



Housing Australia Future Fund Submission

11 January 2023

Aboriginal Community Housing Industry Association (ACHIA) NSW is the peak body for 167 Aboriginal Community Housing Providers (ACHPs) in NSW.

This submission is prepared in response to proposed new legislation regarding:

- Housing Australia Future Fund (HAFF) Bill 2023
- National Housing Supply and Affordability Council Bill 2023
- Treasury Laws Amendment (Housing Measures No.1) Bill 2023

RECOMMENDATIONS

HAFF must allow for full and productive participation of the Aboriginal community housing sector in a way that upholds the interests of Aboriginal families and communities – that is, through Aboriginal Community Controlled Organisations (ACCOs) in the form of Aboriginal Community Housing Providers (ACHPs).

It must be responsive to the needs of Aboriginal communities and the context of the Aboriginal Housing Sector. At present, the NHIF SAH Guidelines - current as at December 2022 – specify three (3) priority groups under Section 3.3 Eligible Projects (page 8). Aboriginal and Torres Strait Islander people do not even rate a mention.

Apart from this oversight, which is glaring given that approximately 30% of all social housing tenants in NSW identify as Aboriginal, ACHIA NSW recommends that the following over-arching principles be considered and applied to the HAFF Housing Legislative Package. These are:

1. The HAFF Housing Legislative Package needs to broaden eligibility and openness for applications from small and medium sized, community-based projects led by ACCOs. HAFF must not only support large-scale projects. The ACHP sector, working in partnership, has the potential to deliver small and medium scale mixed developments, that effectively address local housing needs as developed with and determined by Aboriginal people themselves.
2. The HAFF Housing Legislative Package needs to ensure that there is no restriction on the level of the registration participating community housing providers hold under the National Regulatory Scheme for Community Housing (NRSCH). Specifically, organisations of all Tiers (Tiers 1, 2 and 3) should be eligible to apply. Every application should be judged on merit to deliver the project.
3. The HAFF Housing Legislative Package must critically examine any disabling barrier that prevent it from 'leaning in' to the opportunity to leverage the vast economic potential which is latent in ACHPs, particularly amongst NSW Local Aboriginal Land Councils (LALCs) due to their significant land holdings.
4. The HAFF Housing Legislative Package must ensure that a meaningful proportion of funding is allocated to ACCOs such as ACHPs with relevant expertise, particularly community-controlled organisations. ACHIA NSW recommends 30% of HAFF loans and grants are allocated to address Aboriginal housing needs with ACCOs central in the delivery of housing and community infrastructure solutions.

RATIONALE

- HAFF will be pivotal in effectively addressing the significant housing needs of Aboriginal families and communities. 30% of the NSW community housing waiting list identify as Aboriginal, whereas only 3.4% of NSW population identify as Aboriginal. The National Agreement on Closing the Gap highlights the need for, and importance of, Aboriginal housing. All levels of Australian government have signed up to signify their commitment to Closing the Gap. The importance of housing as a foundational element supporting life chances and well-being is underscored by the fact that it is a standalone outcome under Closing the Gap, viz:

Outcome 9: Aboriginal and Torres Strait Islander people secure appropriate, affordable housing that is aligned with their priorities and need.

- The NSW ACHP sector has differences to the mainstream sector. The Aboriginal sector is made up of 167 small and medium-sized ACHPs, including the network of Local Aboriginal Land Councils. ACHPs are community-controlled organisations and have different structures and priorities to larger corporations. These differences should be accommodated when considering HAFF eligibility criteria for organisational participation and project scale.
- It is an imperative that ACCOs play a leading and central role in addressing the housing needs of the Aboriginal community. The National Agreement on Closing the Gap commits to:

implement measures to increase the proportion of services delivered by Aboriginal and Torres Strait Islander organisations, particularly community-controlled organisations (Clause 55).

Moreover,

where new funding initiatives are decided by governments which are intended to service the broader population across socio-economic outcome areas of the Agreement, that a meaningful proportion is allocated to Aboriginal and Torres Strait Islander organisations with relevant expertise, particularly community-controlled organisations. A meaningful proportion is an amount which takes into account the number and capacity of Aboriginal and Torres Strait Islander organisations, particularly the existing community-controlled sectors and the service demands of Aboriginal and Torres Strait Islander people, including through the views of Aboriginal and Torres Strait Islander community-controlled peaks organisations in the relevant jurisdiction (Clause 55b).

