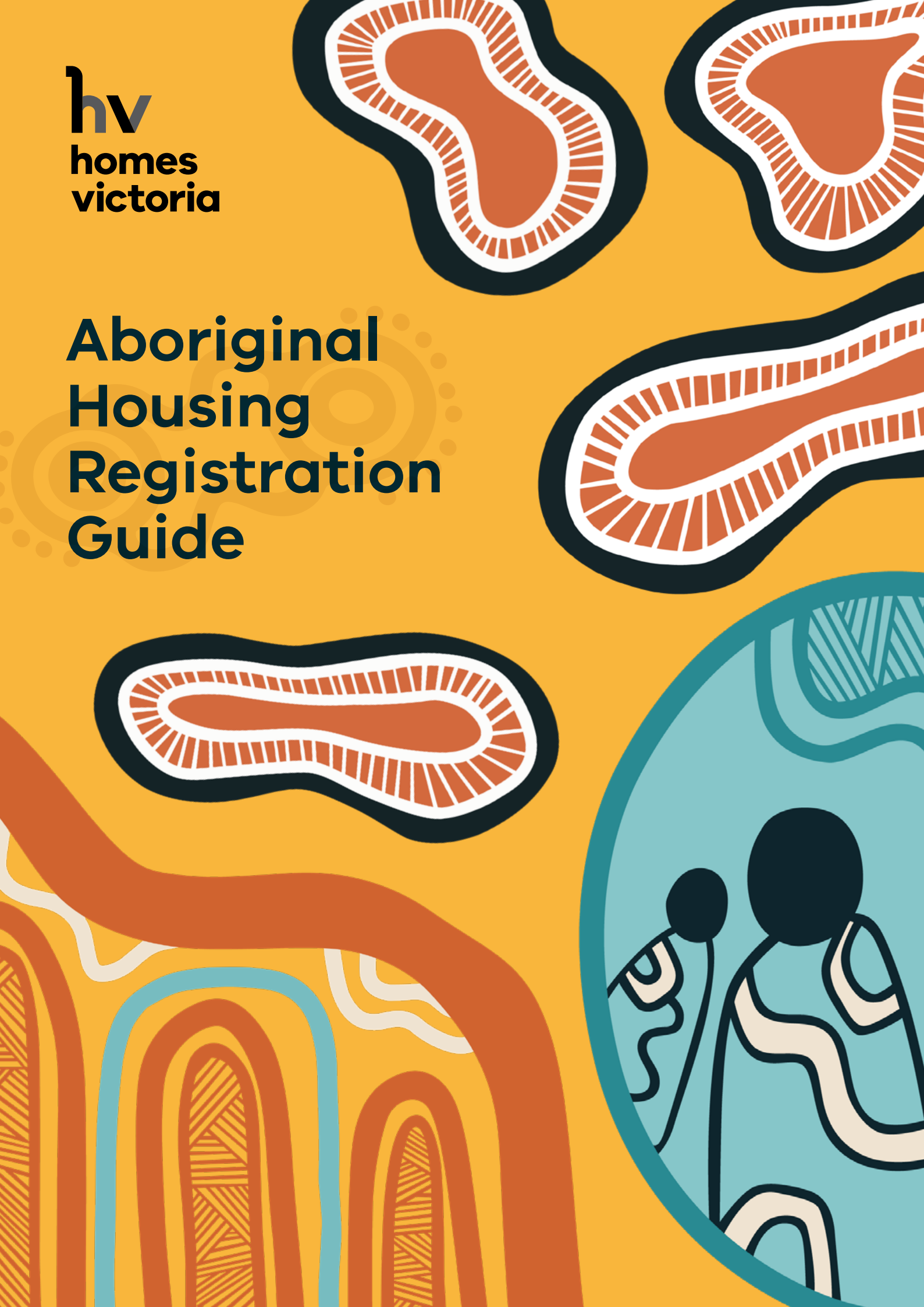


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Aboriginal Housing Registration Guide



Illustrations by Emma Bamblett

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Except where otherwise indicated, the images in this document show models and illustrative settings only, and do not necessarily depict actual services, facilities or recipients of services. This document may contain images of deceased Aboriginal and Torres Strait Islander peoples.

In this document, 'Aboriginal' refers to both Aboriginal and Torres Strait Islander people. 'Indigenous' or 'Koori/Koorie' is retained when part of the title of a report, program or quotation.

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Aboriginal Housing Registration Guide

We acknowledge the Traditional Owners and Custodians of the lands on which we live and work and we pay our respects to them, their cultures and their Elders past and present.

Definitions

Aboriginal

The term Aboriginal throughout the document relates to both Aboriginal and Torres Strait Islander people and communities

Aboriginal Organisation

Refers to Aboriginal Community Controlled Organisations and Traditional Owner Corporations

DFFH

Refers to the Department of Families, Fairness and Housing

Community Housing

Affordable and social housing options given via a community housing agency

Affordable Housing

Social housing that is appropriate for the housing needs of very low, low- and moderate-income households

Social Housing

Social housing is housing that is provided to eligible households, with rents subsidised to ensure that households pay an affordable rent

HV

Refers to Homes Victoria

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Purpose

Background, Policy Context, Case for Change, Introduction, Purpose and Scope

The background to the Aboriginal Housing and Homelessness reform journey, including *Mana-na woorn-tyeen maar-takoort* (VAHMF), Victorian Government's commitment to Aboriginal self-determination and the opportunities for more Aboriginal Organisations to address the housing need of their communities. An introduction to the Aboriginal Housing Registration Guide including the case for change, its purpose, scope and the benefits of becoming a registered housing agency.

The Social Housing Legislative and Regulatory Landscape

An overview of the regulatory framework, including residential accommodation, The Housing Act 1983, the role of Homes Victoria, the Victorian Housing Registrar and the Registration of Rental Housing Agencies as a 'Housing Agency'.

Pathways to Registration

An overview of the key steps Aboriginal Organisations will need to consider and work through on their journey to becoming a registered housing agency under either pathway one or two, this includes:

Phase One: Pre-Registration

Phase Two: Registration

Phase Three: Post Registration and Compliance

Best Practice Guidance for the Aboriginal Housing Sector

A suite of guidance materials is available to support more Aboriginal Organisations to become registered housing agencies.

1

Background, Policy Context, Case for Change, Introduction, Purpose and Scope

1.1 Background

In February 2020, the Victorian Government helped launch the Victorian Aboriginal Housing and Homelessness Framework – Mana-na woorn-tyeen maar-takoort: Every Aboriginal Person Has a Home (the Framework). The framework sets out a blueprint to improve Aboriginal housing outcomes for Aboriginal Victorians.

The launch of the Framework and much of the actions in its first year has been focused on:

- Creating the governance arrangements to implement the framework
- Developing and commencing delivery of an implementation work plan, and
- Securing the resources to begin delivery of the Framework Goals and Objectives.

The Framework provides the building blocks for reconceptualising Aboriginal housing in Victoria. It initiates a new policy dialogue between the Aboriginal community and the Government.

The Big Housing Build (BHB) Aboriginal 10% delivery target will be informed by the BHB First Order Principles and the overarching principle of Aboriginal self-determination, this includes

- Recognise and advance Aboriginal rights to land and natural resources
- Build economic self-sufficiency
- Enable Aboriginal people to make decisions from a position of well-being and empowerment
- Support and advance Aboriginal community ownership and responsibility for their own affairs and their own communities.
- Aboriginal land and resources remain in Aboriginal hands
- Mainstream community housing agencies must demonstrate their commitment to Aboriginal self-determination and their ability to provide culturally safe and responsive services.

1.2 Policy Context

In November 2020, the Victorian Government announced funding to support Aboriginal housing needs. The funding, included in the \$5.3 billion allocated to the Big Housing Build, ensure the delivery of 10 per cent (820 net new dwellings) of all net new social housing dwellings to support Aboriginal people.

The BHB Aboriginal 10% delivery target will continue to support Aboriginal self-determination and promote Aboriginal communities determining their housing needs, including which community housing agency they choose to access housing from. The BHB Aboriginal 10% delivery target will be supported and governed by the governance arrangements. This includes Aboriginal Housing Homelessness Forum (AHHF), Implementation Working Group (IWG) and Implementation Action Group (IAG).

A pivotal part of the Aboriginal Housing Registration Guide is the implementation of the Cultural Safety Framework; the guide is designed to create culturally safe environments, services and workplaces that strengthen ways of working with Aboriginal and Torres Strait Islander people and communities. Strengthening a workplace's ability to work in a culturally safe manner with colleagues, community organisations and Aboriginal people creates greater awareness, respectful relationships, breaks down stereotypes and develops a culturally safe work environment. Enabling a culturally sensitive and aware workplace fosters greater input from the Aboriginal community, creating better outcomes for the Aboriginal Victorian community through advancing Aboriginal self-determination. Homes Victoria is committed to prioritising Aboriginal voices across Housing and Homeless initiatives and projects.

