Aboriginal and Torres Strait Islander Housing Roundtable

Friday May 25 2012 at Queensland Shelter in Brisbane

Record of roundtable 2012

Contents

1. Introduction and background

This Roundtable was the third facilitated by National Shelter since 2010.   Since the dismantling of the Aboriginal and Torres Strait Islander Commission (ATSIC) in 2004 there have been limited avenues for national conversations about the housing needs of Aboriginal and Torres Strait Islander peoples and the role community controlled organisations play in meeting these needs.   Since the Commonwealth began to transition responsibility for Aboriginal and Torres Strait Islander housing organisations to states and territories, and each jurisdiction has taken a different approach, the need for interstate community-level communication on common issues has become even more acute.

Through the course of the three roundtables there have been a number of common themes, including:

- Unmet housing need for Aboriginal and Torres Strait Islander people, including in urban areas;

- A level of dissatisfaction and frustration around the processes to transition responsibility for Aboriginal and Torres Strait Islander housing organisations (frequently referred to as ICHOs) from the Commonwealth to the States and Territories;

- The need to protect and further foster the strengths of Aboriginal and Torres Strait Islander housing organisations including highly effective delivery of wrap-around services;

- The need to invest in capacity building to allow community controlled housing organisations to overcome a period of funding neglect and take advantage of opportunities open to other community housing providers; and

- The need for a united national voice and opportunities for national discussions on housing issues for Aboriginal and Torres Strait Islander peoples;

The purpose of the 2012 roundtable was to share knowledge and experiences between states and territories, acknowledge progress that has been made, and further the agendas above.   This event was facilitated by National Shelter with funding from the Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs.   The roundtable was chaired by the Chairperson of National Shelter, Adrian Pisarski.

2. Acknowledgments

Adrian acknowledged the traditional owners, the Turrbal and Jagera peoples, and their elders past and present.

3. Attendees

3.1 Aboriginal and Torres Strait Islander delegates

State or Territory	Name	Organisation
New South Wales	Adell Hyslop	NSW Federation of Housing Associations
New South Wales	Michelle Craig	NSW Aboriginal Housing Officer Chairperson
Northern Territory	Jan Berriman	Central Australian Affordable Housing
Northern Territory	Colin Tidswell	Yilli Rreung Aboriginal Housing
Queensland	Barb West	Chjowai Housing Cooperative
Queensland	Garth Morgan	Queensland Aboriginal and Torres Strait Islander Human Services Coalition
Queensland	Brad Currie	Mununjali Housing and Development Company Ltd
Queensland	Michelle Hooke	Girudala Co-op
Queensland	Jenine Godwin-Thompson	Yumba Meta Board Member
South Australia	Neville Highfold	
Tasmania	Lyndy Bowden	Tasmanian Aboriginal Centre

3.2 Shelter representatives

State or Territory	Name	Organisation
Australian Capital Territory	Leigh Watson	Shelter ACT
ACT - CHFA	Eddy Bourke	Community Housing Federation of Australia
ACT –HA	Nicole Lawder	Homelessness Australia HA self-funded participation in this event

ACT - HA	Travis Gilbert	Homelessness Australia HA self-funded participation in this event
NSW - CHFA	Adam Farrar	Community Housing Federation of Australia (NSW) Adam is National Shelter's Treasurer
New South Wales	Craig Johnson	Shelter New South Wales
ACT NATO	Deb Pippen	National Association of Tenant Organisations (NATO) Deb is Executive Officer of the Tenants and is on the Board of Shelter ACT.
Northern Territory	David Havercroft	Shelter NT Toni Vine-Bromley is an apology
Queensland	Adrian Pisarski	Queensland Shelter Adrian is Chair of National Shelter
Queensland	Kate Cowmeadow	Queensland Shelter
South Australia	Alice Clark	Shelter SA
Tasmania	Pattie Chugg	Shelter Tas
Victoria	n/a	
Western Australia	Chantal Roberts	Shelter WA

3.3 Government guests

State or Territory	Name	Organisation
ACT - FaHCSIA	Nicolle Power	Department of Families, Housing, Community Services and Indigenous Affairs
ACT - FaHCSIA	Don Bell	Department of Families, Housing, Community Services and Indigenous Affairs
Queensland	Gary Oliver	Queensland Department of Housing and Public Works
Queensland	Jane Seddon	Queensland Department of Housing and Public Works
Queensland	Jeremy Hill	Queensland Department of Housing and Public Works

