



# **National Housing Supply and Affordability Council Act 2023**

**No. 80, 2023**

**An Act to establish the National Housing Supply  
and Affordability Council, and for related 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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# **National Housing Supply and Affordability Council Act 2023**

**No. 80, 2023**

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**An Act to establish the National Housing Supply  
and Affordability Council, and for related purposes**

*[Assented to 28 September 2023]*

The Parliament of Australia enacts:

Section 1

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**Part 1—Preliminary**

**1 Short title**

This Act is the *National Housing Supply and Affordability Council Act 2023*.

**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.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The 90th day after this Act receives the Royal Assent.	27 December 2023

Note: This table relates only to the provisions of this Act as originally enacted.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 Simplified outline of this Act**

This Act establishes the National Housing Supply and Affordability Council as an independent advisory body to the Commonwealth Government on matters relating to housing supply and affordability.

## 4 Object

The object of this Act is to establish an independent advisory body to advise the Commonwealth Government on matters relating to housing supply and affordability.

## 5 Definitions

In this Act:

***appointed member*** means a member other than the member that is a Deputy Secretary.

***Chair*** means the Chair of the National Housing Supply and Affordability Council.

***Deputy Chair*** means the Deputy Chair of the National Housing Supply and Affordability Council.

***Deputy Secretary*** means a Deputy Secretary of the Department.

***member*** means a member of the National Housing Supply and Affordability Council and includes:

- (a) the Chair; and
- (b) the Deputy Chair; and
- (c) the Deputy Secretary who is primarily responsible for housing policy matters.

***Secretary*** means the Secretary of the Department.

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## Part 2—The National Housing Supply and Affordability Council

### 6 Simplified outline of this Part

The National Housing Supply and Affordability Council is established as an independent advisory body.

The Council's functions include:

- (a) reporting to the Minister on matters relating to housing supply and affordability, on the Council's own initiative and on request by the Minister; and
- (b) advising the Minister, as requested, on matters relating to housing supply and affordability, including matters being considered at intergovernmental forums involving the Commonwealth; and
- (c) advising the Minister in relation to the total amount of grants of financial assistance to be made under the *Housing Australia Future Fund Act 2023*, and the total amount of payments to be made under paragraph 47C(1)(b) of the *Housing Australia Act 2018* to Housing Australia, in a financial year.

The Council must annually report on its research into housing supply and affordability.

### 7 The National Housing Supply and Affordability Council

- (1) The National Housing Supply and Affordability Council is established by this section.
- (2) For the purposes of paragraph (a) of the definition of **Department of State** in section 8 of the *Public Governance, Performance and Accountability Act 2013*, the National Housing Supply and Affordability Council is prescribed in relation to the Department.



Note: This means that the members are officials of the Department for the purposes of the *Public Governance, Performance and Accountability Act 2013*.

## 8 Membership

The National Housing Supply and Affordability Council consists of the following members:

- (a) the Chair;
- (b) the Deputy Chair;
- (c) the Deputy Secretary who is primarily responsible for housing policy matters;
- (d) at least 4 and no more than 7 other appointed members.

## 9 Functions

- (1) The National Housing Supply and Affordability Council has the following functions:
  - (a) to report to the Minister on the following:
    - (i) any matters that the Council considers have the potential to materially impact housing supply and affordability;
    - (ii) specific matters relating to housing supply and affordability, as requested by the Minister;
  - (b) to advise the Minister, as requested, on the following:
    - (i) matters relating to housing supply and affordability being considered at intergovernmental forums involving the Commonwealth;
    - (ii) specific matters relating to housing supply and affordability;
  - (c) to advise the Minister in relation to the total amount of grants of financial assistance to be made under subsections 18(1) and (3) of the *Housing Australia Future Fund Act 2023* in a financial year;
  - (d) to advise the Minister in relation to the total amount of payments to be made under paragraph 47C(1)(b) of the *Housing Australia Act 2018* to Housing Australia in a financial year;

