



Housing Australia Investment Mandate Amendment (Social Housing, Affordable Housing and Acute Housing Needs) Direction 2023

I, Julie Collins, Minister for Housing, Minister for Homelessness and Minister for Small Business, make the following direction.

Dated 07 December 2023

Julie Collins
Minister for Housing
Minister for Homelessness
Minister for Small Business

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1 Name

This instrument is the *Housing Australia Investment Mandate Amendment (Social Housing, Affordable Housing and Acute Housing Needs) Direction 2023*.

2 Commencement

- (1) Each provision of this instrument 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.

| Commencement information | | |
|---------------------------------|--|--------------|
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this instrument | The day after this instrument is registered. | |

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

This instrument is made under subsection 12(1) of the *Housing Australia Act 2018*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Housing Australia Future Fund Facility

National Housing Finance and Investment Corporation Investment Mandate Direction 2018

1 Section 4

Insert:

HAFFF (for Housing Australia Future Fund Facility) means the facility established for section 7A and Part 4A.

HAFFF construction compliant—see subsection 28E(4).

HAFFF project—see subsection 28E(1).

HAFFF special purpose vehicle—see subsection 28F(2).

NCC means the National Construction Code 2022 as existing on 1 October 2023.

Note: In 2023, the National Construction Code 2022 could be viewed on the National Construction Code website (<http://ncc.abcb.gov.au>).

registered charity means an entity registered under the *Australian Charities and Not-for-profits Commission Act 2012*.

2 Section 4 (at the end of the definition of *underlying eligible member*)

Add:

- ; or (c) of a HAFFF special purpose vehicle—means a member of the HAFFF special purpose vehicle that is an entity mentioned in paragraphs 28F(1)(a) to (i); or
- (d) of a NHAFF special purpose vehicle—means a member of the NHAFF special purpose vehicle that is an entity mentioned in paragraphs 28T(1)(a) to (i).

3 After section 7

Insert:

7A Establishment and operation of Housing Australia Future Fund Facility

Housing Australia must establish and operate a facility (the **HAFFF**) to make loans and grants in accordance with Part 4A.

Note: This is part of Housing Australia's financing function.

4 Section 8D

Repeal the section.

5 At the end of Division 1 of Part 2

Add:

10A Minimum number of dwellings to be made available

- (1) In performing its financing function, Housing Australia must take all reasonable steps, during a period of 5 years beginning on the day this section commences, to achieve the outcome of making available, in each State and Territory, a minimum of 1,200 applicable dwellings.
- (2) In determining whether the outcome of a minimum of 1,200 applicable dwellings has been achieved, Housing Australia must include any applicable dwellings made available in a State or Territory as a result of a grant of financial assistance made under subsection 18(1) or 18(3) of the *Housing Australia Future Fund Act 2023*.
- (3) An **applicable dwelling** is a dwelling that is or will be any of the following:
 - (a) social housing;
 - (b) affordable housing;
 - (c) addressing an acute housing need.

6 After Part 4

Insert:

Part 4A—Housing Australia Future Fund Facility

28B Simplified outline of this Part

The Housing Australia Future Fund Facility

The purpose of the HAFFF is to:

- (a) increase the availability of social housing and affordable housing, and address acute housing needs; and
- (b) deliver the Government's commitment to support 30,000 dwellings available as social and affordable housing (20,000 social and 10,000 affordable) over 5 years; and
- (c) encourage private sector investment in projects that deal with these matters.

The HAFFF does this by providing finance (loans and grants) for projects that increase the supply of social housing and affordable housing and that address acute housing needs across Australia, including in regional, rural and remote areas.

Division 1—Financing mechanisms and eligibility

28C Applications for finance under the HAFFF

Housing Australia must consider an application from an entity for the making of a loan or a grant under the HAFFF if the application is made in the manner and form approved by Housing Australia.

28D Eligibility for loans and grants

Housing Australia must not make a loan or grant under the HAFFF through which a project may be financed unless it is satisfied of all of the following matters:

- (a) the project is a HAFFF project within the meaning of section 28E;
- (b) the project proponent is eligible under section 28F;
- (c) the loan or grant is covered by paragraph 8(1A)(a), (b) or (c) of the Act;
- (d) in the case of a loan—the risk that the loan will not be repaid does not exceed an acceptable level.

Note: Section 28H provides that a project may be financed under the HAFFF through loans and grants.

28E HAFFF projects

- (1) A project is a **HAFFF project** if:
 - (a) all dwellings proposed to be designed, constructed or made available under the project are wholly located in a particular State or Territory; and
 - (b) if:
 - (i) the project involves constructing new dwellings; and
 - (ii) a development application or an application for building approval, as appropriate, for the project was lodged on or after 1 October 2023; the project proponent declares in the application mentioned in section 28C that the project is HAFFF construction compliant or will be when any newly constructed dwellings under the project are made available; and
 - (c) one or both of the following apply:
 - (i) the project increases available social housing or affordable housing, or both (whether or not the project would also increase available housing of other types);
 - (ii) the project addresses acute housing needs (whether or not the project would also address housing needs of other types).
- (2) However, if the project proponent declares in their application that the project is HAFFF construction compliant, the project is only a **HAFFF project** if the proponent provides evidence to Housing Australia demonstrating the project is compliant.
- (3) If the project proponent declares in their application that the project will be HAFFF construction compliant when the dwellings under the project are made available, the project ceases to be a **HAFFF project** if:
 - (a) the dwellings are made available under the project; and
 - (b) the proponent fails to provide, as soon as reasonably practicable after the dwellings are made available, evidence to Housing Australia demonstrating the project is compliant.
- (4) A project is **HAFFF construction compliant** if each building constructed under the project complies with:
 - (a) either:
 - (i) the requirements for energy efficiency for houses and apartments in Parts H6 and J2 of the NCC; or