1.3 Case for Change

The Aboriginal population in Victoria is expected to grow significantly over the next 20+ years; projections show that a further 27,000 households will require housing by 2036.

The Aboriginal Consultations and Literature review, undertaken as part of the social housing regulation review, identified that, of the estimated 28,000 Aboriginal households living in Victoria 2021, approximately:

- 2,999 live in public housing
- 1,562 live in AHV properties
- 444 live in other Aboriginal community owned properties
- 413 live in non-Aboriginal community housing (2019 figure)

A total of 5,438 Aboriginal households live in some form of social housing in our state. An additional 4,879 Aboriginal Victorians were on the Housing Register Waiting List at June 2020. Approximately one in three of these people will be classified as 'homeless with support' based on recent breakdowns of Aboriginal households on the waiting list.

Approximately 10,317 out of a possible 28,000 households or around 37% of Victoria's Aboriginal population depend on social housing. This compares with a rate of dependence of 3-4% in the non-Aboriginal population.

This expected growth in the Aboriginal population coupled with the increase in social housing need and a still developing Aboriginal Housing sector, will place considerable demands on the existing housing system.

The Victorian Housing and Homelessness Framework (the Framework), also known as *Manana woorn-tyeen maar-takoort*, outlines in 5.2.2: 'The Housing Registration system needs to ensure a culturally safe community housing sector for Aboriginal clients; has the flexibility to register Aboriginal housing agencies, recognising their particular strengths; and provides activity and outcomes reporting back to the Aboriginal community'. That the Framework speaks to the evolution of Aboriginal housing deprivation in Australia makes it distinctive. The Framework also highlights that solutions to Aboriginal housing need to be different. The Framework will not be realised and not succeed without a determined commitment by Government to supporting Aboriginal self-determination. Giving agency and control back to Aboriginal people and realising the potential of Aboriginal communities, individuals, families will lead to the success of the Framework. The development of a highly capable, culturally appropriate Aboriginal housing and homelessness sector is essential to changing the trajectory away from housing stress and homelessness towards collective and individual ownership of land and housing.

The Victorian Government's BHB will see an increase in social housing development over the next four years, this will place greater demand and strain on the existing housing system. The Victorian Government's policy commitment to Aboriginal self-determination should ensure greater flexibility and choice over who receives, manages and owns new social housing. Providing expanded access to accessible, affordable, modern and safe housing presents an opportunity for Aboriginal Organisations and local Aboriginal communities to have greater agency and control in the management of their affairs.

There are many benefits for Aboriginal Organisations that become a registered Community Housing Agency (CHA).

These include the ability to:

- provide an entry point into the housing sector
- provide improved access to possible funding and resources
- add to significant economic development related to building and growing the Aboriginal housing sector
- complement and add to existing service provision
- respond to their community need.

1.4 Purpose and Scope

The purpose of the Aboriginal housing registration guide is to provide a culturally appropriate resource that will:

- support more Aboriginal Organisations to become registered housing agencies
- support Aboriginal Organisations to navigate through the housing registration process
- strengthen the eligibility of Aboriginal Organisations to participate in future funding opportunities
- enable Aboriginal self-determination by putting the control of Aboriginal tenancy management back in the hands of the Aboriginal Organisations
- Provide Aboriginal tenants with greater choice over who they receive tenancy management supports from

- Support the growth of the broader housing system and build the capability to meet the future demands on the housing system, including greater capacity of the sector to deliver culturally safe services to Aboriginal Victorians.

The Aboriginal Housing Registration Guide is not setting a pathway to change registration criteria. The guide is not intended to replicate or override any existing regulatory requirements. The Aboriginal Housing Registration Guide will not contribute towards the Social Housing Regulatory Review.

2

The Social Housing Legislative and Regulatory Landscape

In Victoria there are several legislative frameworks that govern who can access social housing, including how and when they are able to do so. These frameworks include:

2.1 Residential Tenancies Act

The Residential Tenancies Act (Vic) provides protection for all Victorians living in rental accommodation. The Act outlines the rights and obligations of the following groups:

- Renters
- Residential Rental Providers
- Property Managers

2.2 The Housing Act

The Housing Act 1983 (Vic) (Housing Act) provides a regulatory framework to encourage registered agencies to deliver secure and affordable housing solutions that meet community needs by providing for:

1. The registration of rental housing agencies
2. The regulation and monitoring of registered agencies

An Aboriginal Organisation seeking registration in Victoria must satisfy the registration requirements of Part VIII of the Housing Act, including the requirements contained in Schedule 7.

2.3 The Victorian Housing Registrar

The Victorian Housing Registrar is responsible for providing oversight of community housing and helps to promote a well-regulated, growing and sustainable sector that provides access to safe, secure and affordable housing for Victorians.

The regulatory system is designed to:

- provide strong prudential oversight over the government's investment in community housing and equips the Registrar with substantial intervention powers to ensure community housing assets stay in the sector
- hold registered agencies to account against gazetted Performance Standards to ensure high-quality rental housing services and the best outcomes for tenants and prospective tenants
- promote market confidence in the sector, in turn attracting growth through public and private sector investment build capacity and capability in the sector through a system that embeds continuous improvement in tailored regulatory action plans for each registered agency
- take a risk-based approach to undertake regulatory engagement with stakeholders in proportion to the risks being managed.

The Housing Registrar strives to take a proactive, risk-based approach to regulation. This approach focuses on identifying and controlling potential harms and identifying continuous improvement opportunities to achieve the best outcomes for tenants and prospective tenants.

2.4 Homes Victoria

Homes Victoria manages housing assets, renew and substantially expand those assets by ensuring the BHB is delivered on budget and on time and ensure that sustainable housing systems that can deliver for generations to come. The BHB is the largest social and affordable housing building program in Victoria's history. Homes Victoria works closely with industry, the not-for-profit sector and the community to maximise social and economic benefits. This is done by:

- Pursuing the goal of a home for every Victorian
- Working to ensure those homes are the right kind, in the right places and the right price
- Ensuring Victorian communities have access to the support that lets them lead a life they value.

2.5 Registration Categorisation of Rental Housing Agencies

Aboriginal Organisations who have a desire to become a rental housing agency under the Housing Act 1983 (Vic) (Housing Act) will have registered as a registered housing agency'. To become a registered 'Housing Agency' an Aboriginal Organisation must be a company limited by shares or by guarantee or a co-operative or an incorporated association.

3

Pathways to Registration for Aboriginal Australians

This chapter of the Aboriginal Housing Registration Guide will outline the key steps Aboriginal Organisations will need to complete on their journey to becoming a registered housing agency.

There are two pathways that Aboriginal Organisations can take to become registered housing agencies. Both pathways include three key phases Aboriginal Organisations will move through towards achieving housing registration status, these include:

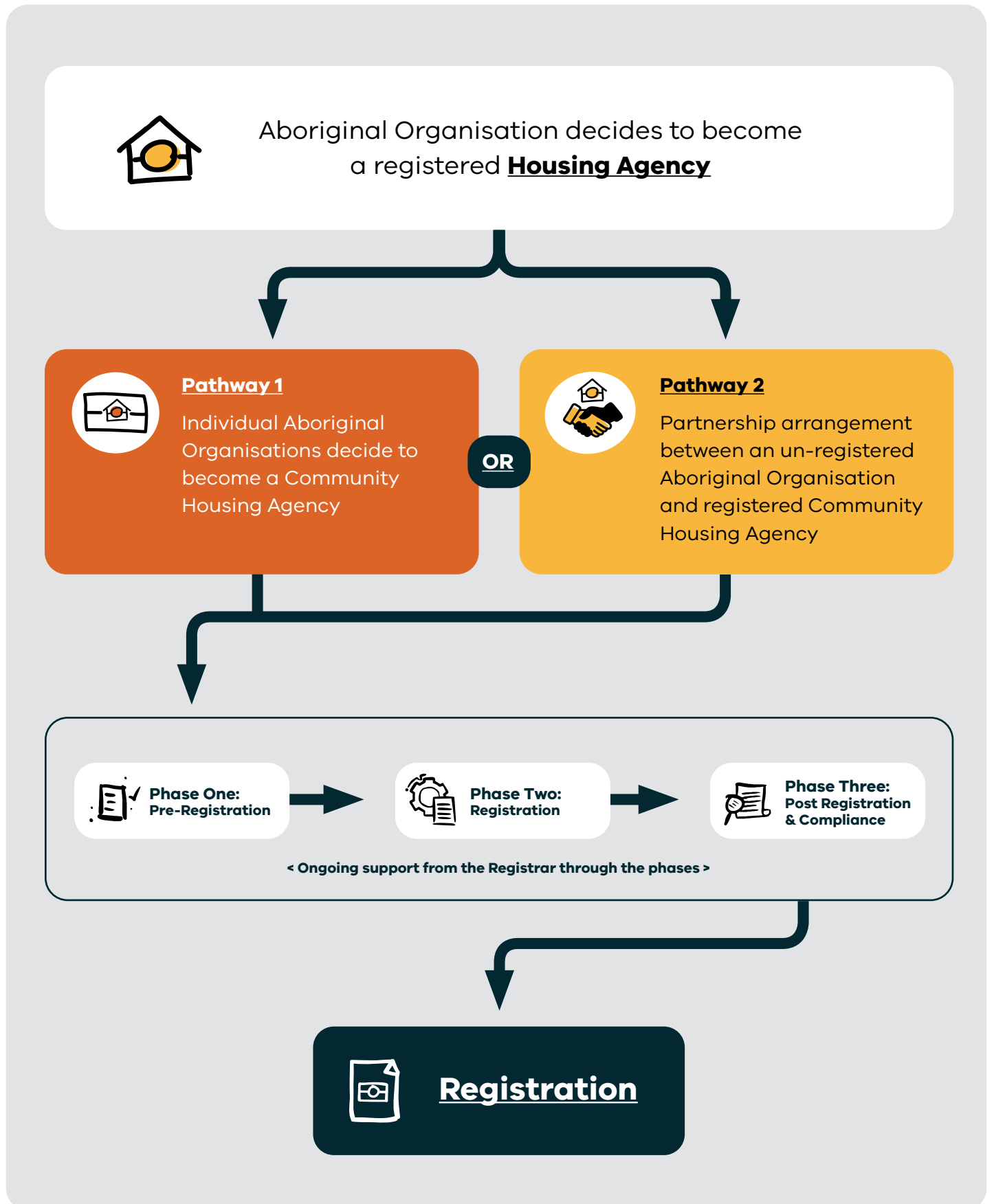
**Phase One:
Pre-Registration**

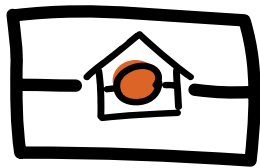
**Phase Two:
Registration**

**Phase Three:
Post Registration
& Compliance**

Diagram (1) provides a high-level visual representation of the pathways available for Aboriginal Organisations to become registered housing agencies, including three key phases to support Aboriginal Organisations to successfully achieve registration.

Diagram (1) showing pathways to registration for Aboriginal organisations



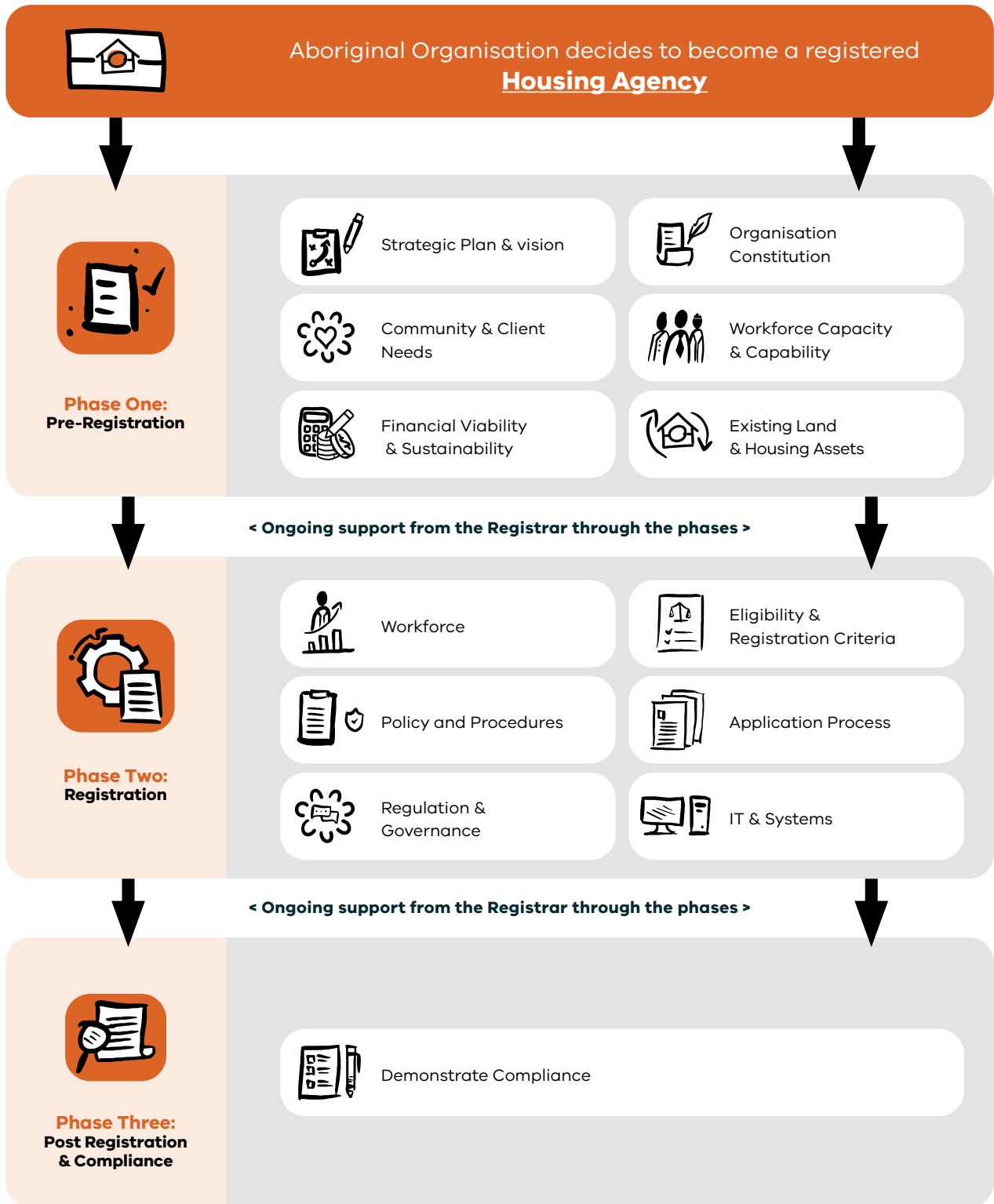


Pathway 1

Individual Aboriginal Organisations decide to become a Registered Housing Agency

Diagram (2) provides a visual representation of Pathway 1, where an Aboriginal Organisation would decide to become a registered housing agency, including the strategic and operational steps Aboriginal Organisations need to consider and action to achieve housing registration status.

Diagram (2)





Phase One: Pre-Registration (Operational Readiness)

Under this phase Aboriginal Organisations assess their readiness to apply to become a registered housing agency.



1. Strategic Plan and Vision

Aboriginal Organisations should consider whether owning dwellings and managing their tenancy fit within the organisation's current service model. Planning and forecasting of the Aboriginal Organisations business strategy needs to be accurate and sustainable and must address the particular rental housing needs of the Aboriginal community they serve.



2. Community and Client Needs

Aboriginal Organisations should consider existing and future community demand for housing. Further considerations would be in line with the specific needs of each Aboriginal community.



3. Financial Viability and Sustainability

Aboriginal Organisations should consider if the organisation is in a strong financial position, now and into the future. The organisations should consider whether to expand existing housing services or start offering housing services to their local Aboriginal community.

If the Aboriginal Organisation chooses to become a registered housing agency, they will need to have a risk appetite for debt that supports sustained growth at scale within the context of the registered agency's operating environment. A housing agency must be able to repay additional debt while ensuring that future growth is not jeopardised by the burden of existing debt and other commitments.



4. Organisation Constitution

One of the first steps that Aboriginal Organisations will need to do is to assess whether their organisational constitution needs to be updated to support the delivery of social housing. Alternatively, Aboriginal Organisations may decide to create a separate entity or subsidiary company to become a social housing agency.

4.1 Board Skills and Expertise

Operating a registered housing agency requires a strong and skilled board, with members' expertise covering the range of business risks and opportunities facing the housing agency.

4.2 Setting up a Separate Entity or Subsidiary Company

The board of an Aboriginal Organisation may choose to set-up a separate entity or subsidiary company. However, the entity that is seeking registration must not be a subsidiary or act as a trustee for any person other than an existing registered agency (unless approved by the Registrar of Housing Agencies).



5. Workforce Capacity and Capability

Aboriginal Organisations should start considering the staffing resources, professional development, asset management capacity and policies and procedures needed to proceed with the registration process and to manage social housing tenancies. Considerations include:

5.1 Senior Workforce Skills

A housing agency must have well qualified and experienced management and staff who can make decisions and analyse housing development opportunities for the agency. Housing agencies are required to demonstrate leadership and be innovative in identifying and presenting growth opportunities and present well balanced and researched proposals to government and other investors.