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- (e) to undertake research on matters relating to housing supply and affordability for the purposes of giving reports referred to in paragraph (a) or advice referred to in paragraphs (b) to (d), including by:
    - (i) monitoring conditions in the housing system that impact housing supply and affordability, including in relation to home ownership, rental affordability, homelessness and the number of new social and affordable houses being built annually; and
    - (ii) working collaboratively with other Commonwealth bodies, State, Territory and local governments and other stakeholders in the housing system or homelessness sector to support the collection and publication of nationally consistent data on housing supply and affordability and on demand for affordable housing;
  - (f) any other function conferred by this Act or any other law of the Commonwealth;
  - (g) any other function that is incidental or conducive to the performance of any of the above functions.
- (2) Without limiting subsection (1), the Council may consider the following matters when performing its functions:
- (a) the performance of the housing system;
  - (b) the need to build a strong evidence base to support advice on housing supply and affordability matters, including for the purposes of assessing the value for taxpayers of Commonwealth, State, Territory and local government investment in the housing system;
  - (c) the impacts of the following on housing supply and affordability and on the demand for affordable housing:
    - (i) credit conditions;
    - (ii) taxation;
    - (iii) macro-prudential regulation;
    - (iv) rental market regulation;
    - (v) other regulation of the housing system, such as in relation to land use, planning, zoning and building codes;
    - (vi) climate change;
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- (vii) demographic change;
- (viii) socio-economic factors;
- (ix) geographical location;
- (d) the availability, quality and consistency of data on housing supply and affordability and on demand for affordable housing and how the data could be improved by:
  - (i) consulting widely with, and drawing on expertise from, other Commonwealth bodies, State, Territory and local governments and other stakeholders in the housing system or homelessness sector; and
  - (ii) building on the research of those bodies, governments and stakeholders and other bodies that undertake research into housing supply and affordability;
- (e) the important role intergovernmental forums play in promoting cooperation between the Commonwealth and the States and Territories to improve housing supply and affordability, including cooperation to improve the availability, quality and consistency of data on housing supply and affordability and on demand for affordable housing;
- (f) the need to improve housing outcomes for groups of people in need of housing (including groups experiencing or at particular risk of homelessness);
- (g) the need to improve gender equality in housing outcomes;
- (h) the need to ensure climate resilience in housing supply.

## **10 Annual report**

- (1) Each financial year, the National Housing Supply and Affordability Council must report to the Minister on the research into housing supply and affordability undertaken by the Council in that year.
- (2) A report under subsection (1) for a financial year must include:
  - (a) an overview of the state of the housing system in the financial year, including the demand for, supply of and affordability of housing; and

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- (b) an outline of the research undertaken by the Council in the financial year and any findings, conclusions or recommendations resulting from that research.
- (3) The report must be:
  - (a) given to the Minister no later than 10 months after the end of the financial year; and
  - (b) published on the Council's website.

### **11 Minister may request reports and advice**

- (1) The Minister may request the National Housing Supply and Affordability Council:
  - (a) to undertake research and report on a specific matter relating to housing supply and affordability; and
  - (b) to advise on a specific matter relating to housing supply and affordability; and
  - (c) to advise on a matter relating to housing supply and affordability being considered at an intergovernmental forum involving the Commonwealth.
- (2) The Minister may include in such a request terms of reference (including time frames) for the report or advice.
- (3) The Council must comply with such a request.
- (4) If such a request is made in writing, the request is not a legislative instrument.
- (5) The Minister may withdraw or amend such a request at any time before the Council gives the report or advice to the Minister.

### **12 Reports may be published**

The National Housing Supply and Affordability Council may publish a report given to the Minister in performing the function in paragraph 9(1)(a).

### **13 Powers**

The National Housing Supply and Affordability Council has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

### **14 Independence**

Subject to this Act and any other Act, the National Housing Supply and Affordability Council:

- (a) has complete discretion in performing or exercising the Council's functions or powers; and
- (b) is not subject to direction from anyone when doing so.

Note: The Council must comply with a request under subsection 11(1).

## Part 3—Decision-making

### 15 Simplified outline of this Part

The National Housing Supply and Affordability Council must hold meetings for the efficient performance of its functions.

Questions arising at meetings are to be determined by a majority of the votes of the appointed members present and voting

### 16 Convening meetings

- (1) The National Housing Supply and Affordability Council must hold such meetings as are necessary for the efficient performance of its functions.

Note: For example, the Council must hold a meeting in order to determine that a report be given to the Minister. Such a determination requires a majority of the votes of the appointed members present and voting at the meeting: see section 19.

