



Housing Australia Investment Mandate Amendment (2024 Measures No. 2) Direction 2024

I, Clare O’Neil, Minister for Housing and Minister for Homelessness, make the following direction.

Dated

20 November 2024

Clare O’Neil
Minister for Housing
Minister for Homelessness

Contents

1 Name	1
2 Commencement.....	1
3 Authority	1
4 Schedules.....	1
Schedule 1—Amendments	2
<i>Housing Australia Investment Mandate Direction 2018</i>	2

1 Name

This instrument is the *Housing Australia Investment Mandate Amendment (2024 Measures No. 2) Direction 2024*.

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Note: This table relates only to the provisions of this instrument as originally made.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 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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—Amendments

Housing Australia Investment Mandate Direction 2018

1 Section 4

Insert:

child means a person aged under 16.

crisis and transitional housing—see subsection 21A(5).

crisis and transitional housing project—see subsection 21A(4).

crisis and transitional housing special purpose vehicle—see subsection 22BA(2).

family violence has the same meaning as in section 4AB of the *Family Law Act 1975*.

2 Section 4 (definition of *infrastructure loan, investment or grant*)

Repeal the definition.

3 Section 4 (after paragraph (b) of the definition of *underlying eligible member*)

Insert:

- (ba) of a crisis and transitional housing special purpose vehicle—means a member of the crisis and transitional housing special purpose vehicle that is an entity mentioned in paragraphs 22BA(1)(a) to (g); or

4 Section 4

Insert:

woman means a person whose gender identity (within the meaning of the *Sex Discrimination Act 1984*) is female.

youth means a person aged between 16 and 24.

5 At the end of section 10A

Add:

- (4) However, a dwelling that is crisis and transitional housing is *not* an *applicable dwelling*.

6 Section 13

Repeal the section, substitute:

13 Establishment of Permanent Fund

- (1) Housing Australia must establish a fund (the *Permanent Fund*) for the purposes of Part 4 (National Housing Infrastructure Facility).

-
- (2) Housing Australia must ensure that all assets and liabilities of the Permanent Fund are allocated to the following sub-funds on the basis of the purpose of each:
 - (a) a sub-fund for the purpose of financing housing-enabling infrastructure and social or affordable housing projects (other than crisis and transitional housing projects);
 - (b) a sub-fund for the purpose of financing social or affordable housing projects that are crisis and transitional housing projects.
 - (3) The Board must allocate each amount appropriated by the Parliament for a purpose of the NHIF to the sub-fund to which that purpose relates. Any amounts appropriated for a purpose relating to both funds must be reasonably apportioned between the sub-funds.
 - (4) Each sub-fund consists of the following amounts:
 - (a) the amounts of any current loans made under Part 4 in relation to projects to which the sub-fund relates;
 - (b) amounts allocated to the sub-fund for the purpose of making loans and grants under Part 4 in relation to projects to which the sub-fund relates;
 - (c) returns on the amounts mentioned in paragraphs (a) and (b).
 - (5) The assets of each sub-fund must be used only for the following purposes:
 - (a) making loans and grants in relation to projects to which the sub-fund relates;
 - (b) the purposes mentioned in paragraphs 9(1)(b) (making investments) and (c) (incidental purposes, which includes meeting the operating costs of the NHIF in respect of that sub-fund).

7 Subsection 14(2)

Omit “the Fund under subsection 13(2)”, substitute “the sub-funds of the Fund under subsections 13(2) and (3)”.

8 Section 15

Repeal the section, substitute:

15 Limit on grants, capacity building contracts and crisis and transitional housing projects

- (1) The total value of the amounts payable by Housing Australia under grants for housing-enabling infrastructure projects and social or affordable housing projects (other than crisis and transitional housing projects) must not exceed \$173.5 million.
- (2) The total value of the amounts payable by Housing Australia under grants for crisis and transitional housing projects must not exceed \$700 million.
- (3) The total value of the amounts payable by Housing Australia under grants for capacity building contracts must not exceed \$3 million.

9 Paragraph 19(a)

After “social and affordable housing outcomes”, insert “, including crisis and transitional housing outcomes”.

10 Section 21AA

Repeal the section, substitute:

21AA Simplified outline of this Part

The National Housing Infrastructure Facility

The purpose of the NHIF is:

- (a) to overcome impediments to the provision of housing that are due to the lack of necessary infrastructure; and
- (b) to increase the availability of social and affordable housing, including crisis and transitional housing.

The NHIF does this by providing finance for eligible infrastructure and housing projects that would not otherwise have proceeded, or that would only have proceeded at a much later date or with a lesser impact on new social or affordable housing (including new crisis and transitional housing).

11 Paragraph 21AC(a)

Omit “section 22 or 22A”, substitute “section 22, 22A or 22BA”.

