

EXPLANATORY STATEMENT

Issued by authority of the Minister for Housing and Assistant Treasurer

Federal Financial Relations Act 2009

Federal Financial Relations (Housing, Homelessness and Housing Affordability Payments for 2019-20) Determination 2020

Subsection 15C(2) of the *Federal Financial Relations Act 2009* (the Act) provides that the Minister may determine that an amount specified in the determination is to be paid to a State, the Australian Capital Territory or the Northern Territory (States and Territories) for the purpose of making a grant of financial assistance for the purpose expenditure in accordance with an agreement between the Commonwealth and one or more States and Territories, relating to housing, homelessness or housing affordability.

The purpose of the *Federal Financial Relations (Housing, Homelessness and Housing Affordability Payments for 2019-20) Determination 2020* (the Determination) is to specify the amounts to be paid to each State and Territory for the 2019-20 financial year.

Under the *Intergovernmental Agreement on Federal Financial Relations* (the IGA) and the Act, the Commonwealth provides payments to support States and Territories delivery of programs, services and reforms with respect to number of subject matters, including but not limited to, housing, homelessness and housing affordability matters. The details of the funding arrangements and the conditions the States and Territories need to meet to receive Commonwealth funding are set out in the National Housing and Homelessness Agreement and in related bilateral agreements between the Commonwealth and each of the States and Territories.

The amounts specified in the Determination to be paid to each State and Territory have been calculated in accordance with the National Housing and Homelessness Agreement.

Advance payments relating to housing, homelessness or housing affordability are made throughout the financial year based on estimates of each jurisdiction's anticipated entitlement for that year. Any adjustment between the advances paid to a jurisdiction and the jurisdiction's determined entitlement is made in the first practicable payment after the Determination is made.

The IGA and the National Housing and Homelessness Agreement were subject to extensive consultation with the States and Territories and were signed by all jurisdictions. Both agreements are publicly available on the website of the Council on Federal Financial Relations. Ongoing consultation with the States and Territories on federal financial relations occurs regularly.

Details of the Determination are set out in Attachment A.

The Determination is a legislative instrument for the purposes of the *Legislation Act 2003*. However, under subsection 15C(3) of the Act, the Determination is not subject to disallowance.

The Determination commenced on day after it was registered on the Federal Register of Legislation.

A statement of Compatibility with Human Rights is at [Attachment B](#).

ATTACHMENT A

Details of the *Federal Financial Relations (Housing, Homelessness and Housing Affordability Payments for 2019-20) Determination 2020*

This Attachment sets out further details of the Determination.

Section 1 – Name

This section specifies the name of the Determination is the *Federal Financial Relations (Housing, Homelessness and Housing Affordability Payments for 2019-20) Determination 2020*.

Section 2 – Commencement

This section prescribes that the Determination commences the day after it is registered on the Federal Register of Legislation.

Section 3 – Authority

This section provides that the Determination is made under the *Federal Financial Relations Act 2009*.

Section 4 – Definitions

This section provides definitions for the purposes of the Determination.

Section 5 – Housing, homelessness and housing affordability payments for 2019-20

This section sets out the amounts required to be paid by the Commonwealth in respect of the 2019-20 financial year to each State and Territory in accordance with the National Housing and Homelessness Agreement and in related bilateral agreements between the Commonwealth and each of the States and Territories.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Federal Financial Relations (Housing, Homelessness and Housing Affordability Payments for 2019-20) Determination 2020

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The purpose of the *Federal Financial Relations (Housing, Homelessness and Housing Affordability Payments for 2019-20) Determination 2020* is to specify the amounts to be paid to each State and Territory for the 2019-20 financial year for the purpose of expenditure in accordance with an agreement between the Commonwealth and one or more States and Territories, relating to housing, homelessness or housing affordability.

Human rights implications

This Legislative Instrument engages the right to an adequate standard of living, including housing, as referred to in Article 11.1 of the *International Covenant on Economic, Social and Cultural Rights* (done at New York on 16 December 1966 ([1976] ATS 5)).

This Instrument supports the right to adequate housing by providing funding to support the States and Territories delivery of programs, services and reforms with respect to housing, homelessness and housing affordability matters.

Commonwealth funding in support of the States and Territories delivery of programs, services and reforms with respect to housing, homelessness and housing affordability matters has been increased for 2019-20 in line with the *Intergovernmental Agreement on Federal Financial Relations*, the *National Housing and Homelessness Agreement* and in related bilateral agreements between the Commonwealth and each of the States and Territories.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.