4.   Apologies and other invitees

State or Territory	Details
ACT	It was noted that on this occasion no community representative from ACT was available
New South Wales	Jim Allen Sent apologies
New South Wales	Karen Bradshaw, Bundjalung Tribal Society Was on leave
Northern Territory	Toni Vine Bromley Shelter NT Sent apologies
Queensland	Pat Cora Tenants' Union of Queensland Cairns Office Sent apologies
Victoria	Joanna Atkinson Aboriginal Housing Victoria Was on leave
Victoria	Felecia Dean and Dwayne Atkinson Rumbalara Aboriginal Co operative Sent apologies
Victoria	Phil Egen Murray Valley Aboriginal Cooperative
Victoria	Fiona Schlensog Wathaurong Aboriginal Cooperative
Western Australia	No community representative was available to travel at this time

5. Follow up from 2011 Roundtable

Following the 2011 Roundtable and correspondence with the responsible Commonwealth Ministers, a delegation from the Roundtable meet with the Minister for Families, Housing, Community Services and Indigenous Affairs, the Hon Jenny Macklin, and the then Minister for Social Housing, the Hon Mark Arbib.

Adrian Pisarski, along with Adell Hyslop, Michelle Craig, Garth Morgan and Brad Currie who were also part of the delegation, provided feedback to the 2012 Roundtable.   The purpose of this meeting on 21 September 2011 was to pursue three key aims established by the 2011 Roundtable:

a. That FaHCSIA prepare a report outlining where each state and territory is up to in relation to the transition so that stakeholders from across Australia can benefit from understanding the approach taken in each jurisdiction;

b. That FaHCSIA continue to fund National Shelter to convene two national roundtables per year to pursue national engagement, continue our conversation and to develop nationally consistent approaches to transitional arrangements;

c. That repairs and maintenance funding allocated for transitional arrangements be immediately made available to bring Aboriginal and Torres Strait Islander housing organisations dwellings to a reasonable standard and to help meet the Government's "Closing the Gap" targets.

Adrian reported that Minister Macklin had acknowledged that there were some difficulties with the transition processes and that she understood aspects of the transition were not well received. She highlighted that she believed that the NSW process had been the model she believed others should follow. The Minister also expressed disappointment with the lack of progress in other states, especially Queensland. Reporting to the 2012 Roundtable, Adrian commented that while NSW organisations had always had some contact with the State Government, and therefore had established relationships, this was not the case in Queensland.

On the three specific points the delegation took to the meeting, Adrian reported:

a. FaHCSIA has not yet provided a report outlining progress in each jurisdiction. Nicolle Power, attending the 2012 Roundtable on behalf on behalf of FaHCSIA, acknowledged that the report had not yet been provided but volunteered that she would update Adrian about it outside of the meeting.

b. Renegotiated FaHCSIA funding made the 2012 Roundtable possible but there is no current commitment to ongoing funding to support this National Shelter process; and

c. Minister Macklin was insistent that organisations should transition to state and territory systems and that funding for repairs and maintenance remained conditional on organisations becoming registered providers.

6. FaHCSIA update on transition processes

Nicolle Power from FaHCSIA provided an update from the Commonwealth perspective. She reported that most jurisdictions have progressed quite significantly in the past year. While there has been a diversity of approaches across states and territories, registration (or accreditation as a pathway to registration) has been a common theme.

The report on each jurisdiction's approach and progress promised by the Minister is yet to be delivered. It was noted that any such report could only be point in time and follow up on this matter will occur with National Shelter after the meeting.   There is a multi-level group facilitated by the Commonwealth for government officials to share insights and approaches.

The process has been shaped by each jurisdiction's circumstances, including the number of organisations.   For example, in Western Australia where there is only small number of organisations, the Government work with those organisations has been quite intense.   In Queensland and New South Wales the approaches have been, by necessity, different.   In future, the emergent national regulatory system for community housing providers will also figure. Nicolle expressed interest in participants' understanding of the emerging system and how they perceived their organisations would be impacted by, and interact with, the system.