12 Section 21A (heading)

Repeal the heading, substitute:

21A Meaning of housing-enabling infrastructure projects, social or affordable housing projects and crisis and transitional housing projects

13 Paragraph 21A(2)(a)

Omit “(particularly new social or affordable housing), including”, substitute “(particularly new social or affordable housing, including crisis and transitional housing), incorporating”.

14 Paragraph 21A(2)(b)

Omit “(particularly new social or affordable housing), including”, substitute “(particularly new social or affordable housing, including crisis and transitional housing), incorporating”.

15 Subsection 21A(3)

After “new social or affordable housing”, insert “, including crisis and transitional housing”.

16 At the end of section 21A

Add:

- (4) A *crisis and transitional housing project* is a social or affordable housing project that would provide new crisis and transitional housing (whether or not the project would also provide other types of new housing).
- (5) *Crisis and transitional housing* means short and medium-term housing provided for:

- (a) women or children (whether by themselves or in any combination) who are experiencing family violence; or
- (b) youth who are experiencing, or at particular risk of, homelessness.

17 Section 22A (heading)

Repeal the heading, substitute:

22A Eligible project proponents for social or affordable housing projects (other than crisis and transitional housing projects)

18 Subsection 22A(1)

After “social or affordable housing project”, insert “(other than a crisis and transitional housing project)”.

19 Paragraph 22A(2)(a)

After “social or affordable housing projects”, insert “(other than crisis and transitional housing projects)”.

20 After section 22A

Insert:

22BA Eligible project proponents for crisis and transitional housing projects

- (1) To be eligible for finance under the NHIF for a social or affordable housing project that is a crisis and transitional housing project, 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) a crisis and transitional housing special purpose vehicle that 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 subsection 24(6).
- (2) An entity is a *crisis and transitional housing special purpose vehicle* if:
 - (a) it has a purpose of undertaking crisis and transitional housing projects; and

- (b) at least one of its members is an entity mentioned in paragraphs (1)(a) to (g).

21 Paragraph 23(d)

After “new social or affordable housing”, insert “(including crisis and transitional housing)”.

22 Subsection 24(6)

Omit “by financed”, substitute “be financed”.

23 Paragraph 25(a)

After “social or affordable housing”, insert “, including crisis and transitional housing”.

24 Paragraph 25(h)

Omit “or a social or affordable housing special purpose vehicle”, substitute “, a social or affordable housing special purpose vehicle or a crisis and transitional housing special purpose vehicle”.

25 At the end of section 25

Add:

- ; (i) where the project is a crisis and transitional housing project—whether the project proponent has experience as a crisis and transitional housing support service provider, or will obtain the services of an experienced crisis and transitional housing support service provider;
- (j) where the project is a crisis and transitional housing project—whether an experienced crisis and transitional housing support service provider will participate in the ongoing management and operation of the project;
- (k) where the project is a crisis and transitional housing project—whether the project would address the specific needs of Aboriginal and Torres Strait Islander people with respect to crisis and transitional housing;
- (l) where the project is a crisis and transitional housing project—whether the financing decision would increase crisis and transitional housing on an equitable, as needs basis, across Australia (including in regional, rural and remote areas).

26 Subparagraph 28A(2)(d)

Repeal the paragraph, substitute:

- (d) the relative amounts of each of the following that would be provided by the project (allocated to each as most appropriate):
 - (i) social housing (other than crisis and transitional housing); and
 - (ii) affordable housing; and
 - (iii) crisis and transitional housing; and
 - (iv) other housing;

27 At the end of Part 4

Add:

28AB Crisis and transitional housing projects—initial apportionment of funding

- (1) Housing Australia must ensure, during the period starting on the day the *Housing Australia Investment Mandate Amendment (2024 Measures No. 2) Direction 2024* commences (the **commencement day**) and ending 13 months after the commencement day, that it apportions funding for new social or affordable housing projects that are crisis and transitional housing projects on the basis of the State or Territory in which the new housing project would be located, as follows:
 - (a) no more than \$25 million may be payable for new housing projects in each of the Australian Capital Territory, the Northern Territory and Tasmania;
 - (b) no more than \$925 million may be payable for new housing projects in all States (other than Tasmania), with funding for new housing projects in those States being apportioned on a per capita basis.
- (2) In determining the per capita basis of apportionment for the purposes of paragraph (1)(b), Housing Australia must have regard to *National, state and territory population*, published by the Australian Statistician for the September 2023 reference period.

Note: That publication could, in 2024, be viewed on the Australian Bureau of Statistics website (www.abs.gov.au).

28 At the end of Part 7

Add:

Division 7—Amendments made by the Housing Australia Investment Mandate Amendment (2024 Measures No. 2) Direction 2024

42 Application of amendments

As soon as practicable after the commencement of Schedule 1 to the *Housing Australia Investment Mandate Amendment (2024 Measures No. 2) Direction 2024*, Housing Australia must allocate all assets and liabilities of the Permanent Fund to each of the sub-funds as specified in subsection 13(2) of the Direction.