

**ABORIGINAL HOUSING BOARD OF VICTORIA**

**ACN 006 210 546**

**POLICIES AND PROCEDURES**

**AS AMENDED APRIL, 1997**  
**Narrandjeri House**  
**125-127 Scotchmer Street,**  
**North Fitzroy, Victoria, 3068.**  
**Telephone: (03) 9482 4585**  
**Facs No: (03) 9482 3964**  
**Email: ahbv@vicnet.net.au**

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## **Preamble**

Knowledge of Aboriginal Australia comes from Aboriginal oral history handed down through generations and increasingly supported through scientific evidence. Aboriginal culture has changed and evolved over more than forty thousand years. It has the largest continuous cultural history in the world, with beginnings dating back to the Ice Age period three million to ten thousand years ago.

If the time scale of Aboriginal history was represented by one hour on a clock, Aboriginal society would occupy over fifty nine minutes and European society a mere thirty seconds. That thirty seconds of European occupation of Australia created devastating effects on Aboriginal culture and society.

Prior to European occupation Aboriginal groups around Australia enjoyed a culturally rich and diverse society which focused on the land and revolved around the family. Aboriginal society developed a highly sophisticated religion, language, and art forms, social organisation, an egalitarian system of justice and decision-making, complex and far flung trading networks, and an ability to adjust and survive in some of the world's harshest climates.

For example, in 1981 at Lake Condah in south west Victoria the remains of 146 stone houses were found in one paddock. The sites have proved to be some 3,500 years old.

The houses were three metres in diameter, U-shaped with low stone walls, a metre high with low ceilings of rushes and sheets of bark supported on a timber frame.

The Condah houses probably housed just one family and were adjacent to Condah waterways teeming with fish, eels, waterfowl and other foods.

It is estimated that nearly seven hundred Aboriginal people lived in this village in a happy environment using technology to harvest eel and fish through specialised, large scale stone structures in elaborate canals or traps.

Condah obliterates the stereotype of the nomadic savage hunter roaming the countryside, spear by the ready, hunting for his next meal.

With European occupation, Aboriginal groups throughout Australia were forced to adapt to an alien society that was in great conflict with our own. This conflict led to deculturalisation and, in some cases, the destruction of groups and their culture. It is estimated that prior to the invasion, the Aboriginal population was between 500,000 to 3 million comprising over 200 tribes made up of 1500 clans or extended family groups.

More recently, the political awareness amongst Aboriginal groups has seen the emergence of Aboriginal community organisations and with it a strong sense of Aboriginal identity and pride in our own culture. It has only been in recent times that Aboriginal culture has been given proper acceptance, recognition and understanding. Cultural annihilation has now been replaced with cultural revival.

The majority of Aboriginal groups now reside in urban or rural areas. Each group has its own distinct community which evolved from and is still influenced by its traditional roots despite over two hundred years of an imposed alien society.

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However, at the same time, although Aboriginal groups continue to retain their own cultural distinctiveness there is still the demand that each must receive the same rights enjoyed by all other Australians. Aboriginal groups expect the right to proper housing and the right to live in areas of our choice.

In housing, as in other areas of Aboriginal community development, there are very clear cultural differences that must be treated within the issues of Aboriginal housing not outside it. For example, factors such as family obligations, high mobility and the cultural value of sharing the good, the bad and scarce resources.

Moreover, there are the more contemporary socio-economic problems facing Aboriginal people such as low education retention rates, high unemployment, mistrust of the legal and bureaucratic systems in the community, and racism against Aboriginal people.

Aboriginal communities still comprise the lowest socio-economic group in Australia today and have yet been able to obtain equal access to education, health, employment, housing and mainstream services normally taken for granted by the general community.

For this reason, the Board has prepared a policy document that has been developed by Aboriginal people for Aboriginal people and which culturally and socially complements the Department of Human Services broad goals in Aboriginal housing.

The Boards policies are not about special treatment or conscience pricking for the sake of it. The policies represent a real attempt to create change and evolve an Aboriginal housing policy that Aboriginal people have a sense of ownership of and an obligation to make work within the parameters of the general community but with due weight and respect to Aboriginal culture and values.

The policy document aims to provide clear direction about the Victorian Aboriginal Rental Housing Program and to set out the roles of the Board itself, the Board Member, Aboriginal Housing Services Officers and the Department of Human Services.

The policy document particularly outlines the responsibilities, rights and obligations of the Board, the Department and the tenants.

Like Aboriginal culture, the policy document will continue to respond to changes, particularly those changes developed through the Boards Forward Plan. Such changes are inevitable as Aboriginal community ownership of the Victorian Aboriginal Rental Housing Program becomes an increasing reality.

**Aboriginal Housing Board of Victoria  
September, 1994**

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## **SECTION 1**

### **THE ABORIGINAL HOUSING BOARD OF VICTORIA**

#### **1.1 History**

The Aboriginal Housing Board of Victoria was formed out of twenty months hard work by representatives of Aboriginal communities and the then named Housing Commission. (now known as Office of Housing, Department of Human Services)

In June, 1978 acting on a resolution passed at a National Aboriginal Conference meeting in Swan Hill, a meeting was held in Collingwood to discuss Aboriginal housing issues. It was decided to establish a steering committee that would prepare the groundwork for an Aboriginal Housing group.

Members of the steering committee included representatives from Aboriginal organisations, the two National Aboriginal Congress members, as well as people concerned with Aboriginal housing.

The steering committee, during 1979 and 1980, met monthly to discuss housing issues, advise on allocations, and prepare the constitution and format of the proposed advisory body. All resolutions and recommendations regarding the Board were passed by members of the steering committee.

The group known as the Aboriginal Housing Board Steering Committee assisted the drawing up of a constitution and format for the Board, as well as advising on day-to-day housing matters until State Cabinet ratified the constitution in August, 1980 and elections for Board Members were held in February, 1981.

In October, 1980 the Victorian Cabinet ratified the Articles of Association and Memorandum of Association of the Aboriginal Housing Board of Victoria.

Elections were held on 14th February, 1981 by way of general meetings in areas of major Aboriginal populations throughout Victoria. These elections were supervised by State Electoral Office personnel.

The Aboriginal Housing Board of Victoria held its inaugural meeting in April, 1981 and since that time the organisation has continued to improve its housing policies and procedures through regular reviews. In 1990 the Board formally adopted a Forward Plan which aims for Aboriginal community ownership of the Victorian Aboriginal Rental Housing Program by the year 2000.

#### **1.2 Role**

The Board is a statewide Aboriginal community organisation that aims to effectively manage and control the Victorian Aboriginal Rental Housing Program currently administered by the Office of Housing, Department of Human Services (DHS).

The Board has its own constitution and it is associated as a company, the responsibilities and method of operation of which are described in the Memorandum of Association and the Articles of Association.

### **1.3 Statement of Purpose**

The Aboriginal Housing Board of Victoria will develop and manage the provision of housing assistance to the Aboriginal community in a manner that delivers accessible, affordable, appropriate and secure housing that meets the social, cultural and economic aspirations of the Victorian Aboriginal community.

### **1.4 Code of Conduct**

To achieve its Statement of Purpose, the Board has determined its key relationship to be that existing between the community and that community's elected representative i.e. the Board Member.

To support and explain this relationship, the Board has its own staff, its Articles of Association, its Memorandum of Association, its Policies and Procedures and its strategic plan (known as the Forward Plan).

To deliver its housing outcomes, the Board contracts with the Director of Housing, through the Aboriginal Housing Services Unit, Office of Housing, Department of Human Services. The Aboriginal Housing Services Unit manages government resources provided, including Aboriginal Housing Services Officer staff, to deliver these outcomes.

The role of the Board Member is specified in Section 1.16 of the Policies and Procedures, which should be read in conjunction with this section. In discharging these responsibilities, the Board Member undertakes the following:

- to deliver the objectives of the Board;
- to be representative of, and answerable to, the community he/she represents;
- to provide full explanation of, and full accountability for, his/her decisions;
- to discharge all responsibilities, including directions to staff, in accordance with Boards policy, procedures and with total honesty of actions and intent;
- to consult as appropriate on relevant matters;
- to recognise staff's needs to provide direct input and receive clear directions that are consistent with the Board's policy.

The role of the Board's Secretariat is outlined in Section 1.10 of the Policies and Procedures, and should be read in conjunction with this section. Staff will:

- assist the Board deliver its objectives by the preparation and presentation of all requested and required information, by supporting the Board and Board Members in identified tasks and by providing appropriate advice and input on all relevant matters;
- discharge the Board's statutory and financial business in an efficient, transparent and accountable manner;
- communicate and develop the Board's business and objectives within the Aboriginal community and the broader community.

The role of Aboriginal Housing Services Officers is outlined in Section 1.18 of the Policies and Procedures and should be read in conjunction with this section. Aboriginal Housing Services Officers will:

- assist the Board achieve its objectives by taking direction from the full Board and the individual Board Member on relevant matters, providing all reasonably requested information to the Board and the Board Member, and by providing appropriate advice and input on all relevant matters;
- communicate Board policies, procedures and decisions to the community and receive relevant material, requests and information from the community to enable relevant consideration by the Board or Board Member;
- ensure honesty and accountability in the discharge of their responsibilities, to both the Board and the community;
- assist in the development of policies, procedures, systems and communication arrangements to enable the Board to develop appropriate housing responses.

All the component parts of the Board (members, staff, workers) undertake to apply the following principles to achieve their role:

- fairness
- honesty
- consideration and respect
- accountability
- representativeness
- efficiency

## **1.5 Complaints/Allegations About Misconduct**

The Board requires all Board Members, Aboriginal Housing Services Officers and housing staff to apply the above principles in the discharge of their responsibilities. The Board will investigate any complaints or allegations made against a Board Member or housing staff if they are made in writing, signed and forwarded to the Board. The Board has developed specific policies and procedures to deal with complaints or allegations and these are contained in the Boards Administration Manual.

## **1.6 Board Membership**

Board membership totals nine comprising one elected Aboriginal Member for each of the following regions:

- |                             |                   |
|-----------------------------|-------------------|
| . Central Highlands Wimmera | . Goulburn Murray |
| . Loddon Mallee             | . Barwon Glenelg  |
| . Gippsland                 | . Westernport     |

Two elected Aboriginal Members for the Melbourne Metropolitan region plus a nominee of the State Housing Minister.

## **1.7 Role and Duties of Elected Board Members**

The role of each elected Board Member is to assume responsibility for the respective regions' Aboriginal Housing Program according to existing policies and procedures of the Aboriginal Housing Board.

Specific duties of a Board Member include the following:

- attend monthly Board meetings and other meetings, seminars, workshops, etc. of the Aboriginal Housing Board;
- provide advice, assistance and information to Aboriginal applicants, tenants and community groups/organisations on housing or other relevant issues, within respective regions.
- allocate Aboriginal housing stock properties available within respective regions to Aboriginal housing applicants;
- determine respective regions' Aboriginal Housing Program requirements for each year;
- regularly liaise with existing Aboriginal community organisations/groups within region;
- provide advice and decision making to the Aboriginal Housing Services Officer;
- select suitable housing stock properties made available through the Department of Human Services, Spot Purchase Program to the regions' Aboriginal Housing Program;
- represent, when required, the Aboriginal Housing Board at relevant Aboriginal community meetings, seminars, workshops, etc.
- provide advice and direction to the Department of Human Services on any Aboriginal Housing matters within the region;
- the nominee of the State Housing Minister is responsible for providing relevant advice to the Aboriginal Housing Board on policy and procedures of the Department of Human Services and ensuring effective liaison between the Aboriginal Housing Board and the Department of Human Services.

## **1.8 Rental Arrears and the Board Member**

Board Members who occupy Victorian Aboriginal Rental Housing Program properties or General Housing Program properties are required to maintain an arrears free rental account. However, it is understood that a Board Members account can fall into arrears due to specific legitimate circumstances. In such cases the Board Member will be given one month in which to fully repay any outstanding rental arrears or otherwise their position as Board Member is to be considered as cause for dismissal from the Board if the outstanding rental arrears are not paid in full.

