

Housing Assistance (Housing for Indigenous People Bilateral Agreement–2005-2008) Notice 2005*

Notifiable instrument NI2005–433

made under the

Housing Assistance Act 1987, s 11A (Housing Agreement or Variation)

1 Name of instrument

This instrument is the Housing Assistance (Housing for Indigenous People Bilateral Agreement–2005-2008) Notice 2005.

2 Commencement

This instrument commences on the day after notification.

3 Notification

Copies of the Housing Assistance (Agreement between the Australian Government and the ACT Government for the Provision of Housing for Indigenous People October 2005 – June 2008) are available for inspection at the Housing ACT Shopfront, Ground Floor, Nature Conservation House, Corner Benjamin Way and Emu Bank, Belconnen. Copies are also available in PDF version on <http://www.dhcs.act.gov.au/dhcs/Publications>.

Sandra Lambert
Commissioner for Housing
11 November 2005

*Name amended under Legislation Act, s 60

AGREEMENT

**between the Australian Government
and the
Australian Capital Territory (ACT) Government**

**For the Provision of
Housing for
Indigenous People**

October 2005 – June 2008

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PREAMBLE

This Agreement for 2005-06 to 2007-08 formalises the framework for continuing the partnership between the Australian Government and the Australian Capital Territory (ACT) Government in the planning, delivery and management of housing and housing related infrastructure for Indigenous people living in the ACT.

The making of this Agreement is both a symbol and a practical statement of the Parties' commitment to work together and with the community, in partnership and in good faith, to achieve the outcomes set out in the Agreement.

This Agreement will deliver housing and housing related infrastructure for Indigenous people in ways consistent with the directions for Indigenous housing and for the delivery of housing assistance programs contained in the Commonwealth State Housing Agreement (CSHA) 2003-04 to 2007-08 and in the Community Housing and Infrastructure Program (CHIP) Policy 2002-05.

It is acknowledged that the provision of housing related infrastructure is indistinct from the provision of housing in the ACT. Housing related infrastructure such as sewerage, water, drainage, roads, electricity and telephones is inextricably linked to the provision of housing in the ACT and is therefore not the subject of discrete assistance programs.

This Agreement also affirms the commitment to improved access to mainstream housing assistance for Indigenous people, in addition to Indigenous specific housing and housing related infrastructure programs directly funded under this Agreement. The directions contained in this Agreement are consistent with:

- The *National Framework Principles for Service Delivery to Indigenous Australians*, endorsed by the Council of Australian Governments (COAG) in June 2004, and;
- The National Policy Framework: *Building a Better Future: Indigenous Housing to 2010* - the Australian Housing Ministers' Ten Year Statement of New Directions for Indigenous Housing (*BBF*), endorsed by Commonwealth, State and Territory Housing Ministers in May 2001.

In 2002, just over 30 per cent of the estimated 165,700 Indigenous households in Australia were homeowners, while almost two-thirds lived in some form of rental housing in 2003-04. Twenty-eight per cent were renting from private landlords, 23 per cent from State or Territory public housing authorities and 15 per cent were renting from Indigenous or mainstream community housing organisations. For all Australian households, 70 per cent were homeowners and 27 per cent were in some form of rental housing.

Indigenous households across Australia are five times more likely to be overcrowded than non-Indigenous dwellings. More than one in 20 Indigenous households

experiences overcrowded conditions compared with less than one per cent of non-Indigenous households.

The highest rate of overcrowding for Indigenous households nationally is among those renting from Indigenous community organisations, and 55 per cent of households renting from Indigenous community organisations live in dwellings with structural problems, compared with 22 per cent of homeowners.

At the 2001 Census, there were 3,576 Indigenous people resident in the Australian Capital Territory. This was 1.2 per cent of the ACT population and 0.9 per cent of the total Indigenous population of Australia.

Amongst all Indigenous householders in the Territory, 10 per cent owned their own dwellings outright, 31 per cent were mortgagors and 56 per cent rented their homes. Public housing tenancies comprise 24 per cent of all Indigenous households in the ACT.

By contrast, amongst all households in the ACT, 33 per cent owned their dwellings outright, 33 per cent were mortgagors and 28 per cent were renting. Public housing tenancies comprise 9 per cent of all ACT households.