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- (ii) if that is not reasonably practicable—the highest NCC energy efficiency requirements that are reasonably practicable; and
 - (b) the standards in the NCC relating to livable housing design.
 - (5) For subparagraph (4)(a)(i):
 - (a) ignore any different versions of those Parts that might ordinarily apply in the State or Territory where the building is located; and
 - (b) ignore any NCC energy efficiency requirements that relate specifically to climate zones 1 or 2, within the meaning of the NCC.
 - (6) Paragraph (4)(b) applies regardless of whether the State or Territory in which the building is located requires compliance with those standards.

28F Eligible project proponents for HAFFF projects

- (1) To be eligible for finance under the HAFFF, the project proponent must be:
 - (a) a State or Territory; or
 - (b) a local governing body; or
 - (c) a local-government-owned corporation (other than a utility provider) that is a constitutional corporation; or
 - (d) a State-government-owned corporation (other than a utility provider) that is a constitutional corporation; or
 - (e) a Territory-government-owned corporation (other than a utility provider) that is a constitutional corporation; or
 - (f) an entity that:
 - (i) is a registered community housing provider; and
 - (ii) is a registered charity; and
 - (iii) is a constitutional corporation; or
 - (g) an entity that:
 - (i) has the primary purpose of improving, directly or indirectly, housing outcomes for Aboriginal or Torres Strait Islander people; and
 - (ii) is a registered charity; or
 - (h) an entity that:
 - (i) has the primary purpose of improving, directly or indirectly, housing outcomes for members of the Australian Defence Force; and
 - (ii) is a registered charity; or
 - (i) an entity that:
 - (i) has the primary purpose of improving, directly or indirectly, housing outcomes for former members of the Australian Defence Force; and
 - (ii) is a registered charity; and
 - (iii) is a constitutional corporation; or
 - (j) an entity that:
 - (i) is a HAFFF special purpose vehicle; and
 - (ii) is a constitutional corporation.
- Note: If the project proponent is a local governing body, the project may be financed only through a grant of financial assistance to a State or Territory: see paragraph 28H(2)(b).
- (2) An entity is a ***HAFFF special purpose vehicle*** if:
 - (a) it has a purpose of undertaking any of the following kinds of projects:

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- (i) projects to increase available social housing or affordable housing, or both;
 - (ii) projects to address acute housing needs; and
- (b) at least one of its members is an entity mentioned in paragraphs (1)(a) to (i).

28G Identifying eligible project proponents

- (1) Housing Australia must make reasonable efforts to identify, in each State and Territory (including in regional, rural and remote areas):
 - (a) entities whose business or activities may be assisted or benefitted by being provided finance under the HAFFF; and
 - (b) entities:
 - (i) whose business or activities may include projects to increase available social housing or affordable housing in the short term; and
 - (ii) that may be assisted or benefitted by being provided finance under the HAFFF in respect of such projects.
- (2) Housing Australia must promote the HAFFF to such entities.

28H Financing mechanisms

- (1) A project may be financed under the HAFFF through:
 - (a) one or more loans; or
 - (b) one or more grants; or
 - (c) any combination of any of the above.
- (2) The loans and grants must:
 - (a) unless paragraph (b) applies—be made to the project proponent; or
 - (b) if the project proponent is a local governing body—be provided by way of a grant of financial assistance to a State or Territory.

Note: A term or condition for the grant of financial assistance may be that the State or Territory make a loan or grant to the local governing body.
- (3) Housing Australia may provide, but is not limited to, the following loan concessions:
 - (a) longer loan tenor than offered by Commercial Financiers;
 - (b) lower interest rates than offered by Commercial Financiers;
 - (c) extended periods of capitalisation of interest beyond project completion;
 - (d) deferral of loan repayments or other types of tailored loan repayment schedules;
 - (e) lower or different fee structures than those offered by Commercial Financiers.
- (4) For a project proponent other than a State or Territory, Housing Australia must obtain security for any loan, at a level that is appropriate having regard to the risk to Housing Australia and the Commonwealth.