Responsibility for monitoring Board Member rental accounts rests with the Manager, Aboriginal Housing Services Unit.

No Board Member can obtain information about another Board members account and instead such matters must be brought to the attention of the full Board by the Manager, Aboriginal Housing Services Unit.

No prospective Board Member either elected or appointed to the Board is to have rental arrears. Any existing rental arrears must be fully repaid prior to the Board Members election or appointment.

## **1.9 Executive**

Election of the Executive occurs once every year and is to be conducted by secret ballot at the last Board meeting prior to the Annual General Meeting. Only Board Members are legally entitled to vote.

The Executive, which comprises the Chairperson and two Board Members are authorised to make decisions on behalf of the Board in between full Board Meetings. Any and all decisions made by the Executive must be endorsed by the Board at its meeting and included in the minutes of that meeting. Minutes are to be kept of Executive meetings when there are a number of decisions to be made and copies to be provided to the Board.

The Executive is responsible for the selection of employees of the Board and all staff are recruited under the principles of Equal Opportunity legislation. Executive Board Members will withdraw from a panel for recruitment if any candidate is a direct relation.

The Executive are not empowered to make decisions that contradict Board policy or procedure and instead are used to approve a particular matter that will normally receive full Board approval. All three members of the Executive must agree to a decision in order for that decision to be made by the Executive.

The Executive must consult with the relevant Board Member on any regional housing matters brought to their attention.

If an Executive decision is not implemented by the Department of Human Services (DHS) for whatever reason the matter is to be brought to the attention of the full Board by the Executive.

It is not necessary for the three Executive to meet each time a decision is required and instead the Secretary/Administrator or Manager, Aboriginal Housing Services Unit, DHS can seek direction from the Executive by telephone, provided that relevant documentation is provided to the Executive at the time a direction is required. All requests from staff or Aboriginal Housing Services Officers for an Executive decision to be made in writing with supporting documentation and forwarded to the Secretary/Administrator.

The Executive is expected to make decisions on issues which are particularly urgent and cannot wait for the full Board meeting, however, the Executive can decide to defer decisions to the full Board meeting.

If for any reason the Chairperson is unable to chair a Board Meeting or any other meeting convened by the Aboriginal Housing Board it is then the responsibility of either of the Executive Board Members to assume the chair.

The Executive are usually directed by the full Board to follow up on particular matters or attend meetings on behalf of the full Board.

An Executive Board Member will, at no time, unless having received prior Board approval, enter another region to conduct Board business.

The Executive are the signatories on the Board's cheque account, together with the Secretary/Administrator.

### **1.10 Chairperson**

The Chairperson is responsible for chairing all Board meetings and other meetings, workshops, conferences, etc of the Board. The Chairpersons duties include the following:-

- To attend meetings, conferences, etc on behalf of the Board and as directed by the Board
- To negotiate with government both Federal and State on behalf of the Board and as directed by the Board
- To provide leadership to the Board and to set an example for the Board
- To provide support and direction to the Secretary/Administrator in relation to any administration matters.
- To liaise closely and actively with the Executive and the Board
- To individually liaise with Board Members and provide support when required
- To intervene and arbitrate in disputes involving either Board Members, Aboriginal Housing Services Officers, employees of the Board.
- To undertake public relations and other promotional activities
- To be actively involved in the selection process of new employees

### **1.11 Secretariat**

The secretariat of the Board comprises a Secretary/Administrator, Administration Officers, a Clerical Officer and a part-time Book-keeper. They are based at the Boards own administration office at 125-127 Scotchmer Street, North Fitzroy. The role of the secretariat is to implement decisions under direction of the Board and to provide an efficient and effective administrative service in accordance with existing policies and procedures.

The Boards Administration Manual provides direction on activities of the secretariat within the day to day management of the Boards office. Any other direction required by the secretariat must be sought from either the Executive and/or the full Board who must provide clear and precise decision making as required by the secretariat if it is to be effective.

### **1.12 Funding**

The Board receives funds from moneys that have been allocated for housing assistance purposes by the Commonwealth and State governments. The Board directs the expenditure of all Aboriginal Housing Program grants and funds are firstly used to purchase or rebuild properties, to cover the Boards own administration costs and to meet the fee for service costs applied by the Department of Human Services.

Where required and available the Board will also seek additional funding from other sources for particular projects.

### **1.13 Annual General Meeting**

The Annual General Meeting is to be held in September of each year and is to be open to Aboriginal community members. Such meetings will alternate in location throughout the Boards regions. Business to be transacted at the Annual General Meeting must include the following:

- Receipt and adoption of the minutes of the previous year's Annual General Meeting;
- Financial Statements and including Auditor's Report;
- Annual Report of the Aboriginal Housing Board.

### **1.14 Board Meetings**

Aboriginal Housing Board meetings are to be held on the third Friday of each month (except January) usually in Melbourne but can be convened in country areas as determined by the Aboriginal Housing Board and upon request of the local Aboriginal community.

The Aboriginal Housing Board will normally treat favorably written requests received from Aboriginal community members or Aboriginal community organisations who wish to discuss a particular Aboriginal housing matter directly with the Board at its meeting.

Minutes of the monthly Board meeting are confidential inhouse documents. Copies will only be circulated to Board Members, staff, Aboriginal Housing Services Officers and Aboriginal Housing Services Unit, Department of Human Services.

### **1.15 Election of Board Members**

Aboriginal community election of Board Members is to be conducted once every three years usually in early February. The Board decides the procedures for its statewide elections.

### **1.16 Functions of the Aboriginal Housing Board**

As a statewide Aboriginal community controlled organisation with its own constitution, the Board is not only responsible for providing direction on all aspects of the Victorian Aboriginal Rental Housing Program and any other relevant matters but also is concerned with Aboriginal issues outside its function.

The Boards first and foremost priority, however, is the Victorian Aboriginal Rental Housing Program.

Specifically, the Aboriginal Housing Board directs the Department of Human Services on:

- expenditure of Aboriginal Housing funding
- the types, numbers and location of housing stock to be purchased under the Victorian Aboriginal Rental Housing Program;

- the assessment and allocation of Aboriginal applicants for tenancy;
- the roles and activities of Aboriginal Housing Services Officers;
- the preparation and control of the Aboriginal Housing Board administration budget;
- changes or amendments to policies relating to the Victorian Aboriginal Rental Housing Program;
- maintenance and both minor or major capital requirements of Victorian Aboriginal Rental Housing Program properties;
- arrears recovery action in relation to tenants of the Victorian Aboriginal Rental Housing Program;
- demolition or sale of Aboriginal Housing Program properties;
- housing requirements of Victorian Aboriginal communities;
- other relevant matters.

#### **1.17 Aboriginal Housing Services Unit, Department of Human Services**

The Aboriginal Housing Services Unit manages Departmental programs designed to meet the housing needs of Aboriginal communities throughout Victoria and acts as a liaison unit between the Aboriginal Housing Board and the Department of Human Services. The Unit comprises a Manager, Deputy Manager, Stock Planner and Administrative Support Officer. Its responsibilities include supervising all Aboriginal Housing Services Officer positions, ensuring that direction received from the Aboriginal Housing Board is carried out ; raising all matters relating to the Victorian Aboriginal Rental Housing Program at Board meetings and providing advice or information to the Aboriginal Housing Board on any other relevant Department issue.

#### **1.18 Office of Housing, Department of Human Services**

The Aboriginal Housing Board meets monthly to decide its policy and procedural directions. In between meetings the elected individual Board Member is charged with responsibility for matters in his/her region that arise between such meetings.

Over the years the Board has developed clear-cut policies, procedures and directions that the Office of Housing (the Department) has accepted and will continue to follow. In giving such directions, either directly to the Aboriginal Housing Services Officer or to other Department staff the Board is fulfilling its responsibility for the Victorian Aboriginal Rental Housing Program.

Further, the Board does recognise that it requires Department assistance and input, as appropriate, to ensure its programs are effective and efficient. It therefore welcomes input, either directly or indirectly through feedback through the Aboriginal Housing Services Officer, the Board Member or Aboriginal Housing Services Unit, Department of Human Services Area Offices located within the regions must understand the role of the Board and will discharge such directions as appropriate and at the same time ensure that the Board's advice is appropriate (eg, do maintenance inspections before acting on tenant requests), and that funds for Aboriginal Housing are being used as efficiently as possible.

### **1.19 Aboriginal Housing Services Officers**

As at September, 1996 the current number of Aboriginal Housing Services Officer positions total seven. The following details where each position is located and region covered:

#### *Metropolitan, Westernport*

Two Aboriginal Housing Services Officer positions located at the Aboriginal Housing Board Administration Office, North Fitzroy.

#### *Goulburn Murray*

One Aboriginal Housing Services Officer position located at the Department of Human Services, Shepparton.

#### *Central Highlands Wimmera*

One Aboriginal Housing Services Officer position located at the Department of Human Services, Ballarat.

#### *Barwon Glenelg*

One Aboriginal Housing Services Officer position located at the Department of Human Services, Geelong.

#### *Gippsland*

One Aboriginal Housing Services Officer position located at the Department of Human Services, Morwell.

#### *Loddon Mallee*

One Aboriginal Housing Services Officer position located at the Department of Human Services, Bendigo.

The establishment of separate Aboriginal Housing Services Officer positions and their secondment to the Aboriginal Housing Board demonstrates a clear and continued commitment by the state to the particular housing needs of Victorian Aboriginal communities. Moreover, because the role of an Aboriginal Housing Services Officer forms an integral part of the Board's operations the relationship between the Board, the Board Member and the Aboriginal Housing Services Officer must be clearly understood.

Individual Board members are aware of the specific needs of Aboriginal tenants and applicants within their respective region. Under the secondment arrangement Aboriginal Housing Services Officers are therefore required to liaise closely with the Board Members in order to gain direction from the Board on tasks, activities and responses to any Aboriginal housing matter.

Whilst the job requirement and duties of an Aboriginal Housing Services Officer may be similar in some respects to other Housing Services Officer positions, Aboriginal Housing Services Officers have a much broader and more distinct role in dealing with Aboriginal

housing and other matters within the region(s) in which he/she works. Such dealings create work and responsibilities which go beyond specified Housing Services Officer activities.

The Aboriginal Housing Services Officer must use his/her skills, particularly with regard to communication with the Aboriginal community, to ensure the efficient and effective operations of Aboriginal housing, as determined by the Aboriginal Housing Board and Department of Human Services in this state.

#### **1.20 Aboriginal Housing Services Officers and the Protocol of Operations Agreement**

The Code of Conduct includes a Protocol of Operations which is a document that aims to clearly establish the practical arrangements between a paid employee (the Aboriginal Housing Services Officer) and a voluntary, elected community representative( the Board Member). It is a written agreement that helps both parties in their obligations; that contains dispute resolution procedures; and can vary from region to region, based on circumstances and needs. The Board Member and Aboriginal Housing Services Officer must jointly complete and sign their Protocol of Operations Agreement which is held at the Board.

#### **1.21 The Aboriginal Housing Services Officer and the Department of Human Services**

It is important that Department of Human Services offices recognise the particular role and responsibility of the Aboriginal Housing Services Officer as it relates to the Aboriginal Housing Board on the one hand and to the Department on the other hand. Department of Human Services offices would also need to recognise their own role and responsibility in relation to the Aboriginal Housing Services Officer.

One way of helping to clarify these responsibilities is to remember that Aboriginal clients/tenants are clients/tenants of the Department of Human Services with all rights, privileges and responsibilities accordingly. Aboriginal clients/tenants, due to a specific funding nature and a recognition of particular needs of the Victorian Aboriginal community are serviced by Aboriginal Housing Services Officers. Aboriginal Housing Services Officer skills are required for specific instances, but, as well, general Department action and supports relate to Aboriginal clients/tenants, the same as other clients/tenants.