Whilst these figures reveal the continuing disparity between Indigenous and non-Indigenous home ownership, it is important to note that significant improvements have been achieved. In the twenty years to 2001, the proportion of Indigenous households that either owned or were purchasing their home increased ten-fold. Concomitantly, the proportion of Indigenous households renting their home declined from 70 per cent to 56 per cent over the same period.

Whilst the types of dwellings occupied by Indigenous persons are similar to the pattern for non-Indigenous households, Indigenous households are more likely to contain three or more persons. Around 6 per cent of all Indigenous households comprised six residents, compared to 2 per cent for non-Indigenous households. A further 2 per cent of Indigenous households contained 7 to 9 residents, compared to the ACT average of 1 per cent.

In terms of overcrowding, the 2001 Census revealed that 17 per cent of all Indigenous households in the ACT had fewer bedrooms than they need. Whilst this is much lower than the national figure of 29 per cent, it is almost three times higher than the figure for all ACT households of 6 per cent.

Against this background, this Agreement is intended as a catalyst for improving housing outcomes for Indigenous people. The Agreement also aims to ensure that appropriate levels of ongoing resources and assistance are provided to support the development of management skills and capabilities to facilitate a robust and viable Indigenous housing sector.

PARTIES TO AND PERIOD OF THE AGREEMENT

The Australian Capital Territory Government and the Australian Government are the Parties to the Agreement.

This Agreement is for a period of two years and nine months, commencing on the first day of October 2005 and ending on the thirtieth day of June 2008.

SIGNED for and on behalf of the Australian Capital Territory Government by the Minister for Disability, Housing and Community Services

Mr John Hargraves MLA
Minister for Disability, Housing and Community Services

SIGNED for and on behalf of the Australian Government by the Minister for Family and Community Services

Senator The Hon. Kay Patterson
Minister for Family and Community Services

1. PURPOSE

That Indigenous people have a standard of housing and related services that provide a safe environment, complement healthy living practices, and contribute to improved health outcomes and quality of life.

2. PRINCIPLES

The *National Framework Principles for Delivering Services to Indigenous Australians*, endorsed by COAG in June 2004, underpin the way all Australian governments work together in Indigenous affairs. These principles include:

- sharing responsibility;
- harnessing the mainstream;
- streamlining service delivery;
- establishing transparency and accountability;
- developing a learning framework; and
- focusing on priority areas.

The *National Commitment to Improved Outcomes in the Delivery of Programs and Services for Aboriginal and Torres Strait Islanders (1992)*, has been the principal framework underpinning negotiation of Commonwealth – State Agreements covering programs and policies affecting Indigenous people. This Agreement aims to give effect to the principles as they apply to housing, infrastructure and essential services. The National Commitment principles focus on:

- achieving empowerment and economic independence;
- the need to maximise participation;
- achieving effective coordination in planning, management and delivery; and
- achieving clarity around roles and responsibilities for Indigenous people in planning, management and delivery of services and programs.

Principles underpinning the provision of housing for Indigenous people are contained in the National Policy Framework: *Building a Better Future: Indigenous Housing to 2010*, the Australian Housing Ministers' Ten Year Statement of New Directions for Indigenous Housing, endorsed by Australian Government, State and Territory Housing Ministers in May 2001. These principles are:

- governments and the Indigenous community will work collaboratively in policy development, planning, service delivery and evaluation;
- the Indigenous community housing sector is recognised as a vital partner in Indigenous housing provision and will be involved in all aspects of service planning and delivery;
- best practice will be encouraged in service coordination, housing provision and asset management;
- adequate resources will be provided to support the vision;
- policy will promote an environment that builds and strengthens community capacity and involvement and is responsive to local needs and initiatives;

- self-management and socio-economic independence will be advanced through employment, training and enterprise development opportunities for Indigenous people in housing and infrastructure construction, maintenance and management;
- responsibility for achieving sustainable housing will be shared by those who provide housing and those who use housing; and
- all stakeholders will be accountable for outcomes and for the proper use of public funds.