5.2 Staff Resourcing and Professional Development

Aboriginal Organisations will need to identify the appropriate workforce size, skills and training required to:

- Support the Aboriginal Organisation through the process of registration
- Manage social housing tenancies
- Provide ongoing compliance reporting to the Registrar post registration
- Adopt and apply new tenancy management systems.

5.3 Policy and Procedures

Aboriginal Organisations will need to draft and endorse new policies and procedures that relate the management of social housing tenancies; this should include but is not limited to policies and procedures covering:

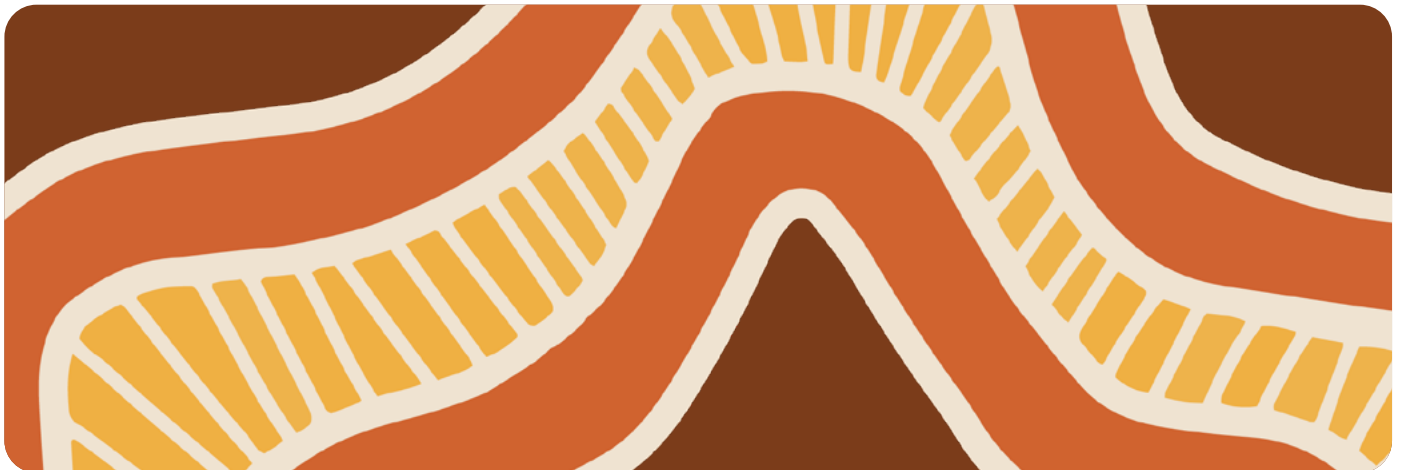
- Client rights and advocacy
- Waiting list management
- Privacy
- Offers of housing and creation of tenancies
- Tenancy management
- Tenant initiated changes

- Asset management
- Complaints management
- Support facilitation
- Probity and producers
- Board operation
- Code of conduct for Board and staff
- Fraud or criminal behaviour
- Human Resources
- Community engagement
- Termination of tenancy
- Tenant relocation
- Maintenance services
- Application process and housing allocation
- Form of authority release of information to external agencies (forms)
- Multiple consent of authority (forms)
- Tenants general notice of termination of tenancy (form)
- Application for subsidised rent (form)



6. Existing Land and Housing Assets

Aboriginal Organisations should consider their existing housing footprint, including existing privately owned land that could be used for social housing development and pre-existing privately owned housing assets that could be managed under the social housing regulatory framework, for the purposes of housing their local Aboriginal community.





Phase two: Registration (Capability Uplift and Registration Status)

Under this phase Aboriginal Organisations would strengthen their capability and capacity, in preparation for their application to become a registered housing agency.



1. Workforce

Aboriginal Organisations will need to have an adequately resourced and a suitably skilled workforce that will:

1. Support the organisation to work through the process to achieve registration status. For example, newly established housing agencies have typically employed two full time employees over three months.
2. Manage social housing tenancies. For example, the average registered housing agency will employ one full-time employee who will manage approximately 50-100 tenancies, depending on commercial viability.



2. Policy and Procedures

Aboriginal Organisations should review and update all policies and procedures to ensure that they can fulfill their responsibilities as a Registered Housing Agency.



3. Regulation and Governance

As part of the registration process, Aboriginal Organisations will be required to provide the Housing Registrar with supporting documentation that they are an agency that is well-governed and is able to provide services relating to social housing, including:

- Ensuring coherent and robust strategic, operational, financial and risk planning
- Ensuring effective, transparent and accountable arrangements and controls are in place for decision making to give effect to strategic, operational, financial and risk plans
- Complying with legal requirements and relevant government policies
- Ensuring that the governing body has members with appropriate expertise or that this expertise is available to the governing body.



4. Eligibility and Registration criteria

To obtain registration in Victoria as a registered agency, Aboriginal Organisations must satisfy the Registrar of Housing Agencies that they:

- Meet all criteria specified within Schedule 7 of Part VIII of the Housing Act 1983 (Vic) (Housing Act)
- Have the capacity to meet gazetted Performance Standards as part of their ongoing compliance.

4.1 General

- The rental housing agency must be a non-profit body.
- The rental housing agency must be established to provide affordable rental housing to people on low incomes.
- To be registered as a registered housing agency the rental housing agency must be a company limited by shares or by guarantee or a co-operative or an incorporated association.
- The rental housing agency must not be a subsidiary or acting as a trustee for any person other than a registered agency (unless approved by the Registrar).

4.2 Constitution - Objects and Powers

Aboriginal Organisations should familiarise themselves with Clause 3 of Schedule VIII of the Housing Act, this includes:

- The rental housing agency's statement of objects must include an object to the effect of one of the following:
- to promote the relief of poverty, sickness or the needs of the aged by providing affordable rental housing to persons in housing need as low-income households, or through infirmity or age
- to promote other purposes beneficial to the community through the provision of affordable housing and associated services

Relevant powers exist in the rental housing agency's constitution, including the power to acquire and dispose of property, enter into contracts and joint ventures with any public or private entity and to apply for and accept grants and loans.

4.3 Constitution - Additional Provisions

The constitution or rules of the rental housing agency may only be amended by special resolution in accordance with the legislation under which the rental housing agency is incorporated.

The assets and income of the rental housing agency must be applied solely for the purposes for which the rental housing agency is incorporated

In the event of the rental housing agency being wound up, any surplus assets remaining after payment of its liabilities must be transferred to another registered agency under the Housing Act, approved by the Registrar under that Act, with similar purposes and which is not carried on for the purposes of profit or gain to its members.

4.4 Capacity to meet Performance Standards

The registration criteria under the Housing Act requires registered agencies to demonstrate capacity to meet Performance Standards. Applicants must demonstrate capacity to meet Performance Standards in compliance with the Evidence Guidelines. The Evidence Guidelines list the minimum documentation the Registrar expects from rental housing agencies to demonstrate compliance with Performance Standards.



5. Application Process

A key aspect of this phase is the Aboriginal Organisations ensuring that the application is accurately completed and all the required documentation is provided to become registered. This includes the following:

- Applying for registration to become a registered agency
- Registration application process and timelines
- Conditions of Registration

For more information, please visit the Housing Registrar website:

<https://www.vic.gov.au/applying-registration>

5.1 Applying for registration to become a registered agency

Throughout this section the Aboriginal Organisation will find links and information to assist with applying to become a registered agency. This information covers:

- Application timelines
- Conditions of registration

Aboriginal Organisations will submit an application to the Housing Registrar, through the Community Housing Information Management and Engagement System (CHIMES) portal. Aboriginal Organisations will have access to the CHIMES portal once they have engaged with the Housing Registrar and provided the required documentation.

The Housing Registrar will assess the applicants on:

- Compliance with Part VIII of the Housing Act
- Capacity to meet Performance Standards
- Regulatory risk using financial and non-financial indicators to categorise the applicant, if registration as a housing agency is approved.

5.2 Application Timelines

Aboriginal Organisations applying for registration can assess the timeframe for registration in the 'Estimated timeframe' column on the 'Applying for registration' page on the Housing Registrar website.

<https://www.vic.gov.au/applying-registration>

5.3 Conditions of Registration

Once registered, the Community Housing Agency is required to work collaboratively with the Housing Registrar on continuous improvement opportunities through:

- annual compliance assessments
- regulatory action plans
- ongoing reporting

All further information can be found in section 3 on the 'Applying for registration'-page on the Housing Registrar website.

<https://www.vic.gov.au/applying-registration>



6. IT and Systems

Aboriginal Organisations will need to identify and assess their need for appropriate IT Infrastructure and software to manage social housing tenancies.

