

CHAPTER 3

BILATERAL AGREEMENTS

1. A key change in the Indigenous-specific housing area over the past decade has been the introduction of formal Bilateral Housing Agreements¹. This Chapter provides information about the Commonwealth, ATSIC and State Bilateral Housing (and Infrastructure) Agreements. These agreements essentially establish a partnership or an understanding and arrangement between the State Government, ATSIC and the Commonwealth² for the planning, co-ordination and management of housing (and infrastructure³) for Aboriginal and Torres Strait Islander people in each State⁴.

2. The first Agreement was signed in 30 June 1995 with the Northern Territory and has already undergone a review of its effectiveness. There are now agreements in place in New South Wales, Queensland, Western Australia, South Australia and the Northern Territory. The other States are at different stages of negotiation⁵.

- (i) In Queensland, there is an agreement with the Torres Strait Regional Authority, and at the State level its Housing and Infrastructure Agreement is in the process of being signed by Ministers.
- (ii) In Tasmania, an agreement has been drafted however it has not been signed yet⁶. However, negotiations have recently recommenced.
- (iii) The Victorian ATSIC submission noted that a bilateral agreement is a 'long way off'⁷.

¹ The Agreements commonly bring together the priorities and direction of reform identified in the National Commitment to Improved Outcomes in the delivery of Programs and Services of Aboriginal Peoples and Torres Strait Islanders in 1992.

² Represented by the Federal Minister for Family and Community Services.

³ The extent to which Infrastructure is included in the Agreements varies between the States. For example the New South Wales Agreement covers 'housing and related infrastructure'.

⁴ In Queensland there is a separate Bilateral Housing and Infrastructure Agreement that covers the Torres Strait region. This Agreement includes the Torres Strait Regional Authority and the Island Coordinating Council.

⁵ ATSIC *Annual Report* 1998-99, p107, DfaCS Final Submission, January 2001, and additional correspondence with staff from ATSIC and DfaCS.

⁶ Tasmanian Regional Aboriginal Council, *Tasmanian Regional Aboriginal Council 1999-2000 Annual Report*, Hobart Tasmania., and ATSIC Tasmania Submission, December 2000.

⁷ The Aboriginal Housing Board of Victoria (AHBV) is the advisory body on Indigenous-specific housing matters in the State for ARHP funds.

(iv) Negotiations are continuing in the ACT.

3. Table 3-1 shows a summary of existing bilateral agreements — when they started, coverage, duration and review date.

Table 3-1 SUMMARY OF BILATERAL HOUSING AGREEMENTS

State	Date signed	Coverage	Duration of Agreement
New South Wales	July 1998	Housing and related Infrastructure	3 years duration (review due after 2 years). Anticipated date for next agreement July 2001
Queensland			
Queensland (excluding TSRA) Agreement ^(a)	March 2001	Housing and Infrastructure	Reviewed due after 3 years
TSRA Agreement	January 2000	Housing and infrastructure	4 year period in line with CSHA
Western Australia ^(b)	December 1997	Housing and related infrastructure	Review due early 2001
South Australia ^(c)	February 1999	Housing	3 year duration (review due 2002)
Northern Territory	June 1995	Housing and related Infrastructure	Reviewed in February 1999

(a) The Queensland Bilateral is in the process of being signed.

(b) Western Australia also has a Remote Areas Essential Services Program – Infrastructure (RAESP).

(c) South Australia also has Essential Services Infrastructure Agreement.

Source: Various sources including the Department of Family and Community Services.

4. **Common features.** Although each Agreement is different and reflects different approaches, histories and priorities in each State, there are some common features. The Agreements:

- (i) are focused on outcomes (with a key outcome being the provision of housing assistance, and related infrastructure, to those in greatest need);
- (ii) move from a separate planning process by each organisation to a joint planning and co-ordination process involving ATSIC and the relevant State housing and related agencies;
- (iii) establish clear roles and responsibilities for the parties to the Agreement;
- (iv) are subject to (an independent) review after a certain period of operation;
- (v) require the development and implementation of strategic plans; and
- (vi) establish significant community participation.