6.1 Discussion

Community delegates stressed that community participation is necessary in intergovernmental processes because government focus is on administration and oversight whereas organisations are focused on ensuring the needs of their communities are met in culturally appropriate ways.   Opportunities to participate would also assist to build more open and productive relationships.

Northern Territory and South Australian representatives expressed concerns that processes at state and territory level were top-down, with no engagement and lacking in cultural respect.   Northern Territory participants were particularly concerned that an urban framework is being applied to town camps despite advice from local stakeholders that the remote framework is more appropriate.

There was also a discussion on the nature of caveats placed on the titles of ex-ATSIC dwellings. It was clarified that they are an expression of the Commonwealth's interest and are based in legislation.   Nicolle stressed that these caveats reflect grant funding from the Commonwealth and act to protect the housing for Aboriginal and Torres Strait Islander people.   However, where organisations have transitioned to state or territory systems the Commonwealth are talking to those jurisdictions about minimizing the burden of caveats and any mortgages that states or territories may require to secure their investment in properties.

At this point the discussion revisited another theme from earlier Roundtables, that while generally community housing organisations were being encouraged and able to access funding to grow and innovate, Aboriginal and Torres Strait Islander housing organisations

are being subject to extraordinary scrutiny and restraints.   Participants from Northern Territory were particularly concerned about this.

7. National Regulatory System for not-for-profit housing providers

7.1 Community Housing Federation of Australia (CHFA) perspective

Eddy Bourke from CHFA gave an overview of the proposed new national regulatory system for community housing providers.

Currently there are a range of systems in place across the states and territories. These range from no regulatory system in Tasmania through to a very strong system in Victoria. These varying arrangements are a big challenge for the small number of organisations currently working across jurisdictions.   They also undermine competitive neutrality and the confidence of investors and finance providers.

There have been several attempts to establish a national regulatory system for not-for-profit housing providers. The development of the current system has arisen out of one of the reform agreements attached to the social housing component of the National Partnership Agreement on the Nation Building and Jobs Plan economic stimulus package. The states and territories have agreed to create a nationally consistent system that will be based on 'host state' legislation, rather than Commonwealth legislation..   The Commonwealth, state, and territory governments have worked on the development of the new system. The New South Wales Government has been the lead jurisdiction in this process, and will be the first state to introduce legislation for the new system. Other state and territory governments will then introduce 'mirror' legislation, meaning that all Australian states and territories will then be operating using the same regulatory code. Each jurisdiction will have their own registrar, although smaller states and territories will be able to choose to outsource this function to larger jurisdictions.   The system will be overseen by a National Advisory Council.

CHFA broadly supports the structure of the new system, which will be tiered to reflect risk profile of regulated organisations. It is important to note that the proposed system is based on an organisation's risk profile, not the size of its operation.   In the event of organisational failure, registrars will be able to issue binding instructions.   The evidence guidelines for each tier are still to be released, but the system is due to roll out from the beginning of 2013.

The proposed tiers are essentially:

1. Organisations with in-house development capacity, complex financial structures or otherwise carrying a high level of financial risk.

2. Tenancy managers who may be involved in purchase or small scale development.

3. Tenancy managers.

CHFA believe the proposed system is "pretty sound" and on balance provides the most politically viable option. While not a 'Rolls Royce' system, it is the "least worst" and most practical system that could have been developed in the timeframe and within the political constraints.   The current system all leaves room for expansion, with the possibility of one day including for-profit providers of affordable housing (e.g. for-profit NRAS providers) and state housing authorities.   The system will not be perfect, and there are a number of concerns, including the fact that state and territory governments will still be able to exercise a considerable degree of control over organisations' operations through their funding agreements.

Adam Farrar offered some insights based on the current New South Wales system, which is broadly similar to the shape of the proposed national system. He noted that there is a "judgement call" to be made about which tier applies to an organisation.   There will be broad areas of the code that apply to all regulated organisations, but the way in which organisations will be expected to demonstrate compliance will depend on the tier that they are being assessed against..   For smaller organisations and those with relatively simple business models, the new system will not be completely "light touch", but there will be a degree of proportionality in the compliance required of participating organisations based on their tier.

7.2 Queensland Government perspective

Jeremy Hill from the Queensland Department of Housing and Public Works also spoke to the emerging national regulatory system for not-for-profit housing:

- It is important to note that the proposed system is about allowing the community housing system to mature.