‘*Shared Responsibility*’ is a key concept underlying the arrangements in Indigenous affairs established by the Australian Government from 1 July 2004 and is linked to the principles identified above. The emphasis on shared responsibility recognises that governments alone cannot bring about all the changes necessary to overcome Indigenous disadvantage, and Indigenous people and communities must be involved in planning and building their own future.

The Parties will work towards greater integration of planning and provision of housing and infrastructure for Indigenous people, to ensure healthier and safer communities and improved social and economic outcomes.

3. OUTCOMES

The Parties agree that Indigenous people are entitled to housing that meets agreed standards, is appropriate to the needs of Indigenous people and contributes to their health and well-being.

The Parties accept that they have a shared responsibility for addressing outstanding Indigenous housing needs and for achieving better housing outcomes for Indigenous people. To this end, the Parties agree to work towards achievement of the following outcomes:

1. Better and affordable housing services that are well managed and sustainable.
2. Growth in the number of houses to address both the backlog of Indigenous housing need and the emerging needs of a growing Indigenous population.
3. Development of a strategy to cater for the housing needs of ageing Indigenous people.
4. Equitable access to mainstream housing assistance commensurate with need.
5. Ensuring Indigenous people are involved in the strategic planning and policy setting, decision-making and delivery of services by Government.
6. Sustainable employment of Indigenous people in the administration, planning and delivery and maintenance of Indigenous housing and infrastructure.

7. A financially viable, robust and skilled Indigenous housing sector that is accountable for meeting established service standards.
8. Promotion of opportunities for home ownership and community ownership in the Indigenous community including the development of new incentives, and better coordination and links between existing programs.
9. Efficient housing management structures that are delivered in a manner that streamlines existing housing management processes and maximises client outcomes.
10. Improved financial accountability and reporting on Indigenous housing and infrastructure programs delivered.
11. Improved program performance and reporting against objectives and targets set in the strategic and operational plan consistent with the NRF.
12. Coordination of services in a whole of government approach that ensures greater coordination of housing and housing related services linked to improved health and well-being outcomes.

4. ROLES AND RESPONSIBILITIES

The roles and responsibilities of the Parties to this Agreement will be consistent with arrangements under the Commonwealth State Housing Agreement (CSHA) and with all applicable Commonwealth and Territory legislation.

Australian Government

The Australian Government acknowledges that it has a special responsibility for Indigenous people arising from the amendment of the Australian Constitution.

The Australian Government has a strategic interest in linking this Agreement to an overall housing policy that is supported by policies for human services, income support, housing industry policy and urban and regional development. The Australian Government has determined that the Aboriginal Rental Housing Program (ARHP) is to be targeted to rural and remote areas.

In meeting its responsibilities the Australian Government will:

- Subject to Parliamentary appropriation and the terms of the CSHA, provide funds for Indigenous housing and housing related infrastructure programs administered in accordance with the Agreement (Refer Schedule 1).
- Provide information on relevant Australian Government policies, programs and priorities.

- Promote coordination with Australian Government linked programs.
- Provide timely (within one month of receipt of the satisfactory plan) Ministerial approval of the strategic and annual operational plans.
- Assess and monitor the performance of the Australian and State/Territory Governments in achieving outcomes in line with the strategic and annual operational plan.
- Contribute to the selection of advisory committee members and agree on selection criteria for members.

ACT Government

The ACT Government has primary responsibility for service delivery and will promote equitable access for Indigenous people to mainstream programs and services, ensuring that such programs and services are culturally appropriate and responsive to the needs of Indigenous people in the ACT.

The ACT Government acknowledges the resolution of COAG to reduce Indigenous disadvantage by improving program performance. The ACT Government commits to improving housing outcomes for Indigenous people by appropriately implementing initiatives in line with *Building a Better Future: Indigenous Housing to 2010*.

In meeting this responsibility, the ACT Government will:

- Provide funds for Indigenous housing programs and services administered in accordance with the Agreement (Refer to Schedule 1).
- Promote coordination with Territory linked programs.
- Appoint members of the Territory advisory committee as outlined in Schedule 2.
- Provide timely Ministerial approval of the strategic and annual operational plan, and submit the plans to the Australian Government Minister by 31 May each year for approval.
- Provide performance and financial reporting on the use of, and outcomes achieved with the pooled funds to the Parties to the Agreement, as identified in section 9.
- Program manage pooled housing and housing related infrastructure funds, through contestable outsourced program management arrangements, on behalf of the Parties to the Agreement.
- Develop a three-year Strategic Plan 2005-08 to achieve the outcomes of this Agreement. The strategic plan will be reviewed annually, referred to as the Annual Operational Plan and submitted for approval by 31 May each year.