Division 2—Criteria for financing decisions

28J Matters to be considered when making financing decisions

In making a financing decision under this Part, Housing Australia must have regard to the following:

- (a) the extent to which the financing decision would increase one or more of the following on an equitable, as needs basis across Australia (including in regional, rural and remote areas):
 - (i) social housing;
 - (ii) affordable housing;
 - (iii) housing that addresses an acute housing need;
- (b) the likely effect of the project on the supply and ongoing availability of the types of housing referred to in paragraph (a);
- (c) whether housing proposed under the project:
 - (i) is close to work, schools, transport and other amenities; and
 - (ii) supports improved productivity and liveability;
- (d) the extent to which the project's workforce (whether or not employed directly by the project proponent) will support greater participation of apprentices, in particular female apprentices and female trade apprentices in the building and construction industries;
- (e) the extent of any concession that it would be appropriate to offer;
- (f) the extent to which financing the project would assist Housing Australia to achieve the outcome mentioned in section 10A;
- (g) whether finance under the HAFFF is needed to encourage private sector participation in financing the project;
- (h) whether finance under the HAFFF would complement, leverage or support other Commonwealth, State or Territory finance or activities;
- (i) any relevant report by or advice from the National Housing Supply and Affordability Council that:
 - (i) is publicly available; and
 - (ii) Housing Australia has disclosed to the project proponent;
- (j) the object of the Act and the limits set in the Act;
- (k) where the project proponent is a HAFFF special purpose vehicle—the extent to which its underlying eligible members will be involved in the project over its duration;
- (l) where the project proponent is a constitutional corporation—the extent to which the support would assist the corporation in the performance or development of its activities, functions, relationships or business;
- (m) whether the project will deliver value for money in terms of the following:
 - (i) the amount of housing delivered;
 - (ii) the extent to which it addresses unmet social housing or affordable housing needs, or unmet acute housing needs.

28K Matters to be considered when determining concessions

- (1) In determining any concession to be granted in making a financing decision under this Part, Housing Australia must have regard to the following:
 - (a) the extent and mix of all concessions necessary for the project to proceed;

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- (b) the extent of any public benefit that would result from the housing under the project;
 - (c) the object of the Act and the limits set in the Act.
- (2) Housing Australia must limit the concessions offered to the minimum that it considers are needed for the project to proceed in the proposed timeframe.
 - (3) Housing Australia may propose contract terms to ensure that the HAFFF is not providing greater concessions than it considers are needed.

Division 3—General matters

28L Quarterly reporting to Minister in relation to the HAFFF

- (1) As soon as practicable, but in any case within 3 months, after the end of a reporting period, Housing Australia must report to the Minister on the activities of Housing Australia under Divisions 1 and 2 during the period.
- (2) The report for a reporting period must set out:
 - (a) in relation to all projects that Housing Australia decided to finance under the HAFFF up to the end of the period—the following information:
 - (i) the total number of projects;
 - (ii) the total number of projects that provided social housing, affordable housing or addressed an acute housing need;
 - (iii) the number of projects in each State and Territory;
 - (iv) the number of projects that are complete, under development, in planning, or will not be completed;
 - (v) the number of projects funded in regional, rural and remote areas across each State and Territory;
 - (vi) the total amount of finance under the HAFFF provided in respect of those projects; and
 - (b) in relation to each project that Housing Australia decided, during the period, to finance under the HAFFF—the following information:
 - (i) the project proponent of the project;
 - (ii) the Statistical Area Level 4 area in which the project is located;
 - (iii) the types of persons that would be assisted by the project;
 - (iv) the number and types of dwellings made available under the project;
 - (v) whether the financing is to be through a loan or grant, or through a combination of these;
 - (vi) details of each loan or grant for the project;
 - (vii) the level of financing for the project under the HAFFF and from sources other than the HAFFF;
 - (viii) the expected completion date of the project.
- (3) For a project that involves constructing new dwellings, if, within a reporting period, Housing Australia receives information that a project financed under the HAFFF:
 - (a) is or is not HAFFF construction compliant; or
 - (b) will or will not be HAFFF construction compliant at the time dwellings are made available under the project;Housing Australia must set out that information in the report for that period.

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- (4) Subsections (2) and (3) do not limit other information that may be set out in the report.

Reporting period

- (5) A **reporting period** is:
- (a) the period:
 - (i) beginning on the day this section commences; and
 - (ii) ending on the day before the first 1 January, 1 April, 1 July or 1 October to occur after that commencement; and
 - (b) each successive 3 month period.

28M Liabilities under the HAFFF to be disregarded

For the purposes of subsection 48(3) of the Act, the Board must disregard any likely liabilities or loans of Housing Australia that relate to the HAFFF.

28N Limit on making loans and grants for the purposes of this Part

For the purposes of subparagraph 13(c)(i) of the Act, the limit on making loans and grants for the purposes of this Part is \$0.

Note: It is intended that the limit will be increased at a future date.

7 Paragraph 32(1)(a)

Omit “AHBA or NHIF”, substitute “AHBA, NHIF, HAFFF or NHAF”.

8 Subsection 32(2)

After “the NHIF”, insert “, the HAFFF or the NHAF”.

Schedule 2—National Housing Accord Facility

National Housing Finance and Investment Corporation Investment Mandate Direction 2018

1 Section 4

Insert:

NHAF (for National Housing Accord Facility) means the facility established for section 7B and Part 4B.

NHAF construction compliant—see subsection 28S(4).

NHAF project—see subsection 28S(1).

NHAF special purpose vehicle—see subsection 28T(2).

2 Before section 8

Insert:

7B Establishment and operation of the National Housing Accord Facility

Housing Australia must establish and operate a facility (the *NHAF*) to make loans and grants in accordance with Part 4B.

Note: This is part of Housing Australia’s financing function.

3 Section 8C

Repeal the section.

4 Before Part 5

Insert:

Part 4B—National Housing Accord Facility

28P Simplified outline of this Part

The National Housing Accord Facility

The purpose of the NHAF is to:

- (a) increase the availability of affordable housing; and
- (b) deliver the Government’s commitment to support 10,000 additional dwellings available as affordable housing; and
- (c) encourage private sector investment in projects that deal with affordable housing.

