

Acceptable Behaviour Agreement

Policy

Date effective: 7 November 2018

1. Purpose

To explain circumstances of when the Department of Housing and Community Development ('the Department') may, by written notice, require a public housing tenant to enter into an Acceptable Behaviour Agreement and the intent and operation of those agreements.

2. Scope

This policy applies to all public housing tenants, recognised occupiers and their visitors.

3. Policy

Under section 28C of the *Housing Act*, the Chief Executive Officer (Housing) may require a tenant to enter into an Acceptable Behaviour Agreement when there is reasonable belief that a tenant of a public housing premises or a recognised occupier is likely to engage in antisocial behaviour.

Any conduct of a person who is on the premises with the consent of the tenant, will be legally considered to be the conduct of the tenant. The tenant is responsible for this conduct unless that conduct is considered to be an act of domestic violence under the *Domestic and Family Violence Act* (refer to section 3.7 of this policy).

3.1. Definitions

Acceptable Behaviour Agreement	Section 28B of the <i>Housing Act</i> defines an Acceptable Behaviour Agreement as a written undertaking entered into by a tenant of public housing premises about not engaging in antisocial behaviour on those premises and any place within 50 metres of those premises.
Antisocial behaviour	Section 28A of the <i>Housing Act</i> defines antisocial behaviour as behaviour which: <ul style="list-style-type: none">• involves abusive or violent behaviour directed to a person; or• creates alarm or fear in, or annoyance to, neighbours or others in the vicinity; or• involves graffiti, littering or vandalism.
Tenant of public housing premises	Means the person specified in the lease for the public housing premises as the tenant of those premises. Source: <i>Housing Act</i> (section 5).

3.2. Acceptable Behaviour Agreements

Acceptable Behaviour Agreements are a legislative basis for managing antisocial behaviour and may be used by the Department as a mechanism for addressing antisocial behaviour by public housing tenants and recognised occupiers in and around public housing premises. The intent is to improve behaviour and reduce the impact of antisocial behaviour on neighbours.

The Department will offer referral to support services to help tenants sustain their tenancy, where available.

If a tenant refuses to enter into an Acceptable Behaviour Agreement, or does not comply with the terms of an Acceptable Behaviour Agreement, the Department may seek to terminate the tenancy under section 99A of the *Residential Tenancies Act* (refer section 3.6 of this policy).

If a tenant is on an Acceptable Behaviour Agreement and an act of domestic violence occurs, the Department will respond in line with the Domestic and Family Violence policy.

3.3. Red Card policy

Acceptable Behaviour Agreements may be used in conjunction with the Department's Red Card policy. If a tenancy has active demerit points issued under the Red Card policy, the Department may require the tenant enter into an Acceptable Behaviour Agreement.

Demerit points will continue to be issued to the tenancy for substantiated incidents of antisocial behaviour. The Department may apply to a court to terminate the tenancy if the terms of the Acceptable Behaviour Agreement are seriously or repeatedly breached (refer section 3.6). For more information, refer to the Red Card policy.

3.4. When an Acceptable Behaviour Agreement may be required

The Department may require a tenant to enter into an Acceptable Behaviour Agreement if it has a reasonable belief the tenant or a recognised occupier of the premises is likely to engage in antisocial behaviour.

In forming this view, the Department will consider:

- the history of the tenancy or a former tenancy involving the tenant whether as a tenant or a recognised occupier;
- the history of another tenancy involving a recognised occupier of the tenant whether the recognised occupier was the tenant or a recognised occupier in relation to the other tenancy; and/or
- other matters the Department considers relevant, such as the history of the tenant in and around public housing premises.

3.5. Notice of an Acceptable Behaviour Agreement

Under section 28C of the *Housing Act*, a tenant must be provided written notice if the Chief Executive Officer (Housing) requires the tenant to enter into an Acceptable Behaviour Agreement. The notice must include the following information about the Acceptable Behaviour Agreement:

- a. the period within which the tenant is required to enter into it (being not less than 28 days after the notice is given);
- b. the period for which the agreement is to have effect;
- c. a description of the antisocial behaviour and the terms of the agreement;
- d. a statement that the agreement extends to the behaviour of recognised occupiers, and any person occupying the premises with the consent of the tenant;

- e. a statement that the Chief Executive Officer (Housing) may apply to a court in accordance with section 99A of the *Residential Tenancies Act* for termination of the lease, if the tenant:
- (i) fails or refuses to enter into the agreement; or
 - (ii) seriously or repeatedly breaches the terms of the agreement.

The tenant has up to 28 days to consider the notice and sign the Acceptable Behaviour Agreement. An Acceptable Behaviour Agreement commences once signed by both the tenant/s and the Department.

3.6. Termination action

The Chief Executive Officer (Housing) may seek to terminate a tenancy under section 99A of the *Residential Tenancies Act* if the tenant fails or refuses to enter into the Acceptable Behaviour Agreement or seriously or repeatedly breaches the terms of the agreement.

Repeated breaches may include substantiated incidents of conduct from a public housing premises that cause annoyance in any place within 50 metres of the premises.

The Department may take immediate action to terminate a tenancy under section 97 of the *Residential Tenancies Act* for a serious breach of the tenancy agreement where a tenant, or person on the premises with the consent of the tenant, intentionally or recklessly causes damage to the premises or personal injury to any person, neighbours or others in any place within 50 metres of the premises.

3.7. Domestic and family violence

As per section 124A of the *Domestic and Family Violence Act*, any incident found or thought on reasonable grounds to involve an act of domestic or family violence will be reported to the Northern Territory Police. For more information, refer to the Domestic and Family Violence policy.

4. Discretionary decision making

No discretion can be applied under this policy to requirements for Acceptable Behaviour Agreements under the *Housing Act*.

5. Complaints and/or appeals

If a client is not satisfied with either a decision or action of the Department, they can access the Department's complaints and/or appeals processes. For further information, please refer to the Complaints and/or Appeals policies.

6. Review of the policy

If at any time the legislative, operating or funding environment is so altered that the policy is no longer appropriate in its current form, the policy shall be reviewed and amended accordingly. This policy will be reviewed within two years of release.

7. References

Legislation

Housing Act

Residential Tenancies Act

Policies

Appeals policy

Complaints policy

Discretionary Decision Making policy

Domestic and Family Violence policy

Red Card policy

8. Document change control table

Release Date	Version Number	Approved by (position)	Section amended	Category
7/11/2018	1.00	Chief Executive Officer	all	New