Joint Responsibilities

The Parties agree to streamline monitoring and reporting processes in order to expedite and facilitate the timely delivery of program implementation.

The Parties agree to commit to reducing duplication through the streamlining of service delivery arrangements that provide for one level of government having primary responsibility for particular service delivery, or where jurisdictions continue

to have overlapping responsibilities, that services would be delivered in accordance with an agreed coherent approach. This includes all Indigenous housing funding from the Australian and the ACT Governments.

The Parties also have a role in promoting linkages and coordination across non-housing specific programs. This includes:

- Coordinating planning cycles and resource allocation processes for those programs that are strategically linked to the objectives of this Agreement but are not covered by the Agreement.
- Promoting and implementing coordinated policy development and program delivery with relevant government and non-government agencies particularly in the areas of health, consumer services, public works, employment, education and training.
- The Parties to the Agreement shall meet at least three times per year during the term of this Agreement. The purpose of these meetings is to monitor the implementation of provisions of the Agreement and ensure outcomes are met.

5. ADVISORY COMMITTEE

The Parties recognise the Territory Advisory Committee as the principal source of advice on policies and strategies to improve housing outcomes for Indigenous people in the ACT. The function of the committee is to:

- Provide advice and recommendations on strategic policy for Indigenous housing programs in the ACT based upon the principles of the Agreement.
- Provide advice and recommendations on delivery mechanisms and priorities.
- Advise on consultative mechanisms for participation by Indigenous people in housing policy development and program delivery.
- Participate in consultations with Australian Government Indigenous Coordination Centres, between levels of government, between government and Indigenous housing providers and other stakeholders on matters relating to Indigenous housing and related infrastructure policy and program delivery in the ACT.
- Develop linkages and informal partnerships with other relevant government and non-government organisations and agencies.
- Provide advice and advocate for improved access to a full range of housing options including mainstream public housing, private home ownership and for culturally appropriate housing services.
- Provide feedback to the ACT Aboriginal and Torres Strait Islander community regarding housing issues.

The composition and selection of committee members for the Advisory Committee is at *Schedule 2*.

6. CONSULTATION

The ACT Government will ensure that consultation occurs with ACT Indigenous communities through an annual forum, information distribution and other culturally appropriate mechanisms.

7. STRATEGIC PLAN / ANNUAL OPERATIONAL PLAN

The ACT Government will develop a three-year Strategic Plan that will be reviewed annually within a timeframe that enables the development of an Annual Operational Plan. The Strategic Plan will aim to give effect to the principles of this Agreement as listed in Section 2 and contribute to the achievement of the outcomes listed in Section 3.

The Strategic Plan 2005-08 will meet the following requirements:

- Be consistent with BBF and be based on the National Reporting Framework (NRF) for Indigenous housing plans.
- Clearly define priorities for allocation of resources to improve housing and infrastructure outcomes for Indigenous people.
- Be informed by needs-based data.
- Be consistent with the strategic plans and existing policies of the Australian Government and the ACT Government;
- Where practicable, provide for the coordination and integration of housing with linked programs across the region; and
- Set targets and outcomes to be achieved in accordance with COAG outcomes and BBF.
- Be developed in consultation with the ACT Advisory Committee.

Annual Operational Plan

The ACT will develop an Annual Operational Plan that will reflect the priorities contained in the Strategic Plan and is consistent with BBF and NRF.

The Annual Operational Plan will allocate resources on the basis of need across the ACT and will include:

- Priorities contained in the strategic plan.
- Source of housing funds.
- Description of programs and projects, including projected targets, outputs and outcomes.
- Administrative and program management costs.

The Annual Operational Plan will be provided by 31 May each year, and must be approved by the relevant ACT Minister. The Australian Government Minister will approve the Annual Operational Plan within one month of receiving a satisfactory plan.

