



Aboriginal
Housing
Office



Aboriginal Housing Office Eligibility for Services Policy



Document Approval

The AHO Eligibility for Services Policy has been endorsed and approved by the AHO Board and Chief Executive:

Famey Williams
Chief Executive

22 February 2024
Board approval date

Policy Description:

The NSW Aboriginal Housing Office (AHO) is dedicated to delivering housing solutions and outcomes for Aboriginal and/or Torres Strait Islander people living in NSW.

This policy is intended to advise Aboriginal Community Housing Providers (ACHPs), the Department of Communities and Justice – Housing (DCJ), Community Housing Providers (CHPs) and the public on what the AHO considers acceptable evidence to confirm a person's eligibility to access Aboriginal housing services and/or products.

To ensure that the AHO meets the object of the *Aboriginal Housing Act 1998* a person is required to provide evidence to confirm they are of Aboriginal and/or Torres Strait Islander descent, they identify as an Aboriginal person and are accepted in their community as an Aboriginal and/or Torres Strait Islander person. The AHO requires that anyone who seeks to access AHO housing services and/or products will need to provide evidence of their Aboriginality.

This policy is not intended as a way for a person to obtain confirmation of Aboriginality nor does the AHO provide confirmation of Aboriginality.

Aboriginal Housing Office Eligibility for Services Policy

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Terms and Definitions

The table below lists key terms and/or abbreviations used throughout this document.

Term	Abbreviation	Definition
Aboriginal person		A person who: <ul style="list-style-type: none"> • Is a member of the Aboriginal race of Australia, and • Identifies as an Aboriginal person, and • Is accepted by the Aboriginal community as an Aboriginal person.
Aboriginal Housing Office	AHO	NSW Aboriginal Housing Office is a <u>statutory authority</u> of the NSW Government that is responsible for the planning, development, delivery and evaluation of programs and services to support Aboriginal people in meeting their housing needs in the state of <u>New South Wales</u>
Aboriginal Community Housing Provider	ACHP	Aboriginal community housing providers are registered organisations that provide housing wholly or predominantly to Aboriginal people under Aboriginal community control. ACHPs may own their own properties and may also manage properties on behalf of the AHO or other organisations.
Community Housing Provider	CHP	Community housing providers offer secure, affordable rental housing for people on very low to moderate incomes, who have a housing need. CHPs manage properties they own, and/or that are owned by the government, and may also manage properties on behalf of various entities.
Confirmation of Aboriginality	CoA	Confirmation of Aboriginality is a document that confirms a person's Aboriginality.
Homes NSW Housing Services	Homes NSW Housing Services	Homes NSW, Housing Services provides a range of housing solutions for both the private rental market and public housing. Homes NSW, Housing Services works with service agency partners and individuals, to provide a range of housing solutions to meet the needs of today's community.
Local Aboriginal Land Council	LALC	Aboriginal Land Councils, land councils, or land and sea councils, are Australian community organisations, generally organised by region, that are commonly formed to represent the Indigenous Australians (both Aboriginal Australians and Torres Strait Island people) who occupied their particular region before the arrival of European settlers.
Registered Aboriginal Organisation	RAO	Registered Aboriginal Organisation is an independent, not-for-profit organisation that is controlled and operated by Aboriginal people. It is an entity that is registered with the Office of the Registrar of Indigenous Corporations. As stipulated under the <i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i> OR under the <i>Corporations Act 2001</i> OR the <i>Northern Territory Associations Act 2003</i> . For example, the following organisations are recognised as RAOs under this policy: <ul style="list-style-type: none"> • Stolen Generation Organisations • Aboriginal Medical Services • Aboriginal Community Controlled Organisations (ACCOs) AHO may update this list from time to time also contact AHO for more information.

Stolen Generations Organisation	SGO	<p>The Stolen Generations refers to a period in Australia's history where Aboriginal children were removed from their families through government policies. This happened from the mid-1800s to the 1970s. There are currently more than 17,000 Stolen Generations survivors in Australia. Over one-third of all Aboriginal and Torres Strait Islander people are their descendants. The children, grandchildren and future generations of the Stolen Generations may experience disconnection from their extended families and culture and have high levels of stress. This creates a cycle of trauma, known as Intergenerational Trauma, where the impact is passed from one generation to the next. Stolen Generations Organisations are ACCOs who represent Stolen Generations survivors and their descendants.</p>
Torres Strait Islander person		<p>A person who:</p> <ul style="list-style-type: none"> • Is a descendant of an Indigenous inhabitant of the Torres Strait area within the meaning of the Commonwealth Act, and • Identifies as a Torres Strait Islander person, and • Is accepted by the Torres Strait Islander community as a Torres Strait Islander person.



1. Purpose of Policy

1.1 Purpose

The purpose of this policy is to outline what documentation the NSW Aboriginal Housing Office (AHO) considers acceptable to substantiate an applicant's eligibility to access AHO housing services and/or products.

