

BREAKING BREAKING THE CYCLE

breaking the cycle of alcohol abuse,
violence and anti-social
behaviour

Fact Sheet 3 Antisocial Behaviour (Miscellaneous Amendments) Bill 2005

Key features of the Bill

- Introduce a new form of dry or restricted private premises (Fact Sheet 2);
- New acceptable behaviour agreements for public housing tenants who engage in antisocial behaviour (Fact Sheet 3);
- People affected by antisocial behaviour can make an application to the Court for eviction of tenants for unacceptable behaviour (Fact Sheet 3).

Amendment of *Housing Act* and *Residential Tenancies Act*: Acceptable Behaviour Agreements

The *Housing Act* will be amended to allow Territory Housing to require public housing tenants to enter into acceptable behaviour agreements.

An acceptable behaviour agreement is a written undertaking by the tenant not to engage in antisocial behaviour, including vandalism, littering and the emission of excessive noise.

Territory Housing can request a tenant enter into an agreement on the basis of the history of the tenant's lease, or the history of any previous public housing lease in the Territory.

The operation of an acceptable behaviour agreement will extend to the behaviour of other people at the premises with the consent of the tenant.

Acceptable behaviour agreements will be enforced through the Local Court. If a tenant fails to enter into an agreement after being requested, or breaches the agreement, the Court may terminate the tenancy agreement. The Court has a discretion not to terminate the tenancy agreement for failure to comply with an agreement when the agreement has been breached by people at the premises other than the tenant, and the tenant has taken all reasonable actions to prevent the breach of the agreement.

Amendment of *Residential Tenancies Act*: Applications by third parties to terminate a tenancy agreement

The existing provision in the *Residential Tenancies Act* in relation to termination of tenancies for unacceptable behaviour will be amended so that an application can be made to the Court by third parties, as well as the landlord. This provision applies to all tenants, public and private.

This amendment will allow an interested person, who can demonstrate that they have been adversely affected by the conduct of the tenant, to make an application to the Court for eviction based on unacceptable behaviour.

If an interested person makes an application the landlord and tenant must be notified and they will have an opportunity to be heard by the Court in relation to the application for an eviction. If the landlord objects to the eviction the Court may only make an order in exceptional circumstances.