A useful resource for Aboriginal Organisations to use throughout this section is the CHIA NSW & ACHIA NSW Property/Housing Software Procurement Guide.

This resource provides a guide and point of evaluation of key systems and products the Aboriginal Organisation will need to use to manage tenancies, specifically the following:

- 5.0 Software Suppliers & Products
 - » 5.1 Integrated Tenancy and Asset Management Systems
 - » 5.2 Real Estate Software Suppliers
 - » 5.3 Best-of-Breed Asset Management/Maintenance Software Products

For more information, visit the CHIA Vic website:

<https://chiavic.com.au/>





Phase 3: Post Registration and Compliance

Post registration, the Aboriginal Organisation must demonstrate to the satisfaction of the Registrar their continued compliance with the Performance Standards of the Housing Act.

These standards are established under Section 93 of Housing Act 1983 (the Act) and represent operation benchmarks required of Aboriginal Organisations while registered under the provisions of the Act. The Aboriginal Organisation should always note that compliance with all standards, and the measures that apply to them, is mandatory. The performance standards can be viewed as a set of operating rules. It is a condition of being registered that the Aboriginal Organisations always complies with the performance standards and other requirements of the Registrar.

Aboriginal Organisations will be required to submit information to demonstrate compliance with Performance Standards in the CHIMES portal. The Performance Standards cover:

- Tenant and Housing Services
- Housing Assets
- Community Engagement
- Governance
- Probity
- Management
- Financial Viability

Read more about the Performance Standards and the indicators that apply on the 'Our compliance process' -page on the Housing Registrar website.:

<https://www.vic.gov.au/our-compliance-process>

You can also download the Performance standards for registered housing agencies:

[https://content.vic.gov.au/sites/default/files/2021-02/Performance standards for registered housing agencies %28NEW%29.pdf](https://content.vic.gov.au/sites/default/files/2021-02/Performance%20standards%20for%20registered%20housing%20agencies%20NEW.pdf)



1.0 Demonstrate Compliance

Aboriginal Organisations that are registered agencies must demonstrate compliance by:

Undergoing annual compliance assessments which are undertaken by the Registrar of Housing Agencies between approximately September and March each year

Results of annual compliance assessments are publicly reported on the Public Register, which includes compliance with Performance Standards and a Performance Report which includes key performance metrics.

1.1 Regulatory Action Plans

The Housing Registrar will work with Registered Agencies to develop regulatory action plans where there is evidence of non-compliance. A regulatory action plan contains regulatory action items identified by the Housing Registrar; actioning these items will help to improve the compliance and performance of a Registered Agency.

Regulatory action plans are agreed with Registered Agencies and are informed by the range of evidentiary information available to the Housing Registrar, including annual compliance assessments, reportable events, complaints and the outcomes of regulatory engagement meetings. Ongoing reporting is required by Registered Agencies where they must submit reportable events that have or may have an adverse impact on their compliance with Performance Standards and/or other regulatory obligations under the Housing Act.

The Housing Registrar may identify compliance and performance risks about a Registered Agency in the course of ongoing regulatory engagement. Registered Agencies are required to address identified risks through regulatory action plan items. The Housing Registrar monitors a Registered Agency's progress against its regulatory action plan and agreed timelines to ensure identified risks are addressed.

1.2 Regulatory Action and Escalation

Aboriginal Organisations should also be aware that The Registrar of Housing Agencies has a range of intervention powers available under Part VIII of Division 8 of the Housing Act 1983 (Vic) (Housing Act) to remedy issues of non-compliance in accordance with the Intervention Guidelines.

These statutory powers exist to protect the interest of tenants and the community, including ensuring good governance, ongoing financial viability and facilitating the delivery of high-quality tenant and housing services.

Intervention powers are used as a matter of last resort when an identified compliance issue cannot be resolved in a reasonable time frame having regard to the level of risk.

Most compliance and performance issues identified by the Housing Registrar are managed proactively and cooperatively with Registered Agencies through a tailored regulatory action plan.

Regulatory action plans are based on a Registered Agency's regulatory risk profile and consider its compliance and performance history. Regulatory action plans cover:

1. Monitoring and issue resolution
2. Investigation - Where a registered agency is unable or unwilling to improve its compliance or performance, the Registrar may escalate regulatory engagement to undertake an investigation
3. Intervention - Formal intervention powers available to the Registrar under Part VIII of Division 8 the Housing Act can be used to address issues of non-compliance against Performance Standards.

1.3 Monitoring and Issue Resolution

The Housing Registrar may identify compliance and other performance issues for Registered Agencies from several regulatory activities, including annual compliance assessments, reportable events, complaints referrals and investigations.

In circumstances where the issues do not represent a high risk to the Registered Agency and the Registered Agency has historically met regulatory compliance and performance requirements, the Registrar of Housing Agencies (Registrar) will first engage with the Registered Agency to develop a regulatory action plan to cooperatively remedy the compliance issue.

Once the Registered Agency has resolved the issue to the Registrar's satisfaction, regulatory engagement returns to normal without the need for intervention or escalation under the Intervention Guidelines.

If the Registered Agency does not demonstrate commitment to resolving the issue(s), the Registrar may escalate engagement with the Registered Agency to include a formal investigation or use specific powers available under Part VIII of Division 8 of the Housing Act.

In serious cases, the Registrar may move directly to using intervention powers if considered necessary and proportionate.

1.3.1 Investigation

Where a Registered Agency is unable or unwilling to improve its compliance or performance, the Registrar may escalate regulatory engagement to undertake an investigation. In such instances, the overall objective of the investigation is to determine whether any changes are required to remedy compliance and performance issues under the Housing Act and gazetted Performance Standards.

The Registrar's investigation powers include the following:

- appointment of inspectors
- requiring compulsory attendance at interviews
- requiring compulsory supply of documents and records
- entry to premises, search and seizure of documents or other items
- gaining and use of a search warrant.

An investigation may result in a report of findings identifying compliance, performance and systemic matters to be addressed either through regulatory action plan items or the use of intervention powers. In some cases, non-compliance is not identified and no future action is required.

1.3.2 Intervention

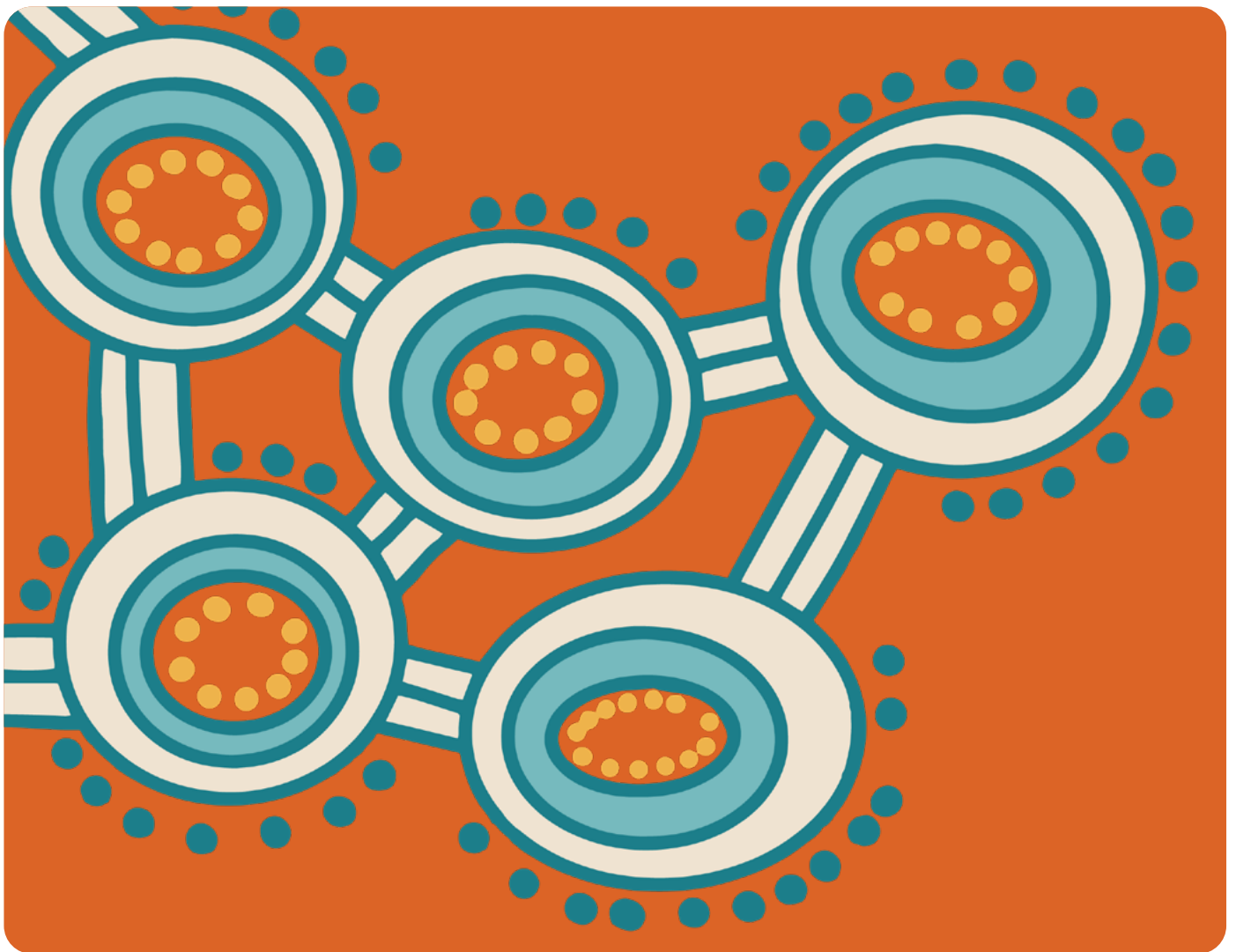
Formal intervention powers available to the Registrar under Part 8 of Division VIII the Housing Act can be used to address issues of non-compliance against Performance Standards. In considering use of intervention powers, the Registrar is required to follow the principles contained in the Intervention Guidelines.