Whilst title to the housing stock remains the responsibility of the Department of Human Services responsibility for its management is with the Board. The Department provides significant support to Aboriginal tenancies. The Department maintains waiting lists for all Rental General Stock and Victorian Aboriginal Rental Housing stock, manages rental payment collection through Australia Post, Direct Debit or Department of Social Security Deduction Scheme and arrears monitoring systems, provides rental rebates as applicable, arranges and provides for necessary maintenance, purchases the appropriate properties under direction of the Board and provides area office staffing and other resources to assist Aboriginal tenants. For the benefit of Aboriginal clients/tenants, it is vital that Aboriginal Housing Services Officers work clearly and closely within these Department arrangements.

#### **1.22 The Aboriginal Housing Services Officer and the Department of Human Services Area Housing Office**

As outlined above, Aboriginal clients/tenants are clients/tenants of the Department of Human Services and as such receive the full range of assistance generally available. The role of the Aboriginal Housing Services Officer at an Area Office is to specifically provide advice and assistance to Aboriginal applicants, tenants and other Aboriginal community members within their region(s) under the direction of the Aboriginal Housing Board.

The Aboriginal Housing Services Officer must have knowledge and understanding of Department of Human Services procedures and practices within the Area Office and also maintain necessary links with all Area Office staff to ensure the best delivery of service to the Aboriginal community.

Within the Department of Human Services Area Office the Aboriginal Housing Services Officer is expected to take direction from the Area Housing Services Manager in those matters relating to public service conditions of employment. These include the need for uniform supervision of daily activities and whereabouts, the need to adhere to office requirements of time-keeping, leave arrangements, sick leave, flexitime, etc. The Aboriginal Housing Services Officers travel expenses etc. are paid from the Area Office budget and as such, the Area Office budget bid must recognise the high travel component of Aboriginal Housing Services Officer work, as well, the Aboriginal Housing Services Officer must operate within Area Office budget arrangements.

Although the actual work and performance of the Aboriginal Housing Services Officer is under the direction of the Aboriginal Housing Board and the Board Member, Area Housing Services Managers are expected to maintain a mutual consultative arrangement with the Board and Board Member.

Moreover, the Area Office must recognise the policies and procedures of the Aboriginal Housing Board particularly where it varies from standard practices. Aboriginal Housing Services Officer requests for assistance or action should be treated by other staff in the normal way, bearing in mind the policies and procedures of the Aboriginal Housing Board.

Area Offices must understand that Aboriginal clients/tenants in the region are the responsibility of that office as much as the Aboriginal Housing Board. Accordingly, at times of peak workload or absence through recreation leave, illness, etc., it is expected that the Aboriginal Housing Services Officers work will not be left to mount up until his/her return, but will be spread where possible amongst Area Office staff in the same way other Housing Services Officers work is dealt with in periods of absence, peak workload. This point must be emphasised - the particular skills of the Aboriginal Housing Services Officer are recognised and cannot be replaced, however, the other more general aspects of Aboriginal Housing Services Officers work must be shared when required.

Accordingly, the Aboriginal Housing Services Officer must be involved in general staff development programs within their region and their workloads considered when determining Department of Human Services targets, funding and operations.

Aboriginal Housing Services Officers are expected to maintain up to date work diaries detailing tasks undertaken and outcomes which will be available for Board Member information.

### **1.23 Metropolitan, Westernport Region Aboriginal Housing Services Officers**

All Metropolitan and Westernport areas are currently covered by two Aboriginal Housing Services Officers working from the Aboriginal Housing Board Office in Scotchmer Street, North Fitzroy. This is regarded as most appropriate given the Aboriginal population scatter throughout the Melbourne Metropolitan and Westernport areas.

Department of Human Services administrative responsibility for these positions rests with the Manager, Aboriginal Housing Services Unit.

## 1.24 **Aboriginal Housing Services Officer Duties**

Aboriginal Housing Services Officer duties includes the following:

Under the direction of the Aboriginal Housing Board of Victoria:

- Attend monthly meetings of the Aboriginal Housing Board or other meetings, seminars, workshops, programs, etc. as determined by the Aboriginal Housing Board;
- Provide advice, assistance and information to Aboriginal community members including applicants, tenants, Aboriginal community groups/organisations on housing and housing related issues within the region;
- Actively consult with and seek advice from the Board Member, Aboriginal Housing Board, Aboriginal Housing Services Unit, DHS on Aboriginal housing matters within the region;
- Regularly liaise with the Department of Human Services on Aboriginal housing or tenancy matters within the region, and provide reports and information as requested;
- Accept, refer and monitor maintenance requirements of Victorian Aboriginal Rental Housing Program properties located within the region;
- Monitor Aboriginal tenancies regularly within the region and where necessary make referrals to appropriate local Aboriginal support or other services;
- Undertake appropriate arrears action and provision of counseling and support as outlined in the Policies and Procedure document, including home visits, preparation of reports and advice to the Board Members. Attendance at any legal hearings is not allowed by Aboriginal Housing Services Officers;
- Undertake research on Aboriginal housing or tenancy matters and prepare reports, memos, correspondence, statistics, submissions, etc., as required by the Aboriginal Housing Board, Aboriginal Housing Services Unit, DHS or the Board Member;
- Develop knowledge and understanding of Aboriginal housing policies, procedures and practices;
- Liaise regularly with local Aboriginal community organisations within the region in order to maintain an up to date knowledge of Aboriginal community support services and other relevant resources within the region;
- Develop knowledge of relevant Department of Human Services policies, programs and procedures in relation to Aboriginal Housing;
- Undertake skills development programs or other individual training courses as required;
- Represent the Aboriginal Housing Board at local Aboriginal community functions and perform public speaking engagements when required;

- Undertake other housing and related community development duties as directed by the Aboriginal Housing Board and Aboriginal Housing Services Unit, DHS.

### **1.25 Differences between Aboriginal Housing Services Officers and other Housing Services Officers of the Department of Human Services**

The following highlights the differences between the role and duties of an Aboriginal Housing Services Officer in comparison to the role and duties of other Housing Services Officer positions.

- Aboriginal Housing Services Officers provide housing assistance to Aboriginal communities throughout entire regions (one Aboriginal Housing Services Officer position covers two regions);
- Aboriginal Housing Services Officers are expected to maintain personal and regular contact with Aboriginal applicants, Aboriginal tenants and Aboriginal community organisations throughout the entire region.
- Aboriginal Housing Services Officers need to maintain effective regular communication with Department of Human Services offices and sections within their entire region;
- Aboriginal Housing Services Officers are the sole Aboriginal housing provider within a region and for the most part work alone;
- Aboriginal Housing Services Officers are not required to attend Residential Tenancy Tribunal Hearings concerning Aboriginal tenants. The cultural and kinship arrangements within the Aboriginal community make it impossible to be involved at such hearings;
- Aboriginal Housing Services Officers are identified and held accountable by their communities as Aboriginal community resource persons.

### **1.26 Local Aboriginal Community Organisations**

The relationship between the Aboriginal Housing Board and local Aboriginal community organisations should be based on serving the common interests of the Aboriginal community first and foremost. It must be a mutually supportive and co-operative relationship. The Board will actively seek to take the lead in developing such relationships in order to deliver appropriate housing outcomes for the Victorian Aboriginal community.

The relationship between the Aboriginal Housing Board and local Aboriginal community organisations operating within the region can be an informal arrangement whereby advice and assistance on local Aboriginal housing matters is provided to the Board Member. Local Aboriginal community organisations should be used to provide additional support and resources to Aboriginal tenants of the Department of Human Services.

### **1.27 Statewide Aboriginal Organisations**

Statewide Aboriginal community organisations are expected to liaise and consult between one another on issues of statewide or national significance and in instances where Victorian Aboriginal community support or endorsement is required.

The Aboriginal Housing Board respects the right of statewide Aboriginal community organisations to be self determining and recognises that each has particular skills, knowledge and expertise in their own specialist area.

It is also additionally expected that the relationship between the Aboriginal Housing Board and statewide Aboriginal community organisations will be both mutually supportive and co-operative.

## **SECTION 2**

### **THE VICTORIAN ABORIGINAL RENTAL HOUSING PROGRAM**

#### **2.1 Introduction**

The Department of Human Services is responsible for the administration of the Victorian Aboriginal Rental Housing Program which has been built up by:

- the inheritance of 216 properties in 1974 from the ex-Victorian Department of Aboriginal Affairs;
- from over one hundred properties purchased from that date to 1980 with Department of Aboriginal Affairs funds; and
- from then onwards by housing stock purchases made under the Commonwealth/State Housing Agreement, Aboriginal Housing yearly funding allocation. As at 30th June, 1996 the number of Aboriginal housing stock properties provided under the Victorian Aboriginal Rental Housing Program total 932.

All such housing stock properties are permanent rental accommodation for Aboriginal families only.

In order to actively encourage Aboriginal home ownership the Aboriginal Housing Board will normally favorably consider requests received from Aboriginal Rental Housing Program tenants who wish to purchase their rental property. The Department of Human Services criteria for "Sale of Properties to Tenants" will apply (ie. nil rental arrears, etc.) but excluding minimum tenancy period and area embargo limits.

#### **2.2 Aboriginal Housing Revolving Fund Account**

Funds received from the sale of Victorian Aboriginal Rental Housing Program properties are to be set aside in the Aboriginal Housing Revolving Fund Account. Guidelines for the Revolving Fund Account are as follows:-

- All expenditure from the Revolving Fund Account to receive prior approval from the Aboriginal Housing Board at its meeting;
- The Department of Human Services to consult with the Board on any matters relating to the Revolving Fund Account;
- The Board is to prepare an estimate of funding required from the Revolving Fund Account during April of each year. A final estimate which will include specific targets is to be provided by the Board to the Department of Human Services by no later than the third week of May of each year;
- The Department of Human Services to formally recognise the proceeds of sales involving Aboriginal housing stock properties as Aboriginal Housing Revolving funds;
- The Department of Human Services to provide to the Board a detailed monthly report on the income and expenditure of the Revolving Fund Account;
- Any income derived from the investment of funds from the Revolving Fund Account is to be placed back into the Revolving Fund Account;

- In order that the Revolving Fund Account has a continuous balance of funds, the Board to set an annual amount that is to remain in the account and which cannot be expended.
- The Board to regularly review expenditure out of the Revolving Fund Account so that adjustments can be made, when necessary.
- When a property is sold and the sale funds are placed into the Revolving Fund Account, such funds are to be used to meet the costs of a replacement property within the same region that the property was located.

### **2.3 Cross Cultural Awareness Programs**

The Report on the Aboriginal Employment Strategy for the Victorian Public Service was released during July, 1987 and the Board decided to prepare its own response which related to Aboriginal employment issues within the then named Ministry of Housing and Construction. (now known as the Department of Human Services)

One of the issues included in the Boards response dated April, 1988 was the need for Cross Cultural Awareness Programs for Department staff. The rationale for Cross Cultural Awareness Programs is that an important element for the success of Aboriginal staff in the workplace is that people with whom they are working with are sensitive to Aboriginal culture. Moreover, Cross Cultural Awareness Programs ensures that the Department of Human Services provides a culturally sensitive service to the Aboriginal community. However, due to other administration and management priorities it was not until early 1991 that the Board agreed to a pilot Cross Cultural Awareness Program in Geelong.

During the finalizing of the program it became increasingly obvious that some sort of guidelines were required, consequently draft guidelines were presented to the Board for endorsement at its 16th April, 1991 meeting. The guidelines also received ratification from the Ministry of Housing and Construction late 1991 and the Ministry's Aboriginal Housing Section assumed responsibility for implementing and co-ordinating Cross Cultural Awareness Programs for Departmental staff.

As of May, 1996 Aboriginal Housing Services Unit, Department of Human Services is responsible for organising and conducting three compulsory Cross Cultural Awareness Programs per year around the state.