- The proposed system will separate funding and regulation. So if, for example, a resource company provides funding for community housing the recipient organisation will still be subject to oversight.

- It is an opt-in system, but funders will be able to make registration a condition of funding.

- The demands of the system are scaled to risk through the tier approach.

- The new system will move the focus from process to testing performance.

Next steps include:

- NSW is looking for other States to be ready (have cabinet approval).

- Evidence guides to be published.

- Definitions of tiers to be clarified.

- A process of transition from existing systems to the new system will need to be defined.   In Queensland there will be an expectation that organisations currently registered will move to the new system.   Local Government providers, including the Indigenous Councils, are not currently covered by the proposed system and special arrangements may need to be put in place.

7.3 Discussion

Several community participants in the roundtable raised issues regarding their capacity to meet registration standards.   It is very difficult for many organisations to demonstrate they meet standards after years of funding neglect and confusing demands from governments. For organisations that are currently registered in state or territory systems there have been significant costs to meet those demands, so transitional arrangements should recognise evidence of the standards already met.   All organisations transitioning will have to provide some additional evidence and the scale of this will depend on their tier and their jurisdictions current arrangements.

This discussion led to questions about what, if any, consideration had been given to the unique approaches and situations of Aboriginal and Torres Strait Islander organisations in the development of the proposed new system.   While the system is designed to be inclusive (open to all community based housing organisations) it appears that little consideration has been given to the specific needs and perspectives of Aboriginal and Torres Strait Islander housing organisations.   In NSW, Land Councils are subject to their own legislative framework and the Aboriginal Housing Office is subject to statutory requirements.   It's unclear how these things have been taken into account.   While all organisations may have received invitations to consultations, they may not have had the means to attend or even have received enough tailored information to understand how the issues may be relevant to them.

Adell Hyslop added that Aboriginal providers "struggle to fit the mould" of mainstream registration.   There were concerns expressed that Aboriginal and Torres Strait Islander organisations would be left behind and any new housing would go to mainstream organisations without culturally appropriate practices.   There was also discussion on how organisations with broader models, including social enterprises, would be impacted by the new system.

Adrian requested that the report from FaHSCIA now include a section on how Aboriginal and Torres Strait Islander housing organisations were engaged in consultations and how their perspectives and unique situations will be addressed.

There was a question from Homelessness Australia about if there is an opportunity to align the regulatory system with the emerging quality standards for homelessness services, but this was not considered possible by other roundtable participants.

8. Michelle Craig, Aboriginal Housing Office on Build and Grow

Michelle, as community based chair of the Aboriginal Housing Office, reported on progress of the Build and Grow Strategy in NSW.

Build and grow is based on five key initiatives:

1. Provider Assessment and Registration System (PARS). PARS is modelled on NSW's current State registration system for mainstream community housing organisations. It has a performance and capacity focus. It was piloted in 2011. Currently 25 Aboriginal Community Housing Providers (ACHPs), of which 11 are Local Aboriginal Land Councils (LALCs) are approved under PARS. Five ACHP were Not Approved under PARS, of which four were LALCs.

2. Headleases.

3. Refurbishment and backlog maintenance. To have access to funds for refurbishment and backlog maintenance providers must agree to participate in Build and Grow. There is a focus on the remote areas in the funding and in 2010/2011 241 homes in remote areas were refurbished and 114 homes in regional areas were upgraded.

4. Capacity building assistance is tailored to an organisation's specific needs but may include training, coaching, mentoring, and business development. There is a panel of consultants who have been chosen through a tender process. Meeting participants noted that this strategy was quite new and much needed. AHO is currently finalising the Capacity Building policy.

5. Build and Grow Rents. An appropriate rent policy is essential as low rents mean low expenditure on homes. The starting point for the new rent policy was 25% of household income but this was recognised as unsustainable. The new rent policy is focused on sustainability for providers, simplicity and affordability for tenants and capturing Commonwealth Rent Assistance. Rents are based on the number of people in the dwelling. There will be transitional arrangements where current rents are lower.

Build and Grow also has a subsidy program which includes incentive, sublease and rent gap subsidies, time limited for two years. Subsidies are administered by the AHO and meetings

are held with providers every two months to keep on top of issues relating to Build and Grow implementation.

