

Social and Affordable Housing Unit
Housing Division
Treasury
Langton Cres
Parkes ACT 2600



**New South Wales
Aboriginal Land Council**

ABN: 82 726 507 500

Via online: housing@treasury.gov.au

Re: NSWALC submission on the \$1 billion increase to the National Housing Infrastructure Facility

The NSW Aboriginal Land Council (**NSWALC**) welcome the opportunity to make a submission on the \$1 billion increase to the National Housing Infrastructure Facility.

NSWALC is the state's peak, democratically elected body representing Aboriginal peoples in NSW. NSWALC has functions to protect and promote the rights of Aboriginal peoples, providing support to the NSW Aboriginal Land Rights Network. The Network is currently made up of 121 Local Aboriginal Land Councils (**LALCs**) and has a combined membership of over 30,000 Aboriginal people in NSW.

The NSW Aboriginal Land Rights Network is the key vehicle to delivering social, cultural and economic outcomes to Aboriginal communities, and is the framework for achieving self-determination in NSW. The Aboriginal Land Rights Network has unique, first-hand knowledge of the challenges and opportunities facing Aboriginal peoples and has developed and continues to develop a range of innovative opportunities to support the economic prosperity and social and cultural aspirations of Aboriginal people in NSW.

NSWALC are pleased to see the Government's commitment to supporting more social and affordable housing across Australia. In particular, we are supportive of the direction of additional National Housing Infrastructure Facility (**NHIF**) funding to support crisis and transitional accommodation for women and children experiencing domestic violence, and for youth experiencing homelessness.

NSWALC takes the opportunity to provide comment on the draft amendments to the *Housing Australia Investment Mandate Direction 2018*, the draft Explanatory Statement and the specific policy parameters.

ALWAYS WAS. ALWAYS WILL BE.

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Introduction

NSWALC is committed to pursuing cultural, social and economic independence for Aboriginal peoples in NSW. As a self-funded statutory corporation established under the *Aboriginal Land Rights Act 1983 NSW* (ALRA), NSWALC has a legislated objective to improve, protect and foster the best interests of Aboriginal peoples and communities across the state. A key foundation to achieving this is securing safe, affordable and culturally appropriate housing.

Australia is experiencing a housing crisis; housing shortages disproportionately impact Aboriginal peoples, with the lasting effects of colonisation and ongoing dispossession exacerbating the divide in education, job security, health, and economic prosperity between Aboriginal and non-Aboriginal peoples. Secure, affordable housing is an important way to address disadvantage

NSWALC is a member of the NSW Coalition of Aboriginal Peak Organisations (**NSW CAPO**), who is a collective of peak bodies representing Aboriginal Community-Controlled Organisations across NSW. NSW CAPO provides a strong, independent and coordinated voice to address issues affecting Aboriginal people in NSW and are a partner to the National Agreement on Closing the Gap (**the National Agreement**). Target 9 of the National Agreement on Closing the Gap highlights the right for Aboriginal peoples to 'secure appropriate, affordable housing that is aligned with their priorities and need'.

Under the National Agreement, NSW CAPO have committed to regular and ongoing consultation with Aboriginal communities in NSW to understand the needs and priorities of communities, as determined by Aboriginal people. Through these consultation processes, Aboriginal communities have identified that there needs to be a greater focus on holistic and culturally safe support for Aboriginal children and families to thrive, particularly in relation to housing, and transitional and emergency accommodation.

The NSW CAPO Community Engagement Report identifies several areas where supports are needed, including:

- Homelessness needs to be addressed through more housing, including transitional housing and refuge accommodation within local communities.
- Supportive accommodation is needed within every community, such as women's refuges, men's refuges, transitional housing, including for people leaving custody or rehabilitation, safety houses for children and youth accommodation.
- Aboriginal-specific refuge accommodation is necessary, as it provides a culturally safe way to support people experiencing homelessness or domestic violence.
- Supportive accommodation should be managed by Aboriginal community-controlled organisations (**ACCO**) and supported by consistent investment.
- Refuge accommodation needs to be accessible for people living with disability.

Funding for crisis and transitional accommodation

There is currently a considerable shortfall in social and affordable dwellings across Australia due to long-term underinvestment and 'residualisation' of social housing (AHURI 2023). The COVID-19 pandemic saw a rapid rise in the need for emergency housing (AHURI 2023), contributing to the current unmet demand for emergency accommodation. As a result, supportive accommodation, such as crisis accommodation or transitional housing is gaining a stronger focus from governments in homelessness and social and affordable housing policies across Australia, which is critical given the

increasing demand for crisis and transitional accommodation (AIHW 2021). The \$1 billion increase to the NHIF to support crisis and transitional accommodation for women and children experiencing domestic violence, and for youth experiencing homelessness will significantly contribute to current demand, however, must consider the needs and outcomes for Aboriginal peoples.