#### **Aims**

The aims of the Cross Cultural Awareness Program are:-

- to raise awareness of Aboriginal culture and increase the understanding of cross cultural issues in the workplace
- to foster relationships between Aboriginal and non-Aboriginal staff
- to provide to participants with specialist advice and information on aspects of Aboriginal housing
- to enable participants to gain an understanding of issues of importance to the Aboriginal community

## **Guidelines**

The following lists the guidelines for Aboriginal Housing Cross Cultural Awareness Programs:-

- The Aboriginal Housing Board directs the development of Cross Cultural Awareness Programs for Department of Human Services personnel. The Aboriginal Housing Board is the recognised Aboriginal Advisory body to the Department of Human Services. Further the Aboriginal Housing Board is a specialist statewide Aboriginal housing organisation.
- Victorian Aboriginal culture belongs to Victorian Aboriginal people. Only Victorian Aboriginal people can decide how and what information on our culture is to be presented in Cross Cultural Awareness Programs.
- Local Aboriginal community members must be involved in Cross Cultural Awareness Programs.
- Cross Cultural Awareness Programs must take into account the availability Board Members, Aboriginal Housing Services Officers and local Aboriginal community members.
- The venues for Cross Cultural Awareness Programs must be arranged in consultation with the local Aboriginal community organisation.
- Aboriginal speakers and nominated Aboriginal community venues must be paid by the Department at the appropriate rate.
- Cross Cultural Awareness Programs are about non-Aboriginal people learning from Aboriginal people. They are not about non-Aboriginal people studying Aboriginal people.
- The Aboriginal Housing Board must provide final endorsement of any Cross Cultural Awareness Programs for Department personnel.
- Aboriginal Housing Services Unit, Department of Human Services to evaluate Cross Cultural Awareness Programs.
- Aboriginal Housing Services Unit, Department of Human Services to organise and conduct Cross Cultural Awareness Programs under direction of the Aboriginal Housing Board and regional Board Member.

## **2.4 Equal Employment Opportunity and the Department of Human Services**

Commonwealth and state governments have acknowledged that Aboriginal and Torres Strait Islander people are the most economically and socially disadvantaged group. Aboriginal and Torres Strait Islander people face higher unemployment, have fewer educational qualifications, poorer housing and are concentrated in a narrow range of occupations.

In 1977 the Commonwealth government established a National Employment Strategy for Aboriginals (NESA) as a policy and program framework to deal with the issues of Aboriginal Employment and Training Programs and the report of that committee (Miller Report) led to the

Commonwealth governments adoption in 1986 of the Aboriginal Employment Development policy.

In Victoria, the Aboriginal Employment Development Policy was co-ordinated by the Aboriginal Employment Unit of the Victorian Public Services Board. Following the abolition of the Victorian Public Services Board in 1993 the Aboriginal Employment Unit is now located within the state Aboriginal Affairs, Victoria office.

The Board fully supports the development of employment and training programs specifically for Aboriginal and Torres Strait Islander people

## **2.5 Land Rights and Compensation**

The Board supports the view that the principle of land rights is a fundamental matter of justice. Aboriginal and Torres Strait Islander people are the original owners and occupiers of the Australian continent. The Board believes that meaningful negotiations on land rights and compensation must proceed between Aboriginal and Torres Strait Islander nations and Australian governments, if justice is to prevail for all Australians both now and in the future.

The Board does not believe that the ownership of Victorian Aboriginal Rental Housing Program properties is an issue that should be included in the Victorian Aboriginal Land Rights and Compensation debate. Although title to all Victorian Aboriginal Rental Housing Program properties is held by the state through the Department of Human Services, the successful implementation of the Forward Plan will ensure that title to such properties will eventually be transferred to Aboriginal community ownership.

## **SECTION 3**

### **Forward Plan**

#### **3.1 Introduction**

When the Board was established in 1981, after two years of Steering committee meetings, the original purpose and aim was for it to direct full community control and eventual ownership of the Victorian Aboriginal Rental Housing Program.

The Victorian Aboriginal Rental Housing Program was previously managed and controlled by the Ministry of Aboriginal Affairs. However, following the Transfer of Functions Bill passed during 1974, the program was transferred to the Housing Commission of Victoria. (Now known as the Department of Human Services)

Although the Board assumed management responsibility, whilst the Department of Human Services retained administration responsibility, over the years little attention was given to the original purpose and aim of the Board - that is to help achieve full community control and ownership of the program.

Instead, the Board concentrated on developing its housing management expertise and knowledge as well as improving its working relationship with the Department of Human Services. The Board steadily increased its say over the program.

However, during the 1988 year there was a storm of protest and concern about Aboriginal tenant evictions which in turn lead to much debate about the role of the Board and how it should be doing "something" about achieving full community control and ownership of the program. No one knew what that "something" should be or how it was expected to take.

#### **3.2 Feasibility Study**

In response to these events, the Board convened a statewide Housing Conference during December, 1988 and it was at this conference that the Board presented and received endorsement for the Feasibility Study proposal.

The idea behind the Feasibility Study proposal was that there needed to be some proper consultation and detailed documentation on what management options were available and how much was it all going to cost if ownership was transferred over to full community control.

The Feasibility Study went ahead during 1989 and included extensive consultation with major communities throughout Victoria.

The Feasibility Study report was completed in February, 1990 and after much discussion at workshops the Board finally developed a proposed Forward Plan that set its future direction as well as aims for full community control and ownership of the Aboriginal Housing Program.

The Forward Plan proposal was circulated throughout communities and in late 1990 extensive consultations again occurred through local community meetings organised by the Board.

#### **3.3 Implementation of the Forward Plan**

During 1991 the Board commenced the implementation process of the Forward Plan by convening its own workshops on what it wanted to achieve from the Forward Plan within the

following twelve months. The Board identified three major projects which have received funding and each year further projects will be identified so that progress on the Forward Plan regularly proceeds.

It is expected that once all areas of the Forward Plan have been fully implemented both the management and administration of the Victorian Aboriginal Rental Housing Program will be completely carried out by the Board and the handover of title to all properties will be a formality.

## **SECTION 4**

### **ABORIGINAL HOUSING SPOT PURCHASE, REBUILDING AND SALES PROGRAM**

#### **4.1 Spot Purchase Program**

The aim of the Aboriginal Housing Spot Purchase program is to buy housing stock suitable (in terms of quality, size, location, standard, cost) for applicants to be housed. Whilst housing stock requiring a minimum of upgrading maintenance is preferred, the major requirement is to ensure that housing stock purchased for the Victorian Aboriginal Rental Housing Program is suitable.

The Board Member of each region must be contacted by Property Branch, Department of Human Services to inspect housing stock deemed suitable for purchase, and only following Board Member agreement will housing be accepted for the Victorian Aboriginal Rental Program.

When suitable properties are referred to the Board Member, the Board Member to be advised by Property Branch, Department of Human Services about any existing Victorian Aboriginal Rental Housing Program properties or general housing properties in close proximity to the referred property. If the property is in close proximity to existing Aboriginal Rental Housing Program properties or general housing properties the Board Member to assess whether the purchase is to proceed. This assessment to be based on a report received from Aboriginal Housing Services Unit, DHS who are to provide a history, makeup and other relevant advice about the referred property and including whether the property is suitable for the Aboriginal Rental Housing Program.

Board Members are expected to ensure that suitable properties are accepted to the Aboriginal Rental Housing Program and that such properties meet the needs of applicants. Properties not suitable for the program include weatherboard/concrete houses, houses more than 15 year old, two storey properties, houses with two kitchens, houses located in small courts, houses that require more than \$10,000 upgrading, ex-DHS properties.

Housing stock will be upgraded to the standard as set by the Aboriginal Housing Board. A report detailing all proposed upgrading maintenance requirements and their estimated costs to be provided to the Board Member by Property Branch, Department of Human Services prior to the final acceptance of a housing stock property for the Victorian Aboriginal Rental Housing Program.

Non Standard refers to fittings and fixtures that are not provided to properties. However, where spot purchase properties include non standard item(s) that the Board Member wishes to retain in the property an agreement (attachment 10) to be made with the prospective tenant for such item(s) to be donated to the prospective tenant. Any non standard item(s) donated to the prospective tenant become the property of the prospective tenant and as such will not be repaired or replaced with Aboriginal Housing program funds.

Any Aboriginal person or organisation may refer a property for sale by contacting the Board Member. The Board Member can at any time refer for sale properties to Property Branch, Department of Human Services but must not approach Estate Agents or house sellers

The aim is to provide suitable housing at the most suitable cost. The ceiling price (as set from time to time) acts as a guide only and the Department of Human Services must take account of

Aboriginal Housing Board view on what is an appropriate ceiling price in each locality. However, it is also accepted that the purchase price paid for housing stock properties is subject to Valuer General's Valuations.

#### **4.2 Handovers**

It is the responsibility of the Property Branch, Department of Human Services to immediately advise the Board Member of properties handed over and available for allocation.

#### **4.3 Land Purchase**

Where houses or units are built on land purchased under the Aboriginal Rental Housing Program the aim will be to provide suitable housing at the most suitable cost. The Aboriginal Housing Board does not normally purchase vacant land and instead the general aim is to purchase established properties.

#### **4.4 Land Sale**

The Aboriginal Housing Board will approve the sale of Victorian Aboriginal Housing Program in the following circumstances:-

- only to tenants who meet the Aboriginal Housing Board Sale of Property to Tenants conditions
- when the property is surplus to requirements
- if the property is found to be located in a dangerous and/or unsuitable location due to changed surroundings. Properties in hard to purchase locations are to be considered for demolition and the land retained unless in a dangerous location
- if it is accepted that no family will live in the property.
- in accordance with the Boards agreed stock management plan and guidelines

If the property is occupied the tenants are to be transferred to alternative accommodation under the Boards transfer policy. Only urgent and essential works are to be carried out on the property.

The Board can negotiate an exchange for the property with the Department of Human Services as an alternative to selling.

The procedure for sale of properties as follows:

- Board Member to seek approval at the Board meeting
- Following approval, Aboriginal Housing Services Unit, DHS to forward memo to Property Branch, DHS advising intention to sell and requesting that the property be listed on the disposal database
- Aboriginal Housing Services Officer to arrange the transfer of the tenants if property is occupied
- Aboriginal Housing Services Officer to promptly advise Aboriginal Housing Services Unit, DHS, in writing, when the property is vacant
- Aboriginal Housing Services Unit, DHS to ensure that the sale of the property proceeds within three months of being vacant

- Aboriginal Housing Services Unit, DHS to ensure that the proceeds from the sale of the property is allocated to the Aboriginal Housing Revolving Fund account.

#### **4.5 Construction of New Dwellings**

The Board will make the decision to demolish and rebuild or upgrade an individual Victorian Aboriginal Rental Housing Program property based on the Board's agreed stock management plan and guidelines.

Properties with severe fire damage will automatically be demolished.

When the Aboriginal Housing Program requirements are drawn up for each region at the end of each financial year, the Board member is responsible for including any rebuilding of new dwellings in their region 's program.

#### **4.6 Designs**

The Department of Human Services must provide copies of suitable designs to the Board Member and the Board for the property which can be assessed and approved for the tender prior to tendering.

When the contract for rebuilding is advertised, tenders received from Aboriginal managed and controlled Construction Companies will be given preference provided their prices, workmanship and all other factors are competitive.

## **SECTION 5**

### **VICTORIAN ABORIGINAL RENTAL HOUSING PROGRAM-GENERAL AIMS, APPLICATION, ALLOCATION AND TENANCY CONDITIONS**

#### **5.1 General Aims of the Victorian Aboriginal Rental Housing Program**

##### **Who can apply?**

Any Aboriginal or Torres Strait Islander family or single person or non-Aboriginal/Torres Strait Islander with Aboriginal/Torres Strait Islander dependents can apply for accommodation under the Victorian Aboriginal Rental Housing Program.