The NHAF does this by providing finance (loans and grants) for projects that increase the supply of such dwellings across Australia, including in regional, rural and remote areas.

Division 1—Financing mechanisms and eligibility

28Q Applications for finance under the NHAF

Housing Australia must consider an application from an entity for the making of a loan or a grant under the NHAF if the application is made in the manner and form approved by Housing Australia.

28R Eligibility for loans and grants

Housing Australia must not make a loan or grant under the NHAF through which a project may be financed unless it is satisfied of all of the following matters:

- (a) the project is a NHAF project within the meaning of section 28S;
- (b) the project proponent is eligible under section 28T;
- (c) the loan or grant is covered by paragraph 8(1A)(a), (b) or (c) of the Act;
- (d) in the case of a loan—the risk that the loan will not be repaid does not exceed an acceptable level.

Note: Section 28V provides that a project may be financed under the NHAF through loans and grants.

28S NHAF projects

- (1) A project is a *NHAF project* if:
 - (a) all dwellings proposed to be designed, constructed or made available under the project are wholly located in a particular State or Territory; and
 - (b) if:
 - (i) the project involves constructing new dwellings; and
 - (ii) a development application or an application for building approval, as appropriate, for the project was lodged on or after 1 October 2023; the project proponent declares in the application mentioned in section 28Q that the project is NHAF construction compliant or will be when any newly constructed dwellings under the project are made available; and
 - (c) the project increases the availability of affordable housing (whether or not the project would also increase available housing of other types).
- (2) However, if the project proponent declares in their application that the project is NHAF construction compliant, the project is only a *NHAF project* if the proponent provides evidence to Housing Australia demonstrating the project is compliant.
- (3) If the project proponent declares in their application that the project will be NHAF construction compliant when the dwellings under the project are made available, the project ceases to be a *NHAF project* if:
 - (a) the dwellings are made available under the project; and
 - (b) the proponent fails to provide, as soon as reasonably practicable after the dwellings are made available, evidence to Housing Australia demonstrating the project is compliant.
- (4) A project is *NHAF construction compliant* if each building constructed under the project complies with:
 - (a) either:

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- (i) the requirements for energy efficiency for houses and apartments in Parts H6 and J2 of the NCC; or
 - (ii) if that is not reasonably practicable—the highest NCC energy efficiency requirements that are reasonably practicable; and
 - (b) the standards in the NCC relating to livable housing design.
- (5) For subparagraph (4)(a)(i):
- (a) ignore any different versions of those Parts that might ordinarily apply in the State or Territory where the building is located; and
 - (b) ignore any NCC energy efficiency requirements that relate specifically to climate zones 1 or 2, within the meaning of the NCC.
- (6) Paragraph (4)(b) applies regardless of whether the State or Territory in which the building is located requires compliance with those standards.

28T Eligible project proponents for NHAF projects

- (1) To be eligible for finance under the NHAF, the project proponent must be:
- (a) a State or Territory; or
 - (b) a local governing body; or
 - (c) a local-government-owned corporation (other than a utility provider) that is a constitutional corporation; or
 - (d) a State-government-owned corporation (other than a utility provider) that is a constitutional corporation; or
 - (e) a Territory-government-owned corporation (other than a utility provider) that is a constitutional corporation; or
 - (f) an entity that:
 - (i) is a registered community housing provider; and
 - (ii) is a registered charity; and
 - (iii) is a constitutional corporation; or
 - (g) an entity that:
 - (i) has the primary purpose of directly or indirectly improving housing outcomes for Aboriginal or Torres Strait Islander people; and
 - (ii) is a registered charity; or
 - (h) an entity that:
 - (i) has the primary purpose of improving, directly or indirectly, housing outcomes for members of the Australian Defence Force; and
 - (ii) is a registered charity; or
 - (i) an entity that:
 - (i) has the primary purpose of improving, directly or indirectly, housing outcomes for former members of the Australian Defence Force; and
 - (ii) is a registered charity; and
 - (iii) is a constitutional corporation; or
 - (j) an entity that:
 - (i) is a NHAF special purpose vehicle; and
 - (ii) is a constitutional corporation.

Note: If the project proponent is a local governing body, the project may be financed only through a grant of financial assistance to a State or Territory: see paragraph 28V(2)(b).

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- (2) An entity is a *NHAF special purpose vehicle* if:
 - (a) it has a purpose of undertaking projects that increase available affordable housing; and
 - (b) at least one of its members is an entity mentioned in paragraphs (1)(a) to (i).

28U Identifying eligible project proponents

- (1) Housing Australia must make reasonable efforts to identify, in each State and Territory (including in regional, rural and remote areas):
 - (a) entities whose business or activities may be assisted or benefitted by being provided finance under the NHAF; and
 - (b) entities:
 - (i) whose business or activities may include projects to increase available affordable housing in the short term; and
 - (ii) that may be assisted or benefitted by being provided finance under the NHAF in respect of such projects.
- (2) Housing Australia must promote the NHAF to such entities.

28V Financing mechanisms

- (1) A project may be financed under the NHAF through:
 - (a) one or more loans; or
 - (b) one or more grants; or
 - (c) any combination of any of the above.
- (2) The loans and grants must:
 - (a) unless paragraph (b) applies—be made to the project proponent; or
 - (b) if the project proponent is a local governing body—be provided by way of a grant of financial assistance to a State or Territory.