HOW BILATERAL AGREEMENTS WORK IN EACH STATE

5. The following section outlines for each State with a bilateral agreement when they were signed, the key stakeholders and how funds are allocated.

New South Wales

6. The New South Wales Agreement was signed in July 1998. The Aboriginal Housing Office (AHO) was established under the *Aboriginal Housing Act* 1998 as a result of the Agreement. The AHO has an Indigenous board which consists of an independent chair; six members nominated by ATSIC; six specialist members including a New South Wales Aboriginal Land Council representative; and the Chief Executive Officer of the AHO who is a non-voting member.

7. ***Approach to allocating funds.*** The Agreement allows for the actual pooling of CHIP and ARHP funds into one program to be managed through the AHO commencing in 1999-2000. The State government contributed \$6.9 million in 1999-2000⁸.

8. Aboriginal Housing Program funds have been distributed to regions on the basis of housing adequacy measured by the number of bedrooms needed to alleviate family homelessness and overcrowding. Needs based data indicating housing affordability and adequacy at the local level provides additional information to assist in assessing need⁹. The attachment to this section of the Supporting Material contains details of the approach used by New South Wales to allocate funds.

9. ***Review of Agreement.*** It was agreed that the Agreement would be reviewed independently of the Board of the AHO after the first two years of operation¹⁰. The review was expected to be completed in February 2001.

10. New South Wales noted that a key focus of the next Agreement is likely to include promoting links with local government¹¹ and improving arrangements and co-ordination for the planning and delivery of housing relating infrastructure at the State, regional and local level.

Queensland

11. ARHP are presently distributed by the State government through its Aboriginal and Torres Strait Islander Housing (ATSIH) — a discrete unit of the Queensland Department of Housing. ATSIH has two main programs: the Aboriginal and Torres Strait public rental program, which provides rental dwellings in urban, rural and remote locations throughout Queensland; and the community housing program which provides a mix of

⁸ The New South Wales data return identified \$6.9 million as State contribution and \$16.8 million from CSHA for 1999-2000.

⁹ NSW Aboriginal Housing Office, *Aboriginal Housing Strategic Plan Supplement*, 1999-2000, pp13-14.

¹⁰ NSW Aboriginal Housing Office, *Implementation Report on the Bilateral Agreement*, October 2000, p9.

¹¹ NSW Aboriginal Housing Office, *Implementation Report on the Bilateral Agreement*, October 2000, p9.

capital and recurrent funds mainly to the 32 Deed of Grant in Trust (DOGIT) communities, and 2 Aboriginal Shires. ATSIC funds are delivered to communities via Regional Councils.

12. **Queensland (excluding Torres Strait region).** The proposed Bilateral Agreement is expected to bring together a notional pool of funds to co-ordinate joint planning, information sharing and integrate service delivery. The funds to be covered by the notional pooling arrangements are expected to include: Queensland Aboriginal and Torres Strait Islander Infrastructure Program (ATSIIIP) funds; Queensland Aboriginal and Torres Strait Islander Housing funds; NAHS funds for 2000-2003; and ATSIC Regional Council CHIP funds.

13. **Torres Strait Regional Authority Agreement.** The Agreement involving the Commonwealth, ATSIC, Queensland Government, the Torres Strait Regional Authority (TSRA) and the Island Co-ordinating Council (ICC) was signed in January 2000 and is for a four year period. The parties agreed to maximise housing and infrastructure outcomes and thereby improve environmental health outcomes for Indigenous people living in the Torres Strait Region¹². Funds from ARHP and the TSRA are notionally pooled, with funds used for construction of new housing, upgrading existing dwellings, provision of related infrastructure and maintenance of existing housing and housing related infrastructure. Funds are allocated according to the joint plan, which covers an indicative rolling capital works and asset management plan and strategies to implement training programs and generate employment. The plan includes data on housing need and identifies priorities for the application of resources.