Applications will be placed on the Victorian Aboriginal Rental Housing Program waiting list.

##### **How do you apply for Aboriginal housing?**

Applications for housing can be obtained from the Office of Housing, Department of Human Services or the Aboriginal Housing Board. All applications for accommodation must be made on the appropriate form and lodged at the nearest Office of Housing, Department of Human Services office.

##### **What type of housing will be provided?**

The program aims to provide suitable rental accommodation with acceptable modern facilities and fittings.

The program provides housing and does **not** provide furniture, worksheds or extra large blocks to run a business on, and does **not** provide tennis courts, swimming pools, etc.

Housing of an acceptable minimum standard to suit the family size will be provided, except in special cases. The program does **not** provide a bedroom for each child, does not provide a study, rumpus room, or guest rooms.

The program can provide houses for special needs (ie. Aboriginal Family Group Homes, ) but only when no other suitable alternatives or funding sources are available, where the demand exists and where suitable management arrangements can be made.

##### **Where will houses be provided?**

As far as possible houses will be provided in towns and suburbs nominated by applicants, except

\***NOT** in towns or areas with very low demand, or where people may wish to leave in the near future.

\***NOT** on applicants' own land, or in out-of-the-way places where services will be difficult to provide.

\***NOT** in suburbs or the inner city areas of the Melbourne Metropolitan region where the cost of properties far exceed ceiling price limits.

In deciding where houses are to be provided, priority will go to those towns or areas with the highest demand from Aboriginal people.

## **5.2 Eligibility**

When assessing Aboriginal applicants, the Department of Human Services limit on income and assets will apply.

Where there is doubt applicants must complete the Board's 'Confirmation of Aboriginal or Torres Strait Islander Descent' form which is to be provided to the Board Member.

Home owners are automatically ineligible except where:-

- the applicant is denied access due to marital breakdown;
- there are two or more owners, and the applicant cannot reasonably reside in the house.

Interstate people may apply but will normally receive no allocation until they have resided in Victoria for six months.

A bankrupt is eligible to apply but must meet all other Department of Human Services eligibility criteria. The Department of Human Services policy on waiting times for bankrupts and allocating housing to bankrupts to apply to applicants allocated Aboriginal housing.

Applicants who are previous tenants of the Department of Human Services and were evicted due to anti social behavior reasons are eligible to apply again for Victorian Aboriginal Rental Housing Program accommodation.

## **5.3 Needs Based Applicants**

Victorian Aboriginal Housing applicants are generally allocated Aboriginal housing on a wait turn basis. Wait turn means that the applicant on the top of the waiting list is housed first. In some extreme cases applicants can be considered for out of turn housing. Out of turn housing or needs based allocations must be carefully assessed and based on serious hardship suffered by the applicant. The Board Member must be satisfied that the applicant is a genuine needs based case.

The grounds for establishing a needs basis application for housing are as follows:-

- Life threatening
- Death in property
- Domestic violence
- Serious medical grounds
- Homelessness
- Family re-unification

To enable a full and complete assessment of a needs based application for housing, supporting documentation from outside agencies must be provided by the applicant and placed on file prior to a decision being made and recorded.

## **5.4 Elders**

An Aboriginal/Torres Strait Islander Elder is a person who is recognised and respected as an Elder in their community. Elders must meet all eligibility criteria in order to be considered for a housing allocation or a transfer, either in the Victorian Aboriginal Rental Housing Program or the Departments General Housing Program. The Board will normally provide one or two bedroom units to single Elders or Elder couples on a needs basis provided appropriate documentation is provided and placed on file by the Aboriginal Housing Services Officer.

Elders are also eligible to apply for the Departments Movable Unit Program.

For Elders who care for grandchildren or live with other family members on a permanent basis, larger accommodation will be considered on a needs basis provided appropriate documentation is placed on file.

Elders will not be forced to transfer to smaller accommodation if the family size decreases.

For Elders who require urgent housing it is expected that if housing cannot be immediately provided from the Victorian Aboriginal Rental Program, housing will instead be sought from the Departments General Housing Program. AHSO's will provide all necessary assistance to Elders who wish to obtain housing from the Departments General Housing Program.

## **5.5 Single People**

Single people can apply for housing under the Victorian Aboriginal Rental Housing Program, however, because of the programs small size and due to the greater demand from families applications received from single people will be referred to the Departments housing program. Single people, whether a single person or a couple with no children, are expected to be referred to the Departments general housing program. Single people must meet all eligibility criteria in order to be housed under the Departments General Housing Program.

Single people can only be housed in suitable single persons accommodation (ie one or two bedroom unit) which is only made available from the Victorian Aboriginal Rental Housing Program for Elders.

Single people can be considered for larger accommodation if they are expecting a child, are a couple likely to have children or need additional space for medical reasons or require extra room for a carer or if they are responsible for the care of children and have regular access. Regular access is defined as living with the parent for a minimum of 21% of the year or every second week-end and half of the school and public holidays. Appropriate documentation verifying either of these circumstances must be provided by the applicant and placed on file by the Aboriginal Housing Services Officer. For single people who require urgent housing it is expected that housing will be sought from the Departments General Housing Program.

## **5.6 Removed Applications**

Any Victorian Aboriginal Rental Housing Program applicant who does not make contact when requested by the Department of Human Services will have his/her application removed from the waiting list. However, the Department of Human Services will be expected to advise the Aboriginal Housing Services Unit, Department of Human Services who must contact the Aboriginal Housing Services Officer or the Board Member prior to removal of any such application.

Any removed applications can be revived at the Board Members discretion provided all the eligibly criteria has been met.

Any circumstances can allow a removed application to be revived and the effective date for revised applications to remain as the original effective date provided that all eligibility criteria is met.

If the eligibility criteria is not met the application will remain removed until such time that the applicant becomes eligible.

## **5.7 Approval of Applicants**

No consideration or assessment will be given until a formal application is made on the appropriate form.

Applicants for each region will be categorised by the respective Board Member as:

- Approved for out of turn housing
- Current Approved
- Deferred (Where circumstances prevent or do not warrant housing at this time, ie arrears from former tenancy, do not know whereabouts, rental accommodation not provided in applicants area of preference, etc)
- Referred to Department of Human Services general housing program.

Board Members are to receive computer print-outs listing Victorian Aboriginal Rental Housing Program applicants within their region and these should then be used to maintain an up to date, categorised, regional waiting list.

Where the circumstances have changed and the applicant's situation is no longer a needs base case, their application shall remain on the waiting list as a wait turn application. Where an out of turn case refuses a reasonable offer of housing their application shall revert to the bottom of the waiting list.

Applicants can change their area for housing without losing benefit. The Board Member must consider such applicants in the normal way.

Department of Human Services applicants can change their application to the Victorian Aboriginal Rental Housing Program, if eligible, without losing benefit. The Board Member must consider such applicants in the normal way.

## **5.8 Rental Arrears and Bond Arrears**

Applicants with rental arrears from a former Aboriginal Housing Program tenancy or Department of Human Services general housing program tenancy are eligible to be placed on the waiting list irrespective of rental arrears. All applicants with rental arrears from a previous Aboriginal Housing Program tenancy or Department of Human Services tenancy must satisfy the following rental arrears arrangement in order to be considered for housing;-

- \$1,000 and under must be paid in full
- Over \$1,000 must pay a \$500 lump sum payment and adhere to a rental arrears agreement for at least twelve months prior to tenancy sign up. If the agreement is broken the time period is to commence again.

- Applicants who owe rental arrears from more than one tenancy must repay the rental arrears for one of the previous tenancies according to above arrangement and any other outstanding rental arrears must be repaid in full.
- Any outstanding bond arrears must be repaid in full.

Where a joint application is made and one partner owes rental arrears from a former tenancy, the application cannot be considered for housing until the rental arrears are repaid according to the Boards rental arrears repayment policy.

Regular repayment arrangements must be realistic in terms of the applicants financial position and determined in consultation with the Board Member or Aboriginal Housing Services Officer. If accepted for a new tenancy the applicant must continue the repayment of outstanding arrears.

In the case of a former tenant's responsibility maintenance charges, applicants will be expected to repay any outstanding tenant responsibility maintenance charges that have been legally substantiated by the Department of Human Services.

## **5.9 Transfers and Mutual Swaps**

There are three categories of transfers available to Aboriginal tenants. These are as follows:-

- Transfers within the Victorian Aboriginal Rental Housing Program
- Transfers from Office of Housing, Department of Human Service general stock to Victorian Aboriginal Rental Housing Program stock
- Mutual swaps

### **Transfers within the Victorian Aboriginal Rental Housing Program**

Any tenant can apply for a transfer however, transfers can only be approved under the following circumstances:-

- Life threatening
- Death in property
- Domestic violence
- Transferring from a small property to a larger one
- Relocation on stock management grounds

The Board Member must be satisfied that the transfer applicant meets the above criteria and appropriate supporting documentation must be provided and attached to the application for transfer.

Transfers will not proceed or be approved by the Board Member if there are rental arrears.

Transfer applications received for each region will be categorised by the respective Board Member as:-

- Approved for out of turn housing
- Current approved transfer

- Deferred
- Referred to Department of Human Services general housing program

All tenants who seek a transfer must comply with the following conditions

- Applicants income is within current eligibility limits
- Family composition is such that the family is eligible for tenancy. A sole tenant of a three bedroom property whose family has vacated is not eligible to transfer to an alternative three bedroom property.
- The tenant has abided by the conditions of their Residential Tenancy Agreement.
- Rent account is up to date. Tenant will be eligible for transfer if the rental arrears repayment arrangement has been maintained.

Applicants income is within current eligibility limits.

Tenants wanting a transfer to foster extra children must produce reasonable proof that fostering will be granted.

### **Mutual Swaps**

A mutual swap is where two tenants agree to transfer between each of their properties. Mutual swaps may be approved by the Board Member after maintenance inspection of properties and upon receipt of written agreement from both tenants. In such cases, tenants must fulfil the eligibility criteria for transfer.

Mutual swaps will not be approved if either tenant has existing rental or tenant responsibility maintenance arrears. Any tenant responsibility maintenance arrears must be paid in full.

A property condition report must be completed prior to both tenants vacating so that all tenant responsibility maintenance can be properly identified.

Both tenants must also put in writing that they will accept the property as is and only urgent and essential maintenance works will be carried out on the properties.

### **Transfers from General Housing Program to Aboriginal Housing**

Before transfers can take place the Board Member and Aboriginal Housing Services Officer must explore the possibility of the Departments general housing program meeting the needs of a transfer given that transfers should only be of an urgent/priority nature and in which case the Departments general housing program may be available more quickly.

Due to the small number of properties within the Victorian Aboriginal Rental Housing program and because tenants in general stock are already in low cost housing generally when vacant or new properties are available, the Board Member should allocate from the waiting list of applicants not currently housed by the Aboriginal Housing Board or the Office of Housing.

## **5.10 Relocation**

Relocation refers to a situation where the tenant is asked to transfer to alternative housing because of the following reasons:

Property is to be demolished

Property is to be sold

Property requires substantial upgrading maintenance works which cannot be performed around the tenant

Stock utilization (where the tenant is asked to transfer to a smaller house so the resulting vacancy can be allocated to an applicant)

Some tenancy issues which will affect a tenants eligibility for relocation include tenancy breaches, subletting and situations where the occupants have not signed a Tenancy Agreement or are not known by the Board or Department.

A relocation can be approved to tenants with rental arrears, however, tenants are expected to maintain their regular rental payments and where required any rental arrears agreements whilst still the tenant of the property. Legal action to proceed against the tenant if they fail to meet their rental and any rental arrears obligations whilst still the tenant of the property. Where tenants are to return to their original property after it has been upgraded or because it was decided that they would return to the original property after it has been rebuilt the existence of rental arrears will prevent the second relocation from proceeding.