Aboriginal people are overrepresented in those that seek social housing services, identifying a need for specific culturally appropriate accommodation responses for Aboriginal peoples seeking emergency or crisis accommodation. Clause 55 of the National Agreement commits governments to implement measures to increase the proportion of services delivered by Aboriginal and Torres Strait Islander organisations, particularly Aboriginal community-controlled organisations. This includes a requirement to implement “*funding prioritisation policies across all Closing the Gap outcomes that require decisions about the provision of services to Aboriginal and Torres Strait Islander people and communities to preference Aboriginal and Torres Strait Islander community-controlled organisations and other Aboriginal and Torres Strait Islander organisations.*”

NSWALC recommend that a portion of the funding allocated to the states and territories through the additional NHIF funding is specifically for culturally appropriate crisis and transitional accommodation for Aboriginal peoples.

Defining crisis and transitional accommodation

According to the 2023 AHURI Report ‘Crisis accommodation in Australia: now and for the future’, Australia has no national definition of emergency housing or crisis accommodation, with varying understandings and classifications across the states and territories. Due to the shortage of crisis and short-term transitional accommodation as well as the scarcity of appropriate exit pathways, jurisdictions retain a relatively flexible understanding of what defines these types of accommodations.

The *Housing Australia Investment Mandate Amendment (2024 Measures No. 2) Direction 2024* proposes the below definitions:

(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).

These definitions provide clear parameters, under this mandate, for the persons a crisis and transitional housing project would support, with some flexibility. However, groups such as Aboriginal men and Indigenous LGBTQ+SB¹ who are over-represented in the homeless population, are excluded through these definitions.

Emergency accommodation in various forms, such as dedicated Aboriginal men’s shelters, provides critical ‘food, showers, drug rehabilitation and social services for homeless men’² in a culturally safe way. Therefore, NSWALC advocate the expansion of the definition of crisis and transitional housing (and related projects) that will ensure the inclusion of Aboriginal men and Aboriginal LGBTQ+SB

¹ Recent studies have found ‘close to 13% [of Indigenous LGBTQ+] experienced homelessness of housing insecurity because of their sexual orientation or gender identity’. [New research shows how Indigenous LGBTQ+ people don’t feel fully accepted by either community \(theconversation.com\)](#)

² [Walgett Aboriginal elders demand housing help 18 months after men's homeless shelter demolished - ABC News](#)

peoples at risk of family and domestic violence or at particular risk of homelessness, in addition to women, children or youth. The intent of this recommendation is to ensure there are crisis and transitional housing pathways for vulnerable groups that are culturally safe and inclusive.

Project proponent eligibility

The *Housing Australia Investment Mandate Amendment (2024 Measures No. 2) Direction 2024* proposes a list of eligible entities for NHIF financing for crisis and transitional housing projects. Eligible proponents are limited to states and territories (including agencies), local governing bodies, government owned corporations and registered community housing providers that are a constitutional corporation. The list of eligible proponent has limitations; NSWALC advocates that the eligible proponents list extends to statutory authorities to provide opportunities for suitable (community-controlled) organisations, including NSWALC, NSW's peak representative body for Aboriginal affairs, to apply for funding. As identified above, the National Agreement commits governments to implement strategies to increase the number of services delivered by Aboriginal and Torres Strait Islander organisations and ACCOs. The inclusion of statutory corporations has the capacity to support these commitments.

Recommendations

1. NHIF allocate a portion of the funding to support crisis and transitional accommodation for women and children experiencing domestic violence, and for youth experiencing homelessness, to Aboriginal-specific emergency accommodation.
2. There is an additional provision to the definition of crisis and transitional housing to support Aboriginal men and Aboriginal LGBTQ+SB peoples at risk of family and domestic violence or at particular risk of homelessness.
3. The eligible proponents list is amended to include statutory authorities.

We hope that the recommendations made in this submission will be meaningfully considered.

Should you require further information, please contact the NSWALC Strategy and Policy Unit on 02 - 9689 4444 or via e-mail: policy@alc.org.au.

Sincerely,



Yuseph Deen

Chief Executive Officer
NSW Aboriginal Land Council

9th September 2024