

**ABORIGINAL HOUSING LEGISLATION AMENDMENT BILL 2009**

*Introduction and First Reading*

Bill introduced, on motion by **Mr T.R. Buswell (Minister for Housing and Works)**, and read a first time.  
Explanatory memorandum presented by the minister.

*Second Reading*

**MR T.R. BUSWELL (Vasse — Minister for Housing and Works)** [12.48 pm]: I move —

That the bill be now read a second time.

I am pleased to introduce the Aboriginal Housing Legislation Amendment Bill 2009. The purpose of the bill is to amend the Housing Act 1980 and the Aboriginal Affairs Planning Authority Act 1972 to provide for the first time an appropriate legal framework for improving housing management outcomes in Aboriginal communities. This will apply to an estimated 80 per cent of Aboriginal people living in remote communities in Western Australia. Until now, housing in remote Aboriginal communities has largely been based on a build-and-abandon approach. New housing has been constructed and left to the communities to manage themselves. For some communities, this has worked well where rent was collected and used to maintain the housing stock. In other communities, it has been unsuccessful due to the small numbers of houses and the administrative burden placed on community councils. This has resulted in unsatisfactory housing standards in many communities.

From 2007 the Housing Authority embarked on a reform program to improve the standard of housing and the way housing was managed in Aboriginal communities. A memorandum of understanding between the Aboriginal Lands Trust and the Housing Authority was agreed as an interim arrangement that allowed the Housing Authority to manage housing on land vested in the Aboriginal Lands Trust. However, this arrangement has never been formalised in legislation. In addition, there is uncertainty as to which person or body bears responsibility for ensuring housing let or leased to residents in Aboriginal communities is managed and maintained to an adequate standard. Accordingly, it is unclear whether the Residential Tenancies Act 1987 applies in remote Aboriginal communities and whether the rights and obligations of owners and tenants under that act could be enforced. The key purpose of this bill is to provide the statutory framework to enable the Housing Authority, with the agreement of the relevant community, to legally control and manage the letting and leasing of housing in Aboriginal communities.

The enactment of this bill will also secure a significant increase in funding from the commonwealth government under the National Partnership Agreement on Remote Indigenous Housing. The agreement requires the state to protect housing assets and improve housing and tenancy management for Aboriginal people. The state and commonwealth governments have agreed that enactment of this bill is an important step in the process for releasing \$496 million in funding to Western Australia for housing and infrastructure in remote Aboriginal communities over the next four years. The national partnership agreement will provide the funding to enable the state to repair and replace over 1 000 houses as well as to build more than 200 new houses. Although it certainly will not address all housing needs in remote Aboriginal communities, it will have a significant impact on improving housing.

The primary purpose of the bill is to create a mechanism—the Housing Management Agreement—under which the Housing Authority can legally control and manage the letting and leasing of housing on Aboriginal land on behalf of any Aboriginal entity that has the power to grant a lease over Aboriginal land. An Aboriginal entity includes the Aboriginal Lands Trust, the Aboriginal Affairs Planning Authority, an Aboriginal corporation or an Aboriginal incorporated association.

The key features of a housing management agreement are —

The agreement is voluntary and will be entered into on a case-by-case basis only when the Housing Authority is satisfied that the Aboriginal inhabitants of the land wish to do so.

As the bill has been carefully designed to have the least impact on native title or land ownership, the agreement will not create any interest in land and will not result in an acquisition of the relevant property. Therefore, no compensation is payable when the Housing Authority agrees to enter into an agreement or does what is required or permitted by an agreement.

The Aboriginal entity retains general responsibility for the land, while the Housing Authority will assume responsibility for managing social housing, including rent collection and maintenance.

As the Housing Authority will manage tenancies on behalf of the Aboriginal entity, the Housing Authority, or any agent appointed by it, will have the rights and obligations of an owner of residential premises under the Residential Tenancies Act 1987. Likewise, any tenant occupying a house nominated

in an agreement will be protected by a tenant's rights under the Residential Tenancies Act 1987 and will also be subject to the obligations of a tenant under that act.

The Residential Tenancies Act 1987 can now be enforced in relation to Aboriginal housing, as long as the houses are subject to and nominated in an agreement. The bill also provides for rent-setting provisions allowing for the Housing Authority to determine rent and to set variable rents for different houses and classes of tenant, and for rebates in specific circumstances. This will bring housing management in Aboriginal communities into line with normal public housing management practices.

I consider that this bill provides an important legislative foundation to improve housing and tenancy management outcomes for Aboriginal people and to protect state and commonwealth investment in social housing. Moreover, the bill is an important first step in the government's commitment to address longstanding land tenure and housing management issues. I commend the bill to the house.

Debate adjourned, on motion by **Mr M. McGowan**.