The tenants household size, preferred location and any special housing needs will be considered by the Board Member when offering housing under a relocation arrangement. Tenants must complete a housing application in order to commence the relocation arrangement.

Tenants relocating or transferring back to their original property are not required to meet the Departments income and asset limits for rental housing. This is because the Board initiates the relocation. However, where tenants own property the Departments policy will apply and a six months Notice to Vacate will be sought.

Where the Board has requested that a tenant relocate, the cost of electricity and gas connection fees, mail redirection and the removal of household items is to be met out of Aboriginal housing funds.

## **5.11 Allocations**

The Office of Housing, Department of Human Services is paid a fee for service to receive, assess, register and place applications on the waiting list for Victorian Aboriginal Rental Housing program properties. The procedure to complete these tasks is contained in the Office of Housing, Policy and Procedures Manual, Applications Section. This manual should be read in conjunction with the Aboriginal Housing Board Policy and Procedures document.

Board Members are responsible for allocation of Victorian Aboriginal Rental Housing program properties within their region according to the policy and procedure of the Aboriginal Housing Board.

The Board Member must carefully consider nomination of a tenant to a property, and take account of the size of the family, likely changes in family size and desired location and eligibility criteria. The Board Member should be satisfied that the house is of a suitable size and location for the family.

Allocations will be made in waiting list order. The family at the top of the list is to be offered the next available accommodation, be it an existing vacancy or new purchase, providing it is suitable for the family concerned.

If the property is not suitable for the applicant on the judgement of the Board Member, it may be allocated to the next applicant. The usual reason for a property to be assessed as unsuitable for an applicant is family size. Any other reasons must be properly documented by the Board Member. The initial family will not lose its placement on the waiting list.

Applicants will be provided with a maximum of two tenancy offers before removal of their application to the bottom of the waiting list. Board Members or Aboriginal Housing Services Officers must emphasize to applicants that refusal of tenancy offers result in further waiting periods due to limited availability of housing stock.

If a family refuses occupation of an allocated property, reasons for refusal must be provided to the Board Member. These reasons may be discussed at a Board meeting if necessary and if reasons are regarded as acceptable by the Board Member, refusal will be accepted. If reasons are not accepted by the Board Member continued refusal to accept property will result in loss of placement and removal to the bottom of the waiting list.

When offered a property, applicants are to be alerted to this situation and the ramifications of unacceptable refusal, (eg. desire for a new house or recent purchase is not acceptable). Applicants are also to be advised of the scope for transfer once housed by the Board Member.

Board Members must meet all eligibility criteria if submitting applications for themselves and such applications are expected to be placed on the waiting list. Board Members must bring their application details, including any supporting documentation to the Board meeting prior to the allocation of any property to themselves. The Board or Executive is expected to decide whether the application made by the Board Member is eligible for housing and if a wait turn or out of turn application.

## **5.12 Tenancy**

Tenants should notify the Board Member or the Department of Human Services if visitors reside in the house for more than three months. For Department of Human Services Rental General Stock the maximum period for visitors is one month before notification to the Department.

Tenants should notify the Department if they intend to be away on holidays more than six weeks.

Tenants cannot leave their properties in the care of others.

Illegal tenants, or occupation of properties by persons other than tenants, after the tenant has vacated, will not be allowed under any circumstances. Illegal occupants are not eligible for housing consideration by the Board Member **until** they move out of the property they are illegally occupying.

Caretaker tenancies are to no longer apply and instead it may be possible to arrange sub-letting of the property. Sub-letting can only be approved by the Board Member for up to twelve months provided all eligibility criteria is met. A sub-letting arrangement will allow another person to become the sub-tenant or tenant of the property. The original tenant will continue to be responsible for all their tenancy responsibilities whilst they are away from the property. If

the sub-tenant does not maintain rental payments, etc. for the tenant, the tenant can take action to recover any unpaid rent from the sub-tenant at the Residential Tenancies Tribunal. A sub-tenant does not have automatic right to the tenancy of the property. Documentation to be provided by the Board Member about any application for sub-letting, which must be placed on the tenants file.

The spouse of a tenant will not inherit the tenants arrears in cases where the tenant dies or deserts his/her spouse. In joint tenancies this does not apply as both parties have signed a tenancy agreement and they are jointly and severally responsible for arrears.

Tenancy of a house can be changed to another adult Aboriginal person or non-Aboriginal parent with his/her own Aboriginal children only if they were on the original application form and meet all eligibility conditions.

Tenants who do not reside permanently at their rented premises will be asked to vacate the property, and failing this appropriate legal action may be commenced.

Organisations with tenancy of Victorian Aboriginal Rental Housing Program properties must show proof from time to time that the use of the property continues to meet a need, and is well managed.

Tenants occupying Victorian Aboriginal Rental Housing Program flats or units are allowed to keep pets but within reason.

Tenants are responsible for payment of electricity, gas, telephone charges for their rental property and including water charges plus any excess water charges.

If a Board Member has been advised that a tenants claim to Aboriginality is false such advice must be provided in writing by the person(s) making the claim and all such documentation to be tabled at a Board meeting for decision making.

### **5.13 Anti Social Behaviour**

Complaints about anti-social behaviour against any tenant whether occupying Victorian Aboriginal Rental Housing Program or Rental General Stock must be in writing and forwarded to the Board Member and the Board.

The Board Member must investigate both sides and resolve or if not possible bring to the attention of the Department of Human Services to send a breach notice if the anti-social behaviour complaints are legitimate.

If further written complaints are received a Proforma to be sent to the Board Member who will sign a Notice to Vacate. Tenant to be advised of Notice to Vacate and Residential Tenancies Tribunal Hearing by either the Board Member or Aboriginal Housing Services Officer. Board Members and Aboriginal Housing Services Officers are also available to assist Aboriginal tenants with the preparation of any written complaints they may have in regards to anti-social behaviour of their neighbours.

### **5.14 Rental Rebates**

The Rental Rebate policy for the Victorian Aboriginal Rental Housing Program aims to reflect the intent and purpose of the Department of Human Services Rental Rebate policy.

Any tenant renting a Department of Human Services property, whether Victorian Aboriginal Rental Housing Program stock or Rental General stock, may be eligible for a rebate in accordance with the rent and rebate regulations of the Department. Rebates are based on the gross income of the household. If a tenant transfers from one property to another, or their circumstances change, a fresh application must be lodged.

All tenants must be made aware of their entitlement to rebated rental when taking up tenancy. If tenants are eligible, rebate applications must be completed by the tenant.

All applications must contain the relevant documentation of income. Each occupant in receipt of Department Social Security pension/benefit must obtain and supply details of the payment to the Department of Human Services.

Every wage earner must supply a certificate from his/her employer listing gross earnings for the past thirteen weeks including overtime, bonus, etc. Pay slips should not be accepted. Self-employed tenants who apply for a rebated rent must submit audited trading and profit and loss accounts for the latest financial year.

All persons resident in the property and in receipt of Department Social Security payments must also obtain and supply details of such payments.

Whilst a tenant is in receipt of rental rebate any change in circumstances/income, must be brought to the attention of the Aboriginal Housing Services Officer or Department of Human Services as this could affect the amount of rebate being allowed. Whenever people move into or out of the home, the Aboriginal Housing Services Officer or Department of Human Services office must be advised by the tenant.

Rebated rents may be backdated since commencement of tenancy prior to the date of receipt of the application for rebate.

Department of Human Services to notify the Aboriginal Housing Services Officer before cancellation of any Aboriginal tenants rebate including Aboriginal tenants in Rental General Stock if it will result in a substantial debit for the tenant.

Where the Department of Human Services believes that a rebated rent should be adjusted because of an additional resident, it should be brought to the attention of the Aboriginal Housing Services Officer who should investigate first.

Change of income backdates for debit cannot exceed three months.

A non-tenant who is resident in accommodation can apply only in special circumstances for a rebate, eg. when the partner of the non-tenant is seriously ill or in custody.

Where one of a Pensioner couple dies, the family income does not change for twelve weeks as Supplementary Pension is paid for this period. The new rebate is to be backdated to the date of death of the spouse.

## **5.15 Vacating Properties**

Tenants who wish to terminate their tenancy must advise the Department of Human Services, the Board Member or the Aboriginal Housing Services Officer so that the property can be officially declared vacated on the correct date.

Goods/Furniture remaining on the premises after a tenant has vacated may be:

- Disposed of once an officer from the Office of Fair Trading has assessed their value as less than the cost of removal and storage; or
- Stored for a period of 30 days, when, if not reclaimed, they may be auctioned by the Department of Human Services.

The DHS to ensure that a condition report is prepared on vacant Victorian Aboriginal Housing Program properties immediately following notification of a vacated property.

#### **5.16 Maintenance to Vacant Properties**

The minimum vacant standard works as determined by the Board will be carried out on vacant houses and units of the Victorian Aboriginal Rental Housing Program except where there is a mutual tenancy transfer and both properties are to be accepted as is.

Aboriginal Housing Services Unit, DHS to provide to the Board ISIP generated monthly reports on vacant and untenanted properties of the Victorian Aboriginal Rental Housing Program.

#### **5.17 Maintenance**

The Victorian Aboriginal Rental Housing Program receives an annual maintenance budget and the Board Members in conjunction with the Department of Human Services are expected to prioritise works and monitor the maintenance expenditure within their regions. The Board Member must be consulted about any expenditure from their regional Maintenance Budget.

#### **5.18 Tenant Responsibility Maintenance**

While it is the Department of Human Services' responsibility to maintain the fabric, fittings and facilities of the house in reasonable order, the tenant is responsible for maintenance of the garden and yard, the cleanliness of the house, ridding the house of pests, cutting of lawns and disposal of rubbish. Where the tenant fails to maintain their property, the Department of Human Services can arrange necessary work and charge such costs to the tenant.

Tenants will be charged by the Department of Human Services for any damages to the tenant's house, appliances, gates and fences, etc, which are due to the tenant's own lack of care and including any damages caused by visitors.

All tenant responsibility maintenance charges must be properly substantiated by the Department of Human Services in accordance with the Residential Tenancies Act 1997.

#### **5.19 Urgent Maintenance**

Urgent maintenance work (eg. blocked drains, faulty hot water, appliances not working, etc) will be given priority. Other maintenance work will be arranged by the Department of Human Services according to set procedures.

Maintenance procedures are stated in the Department of Human Services Maintenance Manual and are supported by the Board. Exceptions will only be approved by the Board where special circumstances apply.

It is the tenant's responsibility to report maintenance requirements to either the Aboriginal Housing Services Officer, Board member or direct to the Department of Human Services. Tenant requests for capital works (ie. new kitchen stoves, heater, kitchen cupboards, fencing, etc) must receive prior Board Member approval and it is the responsibility of the Aboriginal Housing Services Officer Board Member to ensure that such requests are appropriate.

The Board expects that the Department of Human Services will organise yearly maintenance inspections of properties so that maintenance and upgrading requirements are effectively monitored.

In order for the Aboriginal Housing Board to monitor expenditure out of the Victorian Aboriginal Rental Housing Program Maintenance funds; Aboriginal Housing Services Unit, Department of Human Services to provide a monthly report on maintenance expenditure for each region.

## **5.20 Upgrading**

Upgrading will be carried out to properties where there are no structural faults, where the state of the house materially affects the health or safety of tenants, where the general condition of the house show marked deterioration or the facilities do not meet acceptable modern standards.

If upgrading or other maintenance cannot be performed around the tenant, the tenants to be relocated according to the Boards relocation policy.

The aim of upgrading is to ensure a further rental life of at least ten years and properties selected for upgrading are to be brought up to an acceptable standard as determined by the Board that will minimize the maintenance requirements over the proceeding decade.

Board Members nominate properties for either sale or possible upgrade and their decision is based on the results of a property condition report and their own local knowledge.

Funding of the upgrading program is determined by the Board who decide how such funds are to be allocated to each region.