Therefore, the 30% of loan and grant quantum commitment we seek from HAFF needs to be channelled through ACCOs to develop and deliver housing and community infrastructure projects.

- The HAFF legislation is designed to support capacity building projects. ACCOs must be able to access these capacity building opportunities to capitalise further on their already significant achievements.
- Almost 40% of the Australian land mass is estimated to be Aboriginal land¹, referred to by Arabena et al as the “Indigenous Estate”. These holdings present an important opportunity when considering Aboriginal housing needs. The community-based structure of NSW Local Aboriginal Land Councils and their land dealings process as enshrined in legislation must be understood and accommodated to allow for Aboriginal land in NSW to be released and approved for local housing developments.
- A 30% allocation for ACCO-led housing projects under HAFF would be in line with the approach employed by other recent Government initiatives. For example, NSW Department of Communities and Justice (DCJ) designated 28% of the services funded through the Core and Cluster program to be delivered through ACCOs. In this way, Aboriginal women and children escaping domestic and family violence (1 in 3 women presenting to a refuge identify as Aboriginal) are being supported by the organisations governed and run by Aboriginal people in line with the ambitions and expectations of their communities.

¹ ‘Reimagining Indigenous Housing, Health and Wealth: The Necessary Ecological Response to Unlock the Potential in the Indigenous Estate’, Arabena, K., Holland, C. & Hamilton, S. 2020, Karabena Publishing, Melbourne.

- The NRSCH has structural barriers for ACCOs registered with Office of Registrar of Indigenous Corporations (ORIC), namely their inability to become registered as Tier 1 organisations². These barriers must not be further amplified by HAFF eligibility and project assessment and selection processes.

CONNECT WITH US

ACHIA NSW is ready to collaborate on specific changes that will ensure the legislative changes can robustly support Aboriginal housing.

Please contact [Lisa Sampson, CEO](#), on 0414 285 721 for further information.

BACKGROUND ON ACHIA NSW

ACHIA NSW is the peak body for Aboriginal Community Housing Providers in NSW. ACHIA NSW, led-by an all-Aboriginal Board, was incorporated in November 2020. ACHIA NSW has key partnerships with all levels of Government particularly across housing, social services and Aboriginal Affairs.

ACHIA NSW:

- Promotes the human rights of all Aboriginal people in NSW to decent, affordable and secure housing
- Promotes the right of all Aboriginal people to self-determination, including the right to choose a culturally appropriate social landlord
- Develops and supports public policy which promotes a more just housing system for Aboriginal people in NSW
- In partnership with counterpart organisations across Australia, develops and promotes policy at a national level for housing justice and self-determination for Aboriginal people
- Supports the development of best practice in the provision of housing for Aboriginal people by encouraging networking and collaboration between Aboriginal Community Housing Providers, and
- Supports the provision of culturally appropriate housing by mainstream housing providers.