- (2) The Chair:
- (a) may convene a meeting at any time; and
  - (b) must convene at least 6 meetings each financial year; and
  - (c) must convene a meeting within 30 days after receiving a written request to do so from another appointed member.

### 17 Presiding at meetings

- (1) The Chair of the National Housing Supply and Affordability Council must preside at all meetings at which the Chair is present.
- (2) If the Chair is not present at a meeting but the Deputy Chair is present, the Deputy Chair must preside at the meeting.
- (3) If neither the Chair nor the Deputy Chair is present at a meeting, the appointed members present must appoint one of themselves to preside at the meeting.

**18 Quorum**

- (1) At a meeting of the National Housing Supply and Affordability Council, a quorum is constituted by two-thirds of the number of appointed members.
- (2) However, if:
  - (a) an appointed member is required by rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013* not to be present during the deliberations, or to take part in any decision, of the Council with respect to a particular matter; and
  - (b) when the appointed member leaves the meeting concerned there is no longer a quorum present;the remaining appointed members at the meeting constitute a quorum for the purpose of any deliberation or decision at that meeting with respect to that matter.

**19 Voting at meetings**

- (1) A question arising at a meeting of the National Housing Supply and Affordability Council is to be determined by a majority of the votes of the appointed members present and voting.
- (2) The person presiding at a meeting of the Council has a deliberative vote and, if the votes are equal, a casting vote.

**20 Conduct of meetings**

The National Housing Supply and Affordability Council may, subject to this Act, regulate proceedings at its meetings as it considers appropriate.

Note: Section 33B of the *Acts Interpretation Act 1901* contains further information about the ways in which members may participate in meetings.

## **Part 4—Members, staff and consultants**

### **Division 1—Simplified outline of this Part**

#### **21 Simplified outline of this Part**

The members of the National Housing Supply and Affordability Council are appointed by the Minister, other than the member who is a Deputy Secretary.

The Council is assisted by APS employees in the Department whose services are made available by the Secretary. The Secretary may engage consultants to assist the Council.



## Division 2—Members

### 22 Appointment

- (1) Appointed members are to be appointed by the Minister by written instrument.

Note 1: An appointed member may be reappointed, subject to subsection 23(2): see section 33AA of the *Acts Interpretation Act 1901*.

Note 2: The member that is a Deputy Secretary is not an appointed member: see the definition of ***appointed member*** in section 5.

- (2) A person is not eligible for appointment as an appointed member unless the Minister is satisfied that the person has:
- (a) substantial experience, expertise or qualifications; and
  - (b) significant standing;
- in at least one of the following fields:
- (c) economics;
  - (d) development;
  - (e) planning;
  - (f) residential construction;
  - (g) demography;
  - (h) social housing;
  - (ha) accessibility for people with disability;
  - (i) social policy;
  - (j) housing and homelessness policy;
  - (ja) regional, rural and remote housing policy;
  - (k) the housing needs of Aboriginal persons and Torres Strait Islanders;
  - (l) regulation, taxation or government policy relating to housing.
- (3) In appointing members, the Minister must ensure that the appointed members collectively have an appropriate balance of qualifications, skills or experience in the fields mentioned in subsection (2).
- (4) The Minister must:
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- (a) appoint one appointed member to be the Chair; and
  - (b) appoint one appointed member to be the Deputy Chair.
- (5) An appointed member holds office on a part-time basis.

### **23 Period of appointment**

- (1) An appointed member holds office for the period specified in the instrument of appointment. The period must not exceed 4 years.
- (2) A person must not hold office as an appointed member for a total of more than 8 years.

### **24 Acting appointments**

#### *Acting Chair*

- (1) The Deputy Chair is to act as the Chair:
  - (a) during a vacancy in the office of Chair (whether or not an appointment has previously been made to the office); or
  - (b) during any period, or during all periods, when the Chair:
    - (i) is absent from duty; or
    - (ii) is, for any reason, unable to perform the duties of the office.

Note: For rules that apply to persons acting as the Chair, see section 33A of the *Acts Interpretation Act 1901*.