In accordance with the guidelines, intervention is a matter of last resort and in most cases, non-compliance is managed cooperatively through regulatory action items.

Intervention powers available to the Registrar include:

- recommending the appointment of governing body members (s131)
- instructing the registered agency to take a specific action (s132):
 - » to enter into specified arrangements with one or more registered agency/ agencies, including transfer of some or all housing or merger
 - » to appoint governing body members
 - » to appoint an administrator
 - » the winding up and distribution of the assets of the registered agency, but this will only occur if an agency has taken the decision to wind up itself (s134)
 - » any other matter the Registrar thinks fit.

In addition to these intervention actions, the Registrar can revoke the registration of a Registered Agency (s141).





Pathway 2

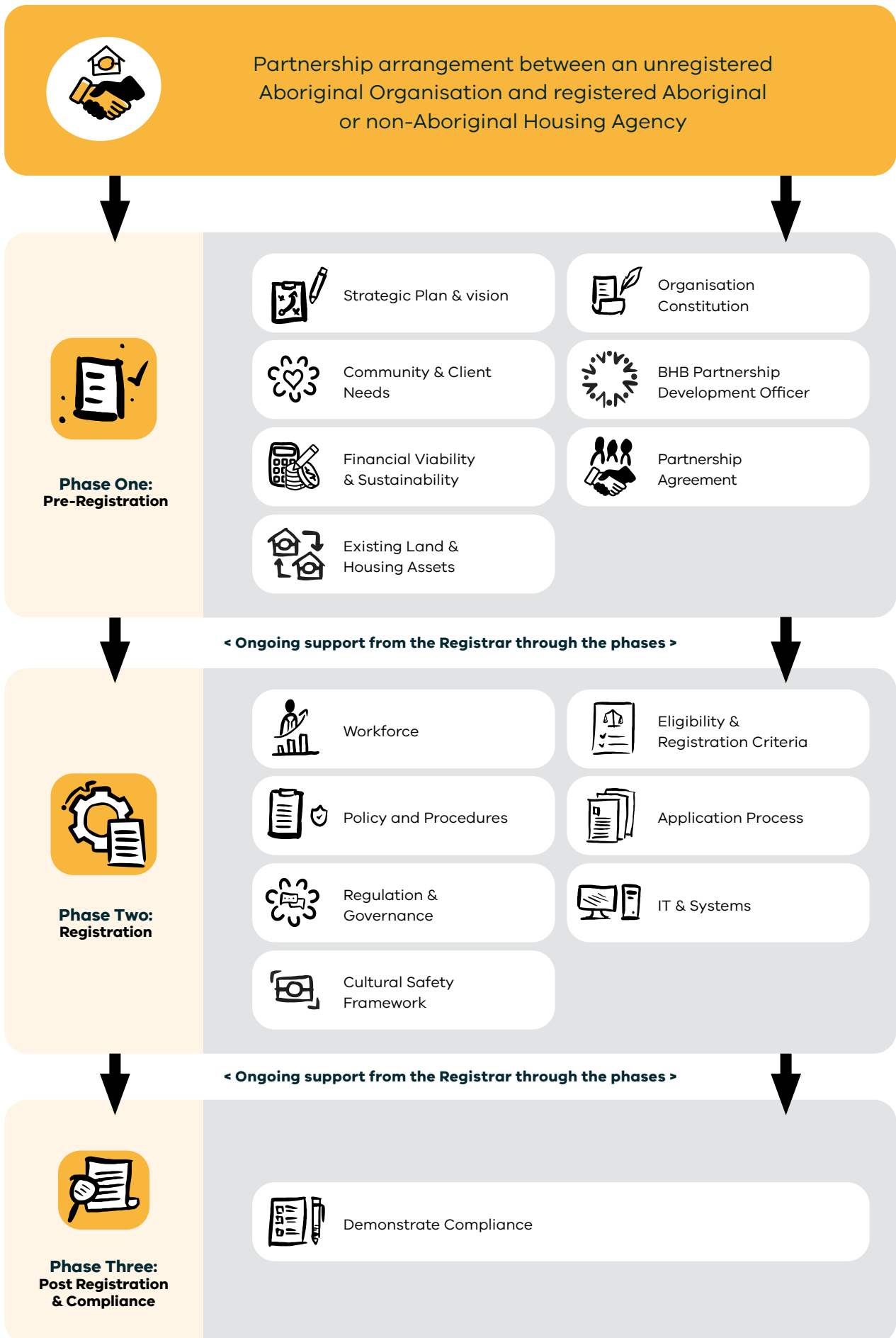
Partnership arrangement between un-registered Aboriginal Organisation and registered Aboriginal or non-Aboriginal Housing Agency

Under this phase, Aboriginal Organisations would strengthen their capability and capacity in preparation for their application to become a Registered Housing Agency.

Under this pathway, an un-registered Aboriginal Organisation (party one) partners with a registered Aboriginal or non-Aboriginal Housing Agency (party two) under a formal partnership arrangement that includes a fee-for-service model or via two-way learning exchange service model.

Diagram (3) provides a visual representation of Pathway 2, including the strategic and operational steps Aboriginal Organisations, in a partnership arrangement, need to consider and actions required to achieve housing registration status.

Diagram (3)





Phase One: Pre-Registration (Operational Readiness)

Under this phase an Aboriginal Organisation with its partner CHA will work together to assess its readiness to become a Registered Housing Agency.



1. Strategic Plan and Vision

Aboriginal Organisations should consider whether owning dwellings and managing their tenancy fit within the organisation's existing service model.



2. Community and Client Needs

Aboriginal Organisations should consider what housing needs exist now for their community and what will exist in the future. Additional considerations would be in line with the Aboriginal community's specific and unique needs.



3. Financial Viability and Sustainability

Aboriginal Organisations should consider if the organisation is in a strong financial position, now and into the future. The organisation should consider whether to expand the reach of existing housing services or start offering housing services to their local Aboriginal community.

If the Aboriginal Organisation chooses to become a Registered Housing Agency, it will need to have a risk appetite for debt that supports sustained growth at scale, within the context of the registered agency's operating environment. A Housing Agency must be able to repay additional debt while ensuring that future growth is not jeopardised by the burden of existing debt and other commitments.



4. Organisation Constitution

One of the first steps that Aboriginal Organisations will need to complete is to assess whether their organisational constitution needs to be updated to support the delivery of social housing. Alternatively, Aboriginal Organisations may decide to create a separate entity or subsidiary company to become a social housing agency (Registered Housing Agency).

4.1 Board Skills and Expertise

Operating as a registered housing agency requires a strong and skilled board, with expertise that covers the range of business risks and opportunities facing the housing association.

4.2 Setting up a Separate Entity or Subsidiary Company

The board of an Aboriginal Organisation may choose to set-up a separate entity or subsidiary company, this allows the Organisation to manage any financial risk regarding the commercial viability to manage social housing tenancies and assets.



5. BHB Partnership Development Officer

The Big Housing Build Partnership Officer is employed at Aboriginal Housing Victoria, the role will be central to engaging with Aboriginal Organisations and existing Registered Housing Agencies to encourage partnership formation, and to provide support to Aboriginal Organisations interested in becoming registered as a housing agency. The Officer will work collaboratively with Aboriginal Organisations to develop partnership models.

Unregistered Aboriginal Organisations are encouraged to contact Aboriginal Housing Victoria's Big Housing Build Partnership Development Officer as soon as the organisation is ready to consider and identify suitable partnerships with registered housing agencies.