Western Australia

14. The Aboriginal Housing Board was established in 1978. At that time, its function was an advisory body for the Minister for Housing and the State Housing Commission. In December 1997, the Western Australian Bilateral Agreement was signed. And as a result, the board's responsibilities now include overseeing all the Ministry of Housing's Aboriginal housing policy and programs, except for rental accommodation administered by Homeswest. The Aboriginal Housing Board also sets planning and strategies and decides on funding priorities¹³.

15. Indigenous-specific housing is provided as a mix between grants through Indigenous community housing organisations and the direct provision of public rental stock (which is managed by Homeswest). Homeswest also provides funds under a short term Management Support Program to help train Indigenous communities to manage housing stock. ATSIC funds are allocated to communities via Regional Councils.

16. **Approach to allocating funds.** Under the Agreement, State Indigenous-specific housing and CHIP funds are notionally pooled for decision making purposes. In some regions this has led to joint program management arrangements through Homeswest and in other regions projects are still managed by the respective agencies.

¹² Torres Strait Regional Authority Submission, July 2000, p55.

¹³ Western Australian Data Return 2000.

17. **Review of Agreement.** A review is to be conducted in 2000-01 and should report in early 2001.

South Australia

18. The Aboriginal Housing Authority (AHA) was established as a statutory corporation in October 1998. The all-Indigenous Board was appointed in November 1998 and the Bilateral Agreement between the Commonwealth and South Australian Governments regarding Aboriginal and Torres Strait Islander Housing was signed in April 1999. The Board's principle role is to improve housing outcomes for Aboriginal people in South Australia through a range of housing tenure. Arrangements are for an initial three-year period. The two main programs are: the Rural and Remote Housing Program, which is focused on improving the health standards of Aboriginal community owned houses; and the rental housing program which provides and manages rental properties across the State.

19. **Approach to allocating funds.** Under the Agreement ARHP and ATSIC Regional CHIP funds are pooled from the 1999-2000 financial year and allocated by the AHA Board. Housing need analysis will take account of variables such as homelessness, overcrowding and availability of services.

20. **Review of Agreement.** A review is to be conducted in early 2002.

Northern Territory

21. The Agreement for the provision and management of housing and related infrastructure for Aboriginal and Torres Strait Islander people in the Northern Territory was signed in June 1995 and led to the establishment of the Indigenous Housing Authority of the Northern Territory (IHANT). The main programs of IHANT include community housing; land servicing; and housing management support.

22. **Approach to allocating funds.** Funds from ARHP, ATSIC CHIP, and Northern Territory government grants are pooled and allocated as one through the Northern Territory Department of Housing and Local Government. IHANT has a five-year strategic plan and a three-year operational plan. The regional allocation is based on bedroom need. The Authority has established a program for allocation of tied funds to communities for essential repairs and maintenance of dwellings. An amount of \$1 700 is allocated per dwelling per annum.

23. **Review of Agreement.** The Northern Territory Agreement was reviewed in February 1999. A major issue of concern arising from the review related to the separate delivery of the NAHS program. The review recommended the arrangements should continue but noted that there should be enhanced consultations between the parties.

Submissions

24. In its final submission, ATSIC noted that ‘the agreements maximise program efficiency and effectiveness and better coordinate the Commonwealth’s two Indigenous-specific housing programs with State/Territory Indigenous-specific housing programs’¹⁴. The Western Australia government noted that its bilateral agreement encourages Indigenous participation, priority setting and decision making on issues directly affecting Indigenous people¹⁵.

Summary

25. The bilateral agreements enable greater Indigenous control of the Indigenous-specific housing sector and improve the co-ordination of the streams of resources for housing. While the nature of the agreements varies between States, the approach of ‘pooling’ resources (which may be either notional or actual) allows for greater coordination and more effective use of resources.

¹⁴ ATSIC Annual Report 2000-2001.

¹⁵ Western Australia Government Final Submission, January 2001.