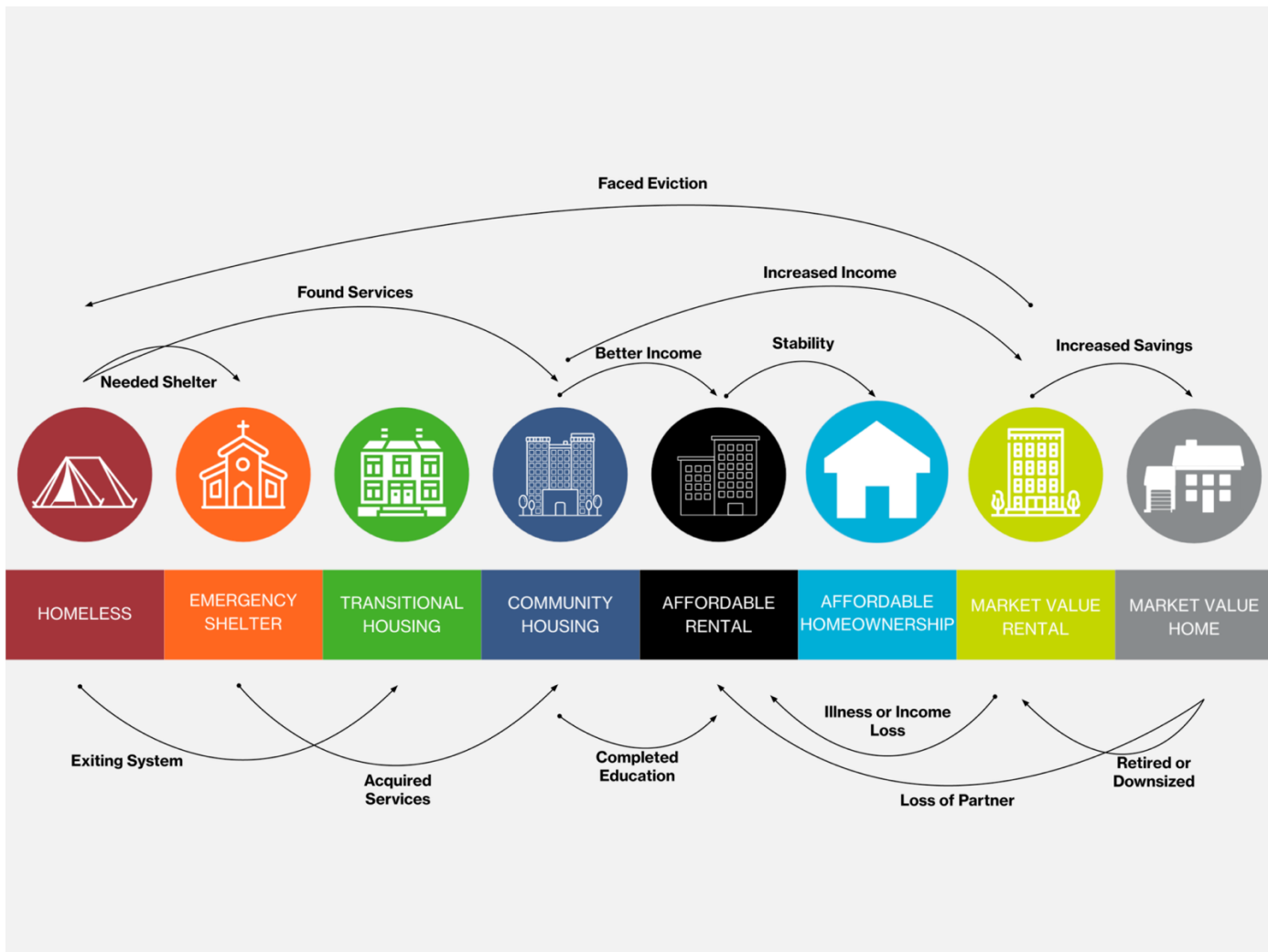
ACHIA NSW provides the traditional functions of a peak body: lobbying, advocacy, information sharing.

Sector capacity building is a priority for ACHIA NSW. The Coolamon Project, developed following extensive consultation, provides support for ACHPs across governance, strategy, and operations. The Coolamon Project has a multi-year Program of Activities to achieve both capability uplift and workforce development through targeted assistance. The Aboriginal Housing Office has generously praised The Coolamon Project. DCJ has funded extension projects in its Program of Activities. Aboriginal Affairs NSW has similarly leant its support.

The ACHP sector continues to have opportunities to demonstrate its capacity to governments and financial institutions alike. In a sign of strong sector reform and strengthening, many ACHPs are transitioning to registration under the NRSCH. Forty (40) ACHPs are now registered under NRSCH in NSW including numerous Local Aboriginal Land Councils registered under the Local Scheme. This number is growing month on month.

Additionally, ACHIA NSW pursues an agenda that prioritises joint work between ACHPs, Aboriginal communities, government and other stakeholders so as to seed genuinely co-designed, culturally-informed responses to issues occurring across the housing continuum as it affects Aboriginal people, their families and communities given the vicissitudes of living with the inter-connected legacies of colonisation, dispossession and inter-generational trauma whilst striving to prosper and build a better future based on the strengths inherent in being the oldest living continuously surviving cultures on earth.

² [Categories of registration \(Tiers\) \(nrsch.gov.au\)](https://nrsch.gov.au)



The HAFF can make this happen in partnership with ACHPs.

CONCLUSION

ACHIA NSW recommends that the HAFF Housing Legislative Package is responsive to the needs and context of the Aboriginal housing sector.

ACHIA NSW also advocates for the consistent and coherent adherence to Closing the Gap outcomes, principles and precepts across policy and legislation in all levels of government.