Australian Government funds to be administered in accordance with this Agreement will be released upon approval of the Annual Operational Plan by the relevant ACT Government Minister and the relevant Australian Government Minister.

8. FUNDING AND FINANCIAL ARRANGEMENTS

The Parties agree to the pooling of funds to be administered in accordance with this Agreement. The only exemption to this will be:

- \$408,500 in 2005-06 that has already been verbally offered by the Australian Government to an Indigenous Community Housing Organisation (ICHO) for the purposes of providing Indigenous rental housing in the ACT; and
- ACT Government funding for Indigenous housing in 2005-06.

Apart from these exemptions, the Parties agree that the ACT Government has responsibility for administration of the following pooled funds:

- Australian Government Community Housing and Infrastructure Program (CHIP) funding.
- Australian Government Healthy Indigenous Housing Initiative funding for Capacity Building for Indigenous Community Housing Organisations.
- Funds provided by the ACT Government for housing services and infrastructure for Indigenous people.

The Agreement will allow for pooled funds to be utilised towards Shared Responsibility Agreements (SRAs) and Regional Partnership Agreements (RPAs) between the Australian Government and Indigenous communities where the purposes are consistent with the funding objectives of the Agreement. The Australian Government and the ACT Government will jointly determine how the planning process will accommodate provision for the support of SRAs and RPAs. The use of pooled funds for SRAs and RPAs will be subject to agreement between the Australian Government and the ACT Government.

9. REPORTING ARRANGEMENTS

The ACT Government is to provide reports to the Australian Government on the pooled funds as follows:

Financial Reporting

- Financial report for the period 1 July to 31 December will be provided annually by 28 February, to include:
 1. an income and expenditure statement for the Financial Year to date compared with the Budget, including all Activity Generated Income;
 2. a list of the Assets acquired during the Financial Year compared with the Budget;
 3. a list, and amounts, of debtors and creditors (if the financial statements are prepared on a cash basis) or the amount of accruals and pre-payments (if the financial statements are prepared on an accrual basis).
- An audited financial statement will be provided annually for the period 1 July to 30 June by 31 December.

Performance Reporting

- A performance report demonstrating progress towards the Strategic and Operational Plans for the period of 1 July to 31 December will be provided by 28 February. The report should include a summary status of all projects, and identify projects that are behind schedule and proposed action to be undertaken.
- A performance report on the achievement of outcomes identified in the Strategic and Operational Plans in a manner consistent with the National Reporting Framework (NRF) will be provided annually for the period 1 July to 30 June by 31 December.

The Parties note that the NRF, BBF, ARHP / CHIP policy and Australian Government data requirements will be reviewed within the period of the Agreement. Reporting requirements for the latter years of the Agreement will be amended to reflect changes.

10. REVIEW OF THE AGREEMENT

Changes to the Agreement may only be made by mutual agreement in writing.

The Parties agree to renegotiate the terms of this Agreement if necessary, should the provision of funds to the ACT Government agreed under the CSHA change, or should any of the Parties fail to contribute funds, or should there be any significant changes in relevant Territory or Commonwealth policy or structures.

This Agreement will be renegotiated or terminated in the event of failure of the Parties to agree on program priorities for existing or additional funding. In such circumstances, the Parties agree to seek to amicably resolve any differences or disagreement and that the right to terminate the Agreement pursuant to this clause will be confined to circumstances of serious disagreement over proposed policies or priorities.

The Parties agree to give six months notice in writing of intention to terminate or rescind this Agreement. However if, as a result of serious disagreement, the Parties to this Agreement do not, or cannot, meet their respective responsibilities, this Agreement may be terminated immediately. If the Agreement is terminated without notice, all pooled funds committed under signed contracts will be honoured until contract completion. Parties will enter into negotiations regarding the balance of funds in the pooled account and disbursement to the Parties to this Agreement.

11. EVALUATION

Irrespective of any changes to, or renegotiation of the terms of the Agreement the Parties agree to finalise a formal evaluation of the Agreement prior to the conclusion of the Agreement. The formal evaluation will include the following:

- Measures against the Outcomes in this Agreement detailed in Section 3;
- Parties' performance against the Roles and Responsibilities as detailed in Section 4;
- Other areas identified as requiring evaluation, as agreed by all Parties to this Agreement, and/or as recommended by the Territory Advisory Committee.