1.2 Background and Policy Links

The AHO is a government agency that provides culturally appropriate housing services and/or products specific to Aboriginal and/or Torres Strait Islander people residing in NSW. To be eligible to access AHO housing, services and/or products, an applicant must meet the criteria set out in this policy.

This policy should be read in conjunction with any relevant ACHP, Homes NSW Housing Services, and CHP policies and the following documents from the AHO website, which include but are not limited to:

- Housing Services Policy Framework
- Aboriginal Housing Eligibility Policy
- Aboriginal Housing Access Policy
- Services Our Way Policy Framework.

2. Scope

This policy will apply to Aboriginal and/or Torres Strait Islander applicants who seek to:

- access services provided by the AHO for Aboriginal and/or Torres Strait Islander people; and
- apply to lease or lease properties governed by a contractual agreement between the AHO and CHPs and ACHPs; and
- apply to lease or lease AHO-owned properties that are managed by other government departments.

This policy does not apply to:

- Aboriginal and/or Torres Strait Islander applicants who lease properties owned and/or managed independently of the AHO, by LALCs, ACHPs and CHPs.

3. Legislation and Compliance

The legislation that informs this policy includes:

- Aboriginal Housing Act 1998 (NSW)
- Aboriginal Land Rights Act 1983 (NSW)
- Residential Tenancies Act 2010 (NSW)
- Corporations (Aboriginal and Torres Strait Islander) Act 2006 (Cth)
- Community Housing Providers (Adoption of National Law) Act 2012 (NSW)
- Housing Act 2001.

Applicants applying to access AHO services are responsible for providing true and accurate information. If applicants have made a false or untrue statement for the purpose of accessing an AHO-specific service or accommodation, they may be refused further assistance, and/or if applicable be subject to legal penalties. The AHO reserves its rights to pursue applicants in the event of fraud and state the penalties for giving false information in a statutory declaration.

Penalties for False Statutory Declaration

The *Oaths Amendment Act 1996* states that if a Statutory Declaration is made to gain material benefit that the offence is dealt with by indictment the penalty is up to seven (7) years imprisonment. If dealt with summarily then the penalty is up to two (2) years imprisonment and/or a fine of 100 penalty units (\$11,000). If the offence is swearing a false declaration that does not involve material benefit, the penalty is up to 12 months' imprisonment and/or a fine of 50 penalty units (\$5,500).

4. Policy Statement

The AHO acknowledges that supplying evidence of confirmation of Aboriginality can be sensitive, personal and a political choice.

The AHO provides a wide range of housing services and/or products to Aboriginal and/or Torres Strait Islander people across NSW. To be eligible to access AHO's housing services and/or products applicants will need to provide evidence to confirm their eligibility for services as set out in this policy.

4.1 Eligibility to access AHO Aboriginal Services/Products

To be eligible to access AHO housing services and/or products applicants are required to provide evidence of their confirmation of Aboriginality. Confirmation of Aboriginality (CoA) is a document that verifies an applicant's Aboriginality and provided by one of the following organisations.

The AHO preferred evidence of confirmation of Aboriginality is:

- 1) a letter and/or membership from a Local Aboriginal Land Council (LALC), or
- 2) a letter from a Registered Aboriginal Organisation (RAO),
- 3) a letter from a Registered Stolen Generation Organisation (SGO), or
- 4) a letter from a Torres Strait Islander Organisation (TSIO) registered under the Australia Securities and Investments Commission (ASIC) or Office of the Registrar of Indigenous Corporations (ORIC).

The *Aboriginal Housing Act 1998 (NSW)*, defines an Aboriginal and/or a Torres Strait Islander person as:

Aboriginal person means a person who:

- is a member of the Aboriginal race of Australia, and
- identifies as an Aboriginal person, and
- is accepted by the Aboriginal community as an Aboriginal person.

Torres Strait Islander means a person who:

- is a descendant of an Indigenous inhabitant of the Torres Strait area within the meaning of the Commonwealth Act, and
- identifies as a Torres Strait Islander, and
- is accepted by the Torres Strait Islander community as a Torres Strait Islander.

4.2 Confirmation of Aboriginality LALCs, RAOs, SGOs and TISO Evidence

LALCs, RAOs, SGOs or TISOs registered under ORIC/ASIC can confirm Aboriginality (CoA) in situations where they offer this service. LALCs, RAOs, SGOs, or TISOs registered under ORIC/ASIC have their own processes for confirming Aboriginality. The below table outlines what evidence is deemed acceptable for applicants to access AHO housing services and/or product.