Note: A term or condition for the grant of financial assistance may be that the State or Territory make a loan or grant to the local governing body.
- (3) Housing Australia may provide, but is not limited to, the following loan concessions:
 - (a) longer loan tenor than offered by Commercial Financiers;
 - (b) lower interest rates than offered by Commercial Financiers;
 - (c) extended periods of capitalisation of interest beyond construction completion;
 - (d) deferral of loan repayments or other types of tailored loan repayment schedules;
 - (e) lower or different fee structures than those offered by Commercial Financiers.
- (4) For a project proponent other than a State or Territory, Housing Australia must obtain security for any loan, at a level that is appropriate having regard to the risk to Housing Australia and the Commonwealth.

Division 2—Criteria for financing decisions

28W Matters to be considered when making financing decisions

In making a financing decision under this Part, Housing Australia must have regard to the following:

- (a) the extent to which the financing decision would increase affordable housing on an equitable, as needs basis across Australia (including in regional, rural and remote areas);
- (b) the likely effect of the project on the supply and ongoing availability of affordable housing;
- (c) whether housing proposed under the project:
 - (i) is close to work, schools, transport and other amenities; and
 - (ii) supports improved productivity and liveability;
- (d) the extent to which the project's workforce (whether or not employed directly by the project proponent) will support greater participation of apprentices, in particular female apprentices and female trade apprentices in the building and construction industries;
- (e) the extent of any concession that it would be appropriate to offer;
- (f) the extent to which financing the project would assist Housing Australia to achieve the outcome mentioned in section 10A;
- (g) whether finance under the NHAF is needed to encourage private sector participation in financing the project;
- (h) whether finance under the NHAF would complement, leverage or support other Commonwealth, State or Territory finance or activities;
- (i) any relevant report by or advice from the National Housing Supply and Affordability Council that:
 - (i) is publicly available; and
 - (ii) Housing Australia has disclosed to the project proponent;
- (j) the object of the Act and the limits set in the Act;
- (k) where the project proponent is a NHAF special purpose vehicle—the extent to which its underlying eligible members will be involved in the project over its duration;
- (l) where the project proponent is a constitutional corporation—the extent to which the support would assist the corporation in the performance or development of its activities, functions, relationships or business.
- (m) whether the project will deliver value for money in terms of either or both of the following:
 - (i) the amount of housing delivered;
 - (ii) the extent to which it addresses unmet affordable housing needs.

28X Matters to be considered when determining concessions

- (1) In determining any concession to be granted in making a financing decision under this Part, Housing Australia must have regard to the following:
 - (a) the extent and mix of all concessions necessary for the project to proceed;
 - (b) the extent of any public benefit that would result from the housing under the project;
 - (c) the object of the Act and the limits set in the Act.

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- (2) Housing Australia must limit the concessions offered to the minimum that it considers are needed for the project to proceed in the proposed timeframe.
 - (3) Housing Australia may propose contract terms to ensure that the NHAF is not providing greater concessions than it considers are needed.

Division 3—General matters

28Y Quarterly reporting to Minister in relation to the NHAF

- (1) As soon as practicable, but in any case within 3 months, after the end of a reporting period, Housing Australia must report to the Minister on the activities of Housing Australia under Divisions 1 and 2 during the period.
- (2) The report for a reporting period must set out:
 - (a) in relation to all projects that Housing Australia decided to finance under the NHAF up to the end of the period—the following information:
 - (i) the total number of projects;
 - (ii) the number of projects in each State and Territory;
 - (iii) the number of projects that are complete, under development, in planning, or will not be completed;
 - (iv) the number of projects funded in regional, rural and remote areas across each State and Territory;
 - (v) the total amount of finance under the NHAF provided in respect of those projects; and
 - (b) in relation to each project that Housing Australia decided, during the period, to finance under the NHAF—the following information:
 - (i) the project proponent of the project;
 - (ii) the Statistical Area Level 4 area in which the project is located;
 - (iii) the types of persons that would be assisted by the project;
 - (iv) the number and types of dwellings made available under the project;
 - (v) whether the financing is to be through a loan or grant, or through a combination of these;
 - (vi) details of each loan or grant for the project;
 - (vii) the level of financing for the project under the NHAF and from sources other than the NHAF;
 - (viii) the expected completion date of the project.
- (3) For a project that involves constructing new dwellings, if, within a reporting period, Housing Australia receives information that a project financed under the NHAF:
 - (a) is or is not NHAF construction compliant; or
 - (b) will or will not be NHAF construction compliant at the time dwellings are made available;Housing Australia must set out that information in the report for that period.
- (4) Subsections (2) and (3) do not limit other information that may be set out in the report.

Reporting period

(5) A *reporting period* is:

- (a) the period:
 - (i) beginning on the day this section commences; and
 - (ii) ending on the day before the first 1 January, 1 April, 1 July or 1 October to occur after that commencement; and
- (b) each successive 3 month period.

28Z Liabilities under the NHAF to be disregarded

For the purposes of subsection 48(3) of the Act, the Board must disregard any likely liabilities or loans of Housing Australia that relate to the NHAF.

