



# **Treasury Laws Amendment (National Housing and Homelessness Agreement) Act 2018**

**No. 16, 2018**

**An Act to amend the *Federal Financial Relations Act 2009*, and for other purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation (<https://www.legislation.gov.au/>)



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# Treasury Laws Amendment (National Housing and Homelessness Agreement) Act 2018

No. 16, 2018

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## **An Act to amend the *Federal Financial Relations Act 2009*, and for other purposes**

[Assented to 28 March 2018]

The Parliament of Australia enacts:

### **1 Short title**

This Act is the *Treasury Laws Amendment (National Housing and Homelessness Agreement) Act 2018*.

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No. 16, 2018

*Treasury Laws Amendment (National Housing and Homelessness Agreement) Act 2018*

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. The whole of this Act	1 July 2018.	1 July 2018

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

## 3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## **Schedule 1—Amendments**

### **Part 1—Amendments**

#### ***Federal Financial Relations Act 2009***

##### **1 After paragraph 3(ba)**

Insert:

- (bb) payments relating to:
  - (i) housing; and
  - (ii) homelessness; and
  - (iii) housing affordability matters;to be spent by the States in accordance with:
  - (iv) a primary housing agreement and a supplementary housing agreement; or
  - (v) a designated housing agreement; and

##### **2 Section 4**

Insert:

***designated housing agreement*** means an agreement that:

- (a) is entered into between the Commonwealth and one or more States; and
- (b) relates to any or all of the following:
  - (i) housing;
  - (ii) homelessness;
  - (iii) housing affordability matters; and
- (c) is expressed to be a designated housing agreement for the purposes of this Act; and
- (d) is entered into before or after the commencement of Part 3B.

***housing affordability matter*** means a matter that is likely to affect the affordability of housing.

***primary housing agreement*** means an agreement that:

- (a) is entered into between the Commonwealth and one or more States; and

## Schedule 1 Amendments

### Part 1 Amendments

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- (b) relates to any or all of the following:
  - (i) housing;
  - (ii) homelessness;
  - (iii) housing affordability matters; and
- (c) is expressed to be a primary housing agreement for the purposes of this Act; and
- (d) is entered into before or after the commencement of Part 3B.

***supplementary housing agreement*** means an agreement that:

- (a) is entered into between the Commonwealth and a single State; and
- (b) relates to any or all of the following:
  - (i) housing;
  - (ii) homelessness;
  - (iii) housing affordability matters; and
- (c) relates to:
  - (i) a single financial year; or
  - (ii) each of 2 consecutive financial years; or
  - (iii) each of 3 consecutive financial years; or
  - (iv) each of 4 consecutive financial years; or
  - (v) each of 5 consecutive financial years; and
- (d) is expressed to be a supplementary housing agreement for the purposes of this Act; and
- (e) is entered into before or after the commencement of Part 3B.

### 3 Section 14

Repeal the section.

### 4 After Part 3A

Insert:



## **Part 3B—Payments relating to housing, homelessness and housing affordability matters**

### **15B Simplified outline of this Part**

- Payments relating to housing, homelessness and housing affordability matters may be made to a State if the State is a party to:
  - (a) a primary housing agreement; and
  - (b) a supplementary housing agreement.
- Payments relating to housing, homelessness and housing affordability matters may be made to a State if the State is a party to a designated housing agreement.

### **15C Payments relating to housing, homelessness and housing affordability matters—primary housing agreement and supplementary housing agreement**

#### *Scope*

- (1) This section applies to a State in relation to a financial year if the State is a party to:
  - (a) a primary housing agreement; and
  - (b) a supplementary housing agreement that relates to the financial year.

#### *Determination*

- (2) The Minister may determine that an amount specified in the determination is to be paid to the State for the purpose of making a grant of financial assistance for the financial year for the purpose of expenditure in accordance with:
  - (a) the primary housing agreement; and
  - (b) the supplementary housing agreement.

- (3) A determination under subsection (2) is a legislative instrument, but section 42 (disallowance) of the *Legislation Act 2003* does not apply to the determination.