6. Partnership Agreement

A Partnership Agreement between the un-registered Aboriginal Organisation (party one) and the registered Aboriginal or non-Aboriginal Housing Agency (party two) will formally set out the roles and responsibilities for each party.

When choosing a suitable registered housing agency to partner with, the un-registered Aboriginal Organisation (party one) should consider the following:

- Determining what pre-existing relationships or partnerships are already in place
- The Registered Housing Agency's organisational values, and whether they are aligned with the Aboriginal Organisation's values
- Whether the Registered Housing Agency has experience in working with Aboriginal communities and organisations or has demonstrated their ability to deliver culturally safe service provision
- Whether the Registered Housing Agency has strong capacity or prior experience in larger scale development projects (or other complex housing projects) that have been implemented on time and on budget, this will be considered during the determination of housing association status
- Whether the registered housing agency committed to implementing the Community Housing Industry Association Victoria Cultural Safety Framework.

6.1 Partnership Principles

A critical determinate of success is the genuine and respectful relationship between the Aboriginal Organisation and the registered housing agency. This pathway is about establishing a partnership with a suitable Registered Housing Agency that will impart skills and knowledge, engage in a two-way cultural learning journey. These partnership principles include:

- Ensure that Aboriginal self-determination is central to all decision making in accordance with the Big Housing Build Aboriginal First Order Principles
- Support Aboriginal Organisations to become registered under the Housing Act
- Ensure that housing is provided across Victoria in a culturally safe way
- Build the capacity of the Aboriginal Housing Sector, including building on existing partnerships between government, Aboriginal Organisations and registered housing agencies to develop shared objectives to deliver a long term sustainable and diverse Aboriginal housing sector
- Promote partnerships between Aboriginal Organisations and Registered Housing Agencies that facilitate capacity building of Aboriginal Organisations and Registered Housing Agencies to deliver housing beyond the BHB.

6.2 Partnership Service Models

6.2.1 Service Model One – Fee for Service

The registered Aboriginal or non-Aboriginal CHA (Party One) will partner and work with the un-registered Aboriginal Organisation (Party Two) to support them to achieve housing registration status in exchange for a fee.

6.2.2 Service Model Two - Two-way Learning Exchange

A partnership arrangement should provide benefits via a two-way learning exchange that builds the capacity of both the unregistered Aboriginal Organisation and the Registered Housing Agency, this includes providing:

- practical advice on how to implement the Aboriginal and Torres Strait Islander Cultural Safety Framework to provide culturally safe service provision for workers and clients
- coaching, advice, sharing of knowledge and expertise on their own organisations journey, experience, and process of becoming a Registered Housing Agency.



7. Existing Land and Housing Assets

Aboriginal Organisations should consider their existing housing footprint. This includes existing privately owned land that could be used for the purposes of social housing development and pre-existing privately owned housing assets that could be managed under the social housing regulatory framework for the purposes of housing their local Aboriginal community.



Phase Two: Registration (Capability Uplift and Registration Status)

Under this phase, an Aboriginal Organisation would strengthen its capability and capacity, in preparation for its application to become a Registered Housing Agency.



1. Workforce

Aboriginal Organisations will need to have an adequately resourced and a suitably skilled workforce that will:

1. Support the organisation to work through the registration process to achieve registration status. For example, newly established housing agencies have typically employed two full time employees over three months.
2. Manage social housing tenancies. For example, the average Registered Housing Agency will employ one full-time employee who will manage approximately 50-100 tenancies, depending on commercial viability.

1.1. Organisational Capacity and Capability Uplift

Under partnership service model one and two, the Registered Housing Agency will provide support to the unregistered Aboriginal Organisation; this could include staffing resources that will provide coaching, advice, sharing of knowledge and expertise on their own organisation's journey, experience and process of becoming a registered housing agency.

The Registered Housing Agency will provide advice to the unregistered Aboriginal Organisation about staffing resources and senior workforce skills, professional development and policy and procedures needed to proceed with the registration process and to manage social housing tenancies.



2. Cultural Safety Framework

Under partnership service model two, in exchange for Organisational Capacity and Capability Uplift from the Registered Housing Agency, the unregistered Aboriginal Organisation will provide cultural support and advice to the Registered Housing Agency on culturally safe service provision for workers and clients.

The unregistered Aboriginal Organisation may in some cases introduce the Registered Housing Agency to the Aboriginal and Torres Strait Islander Cultural Safety Framework, the framework is a tool that supports individuals and organisations as they reflect on and continue on their journey of understanding and improving cultural safety in the workplace.

Key elements of a culturally safe workplace and service include:

- shared respect, shared meaning and shared knowledge
- the experience of learning together with dignity and truly listening
- strategic and institutional reform to remove barriers to optimal health, wellbeing and safety outcomes for Aboriginal people. This includes addressing unconscious bias, racism and discrimination, and the ability to support Aboriginal self-determination
- individuals, organisations and systems taking responsibility for ensuring their own cultural values do not negatively impact on Aboriginal peoples, including a responsibility to address their potential for unconscious bias, racism and discrimination
- individuals, organisations and systems taking responsibility to support self-determination for Aboriginal peoples, including sharing power (decision making and governance) and resources with Aboriginal communities. Self-determination is especially relevant for the design, delivery and evaluation of services for Aboriginal peoples (Phillips 2015).

Part two of the framework is the cultural safety continuum reflective tool. The reflective tool represents the high-level intent of each stage of maturity based on a competency continuum.

The domains of the cultural safety continuum reflective tool are:

1. Creating a culturally safe workplace and organisation
2. Aboriginal self-determination
3. Leadership and accountability

Registered housing agencies can find more information on the Aboriginal and Torres Strait Islander Cultural Safety Framework on the Department of Families, Fairness and Housing website:

<https://www.dffh.vic.gov.au/publications/aboriginal-and-torres-strait-islander-cultural-safety-framework>



3. Policy and Procedures

Aboriginal Organisations should review and update all policies and procedures to ensure that they can fulfill their responsibilities as a Registered Housing Agency.



4. Regulation and Governance

As part of the registration process Aboriginal Organisations will be required to provide the Housing Registrar with supporting documentation that indicates they are an agency that is well-governed and is able to provide services relating to social housing. This includes:

- Ensuring coherent and robust strategic, operational, financial and risk planning
- Ensuring effective, transparent and accountable arrangements and controls are in place for

decision making to give effect to strategic, operational, financial and risk plans

- Complying with legal requirements and relevant government policies
- Ensuring that the governing body has members with appropriate expertise or that this expertise is available to the governing body.



5. Eligibility and Registration Criteria

To obtain registration in Victoria as a Registered Agency, Aboriginal Organisations must satisfy the Registrar of Housing Agencies that they:

- Meet all criteria specified within Schedule 7 of Part VIII of the Housing Act 1983 (Vic) (Housing Act)
- Have the capacity to meet gazetted Performance Standards.

5.1 General

- The rental housing agency must be a non-profit body
- The rental housing agency must be established to provide affordable rental housing to people on low incomes
- To be registered as a Registered Housing Association the rental housing agency must be a company limited by shares or by guarantee
- To be registered as a Registered Housing Agency the rental housing agency must be a company limited by shares or by guarantee or a co-operative or an incorporated association
- The rental housing agency must not be a subsidiary or acting as a trustee for any person other than a registered agency (unless approved by the Registrar).

5.2 Constitution - Objects and Powers

The rental housing agency's statement of objects must include an object to the effect of one of the following:

- to promote the relief of poverty, sickness or the needs of the aged by providing affordable rental housing to persons in housing need as low-income households, or through infirmity or age
- to promote other purposes beneficial to the community through the provision of affordable housing and associated services.

Relevant powers exist in the rental housing agency's constitution, including the power to acquire and dispose of property, enter into contracts and joint ventures with any public or private entity and apply for and accept grants and loans.

5.3 Constitution - Additional Provisions

- The constitution or rules of the rental housing agency may only be amended by special resolution in accordance with the legislation under which the rental housing agency is incorporated
- The assets and income of the rental housing agency must be applied solely for the purposes for which the rental housing agency is incorporated

- In the event of the rental housing agency being wound up, any surplus assets remaining after payment of its liabilities must be transferred to another registered agency under the Housing Act, approved by the Registrar under that Act with similar purposes and which is not carried on for the purposes of profit or gain to its members.

5.4 Capacity to meet Performance Standards

The registration criteria under the Housing Act requires registered agencies to demonstrate capacity to meet Performance Standards. Applicants must demonstrate capacity to meet Performance Standards in compliance with the Registrar's Evidence Guidelines. The Evidence Guidelines list the minimum documentation the Registrar expects from rental housing agencies to demonstrate compliance with Performance Standards.