28ZA Minister's determination as to amount for NHAF financing decisions

For the purposes of subparagraph 13(c)(i) of the Act, the limit on making loans and grants for the purpose of this Part is \$0.

Note: It is intended that the limit will be increased at a future date.

Schedule 3—Treasury Laws Amendment (Housing Measures No. 1) Act 2023 consequential matters

Part 1—References to the NHFIC

National Housing Finance and Investment Corporation Investment Mandate Direction 2018

1 Section 1

Omit “*National Housing Finance and Investment Corporation*”, substitute “*Housing Australia*”.

2 Section 3

Omit “*National Housing Finance and Investment Corporation Act 2018*”, substitute “*Housing Australia Act 2018*”.

3 Section 4 (paragraph (b) of the note)

Repeal the paragraph.

4 Section 4 (definition of Act)

Omit “*National Housing Finance and Investment Corporation Act 2018*”, substitute “*Housing Australia Act 2018*”.

5 Section 4 (definition of *unissued*)

Omit “the NHFIC” (wherever occurring), substitute “Housing Australia”.

6 Section 5

Omit “the NHFIC’s”, substitute “Housing Australia’s”.

7 Section 5 (note)

Omit “the NHFIC”, substitute “Housing Australia”.

8 Sections 6, 7, 8 and 8A

Omit “The NHFIC”, substitute “Housing Australia”.

9 Section 9

Omit “The NHFIC” (wherever occurring), substitute “Housing Australia”.

10 Section 10

Omit “the NHFIC”, substitute “Housing Australia”.

11 Subsections 11(1) and (3)

Omit “the NHFIC”, substitute “Housing Australia”.

12 Subsections 11(4) and (5)

Omit “the NHFIC” (wherever occurring), substitute “Housing Australia”.

13 Subsections 11(5), (6) and (7)

Omit “The NHFIC”, substitute “Housing Australia”.

14 Subsection 13(1)

Omit “The NHFIC”, substitute “Housing Australia”.

15 Section 15

Omit “the NHFIC” (wherever occurring), substitute “Housing Australia”.

16 Part 3 (box after the heading)

Omit “the NHFIC”, substitute “Housing Australia”.

17 Subsections 16(2) and (3)

Omit “The NHFIC”, substitute “Housing Australia”.

18 Section 17

Omit “The NHFIC”, substitute “Housing Australia”.

19 Section 17

Omit “the NHFIC”, substitute “Housing Australia”.

20 Section 19

Omit “the NHFIC” (wherever occurring), substitute “Housing Australia”.

21 Subsection 21(1)

Omit “the NHFIC”, substitute “Housing Australia”.

22 Subsection 24(2)

Omit “The NHFIC”, substitute “Housing Australia”.

23 Subsection 24(3)

Omit “the NHFIC” (wherever occurring), substitute “Housing Australia”.

24 Subsections 25(2) and 26(1)

Omit “the NHFIC”, substitute “Housing Australia”.

25 Subsections 26(2) and (3)

Omit “The NHFIC”, substitute “Housing Australia”.

26 Subsection 28(1)

Omit “the NHFIC”, substitute “Housing Australia”.

27 Section 28A

Omit “the NHFIC” (wherever occurring), substitute “Housing Australia”.

28 Part 5A (box after the heading)

Omit “the NHFIC” (wherever occurring), substitute “Housing Australia”.

29 Part 5A (box after the heading)

Omit “allowing NHFIC”, substitute “allowing Housing Australia”.

30 Subsection 29B(1)

Omit “the NHFIC” (wherever occurring), substitute “Housing Australia”.

31 Subsections 29B(2) and (2A)

Omit “The NHFIC”, substitute “Housing Australia”.

32 Section 29C

Omit “the NHFIC” (wherever occurring), substitute “Housing Australia”.

33 Section 29G (heading)

Omit “NHFIC”, substitute “**Housing Australia**”.

34 Section 29G

Omit “The NHFIC”, substitute “Housing Australia”.

35 Subsection 29H(1)

Omit “the NHFIC”, substitute “Housing Australia”.

36 Subsection 29H(2)

Omit “by NHFIC”, substitute “by Housing Australia”.

37 Subsection 29H(3) and (5)

Omit “the NHFIC”, substitute “Housing Australia”.

38 Subsections 29I(1) and (3)

Omit “the NHFIC”, substitute “Housing Australia”.

39 Subsection 29I(8) (heading)

Omit “*The NHFIC*”, substitute “*Housing Australia*”.

40 Subsections 29I(8) and (10)

Omit “the NHFIC”, substitute “Housing Australia”.

41 Subsections 29IA(1), (2A) and (3)

Omit “the NHFIC” (wherever occurring), substitute “Housing Australia”.

42 Subsection 29IA(3) (note 1)

Omit “the NHFIC”, substitute “Housing Australia”.

43 Subsections 29IA(4) and (5)

Omit “the NHFIC”, substitute “Housing Australia”.

44 Subsection 29IA(8) (heading)

Omit “*The NHFIC*”, substitute “*Housing Australia*”.

45 Subsections 29IA(8) and (10)

Omit “the NHFIC”, substitute “Housing Australia”.

46 Subsection 29IA(13)

Omit “The NHFIC”, substitute “Housing Australia”.

47 Sections 29IB and 29IBA

Omit “the NHFIC” (wherever occurring), substitute “Housing Australia”.

