

# EXPOSURE DRAFT



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## Housing Australia Investment Mandate Amendment (2024 Measures No. 2) Direction 2024

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I, Clare O’Neil, Minister for Housing and Minister for Homelessness, make the following direction.

Dated 2024

Clare O’Neil **[DRAFT ONLY—NOT FOR SIGNATURE]**

Minister for Housing

Minister for Homelessness

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## 1 Name

This instrument is the *Housing Australia Investment Mandate Amendment (2024 Measures No. 2) Direction 2024*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument.	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the *Housing Australia Act 2018*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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## Schedule 1—Amendments

### *Housing Australia Investment Mandate Direction 2018*

#### 1 Section 4

Insert:

*child* means a person aged under 16.

*crisis and transitional housing*—see subsection 21A(4).

*crisis and transitional housing project*—see subsection 21A(5).

*family and domestic violence*—see subsection 21A(6).

*family member*—see subsection 21A(7).

*woman* means a person whose gender identity (within the meaning of the *Sex Discrimination Act 1984*) is female.

*youth* means a person aged between 16 and 24.

#### 2 At the end of section 10A

Add:

- (4) However, a dwelling that is or will be crisis and transitional housing is *not* an *applicable dwelling*.

#### 3 Section 13

Repeal the section, substitute:

### 13 Establishment of Permanent Fund

- (1) Housing Australia must establish a fund (the *Permanent Fund*) for the purposes of Part 4 (National Housing Infrastructure Facility).
- (2) Housing Australia must ensure that all assets and liabilities of the Permanent Fund are allocated to the following sub-funds, on the basis of the purpose of each:
  - (a) a sub-fund for the purpose of financing housing-enabling infrastructure and social or affordable housing projects (other than crisis and transitional housing projects);
  - (b) a sub-fund for the purpose of financing crisis and transitional housing projects.
- (3) The Board must allocate each amount appropriated by the Parliament for a purpose of the NHIF to the sub-fund to which that purpose relates. Any amounts appropriated for a purpose relating to both funds are to be reasonably apportioned between the sub-funds.
- (4) Each sub-fund consists, at any time, of the following amounts:
  - (a) the amounts of any current loans made under Part 4 in relation to projects to which the sub-fund relates;

- (b) amounts allocated to the sub-fund for the purpose of making loans under Part 4 in relation to projects to which the sub-fund relates;
  - (c) returns on the amounts mentioned in paragraphs (a) and (b).
- (5) Any returns on amounts allocated to a sub-fund under subsection (2) or (3) must be:
- (a) returned to that sub-fund; and
  - (b) used only for the following purposes:
    - (i) making loans and grants in relation to projects to which the sub-fund relates;
    - (ii) the purposes mentioned in paragraphs 9(1)(b) (making investments) and (c) (incidental purposes, which includes meeting the operating costs of the NHIF in respect of that sub-fund).

#### **4 Subsection 14(2)**

Omit “the Fund under subsection 13(2)”, substitute “the sub-funds of the Fund under subsections 13(2) and (3)”.

#### **5 Subsection 15(1)**

Before “infrastructure”, insert “housing-enabling”.

#### **6 At the end of section 15**

Add:

- (3) The total value of the amounts payable by Housing Australia as grants in relation to crisis and transitional housing projects must *not* exceed \$700 million.

#### **7 At the end of section 21A**

Add:

- (4) ***Crisis and transitional housing*** means short-term housing provided for women, children or youth (whether singly or in any combination) who are:
  - (a) experiencing family and domestic violence; or
  - (b) experiencing, or at particular risk of, homelessness.
- (5) A ***crisis and transitional housing project*** is a social or affordable housing project that would provide new crisis and transitional housing for persons mentioned in subsection (4) (whether or not the project would also provide other types of new housing).
- (6) ***Family and domestic violence***: a person experiences ***family and domestic violence*** if the person is subjected or exposed to violent, threatening or other abusive behaviour by a family member of the person, where such behaviour:
  - (a) seeks to coerce or control the person; and
  - (b) causes the person to suffer harm or to be fearful.
- (7) A ***family member*** of a person includes someone who is:
  - (a) the person’s spouse or another person who, although not legally married to the person, lives with the person on a genuine domestic basis in a relationship as a couple; and
  - (b) the person’s child, parent, grandparent or sibling of the person; and

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## Schedule 1 Amendments

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- (c) the child, parent, grandparent or sibling of a person covered by paragraph (a); and
- (d) related to the person according to Aboriginal or Torres Strait Islander kinship rules.

### 8 Subsection 24(6)

Omit “by financed”, substitute “be financed”.

### 9 Paragraph 28A(2)(d)

Repeal the paragraph, substitute:

- (d) for a social or affordable housing project (other than a crisis and transitional housing project)—the relative amounts of social, affordable and other housing that would be provided by the project;
- (da) for a crisis and transitional housing project—the relative amounts of crisis and transitional and other housing that would be provided by the project;

### 10 At the end of Part 4

Add:

#### 28AB Crisis and transitional housing projects—initial apportionment of funding

- (1) Housing Australia must ensure that, for the period of 12 months starting a month after the commencement of the *Housing Australia Investment Mandate Amendment (2024 Measures No. 2) Direction 2024*, it apportions funding for new crisis and transitional housing on the basis of the State or Territory in which the new housing would be located, as follows:
  - (a) no more than \$25 million may be payable for new housing in each of the Australian Capital Territory, the Northern Territory and Tasmania;
  - (b) no more than \$925 million may be payable for new housing in all States (other than Tasmania), with funding for new housing in those States being apportioned on a per capita basis.
- (2) In determining the per capita basis of apportionment for the purposes of paragraph (1)(b), Housing Australia must have regard to *National, state and territory population*, published by the Australian Statistician in September 2023.

Note: That publication could, in 2024, be viewed on the Australian Bureau of Statistics website ([www.abs.gov.au](http://www.abs.gov.au)).

- (3) After the end of the period mentioned in subsection (1), Housing Australia may make financing decisions in relation to crisis and transitional housing projects without regard to the State or Territory in which the new housing would be located.

### 11 At the end of Part 7

Add:



## **Division 7—Amendments made by the Housing Australia Investment Mandate Amendment (2024 Measures No. 2) Direction 2024**

### **42 Application of amendments**

- (1) The amendments of this Direction made by Schedule 1 to the *Housing Australia Investment Mandate Amendment (2024 Measures No. 2) Direction 2024* apply in relation to applications for the making of a loan or grant on or after the commencement of Schedule 1.
- (2) As soon as practicable after the commencement of Schedule 1 to the *Housing Australia Investment Mandate Amendment (2024 Measures No. 2) Direction 2024*, Housing Australia must allocate all assets and liabilities of the Permanent Fund (as existing before the commencement of Schedule 1) to each of the sub-funds as specified in subsection 13(2) of the Direction (as amended by Schedule 1).