6. Application Process

A key aspect of this phase is the Aboriginal Organisations ability to accurately complete all the required documentation to become registered. This includes the following:

- Applying for registration to become a registered agency
- Registration application process and timelines
- Conditions of Registration.

For more information, please visit the Housing Registrar website:

<https://www.vic.gov.au/applying-registration>

6.1 Applying for registration to become a registered agency

Throughout this section the Aboriginal Organisation will find the following links and information to assist with applying to become a registered agency:

- Application timelines
- Conditions of registration

Aboriginal Organisations will submit an application to the Housing Registrar through the Community Housing Information Management and Engagement System (CHIMES). Aboriginal Organisations will get access to CHIMES once they have progressed to the appropriate stage of the application process.:

The Housing Registrar will assess the applicants on:

- Compliance with Part VIII of the Housing Act
- Capacity to meet Performance Standards
- Regulatory risk using financial and non-financial indicators to categorise the applicant, if registration is approved, as a housing association or a housing agency.

Following the assessment, the Office of the Housing Registrar makes a recommendation and presents the final assessment to the Registrar of Housing Agencies. The Registrar makes the final decision to change the category of registration and registered agencies are advised by the Office of the Housing Registrar of the outcome and the reasons for the decision.

6.2 Application Timelines

Aboriginal Organisations applying for registration can assess the timeframe for registration on the Housing Registrar website:

<https://www.vic.gov.au/applying-registration>

6.3 Conditions of Registration

Once registered, the Community Housing Agency will continue to be compliant with performance standards such as:

- Undergoing annual compliance assessments
- Regulatory action plans
- Ongoing reporting.

All further information can be found on the Housing Registrar website.

<https://www.vic.gov.au/applying-registration>



7. IT and Systems

Aboriginal Organisations will need to identify and assess their need for appropriate IT Infrastructure and software to manage social housing tenancies.

A useful resource for Aboriginal Organisations to use throughout this section is the CHIA NSW & ACHIA NSW Property/Housing Software Procurement Guide.

This resource provides a guide and point of evaluation of key systems and products the Aboriginal Organisation will require, specifically:

- 5.0 Software Suppliers & Products
 - 5.1 Integrated Tenancy and Asset Management Systems
 - 5.2 Real Estate Software Suppliers
 - 5.3 Best-of-Breed Asset Management/Maintenance Software Products.

For more information, visit the CHIA Vic website:

<https://chiavic.com.au>





Phase 3 Post Registration and Compliance

Post registration, the Aboriginal Organisation must demonstrate to the satisfaction of the Registrar their continued compliance with the Performance Standards of the Housing Act.



1.0 Demonstrate Compliance

Aboriginal Organisations that are registered agencies must demonstrate compliance by:

- Undergoing annual compliance assessments which are completed by the Registrar of Housing Agencies between approximately [September and March] each year
- Results of annual compliance assessments are publicly reported on the Public Register, this includes compliance with Performance Standards and a Performance Report which includes key performance metrics.

1.1 Regulatory Action Plans

The Housing Registrar will work with Registered agencies to develop regulatory action plans where there is evidence of non-compliance. A regulatory action plan contains regulatory action items identified by the Housing Registrar to improve the compliance and performance of a registered agency.

Regulatory action plans are agreed with registered agencies and are informed by the range of evidentiary information available to the Housing Registrar, including annual compliance assessments, reportable events, complaints and the outcomes of regulatory engagement meetings. Ongoing reporting is required by registered agencies where they must submit reportable events that have or may have an adverse impact on a registered agency's compliance with Performance Standards and/or other regulatory obligations under the Housing Act.

The Housing Registrar may identify compliance and performance risks about a registered agency in the course of ongoing regulatory engagement. Registered agencies are required to address identified risks through regulatory action plan items. The Housing Registrar monitors a registered agency's progress against its regulatory action plan and agreed timelines to ensure identified risks are addressed.

1.2 Regulatory Action and Escalation

Aboriginal Organisations should be aware that The Registrar of Housing Agencies has a range of intervention powers available under Part VIII of Division 8 of the Housing Act 1983 (Vic) (Housing Act). The Registrar can act to remedy issues of non-compliance in accordance with the Intervention Guidelines.

These statutory powers exist to protect the interest of tenants and the community, including ensuring good governance, ongoing financial viability and facilitating the delivery of high-quality tenant and housing services.

Intervention powers are used as a matter of last resort when an identified compliance issue cannot be resolved in a reasonable time frame regarding the level of risk presented.

Most compliance and performance issues identified by the Housing Registrar are managed proactively and cooperatively with registered agencies through a tailored regulatory action plan.

Regulatory action plans are based on a registered agency's regulatory risk profile and consider its compliance and performance history.

The Housing Registrar manages compliance with registered agencies during the annual compliance assessment process which generally takes place between March and September. The assessment is carried out through a considered and phased approach based on the agencies regulatory risk profile. The assessment includes:

1. Monitoring and issue resolution
2. Investigation - Where a registered agency is unable or unwilling to improve its compliance or performance, the Registrar may escalate regulatory engagement to undertake an investigation
3. Intervention - Formal intervention powers available to the Registrar under Part VIII of Division VIII the Housing Act can be used to address issues of non-compliance against Performance Standards.

1.3 Monitoring and Issue Resolution

The Housing Registrar may identify compliance and other performance issues for registered agencies from several regulatory activities, including annual compliance assessments, reportable events, complaints referrals and investigations.

In circumstances where the issues do not represent a high risk to the registered agency and the agency has historically met regulatory compliance and performance requirements, the Registrar of Housing Agencies (Registrar) will first engage with the registered agency to develop a regulatory action plan to cooperatively remedy the compliance issue. Once the registered agency has resolved the issue to the Registrar's satisfaction, regulatory engagement returns to normal without the need for intervention or escalation under the Intervention Guidelines.

If the registered agency does not demonstrate commitment to resolving the issue(s), the Registrar may escalate engagement with the registered agency to include a formal investigation or use specific powers available under Part VIII of Division 8 of the Housing Act. In serious cases the Registrar may move directly to using intervention powers if considered necessary and proportionate.

1.3.1 Investigation

Where a registered agency is unable or unwilling to improve its compliance or performance, the Registrar may escalate regulatory engagement to undertake an investigation. In such

instances, the overall objective of the investigation is to determine whether any changes are required to remedy compliance and performance issues under the Housing Act and gazetted Performance Standards.

The Registrar's investigation powers include the following:

- the appointment of inspectors
- requiring compulsory attendance at interviews
- requiring compulsory supply of documents and records
- entry to premises, search and seizure of documents or other items
- gaining and use of a search warrant.

An investigation may result in a report of findings identifying compliance, performance and systemic matters to be addressed either through regulatory action plan items or the use of intervention powers. In some cases, non-compliance is not identified, and no future action is required

1.3.2 Intervention

Formal intervention powers available to the Registrar under Part VIII of Division 8 the Housing Act can be used to address issues of non-compliance against Performance Standards.

In considering use of intervention powers the Registrar is required to follow the principles contained in the Intervention Guidelines.

In accordance with the guidelines, intervention is a matter of last resort and in most cases, non-compliance is managed cooperatively through regulatory action items.

Intervention powers available to the Registrar include:

- recommending the appointment of governing body members (s131)
- instructing the registered agency to take a specific action (s132), including:
 - to enter into specified arrangements with one or more registered agency including transfer of some or all housing or merger
 - to appoint governing body members
 - to appoint an administrator
 - the winding up and distribution of the assets of a registered agency but this will only occur if an agency has taken the decision to wind up itself (s134)
 - any other matter the Registrar thinks fit.

In addition to these intervention actions the Registrar can revoke the registration of a registered agency (s141).





4

Best Practice Guidance for the Aboriginal Housing Sector

A suite of guidance materials is available to support more Aboriginal Organisations to become Registered Housing Agencies. The Housing Registrar publishes both compliance guidance and best practice guidance on its webpage. Compliance guidance issued by the Housing Registrar identifies the level of performance or compliance required of registered agencies. In contrast, best practice guides highlight good and best practice about performance areas. Implementation of best practice guidance is not compulsory, however, to demonstrate continuous improvement, the Housing Registrar expects that registered agencies use the guides to improve performance.

Compliance and best practice guidance information including the following categories:

- Compliance Guidance
- Board certification of Performance against Performance Standards
- Changes to Residential tenancy laws
- Coronavirus (COVID19) guidance notes
- Changes to public reposting of compliance outcomes and regulatory intervention
- Asset reporting guidance note
- Agency publication of key policies
- Corporate groups structures and the Victorian regulatory framework
- Intervention guidelines
- Reportable events
- Best practice guidelines
- Ending a tenancy policy
- Asset management categorisation tool
- Getting tenants involved
- Community engagement
- Registered Agency code of conduct policy.

Compliance and best practice guidance is available on CHIMES.



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