48 Subparagraph 29IC(2)(a)(ii)

Omit “the NHFIC”, substitute “Housing Australia”.

49 Section 29J (heading)

Omit “NHFIC”, substitute “**Housing Australia**”.

50 Section 29J

Omit “The NHFIC”, substitute “Housing Australia”.

51 Subsections 29JA(1) and (2)

Omit “The NHFIC”, substitute “Housing Australia”.

52 Subsections 29JA(3) and (4)

Omit “the NHFIC” (wherever occurring), substitute “Housing Australia”.

53 Subsection 29JA(5)

Omit “the NHFIC”, substitute “Housing Australia”.

54 Subsection 29K(1)

Omit “The NHFIC”, substitute “Housing Australia”.

55 Subsection 29K(2)

Omit “the NHFIC”, substitute “Housing Australia”.

56 Subsection 29K(3)

Omit “the NHFIC” (wherever occurring), substitute “Housing Australia”.

57 Subsection 29L(1)

Omit “the NHFIC” (wherever occurring), substitute “Housing Australia”.

58 Paragraph 29L(1)(ba)

Omit “the NHFIC’s”, substitute “Housing Australia’s”.

59 Paragraph 29L(1)(ca)

Omit “the NHFIC”, substitute “Housing Australia”.

60 Subsection 29L(3)

Omit “The NHFIC”, substitute “Housing Australia”.

61 Section 30

Omit “the NHFIC” (wherever occurring), substitute “Housing Australia”.

62 Section 31

Omit “The NHFIC” (wherever occurring), substitute “Housing Australia”.

63 Subsection 32(1)

Omit “The NHFIC”, substitute “Housing Australia”.

64 Paragraphs 32(1)(a), (b) and (c)

Omit “the NHFIC”, substitute “Housing Australia”.

65 Subsection 32(2)

Omit “the NHFIC”, substitute “Housing Australia”.

66 Subsection 32(2)

Omit “the NHFIC’s”, substitute “Housing Australia’s”.

67 Section 33

Omit “The NHFIC”, substitute “Housing Australia”.

68 Paragraph 34(1)(a)

Omit “the NHFIC”, substitute “Housing Australia”.

69 Subsection 34(2) (definition of *total guaranteed liabilities of the NHFIC*)

Repeal the definition, substitute:

total guaranteed liabilities of Housing Australia, at a particular time, means the sum of the current values of all amounts that are, or can be as a consequence of current liabilities of Housing Australia (other than guarantee liabilities) expected to be:

- (a) payable to a person other than the Commonwealth; and
- (b) guaranteed by the Commonwealth under section 51 of the Act.

70 Section 35

Omit “The NHFIC”, substitute “Housing Australia”.

Part 2—Housing Australia functions

National Housing Finance and Investment Corporation Investment Mandate Direction 2018

71 Section 4 (definition of *Commercial Financier*)

Omit “provides finance or investment into infrastructure projects”, substitute “finances or invests in projects relating to infrastructure or housing”.

72 Section 4

Insert:

financing application means an application to Housing Australia for the making of a loan or grant.

73 Section 4 (definition of *financing decision*)

Omit “loan, investment or grant”, substitute “loan or grant”.

74 Section 4 (definition of *financing proposal*)

Repeal the definition.

75 Section 4 (definition of *infrastructure*)

Repeal the definition.

76 Section 6

Omit “provide”, substitute “make”.

77 At the end of section 6

Add:

Note: This is part of Housing Australia’s financing function.

78 Section 7

Omit “infrastructure loans, investments”, substitute “loans”.

79 At the end of section 7

Add:

Note: This is part of Housing Australia’s financing function.

80 At the end of section 8

Add:

Note: This is part of Housing Australia’s capacity building function.

81 At the end of section 8A

Add:

Note: This is part of Housing Australia’s guarantee function.

82 Section 8B

Repeal the section.

83 Paragraph 9(1)(a)

Omit “8D”, substitute “8A”.

84 Subsection 11(5)

Omit “provide”, substitute “make”.

85 Paragraph 13(1)(a)

Omit “infrastructure loans or investments”, substitute “loans made under Part 4”.

86 Subparagraph 13(1)(b)(i)

Omit “infrastructure loans and investments”, substitute “loans under Part 4”.

87 Subsection 13(3)

Omit “infrastructure loans and investments”, substitute “loans made under Part 4”.

88 Before section 16

Insert:

15B Applications for loans

Housing Australia must consider an application from an entity for the making of a loan through the AHBA if:

- (a) the entity is a registered community housing provider; and
- (b) the application is made in the manner and form approved by Housing Australia.

89 Subsection 16(1)

Repeal the subsection, substitute:

- (1) Housing Australia must not make loans through the AHBA to an entity unless it is satisfied that:
 - (a) the entity is a registered community housing provider; and
 - (b) the loan is covered by paragraph 8(1A)(a), (b) or (c) of the Act.

90 Subsection 16(2)

Omit “provide”, substitute “make”.

91 Subsection 16(2)

After “support”, insert “social and”.

92 Subsection 16(3)

Omit “classes of providers”, substitute “classes of registered community housing providers”.

93 Section 17

Omit “providers”, substitute “registered community housing providers”.

94 Section 18

Omit “provide”, substitute “make”.

95 Paragraph 19(a)

After “supports”, insert “social and”.

