RTA allows the Director of Housing to issue a tenant with a 14 day notice to vacate if he/she has used the rented premises, or permitted their use, for an illegal purpose.
- There was no provision that expressly permitted the Director of Housing to take action where a tenant engaged in illegal drug activity on the common areas of public housing.

Section 250A of the RTA

- The new Section 250A of the RTA is directed at certain illegal drug activities in public housing.
- The Director of Housing may give a tenant a notice to vacate rented premises of which the Director of Housing is the landlord if the tenant has, on the rented premises or in a common area, illegally:
 - a) Trafficked or attempted to traffick a drug of dependence; or
 - b) Supplied a drug of dependence to a person under 18 years of age; or
 - c) Possessed a preparatory item with the intention of using the item for the purpose of trafficking in a drug of dependence; or
 - d) Possessed, without lawful excuse a tablet press; or a precursor chemical; or
 - e) Cultivated or attempted to cultivate a narcotic plant.

Use of section 250A of the RTA

- The Director of Housing must be satisfied, on reasonable grounds, that a tenant has engaged in illegal drug activity as described in section 250A of the RTA
- The Director of Housing will consider:
 - The individual circumstances of tenants and other household members, including their rights under the *Charter of Human Rights and Responsibilities Act 2006*
 - If these rights are limited whether this is reasonable and justified
 - Whether there are less restrictive means to eviction to ensure safety and security of other tenants and residents
- Department staff will ensure tenants are referred to required assistance, including support services

Discussion

- Impacts of illegal drug activity
- Issues that should be considered in the application of section 250A of the RTA
- Supports for tenants engaging in illegal drug activity or with drug issues