



Improved attitude to 'Acceptable Behaviour Agreements' achieved

The Acceptable Behaviour Agreement legislation to be applied under the Residential Tenancies Amendment (Public Housing) Bill 2004 was brought into force on 1 December 2004. Key housing advocacy groups have been in negotiations for several months with the Ministry and Department of Housing (DoH) about the implementation of "acceptable behavior agreements" (ABAs).

The legislation will enable the Department of Housing to enter into ABAs with tenants who are alleged to be engaging in anti-social behaviour. There are still some concerns that such a regime could unfairly impact on public housing tenants with a mental illness who may involuntarily exhibit 'unacceptable behaviour' or may have unmet needs for health and social services.

However MHCC is pleased to report that the Department of Housing is now finalising a policy framework to ensure people with a disability, including those with a mental illness or intellectual disability, will receive a proper assessment which would place them outside the ABA regime.

When considering a person for an ABA, DoH staff will need to identify if there are any special circumstances to be taken into account or refer the person for an assessment. The evaluation process will be based on a person's capacity to enter into an agreement and their ability to comprehend and adhere to an ABA.

Additionally, if through the life of an ABA it is considered that a person does not have the capacity to adhere to an ABA they would be taken off the agreement and referred to an assessing agent to develop other strategies to address their 'antisocial behaviour'. Training is now being provided for DoH staff and human service agencies to ensure that the support provided for people around antisocial behaviour is adequate.

Six month pilot studies will begin on 16 February in Wagga Wagga and on the 23 February in Newcastle. We are pleased to report that ABAs will not be used outside the current pilot areas during the initial trial period. The Department has also confirmed that it will proceed with a full evaluation of the implementation of these measures after 12 months of operation.

**Summer edition 2005
View from the Peak**