96 Before section 21A

Insert:

21AB Applications for finance under the NHIF

Housing Australia must consider an application from an entity for the making of a loan or grant under the NHIF if the application is made in the manner and form approved by Housing Australia.

21AC Eligibility for loans and grants

Housing Australia must not make a loan or grant under the NHIF through which a project may be financed unless it is satisfied of the following matters:

- (a) the project proponent is eligible under section 22 or 22A;
- (b) the project is eligible under section 23;
- (c) the loan or grant is covered by paragraph 8(1A)(a), (b) or (c) of the Act;
- (d) in the case of a loan—the risk that the loan will not be repaid does not exceed an acceptable level.

Note: Section 24 provides that a project may be financed under the NHIF through loans and grants.

97 Paragraphs 22(1)(e) and (f)

After “provider”, insert “that is a constitutional corporation”.

98 After section 22A

Insert:

22B Identifying eligible project proponents

Housing Australia must:

- (a) make reasonable efforts to identify entities in each State and Territory whose business or activities may be assisted or benefitted by being provided finance under the NHIF; and
- (b) promote the NHIF to such entities.

99 Section 23A

Repeal the section.

100 Paragraph 24(1)(b)

Repeal the paragraph.

101 Subsection 24(4)

Repeal the subsection.

102 Subsection 24(5)

Omit “Grant proposals seeking”, substitute “Applications seeking grants and”.

103 Subsection 24(6) (note)

Omit “loan, investment”, substitute “loan”.

104 Subsection 25(1)

Repeal the subsection.

105 Subsection 25(2)

Omit “(2) In making a financing decision”, substitute “In making a financing decision under this Part”.

106 Subsection 26(1)

After “financing decision”, insert “under this Part”.

107 Paragraph 26(1)(a)

Omit “proposal”, substitute “project”.

108 Paragraph 26(1)(c)

After “object of the Act”, insert “and the limits set in the Act”.

109 Subsection 26(2)

Omit “proposal”, substitute “project”.

110 Subparagraph 28A(2)(e)(i)

Omit “a loan, investment or grant, or through a combination of 2 or more of these”, substitute “a loan or grant, or through a combination of these”.

111 Subparagraph 28A(2)(e)(ii)

Omit “loan, investment”, substitute “loan”.

112 Part 5

Repeal the Part, substitute:

Part 5—Capacity building assistance**28ZB Simplified outline of this Part****Capacity building**

Housing Australia may provide business advisory services and other assistance in capacity building under this Part to registered community housing providers, including to further develop their financial and management capabilities.

Housing Australia may enter into contracts with persons or entities to provide such assistance to registered community housing providers.

28ZC Applications for capacity building assistance

Housing Australia must consider an application from an entity for the provision of business advisory services and other assistance in capacity building if:

- (a) the entity is a registered community housing provider; and
- (b) the application is made in the manner and form approved by Housing Australia.

28ZD Eligibility for capacity building assistance

Housing Australia must not provide business advisory services and other assistance in capacity building to a registered community housing provider unless it is satisfied that the assistance is covered by paragraph 8(1C)(a) or (b) of the Act.

28ZE Matters to be considered when making capacity building decisions

In deciding whether to provide business advisory services and other assistance in capacity building to a registered community housing provider, the Board must have regard to the extent to which the registered community housing provider requires assistance in one or more of the following areas for the purpose of supporting an application by the entity to Housing Australia for a loan, grant or guarantee:

- (a) finance;
- (b) business planning;
- (c) property development;
- (d) risk management.

113 Section 29A

Repeal the section, substitute:

29 Application for guarantees

Housing Australia must consider an application from an entity for the issuing of a guarantee if:

- (a) the entity is an eligible lender; and
- (b) the application is made in the manner and form approved by Housing Australia.

29A Eligibility for guarantees

Housing Australia must not issue a guarantee to an entity unless it is satisfied that:

- (a) the guarantee is covered by subsection 8(1B) of the Act; and
- (b) the entity is an eligible lender; and
- (c) the guarantee is in relation to an eligible loan.

114 Part 5B

Repeal the Part.

115 Subsections 30(1) and (2)

Omit “proposal”, substitute “application”.

116 Paragraph 32(1)(a)

Omit “proposal”, substitute “application”.

117 At the end of Part 7

Add:

Division 6—Amendments made by the Housing Australia Investment Mandate Amendment (Social Housing, Affordable Housing and Acute Housing Needs) Direction 2023**41 Application of amendments**

The amendments of this Direction made by Part 2 of Schedule 3 to the *Housing Australia Investment Mandate Amendment (Social Housing, Affordable Housing and Acute Housing Needs) Direction 2023* apply in relation to applications for the making of a loan or grant, the issuing of a guarantee or assistance in capacity building made:

- (a) on or after the commencement of that Part; or
- (b) before the commencement of that Part where no decision has been made before commencement by Housing Australia about whether to make a loan or grant, issue a guarantee, or provide assistance in capacity building.

Schedule 4—Miscellaneous

National Housing Finance and Investment Corporation Investment Mandate Direction 2018

1 Part 3 (after the heading)

Insert:

15A Simplified outline of this Part

2 Part 4 (after the heading)

Insert:

21AA Simplified outline of this Part

3 Part 5A (after the heading)

Insert:

28ZF Simplified outline of this Part