## **5.21 Demolition of Dwellings**

Board Members nominate properties for demolition and their decision is based on the results of a property condition report and their own local knowledge. Board Members must have their nomination for demolition ratified at a Board meeting.

If the property is occupied the tenants are to be transferred to alternative accommodation under the Boards relocation policy. Board Members must also ensure that the tenant is aware of the relocation policy in relation to meeting rental obligations and including rental arrears. Only urgent and essential works are to be carried out on the property.

Before a property is earmarked for demolition the following issues must be considered:

- The suitability of the land for future redevelopment
- Current condition of the property
- Any exceptional circumstances relating to the property
- Timeframe for redevelopment
- Type of redevelopment proposed and funding source
- Different procedures/timelines for vacant or occupied properties

Procedures for demolition as follows:

#### Vacant Properties

- Property identified for demolition by the Board Member
- Property condition report obtained by the Board Member from Office of Housing
- Decision made by Board Member to demolish property. Decision based on property condition report and Board Members own local knowledge
- Board Member advises Board at monthly meeting about decision to demolish. Decision is ratified by the Board and referred to Aboriginal Housing Services Unit, Department of Human Services for follow up
- Aboriginal Housing Services Unit, Department of Human Services arranges the formal process and approval for demolition via the Office of Housing

#### Occupied Properties

- Property identified for demolition by the Board Member
- Property condition report obtained by the Board Member from Office of Housing
- Decision made by Board Member to demolish property. Decision based on property condition report and Board Members own local knowledge
- Board Member determines the urgency of demolition using the property condition report
- Board Member or Aboriginal Housing Services Officer consults with the tenant about the possibility of property demolition Tenant may not want to relocate so upgrading may need to be carried out as an alternative
- Tenant to be offered opportunity for relocation if the demolition is urgent (ie health and safety reasons require property to be demolished)
- Board Member works out probable timelines ie tenant to be relocated as soon as possible or in following year and demolition to occur straight after
- Board Member advises Board at monthly meeting where decision to demolish is ratified and referred to Aboriginal Housing Services Unit, Department of Human Services
- Board Member or Aboriginal Housing Services Officer ensures that tenant is kept up to date about progress
- Aboriginal Housing Services Unit, Department of Human Services arranges the formal process and approval for demolition via the Office of Housing

## **5.22 Portable Sleepouts/Additional Rooms**

In general the program should try to solve house size problems through a transfer, by moving an existing portable sleepout, or other means. Provision of a new portable sleepout or additional rooms should only be considered as a last resort and if funds permit. Portable sleepouts, or added rooms will only be considered where there is a reasonable permanent need for an extra bedroom and if funds are available.

Aboriginal Housing Services Officers or Board Members must ensure that the tenant's request for a portable sleepout/additional room is genuine prior to seeking Aboriginal Housing Board approval.

In coming to a decision on whether a room should be added, or alternately whether a portable sleepout should be provided, consideration should be given to the families circumstances and ages of children, likely changes in family size, as well as design of the house and yard and possible over-capitalisation of the property.

Tenants must agree that the sleepout can be removed when no longer serving its original purpose.

Rent arrears do not prohibit the provision of a sleepout to a tenant, should circumstances warrant such and provided the tenant is making a consistent and reasonable attempt to pay rent and reduce arrears.

### **5.23 Change of Heating Type**

A tenant may request through the Aboriginal Housing Services Officer or Board Member a change of heating type. All such requests should be considered by the Board Member on the basis of the capital cost of changeover, the effect on the tenant's power bills, and taking account of the tenant's lifestyle, income, length of tenancy and likely length of tenancy. It is the responsibility of the Aboriginal Housing Services Officer or Board Member to ensure that the tenant's request for a change of heating type is genuine.

Existing heating cannot be removed and replaced if it is in good working order. Wood fuel heaters will not be provided to properties.

Changeover of heating type to occur as funds permit and only electric heating will be changed over automatically.

### **5.24 Carpet Removal Due to Allergy**

Where a tenant requests removal of carpet due to asthma or allergy, the tenant to provide a specialist report confirming:-

- an allergy test has been conducted and allergy to dust mites has been confirmed, and
- the allergic reaction is serious, and removal of carpet will significantly improve the allergic condition

Once such documentation is provided the Aboriginal Housing Services Officer to arrange carpet removal and either vinyl floor coverings or polished floor boards to be provided to the property.

## **SECTION 6**

### **LEGAL ACTION AGAINST ABORIGINAL TENANTS OF THE DEPARTMENT OF HUMAN SERVICES**

#### **6.1 Introduction**

Rent arrears result from a tenant failing to make their rental payment by the due date. There are many reasons why tenants are unable to make their rental payments (eg. excessive energy bills, sickness, funerals, drop in income, family problems, financial hardship, and over commitment, etc).

It is very important that personal contact is made with a tenant in arrears to determine what is the cause of the arrears and what can be done to assist the tenant to improve the situation.

The Aboriginal Housing Board implements a standard set of procedures across the state aimed at early intervention and assistance to tenants to prevent large arrears accruing.

The primary aim of the arrears recovery procedure is recovery/collection of unpaid rentals. The aim is not to evict tenants. Every attempt will be made to encourage and assist tenants to pay their rent and remain in their property. All tenants are expected to pay their rent and on time and where this does not occur, the Aboriginal Housing Board will take appropriate legal action in accordance with the following policies and procedures.

For the Victorian Aboriginal Rental Housing Program, as administered by the Department of Human Services, rental arrears are a serious issue because the less rental income received through Aboriginal Housing Program tenancies, the less funds available for Aboriginal Housing Program maintenance purposes.

The Aboriginal Housing Boards' rent collection policy is about prompt assistance, advice, action and early resolution because delays cause more rent owing and consequently greater difficulty for the tenant to maintain a stable rental account.

The Aboriginal Housing Board believes that an Aboriginal tenant's rental arrears is usually a symptom of other problems confronting the tenant. Therefore, the factors (as outlined in 6.1) that lead a tenant into rental arrears generally fall outside the scope of the Aboriginal Housing Board. It is imperative then that Aboriginal tenants in arrears be encouraged to seek assistance from either specialist statewide Aboriginal organisations, if required, or local Aboriginal community organisations or other non Aboriginal resources and services.

Rental arrears prevention or recovery action concerning any applicant or tenant of the Victorian Aboriginal Rental Housing Program will involve the following procedures.

#### **6.2 Prevention of Rental Arrears Begins During the Application-Allocation-Sign up Process**

The Aboriginal Housing Services Officer or Board Member will be expected to assist both applicants and tenants in understanding (a) their tenant rights and the Residential Tenancies Agreement; (b) their rental obligations; (c) the consequences of not meeting rental obligations; (d) the arrears process; (e) rental payment arrangements; (f) the need to seek assistance early; (g) local Aboriginal community resources/schemes/services available to tenants; and (h) immediate rental rebate application completion.

The involvement of Aboriginal organisations and groups during this process is particularly important and should include providing the same advice as outlined above through (a) direct individual contact with new applicants or tenants; and (b) local Aboriginal community education programs that emphasise preventative tenant rental arrears measures.

### **6.3 Initial Arrears**

The Aboriginal Housing Board realises, as does the Department of Human Services, that many circumstances lead to tenants falling behind with their payments and consequently every effort will be made to contact tenants and to encourage and assist tenants to pay their rental arrears thereby avoiding Department of Human Services eviction action.

Early identification of tenant rental arrears must occur and immediately a tenant falls into arrears the first reminder letter (attachment 1) is to be automatically forwarded by the Department of Human Services to the tenant.

If the tenant responds within 7 days and pays all rental arrears in full or makes a "Rental Arrears Agreement" (see iii), no further action is to be taken.

The tenant may not respond to the first reminder letter for whatever reason and if arrears continue to accumulate to an amount not less than two weeks rental the Aboriginal Housing Services Officer or Board Member must be immediately notified by the Department of Human Services.

Personal contact must be made with the tenant by the Aboriginal Housing Services Officer or Board Member or Department of Human Services Housing Officer for the purpose of (a) advising tenants about their arrears situation; (b) seeking information from tenants about reasons for being in arrears/identifying tenant problems; (c) whether any referrals need to be made; (d) completing a Rental Arrears Agreement with the tenant; and (e) advising tenants about possible Department of Human Services legal action.

### **6.4 Rental Arrears Agreements**

Rental Arrears Agreements (attachment 2) are agreements between the Department of Human Services and the tenant and must be used when the tenant is unable to pay rental arrears in a lump sum. At no time during this period should a tenant be put in a position of having to take out a loan or borrow money to clear arrears. Rental Arrears Agreements must ensure that arrears are paid in affordable installments. There is no set number of agreements for tenants of the Victorian Aboriginal Rental Housing Program, however, the Board Member is expected to ensure that tenants meet their rental obligations and rental arrears are not allowed to continually increase.

Clearly, tenants should not be allowed to get advance Social Security payments to pay lump sums which will lead to hardship later.

The Department of Human Services will only accept written agreements, as verbal or telephone agreements are easily forgotten. However, a personal letter from the defaulting tenant detailing the repayment he/she plans to make can be acceptable.

The agreement must be within the tenants financial means. A tenant may choose to involve a Financial Counsellor in helping to determine their capacity to pay. It is difficult and not all satisfactory to have a fixed formula for working out arrears payments. The tenant should be given the opportunity to work out what is manageable. The Financial

Counsellor in consultation with the tenant will work out what the "affordable" arrears instalments will be. The Financial Counsellor will take into account other debts, hire purchase commitments and general living expenses when determining the arrears repayment instalments.

The Aboriginal Housing Services Officer or Department of Human Services Housing Officer should try to assess why tenants have fallen into arrears and record this information (eg. hire purchase commitment, tenant recently involved in a car accident, unable to attend work, family problems, waiting on sickness benefits) on the tenants file.

Rental arrears agreements sought prior to a Notice to Vacate from tenants of Victorian Aboriginal Rental Housing Program properties must not exceed more than \$10 per week and any figure over this amount must be negotiated with the Aboriginal Housing Services Officer.

## **6.5 Monitoring of Rental Arrears Agreements**

The Department of Human Services is responsible for providing immediate advice to the Aboriginal Housing Services Officer or Board Member if a rental arrears agreement is not maintained and arrears commence to increase again. It is the Board Member's responsibility to decide what further action should be taken including whether any tenant family or local Aboriginal community organisation intervention and assistance is required.

A maximum of two home visits must be carried out prior to the commencement of legal action by the Department of Human Services.

If rental arrears continue to increase despite the two home visits the Board Member will be expected to approve a Notice to Vacate instructing the Department of Human Services to seek a Consent Order which is a Rental Arrears Agreement ratified by the Residential Tenancies Tribunal. Tenants to be urged to attend the Residential Tenancies Tribunal because non attendance will automatically result in the granting of an Order of Possession.

The Department of Human Services must have approval from the Board Member for the issue of a Notice to Vacate against any tenant of the Victorian Aboriginal Rental Housing Program via a Proforma (attachment 3). For Aboriginal tenants of the Department of Human Services general housing program a copy of the Notice to Vacate is to be provided to the Aboriginal Housing Services Officer.

In order for the Board Member to monitor on a regular basis all Aboriginal tenancies within their respective region, the Department of Human Services to provide a weekly computer print-out of Aboriginal householder details.

## **6.6 Notice to Vacate. The Commencement of Department of Human Services Legal Action Process**

The Notice to Vacate (attachment 4) officially commences legal action against the tenant. In terms of the legal requirement the tenant has only 14 days in which to respond. The Notice to Vacate is not an eviction order and the tenant does not have to vacate but it is the last opportunity in which to prevent more formal Department of Human Services eviction proceedings.

Once the Notice to Vacate is approved by the Board Member, the Aboriginal Housing Services Officer must verbally advise the tenant about their rights and options including the importance of attending the Residential Tenancies Tribunal hearing.

The Victorian Aboriginal Legal Service will be expected to provide legal advice and assistance when requested by the tenant.