*Terms and conditions*

- (4) Financial assistance is payable to the State under this section for the financial year on condition that the financial assistance is spent in accordance with:
- (a) the primary housing agreement; and
  - (b) the supplementary housing agreement.
- (5) Financial assistance is payable to the State under this section for the financial year on condition that, at all times during the period ascertained in accordance with the primary housing agreement or the supplementary housing agreement, the State will:
- (a) have a housing strategy for the State that:
    - (i) indicates the level of housing supply needed to respond to projected housing demand, and outlines the reforms and initiatives that contribute to meeting this need; and
    - (ii) includes such other matters (if any) as are specified in the primary housing agreement or the supplementary housing agreement; and
  - (b) so far as is reasonably practicable to do so—make the housing strategy available on a publicly accessible website.
- (6) Financial assistance is payable to the State under this section for the financial year on condition that, at all times during the period ascertained in accordance with the primary housing agreement or the supplementary housing agreement, the State will:
- (a) have a homelessness strategy for the State that:
    - (i) addresses the priority homelessness cohorts identified in the primary housing agreement; and
    - (ii) includes reforms or initiatives that contribute to a reduction in the incidence of homelessness; and
    - (iii) includes such other matters (if any) as are specified in the primary housing agreement or the supplementary housing agreement; and

- (b) so far as is reasonably practicable to do so—make the homelessness strategy available on a publicly accessible website.
- (7) Financial assistance is payable to the State under this section for the financial year on condition that, for each \$1 paid to the State under this section for the financial year in relation to homelessness, the State will spend during the financial year, out of its own resources, \$1 in relation to homelessness.
- (8) Financial assistance is payable to the State under this section for the financial year on condition that the State will:
  - (a) give the Minister such information (if any) relating to any or all of the following:
    - (i) housing;
    - (ii) homelessness;
    - (iii) housing affordability matters;as is specified in the primary housing agreement or the supplementary housing agreement; and
  - (b) do so in the manner, and within the period, ascertained in accordance with the primary housing agreement or the supplementary housing agreement, as the case requires.
- (9) The following are matters for the State:
  - (a) the accuracy (or likely accuracy) of the level of housing supply indicated in the housing strategy mentioned in subsection (5);
  - (b) the quality or effectiveness (or likely quality or effectiveness) of the reforms and initiatives included in that housing strategy;
  - (c) the quality or effectiveness (or likely quality or effectiveness) of the reforms or initiatives included in the homelessness strategy mentioned in subsection (6).

**15D Payments relating to housing, homelessness and housing affordability matters—designated housing agreement**

- (1) The Minister may determine that an amount specified in the determination is to be paid to a State specified in the determination for the purpose of making a grant of financial assistance for the

purpose of expenditure in accordance with a designated housing agreement to which the State is a party.

- (2) A determination under subsection (1) is a legislative instrument, but section 42 (disallowance) of the *Legislation Act 2003* does not apply to the determination.
- (3) Financial assistance is payable to a State under this section on condition that the financial assistance is spent in accordance with the designated housing agreement.
- (4) Financial assistance payable to a State under this section is subject to such additional terms and conditions (if any) as are set out in the designated housing agreement.

**5 Paragraph 17(b)**

Omit “or 3A”, substitute “, 3A or 3B”.

**6 Paragraph 18(1)(b)**

Omit “or 3A”, substitute “, 3A or 3B”.

**7 Paragraph 18(2)(b)**

Omit “or 3A”, substitute “, 3A or 3B”.

**8 After paragraph 21(aa)**

Insert:

(ab) if:

- (i) the determination relates to financial assistance to a State under section 15C; and
  - (ii) the State is a party to a primary housing agreement or a supplementary housing agreement;
- the primary housing agreement or the supplementary housing agreement, as the case may be; and

(ac) if:

- (i) the determination relates to financial assistance to a State under section 15D; and
  - (ii) the State is a party to a designated housing agreement;
- the designated housing agreement; and

**9 Section 22**

After “Part 3A”, insert “, Part 3B”.