- (2) The Minister may, by written instrument, appoint an appointed member to act as the Chair:
  - (a) during a vacancy in the offices of both the Chair and Deputy Chair (whether or not an appointment has previously been made to the offices); or
  - (b) during any period, or during all periods, when both the Chair and Deputy Chair:
    - (i) are absent from duty; or
    - (ii) are, for any reason, unable to perform the duties of the office.

Note: For rules that apply to acting appointments, see sections 33AB and 33A of the *Acts Interpretation Act 1901*.

*Acting Deputy Chair*

- (3) The Minister may, by written instrument, appoint an appointed member to act as the Deputy Chair:
- (a) during a vacancy in the office of Deputy Chair (whether or not an appointment has previously been made to the office); or
  - (b) during any period, or during all periods, when the Deputy Chair:
    - (i) is absent from duty; or
    - (ii) is, for any reason, unable to perform the duties of the office.

Note: For rules that apply to acting appointments, see sections 33AB and 33A of the *Acts Interpretation Act 1901*.

**25 Remuneration**

- (1) An appointed member is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, the appointed member is to be paid the remuneration that is prescribed under subsection (4).
- (2) An appointed member is to be paid the allowances that are prescribed under subsection (4).
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.
- (4) The Minister may, by legislative instrument, prescribe:
  - (a) remuneration for the purposes of subsection (1); and
  - (b) allowances for the purposes of subsection (2).

**26 Leave**

The Minister may grant leave of absence to any appointed member on the terms and conditions that the Minister determines.

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**27 Terms and conditions**

An appointed member holds office on the terms and conditions (if any) in relation to matters not covered by this Act that are determined by the Minister.

**28 Disclosure of interests**

- (1) A disclosure by an appointed member under section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests) must be made to the Minister.
- (2) Subsection (1) applies in addition to any rules made for the purposes of that section.
- (3) For the purposes of this Act and the *Public Governance, Performance and Accountability Act 2013*, the appointed member is taken not to have complied with section 29 of that Act if the appointed member does not comply with subsection (1) of this section.

**29 Resignation**

- (1) An appointed member may resign the appointed member's appointment by giving the Minister a written resignation.
- (2) The resignation takes effect on the day it is received by the Minister or, if a later day is specified in the resignation, on that later day.

**30 Termination of appointment**

- (1) The Minister may terminate the appointment of an appointed member:
  - (a) for misbehaviour; or
  - (b) if the appointed member is unable to perform the duties of the appointed member's office because of physical or mental incapacity.

- (2) The Minister may terminate the appointment of an appointed member if:
- (a) the appointed member:
    - (i) becomes bankrupt; or
    - (ii) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
    - (iii) compounds with the appointed member's creditors; or
    - (iv) makes an assignment of the appointed member's remuneration for the benefit of the appointed member's creditors; or
  - (b) the appointed member is absent, except on leave of absence, from any 4 meetings of the National Housing Supply and Affordability Council in any 12 month period; or
  - (c) the appointed member fails, without reasonable excuse, to comply with section 28 of this Act or with section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests) or rules made for the purposes of that section.

## **Division 3—Staff and consultants**

### **31 Arrangements relating to staff of the Department**

- (1) The staff assisting the National Housing Supply and Affordability Council are to be APS employees in the Department whose services are made available to the Council, by the Secretary, in connection with the performance of any of the Council's functions or the exercise of any of the Council's powers.
- (2) When performing services for the Council, the staff are subject to the directions of the Council.

### **32 Consultants**

The Secretary may, on behalf of the Commonwealth, engage consultants to assist in the performance of any of the National Housing Supply and Affordability Council's functions or the exercise of any of the Council's powers.

## **Part 5—Review**

### **33 Simplified outline of this Part**

A review of the effectiveness of this Act must be undertaken as soon as possible after 1 July 2026.

### **34 Review**

- (1) The Minister must cause a review of the effectiveness of this Act to be undertaken as soon as possible after 1 July 2026.
- (2) The persons undertaking the review must give the Minister a written report of the review as soon as possible after the review is completed.
- (3) The Minister must cause a copy of the report of the review to be tabled in each House of the Parliament within 15 sitting days of that House after the report is given to the Minister.

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*[Minister's second reading speech made in—  
House of Representatives on 9 February 2023  
Senate on 6 March 2023]*

(5/23)