Michelle acknowledged the many challenges inherent in implementing Build and Grow. Chief among these concerns is that Commonwealth funding is focused on remote issues but demand in non-remote areas is much higher.

9. Queensland Government report on transitions

Gary Oliver, Executive Director of Indigenous Housing, from the Queensland Department of Housing and Public Works reported on progress in Queensland. Gary is a Queenslander but has worked in NSW and reflected on the dramatically different starting points the two states had, given that Queensland organisations had not previously had direct relationships with the state government.

There are separate approaches and funding for remote and urban housing in Queensland. As part of the National Partnership Agreement on Remote Indigenous Housing, there have been 1140 new dwellings promised for Deed of Grant in Trust (DOGIT) remote communities (excepting Cherbourg and Yarrabah which are not considered remote). About 200 houses built to date with 62 so far this year.

On former missions the Commonwealth is requiring 40 year leases and while these are negotiated there is a $50,000 cap on work per property. In these remote communities it is not just housing that needs to be upgraded but other essential community infrastructure like sewerage systems. There are no rates mechanisms on DOGITs but the State Government will pay $2000 per property plus $600. They are requiring local employment outcomes from funding investment and the use of local materials.

The ICHO program includes $60 million for backlog maintenance in rural and urban communities. Gary acknowledged that the $60 million was inadequate to meet need especially given the high number of houses that need to be replaced entirely. The figure should have been closer to $140 million. 33 of 80 organisations have opted into the state system, including 11 who have transferred their stock to the Department. This stock remains tagged as Aboriginal and Torres Strait Islander housing in the State Government System.

Not as many organisations as they would like have opted into the system and they continue to work with organisations to explore possibilities. Joining the One Social Housing System involves significant changes for some organisations including different approaches to tenancy management and asset management. But for organisations joining, opportunities open up. While there are no incentive payments like in New South Wales, there may be future opportunities for additional housing. Gary said he was keen to work out a way to support the capacity development of organisations in some way.

Gary acknowledged Girudela as a "flagship" for embracing becoming a registered provider in the State system. Gary also acknowledged the significant progress made in Cunnamulla, St George and Laura.

Challenges have included:

- poor condition of housing;
- the time it takes to complete works especially in rural and remote areas;
- the need to temporarily relocate tenants so works can be completed;
- debt levels and legal problems of some organisations; and
- varying levels of capacity across organisations.

Gary acknowledged that State and Commonwealth Governments share the blame for delays and failures.

However they believe that there has been significant improvement in living conditions for the 670 households whose housing providers have come into the State System. Gary noted that reform for social housing was at the top of the new Minister's agenda and that he (Gary) is keen to support ICHOs to participate more broadly in community housing development agendas.

9.1 Discussion

Garth Morgan noted that QATSIHSC and the new Queensland Aboriginal and Torres Strait Islander Housing Council particularly want traction on ICHOs being able to leverage their stock to expand, and for Aboriginal and Torres Strait Islander services to have the opportunity to manage government owned stock.

Adrian Pisarski from Queensland Shelter noted that the Queensland Government's Future of Housing Assistance (FOHA), a joint project between Treasury and the Housing Department, was exploring the potential for stock transfer to community housing organisations. One of the challenges in the FOHA process is that targeting means that most stock is rented to very low income people and income streams are inadequate for a sustainable system. There may be potential to explore mixed rent models, as some ICHOs are effectively doing by putting some of their stock into OSHS but keeping some separate. The perceived inflexibility of the OSHS rent model has been a major barrier for many ICHOs who have not joined.

There was a question about tenants who do not fit the OSHS criteria. Gary and Jane pointed to the grandfathering of arrangements for current tenants and the option of bringing just a portion of stock into OSHS. Jane also noted that while OSHS has a combined register of need and relied on government referring tenants to community housing providers, only tenants who fit an organisation's target group should be referred.

Brad Currie noted that organisations still believe that it is all or nothing in terms of coming into OSHS and there needs to be effective communication about this.

Pattie Chugg from Shelter Tas expressed concerns that where management of large regional tranches of stock was being put to tender, it was unclear if some Aboriginal housing was being caught up in this process.