### **6.7 The Residential Tenancies Tribunal-Dispute Resolution Process**

The Department of Human Services must apply for a Residential Tenancies Tribunal hearing when a Notice to Vacate is issued against any of its tenants.

The Residential Tenancies Tribunal which is independent from the Department of Human Services has the power under the Residential Tenancies Act, 1997 to hear and settle any dispute arising between a landlord and a tenant.

It is in the best interests of the tenant to attend a Residential Tenancies Tribunal hearing (with legal or other representation if so agreed) because of those cases taken before the Tribunal, many result in a Legal Agreement. A Legal Agreement stipulated by the Residential Tenancies Tribunal must be strictly adhered to by the tenant. If the Legal Agreement is not adhered to by the tenant the final Department of Human Services eviction process will commence unless there are exceptional circumstances such as severe hardship, illness or other acceptable reasons.

It is imperative that the tenant provide immediate advice to the Board Member or Aboriginal Housing Services Officer or the Department of Human Services about the reasons for defaulting on the Legal Agreement. It is also imperative that the Department notify the Board Member about any applications for a rehearing at the Residential Tenancies Tribunal for those tenants who default on a Legal Agreement.

### **6.8 Order of Possession - Final Department of Human Services Eviction Process**

The Order of Possession is only granted to the Department of Human Services by the Residential Tenancies Tribunal when the tenant has failed to make contact and has broken the Legal Agreement.

Once an Order of Possession is granted by the Residential Tenancies Tribunal the tenant has seven days in which to respond and enter into a Special Agreement arrangement. The Special Agreement arrangement is a lump sum payment made by the tenant and regular payment amount agreed to by the tenant which ensures that all rental arrears are paid in full within a period of six months. Failure to respond and enter into the Special Agreement arrangement will result in commencement of eviction proceedings against the tenant.

### **6.9 Request for Authorisation of an Eviction**

The Department of Human Services must provide to the Aboriginal Housing Board a completed copy of the "Request for Authorisation of An Eviction" (attachment 5) when it involves an Aboriginal tenant. Each "Request for Authorisation of An Eviction" must be tabled at an Aboriginal Housing Board Meeting.

## **SECTION 7**

# **VICTORIAN ABORIGINAL RENTAL HOUSING PROGRAM**

# **ACCOMMODATION STANDARDS**

### **7.1 Introduction**

The Victorian Aboriginal Rental Housing Program accommodation standards refers to the fixtures and fittings that will be provided to existing properties. All existing properties are to be upgraded to these standards as the opportunity arises and if it is economically feasible to do so ie consideration to be given to budgetary limitations, the extent of the upgrading, the expected serviceable life of the property after upgrading and the marginal benefit to be gained from upgrading compared to cost.

The following describes the Victorian Aboriginal Rental Housing Program Accommodation Standards as determined by the Aboriginal Housing Board.

### **7.2 Energy Standards/Safety**

- \*Warm/Cold areas as indicated on map (attachment 8)
- \*Heating-Gas heating properly positioned in living room, to be vented in older stock. One heater per property
- \*Insulation-to ceiling
- \*Pipe insulation-To properties in cold areas
- \*Draft extruders -To properties in cold areas
- \*Internal holland or vertical blinds to all windows
- \*Smoke detectors
- \*Electrical safety switches

### **7.3 Floor Coverings**

- \*carpet to all dry areas (Cleaning of carpet, including steam cleaning responsibility of tenant)
- \*carpet to bungalows
- \*vinyl sheeting to wet areas

### **7.4 Paint Standards**

- \*Washable and durable paint for both wet and dry areas. Gloss paint in wet areas and flat vinyl paint in dry areas. Neutral tones

### **7.5 Disabled/Frail Elderly**

- \*hand rails, ramps and other required aids for disabled and frail elderly

### **7.6 External**

- \*front, side, rear, wing fencing
- \*garden shed (made of steel, 8x10)
- \*cement pathways to all common used areas and steps
- \*rotary clothesline
- \*mailbox, clearly numbered
- \*garden taps and drains to front and back, taps fixed to walls
- \*concrete strips or gravel driveway
- \*side gate with latch

### **7.7 Entranceways**

- \*solid front door with deadlock
- \*rear door with deadlock, deadlock to any other access doors

- \*security door to front and rear entranceways
- \*porches to front and rear entranceways
- \*door locks to have changeable barrel

## **7.8 Windows**

- \*replace all louvre windows
- \*flywire screens to all windows
- \*solid locks, no key locks

## **7.9 Internal Areas**

- \*Standard DHS lighting
- \*Electrical-two powerpoints in main bedroom and one double outlet in other bedrooms
- \*Floor covering-as per policy
- \*Blinds-as per policy
- \*Inbuilt robes-only if already existing in property

## **7.10 Kitchen**

- \*cupboards-ensure cupboards are reachable or provide pantry
- \*benches
- \*stove-four burner gas stove
- \*splash backs
- \*sink
- \*exhaust fan
- \*lighting-not batten holder, fluorescent instead for kitchen
- \*minimum of three powerpoints
- \*taps-modern taps, separate hot/cold fixtures
- \*floor covering-as per policy
- \*tiling-provide to back of sink and stove
- \*blinds-as per policy

## **7.11 Living Areas**

### **-Meals Area**

- \*one double powerpoint
- \*vinyl floor covering
- \*lighting-single batten holder
- \*blinds-as per policy
- \*heating-as per policy

### **-Living Room**

- \*electrical outlets-minimum of two double powerpoints
- \*floor covering-as per policy
- \*lighting-single batten holder
- \*blinds-as per policy
- \*heating-as per policy

## **7.12 Bathroom**

- \*dual flush toilet, located in bathroom or located internally
- \*shower
- \*bathtub
- \*basin and vanity unit
- \*tiling or laminate

- \*floor covering-as per policy
- \*lighting-single batten holder
- \*electrical outlets-double powerpoint
- \*exhaust fan with separate switch
- \*medicine cabinet
- \*mirror
- \*towel rack
- \*taps
- \*blinds-only if required

### **7.13 Laundry**

- \*storage cupboard and sink
- \*taps
- \*floor covering-as per policy
- \*lighting-single batten holder
- \*electrical outlets-double powerpoint
- \*blinds-only if required

### **7.14 Internal Storage**

- \*one linen cupboard

### **7.15 Non Standard**

Non Standard refers to fittings and fixtures that are not provided to properties. However, where spot purchase properties include non standard items that the Board Member wishes to retain in the property an agreement can be made with the prospective tenant for such items to be donated to the prospective tenant. (see attachment 10)

Non standard items that are not provided to properties include the following:-

- Drapes
- Air conditioners
- Garage/carport
- Dishwasher
- External awnings
- TV aerial
- Telephone connection
- Wood fuel heater/additional heater
- Ceiling fans
- Alarms

**SECTION 8**  
**ATTACHMENTS**

- (1) Office of Housing,  
Department of Human Services-  
First Rental Arrears Reminder Letter
- (2) Office of Housing,  
Department of Human Services-  
Rental Arrears Agreement Form
- (3) Office of Housing,  
Department of Human Services-  
Notice to Vacate Proforma
- (4) Office of Housing,  
Department of Human Services-  
Notice to Vacate
- (5) Authorization of an Eviction
- (6) Legal Action Process Flow Chart
- (7) Map of Regions
- (8) Map of cool/warm areas
- (9) Confirmation of Aboriginal or Torres Strait Islander Descent form
- (10) Non Standard Items Agreement form
- (11) Office of Housing,  
Department of Human Services-  
Income eligibility information

## Income

**(from Office of Housing, Department of Human Services, Allocations Policy and Procedures Manual, November, 1998)**

Generally, applicants must have an independent income to be eligible for public housing and to be approved to the waiting list. An independent income is an income paid directly to the person for their use and which is not subject to a parental income or assets test.

Income eligibility is determined in line with Centrelink Rental Assistance criteria.

Income eligibility for public housing is determined by the receipt of at least one dollar of

- Centrelink pension/allowance,
- Veteran’s Affairs Service Pension or

Low income families with dependent children who are not receiving a Centrelink pension/allowance must be receiving at least one dollar more than the minimum rate of Family Allowance to be eligible for rental housing.

Eligibility for single applicants is determined by proof of income at or below \$286 per week.

This limit applies to all single applicants whether they are to be signed as a tenant or resident and any applicant who is to be signed as a tenant and is under 18 years of age.

Assessment for group households will be conducted on the basis of each household member’s entitlement to Centrelink Payments.

Household Type	Income Eligibility
Single Applicants & Singles Sharing	Receipt of at least \$1 of: <ul style="list-style-type: none"> <li>• Centrelink pension/allowance</li> <li>• Department of Veteran’s Affairs Service Pension*</li> <li>• Income under \$286 gross per week</li> </ul>
Couple Without dependents**	Receipt of at least \$1 of: <ul style="list-style-type: none"> <li>• Centrelink pension/allowance</li> <li>• Department of Veteran’s Affairs Service Pension</li> </ul>
Families (1 or 2 Parents) With dependents**	Receipt of at least \$1 more than: <ul style="list-style-type: none"> <li>• the minimum rate of family payment (formerly Basic Family payment)</li> <li>• Basic Parenting Allowance (ie at least \$1 of additional Parenting Allowance)</li> </ul>

\*Receipt of only Department of Veteran’s Affairs War Disability Pension or War Widow Pension does not meet eligibility requirements. These applicants would also need to be in receipt of at least \$1 of Department of Veteran’s Affairs Service Pension or Centrelink pension/allowance or Austudy.

\*\* Only one member of a couple needs to be receiving these incomes to be eligible

When an applicant is in receipt of a Community Development Employment Project (CDEP) payment the following applies:

<b>Household Type</b>	<b>Payment</b>	<b>Eligibility</b>
Single Applicants		Eligible
Couple, No children	A-CDEP B-Wages	Combined income limit of \$497.29*applies
Couple, No children	A-CDEP B-CDEP	Eligible
Couple, No children	A-CDEP B-Centrelink	Receipt of at least \$1 Centrelink income by one partner indicates eligibility
Couple, With children	All of the above	Receipt of \$1 or more of the minimum rate of Family payment indicates eligibility

\*based on income threshold (for a couple with no children) to be eligible to receive an income from Centrelink.

Income that is counted in assessing eligibility:

- Additional Family Payment for the first five children (formerly Child Related payments or Family Allowance supplement) and Guardians Allowance
- Australian Service Pension
- Base Centrelink pensions, benefits and Partners Allowance
- Defence Force Reserve payments
- Disability Support Pension
- Disability Wage Supplement
- Gross wages, including overtime, shift allowances and bonuses, before tax instalments, superannuation contributions and union fees are deducted (recreation leave loading and any one off or abnormal payments are also included)
- Gross income from investments and interest on savings (if not generating interest, deemed interest rate is used)
- Gross income from investments and interest on savings (if not generating interest, deemed interest rate is used)
- Gross income from funds or assets over \$10,000 gifted in any one year (interest is calculated using the deemed interest rate)
- Gross income received by Ministers of Religion
- Incentive Allowance
- Living Away from Home Allowance
- Maintenance Payments (includes in-kind payments unless recipient can show that these are discretionary, ie not in lieu of a cash payment)
- Mature Age Allowance
- Net profits (for self-employed tenants and residents)
- New Employment Incentive Scheme
- Orphan Pension (if recipient is 18 years or over)
- Overseas income including Overseas War Service or Veterans Pension
- Payments in kind (ie where goods or services are received in lieu of wages)
- Rent Assistance paid by Centrelink to residents and occupiers of Movable Units
- Sheltered workshop payments
- Superannuation payments
- Veterans Affairs Pensions including War Widows Pension and Additional payments for dependent children
- War Disability Pension up to the level of a Centrelink entitlement to benefit or pension
- Winnings
- Work Cover and other compensation payments
- Youth allowance, University grants and Bursaries

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