

Concern grows over ABA protocols

Key advocacy groups continue to meet with the Minister for Housing and the Department of Housing as they attempt to promote clear and equitable guidelines for the new "acceptable behavior agreements" (ABAs) to be applied under the Residential Tenancies Amendment (Public Housing) Bill 2004.

MHCC believes ABAs could impact harshly on public housing tenants with a mental illness who may involuntarily exhibit 'unacceptable behaviour'. Currently there is no clear statement about people with mental health problems being exempted from ABAs. There is also a general lack of definition of "anti-social behavior".

MHCC commends the efforts of NCOSS, Shelter NSW and the Tenants Union who are working directly with the Department of Housing on a range of amendments that will hopefully adjust some of the worst effects of the legislation. A range of concerns are being pursued as the Department finalises ABA policy and develops draft protocols for the operation of Special Response Teams (SRTs).

It was at first understood that SRTs would be introduced as a support mechanism for people being accused of anti-social behavior, with the intent of averting the ABA. However, it now appears the activation of a SRT will take place only after a prior decision has been made to place tenants on an ABA. The value and purpose of a SRT is now questionable apart from being a formal response to the involvement of service agencies.

MHCC only supports SRTs as an entirely separate process activated well before an ABA is imposed, in order that SRTs can provide genuine support and effective assistance with behavior modification. In addition, SRTs should be able to look at the question of whether an ABA is even appropriate, especially if the tenant has mental health problems.

As a safeguard, the Department is aiming to link existing 'Specific Performance Orders' (SPOs) to an ABA which would at least demonstrate that the tenant had a history of "unacceptable behaviour" and so introduce some kind of a standard for applying ABAs.

Furthermore, whilst processes for entering an ABA have been developed to ensure tenants know their rights, concerns remain about the actual process and the fact that it is an entirely internal one. MHCC supports the importance of allowing appeals to an external body, such as the Housing Appeals Committee.

The policy is now being written up by the Department and will be ready for comment in the next few weeks. We can only hope that reasonable amendments will be accepted by the Human Service CEOs involved.

Departmental policy is to be in place by this December when 6 month pilot studies will be implemented. MHCC is dismayed to hear that during this time it will also be possible for the Department to issue ABAs outside of the 2 pilot locations.

The Department's timeline is unrealistically set with the first ABAs in place by April 2005 and the first evaluation report on the pilot scheduled for May 2005. Whilst further evaluations are planned for January 2006 there is great concern that a real evaluation of the pilot will be overlooked.