Eddy Bourke from CHFA noted that the Build and Grow rent model is a minimum rent model, and organisations have scope to charge rents beyond those amounts. The focus of that rent model is viability and capturing Commonwealth Rent Assistance. There is also an argument that a "per person" rent is less confusing for tenants than rent based on a percentage of a varying household income.

There was also a discussion around Queensland allowing some organisations to self-deliver repairs and maintenance as NSW participants understood that the Commonwealth would not allow this. Jane Seddon reported that in the few cases they had done this they had been able to get their delegate to agree.

At this point the meeting broke for lunch after which government representatives left and remaining participants met in respective Shelter and Aboriginal and Torres Strait Islander delegates' caucuses.

10. Aboriginal and Torres Strait Islander delegates' caucus report

Adell Hyslop reported back to the full meeting on behalf of this caucus.

They discussed the Queensland Housing Council and how it was a good mechanism for communication at the State Level. So the question is how to communicate at a Commonwealth level given how important it is to have a united voice.

The group agreed that the community representatives from this roundtable, plus people from Victoria and Western Australia, would form a National Aboriginal and Torres Strait Islander Housing Alliance (NATSIHA).

NATSIHA will:

- work with National Shelter to progress the agenda explored by the Roundtable since 2010;

- create a facebook page as a communication tool; and

- use Survey Monkey as a tool to collect data from housing organisations and Aboriginal and Torres Strait Island communities.

Adell has agreed to administer the committee. The committee will draft terms of reference and seek funding from community sources.

Beyond calling for ongoing support for this Roundtable process in the form of the National Aboriginal and Torres Strait Islander Housing Alliance, the caucus has two recommendations:

1. That South Australian stakeholders come together for a housing and homelessness conference in recognition of the different situation in South Australia; and

2. That FaHCSIA support a forum for all Aboriginal and Torres Strait Islander Housing Organisations.

Alice Clark from Shelter SA noted that they are also keen for a housing and homelessness conference.   Neville Highfold added some explanation about the situation in SA, including that the Aboriginal Housing Unit has been dismantled and the community is very concerned about how to house Aboriginal people, especially young people.   Every non-Indigenous NGO should be playing a part but this needs to be in culturally appropriate ways.

11. State/Territory Shelter's caucus report to full meeting

Adrian reported on behalf of the Shelter caucus:

The need to invest in engagement and capacity building: There have never been funds invested in appropriate engagement with and development of Aboriginal and Torres Strait Islander housing organisations.   This must be addressed to support organisations to best apply their expertise to providing housing to their communities.

Systems must be flexible: Rent models, allocation processes and tenancy management approaches must be flexible enough to allow for sustainability and to fit with organisations unique models of service delivery.

Regulatory framework: Must allow for the perspectives and approaches of Aboriginal and Torres Strait Islander organisations. Aboriginal and Torres Strait Islander housing organisations must also be supported to adapt to the new regulatory environment.

Fairness: Aboriginal and Torres Strait Islander housing organisations must have access to the same flexibility, opportunities and supports as mainstream community housing organisations.

Recognition of effective wrap-around-service models. The idea of wrap-around services is an emerging approach for mainstream organisation but Aboriginal and Torres Strait Islander organisations have always used these approaches, often without funding.

Urban Aboriginal and Torres Strait Islander housing needs must be addressed. The assumption that Aboriginal and Torres Strait Islander people have the same access to housing and non-Indigenous people in urban settings is flawed. The market fails to meet the housing needs of Aboriginal and Torres Strait Islanders peoples, and discrimination is a

big concern in a market where several people are likely to be competing for each available house.

12. Next steps

1. Adrian to suggest a report on the Roundtable outcomes as a session for the upcoming National Housing Conference in Brisbane as there is a gap in the program around the role of Aboriginal and Torres Strait Islander housing organisations.

2. A letter to be sent to Minister Macklin seeking support for a forum of Aboriginal and Torres Strait Islander housing organisations before the National Housing Conference. Appropriate investment in capacity development is a key to ensuring that Aboriginal and Torres Strait Islander housing organisations continue and develop their role in meeting the housing needs of their communities.

3. A delegation from the Roundtable to seek a meeting with Ministers Macklin and O'Connor. The delegation to include from: Adrian Pisarski, Adell Hyslop, Garth Morgan, Jan Berriman, and Neville Highfold.