SCHEDULE 1 – FINANCIAL IMPLEMENTATION

This schedule sets out the pooled funds to be provided, under the Agreement, by the Australian Government and the ACT Government for housing and related infrastructure for 2005-06.

The funds for 2006-07 and 2007-08 will be agreed to by the Australian Government and the ACT Government by 31 May each year and will be subject to annual Parliamentary and Legislative Assembly appropriation.

Indicative 2005-06 Funds

Source of Funds	Program	Allocation	Application of funds
Australian Government	CHIP	Billabong Aboriginal Corporation \$408,500	Purchase of Indigenous rental housing
Australian Government	Healthy Indigenous Housing Initiative	\$50,000	Capacity Building for ICHOs
ACT Government	Capacity Building for ICHOs	\$130,974	Capacity building
ACT Government	Indigenous Boarding House	\$3,200,000	Capital funding for a new Indigenous boarding house
ACT Government	Aboriginal and Torres Strait Islander Housing Liaison Service	\$59,405	Housing Liaison Service provided by Winnunga Nimmityjah Health Service

Indicative 2006-07 Funds

Source of Funds	Program	Allocation	Application of funds
Australian Government	CHIP	\$408,500	Indigenous housing
Australian Government	Healthy Indigenous Housing Initiative	\$30,000	Capacity Building for ICHOs
ACT Government	Indigenous Housing Program	\$350,000	Indigenous housing and capacity building
ACT Government	Aboriginal and Torres Strait Islander Housing Liaison Service	\$59,405 (approx)	Housing Liaison Service provided by Winnunga Nimmityjah Health Service

Indicative 2007-08 Funds

Source of Funds	Program	Allocation	Application of funds
Australian Government	CHIP	\$408,500	Indigenous housing
Australian Government	Healthy Indigenous Housing Initiative	\$30,000	Capacity Building for ICHOs
ACT Government	Indigenous Housing Program	\$350,000	Indigenous housing and capacity building
ACT Government	Aboriginal and Torres Strait Islander Housing Liaison Service	\$59,405 (approx)	Housing Liaison Service provided by Winnunga Nimmityjah Health Service

SCHEDULE 2 – TERRITORY ADVISORY COMMITTEE

The Territory Advisory Committee will consist of up to seven members.

Five Indigenous members of the Committee will be appointed by the ACT Minister for Disability, Housing and Community Services, on the basis of their personal expertise and capacity to provide a Territory wide perspective on Indigenous housing matters.

Indigenous members of the Committee will be appointed having regard to a selection criteria that will assess their:

- understanding of Indigenous housing issues;
- ability to contribute to strategic directions on housing and infrastructure and provide advice on government housing and infrastructure policies;
- ability to present and provide practical advice that reflects the views and experiences of Indigenous people;

- ability to develop productive relationships and work collaboratively with other board members, government and Indigenous stakeholders;
- commitment to effective communication and consultation demonstrated through established links with local and/or national Indigenous networks; and/or
- ability to facilitate business, community and government partnerships on housing projects.

Each member will be appointed for a period no longer than the operation of the Agreement.

The Chief Executive of the ACT Government Department of Disability, Housing and Community Services (or his/her delegate) and the Secretary of the Australian Government Department of Family and Community Services (or his/her delegate) will be members of the Committee.

The Committee shall meet at least four times per year.

The Committee may co-opt external members from time to time with specialist expertise in areas consistent with the functions of the group eg: building and construction.

The process for selection of the Chairperson, Committee members and specialist members includes calling for expressions of interest followed by a selection process based on merit. The panel to assess applications for prospective Committee members will comprise the nominated representative of the ACT Aboriginal and Torres Strait Islander Community Consultative Council and equal representation of executive level staff from Australian and ACT Government Departments.

Each Committee member may appoint a delegate to attend meetings on their behalf, subject to approval by the ACT Minister for Disability, Housing and Community Services. An approved delegate may not attend more than 50 per cent of Committee meetings in a given financial year.