Evidence Type	Overview	Requirement
Confirmation of Aboriginality Letter/Membership from a LALC	A LALC may provide a letter to confirm a person's Aboriginality	<ul style="list-style-type: none"> • LALC letterhead, and • Signed and dated by the authorised representative of the organisation, and • Common Seal of the organisation (if used). • A copy of the motion from the board where possible.
Confirmation of Aboriginality Letter from an RAO or an Aboriginal-controlled organisation registered under ORIC/ASIC	A RAO may provide a letter to confirm a person's Aboriginality	<ul style="list-style-type: none"> • Organisation's letterhead, and • Signed and dated by the authorised representative of the organisation, and • Common Seal of the organisation (if used).
Stolen Generations Organisation (SGO)	The SGO may provide a letter to confirm a person is accepted by the SGO	<ul style="list-style-type: none"> • The letter must state that the person is known and accepted by the SGO as a Stolen Generations survivor or descendant. • Organisation's letterhead, and • Signed and dated by the authorised representative of the organisation. • Common Seal of the organisation (if used).
Confirmation of Torres Strait Islander from a Torres Strait Islander Organisation (TSIO)	Letter to confirm a person's is Torres Strait Islander and is accepted as a Torres Strait Islander	<ul style="list-style-type: none"> • Organisation letterhead, and • Signed and dated by the authorised representative of the organisation, and • a copy of their lineage to their Torres Strait region, the community they are connected to and bloodline connection. • Common seal of the organisation (if used)

4.3 AHO Eligibility for Services Statutory Declaration Form and Evidence of Aboriginality

If applicants have been unable to provide the preferred evidence of CoA to be eligible to access Aboriginal housing service and/or products, an AHO Eligibility for Services Statutory Declaration Form with supporting documentation can be considered. An AHO Eligibility for Services Statutory Declaration Form is to be used as a last option and should only be considered when applicants can prove that they have attempted and been unsuccessful in obtaining their confirmation from either a LALC, RAO, SGO or TSIO.

An AHO Eligibility for Services Statutory Declaration Form must include the following information:

- details of the applicant's Aboriginal family and kinship connection i.e., names and (Country) where they are from and/or what they are doing/have done regarding finding their family details/history, and
- a statement that the applicant identifies as an Aboriginal person and/or a Torres Strait Islander person, and
- an explanation as to why CoA has not been provided by either a LALC, RAO, SGO, or TSIO registered under ORIC/ASIC and what steps the applicant is taking to resolve the matter, and
- letters of support from:
 - an Aboriginal community member and/or an Aboriginal organisation (on the organisation's

- letterhead) that the person is known to and receive Aboriginal-specific services from, or
- an Aboriginal organisation where they are known to and receive Aboriginal-specific services from, or
- a government department where they access and receive Aboriginal-specific services – for persons leaving Out-of-Home Care only.

An AHO Eligibility for Services Statutory Declaration Form alone, only satisfies one part of the criteria for Aboriginality under the *Aboriginal Housing Act 1998 (NSW)*, that the applicant *identifies as an Aboriginal or Torres Strait Islander person*. It must be accompanied by other supporting documentation that confirms the applicant:

- is a member of the Aboriginal and/or Torres Strait Islander race of Australia; and
- is accepted by the Aboriginal and/or Torres Strait Islander community as an Aboriginal person.

Applicants will be ineligible to access AHO housing services and/or products if they do not provide supporting documents as outlined above.

- In situations where applicants are, or have been, unable to supply the required supporting evidence it is the responsibility of the assessing organisation to:
- advise the applicant in writing why the evidence supplied is insufficient at this stage, and
- if necessary, inform the applicant what reasonable steps could/should be taken to obtain the correct documents, and
- where applicable seek advice from the respective AHO Regional Relationship Manager or policy team.

4.4 Extenuating circumstances to confirming Eligibility for Services

The AHO recognises that there may be extenuating circumstances or disruptive life events that may prevent applicants from obtaining the necessary supporting evidence to confirm their eligibility for services.

In situations where applicants are fleeing domestic and/or family violence, natural disasters, exiting gaol or out-of-home care (within the last 6 months) or institutional care facilities. An AHO Extenuating Circumstances Statutory Declaration Form can be accepted without supporting evidence to enter short-term accommodation programs such as Safe, Transitional and Exit Housing or Services Our Way for episodic assistance.

In such circumstances, it is expected:

- that whilst the applicant is utilising short-term AHO programs, they will need to demonstrate that they have attempted to obtain their CoA within the first six (6) months, and
- that the managing provider (Homes NSW, Housing Services, ACHP or CHP), support services and the AHO will guide the applicant in obtaining their supporting documents.

Extenuating circumstances of accepting an AHO Statutory Declaration without supporting evidence does not extend to persons seeking to be housed in AHO social and/or affordable housing properties, Home Buyer Booster Grant, or Deadly Deposit Grant.

4.5 Existing or Former Tenants

As of 17 June 2024, existing tenants of AHO properties will not be required to prove or re-confirm their Aboriginality because of a change in policy or a change in the managing provider.

Former tenants who make a new application for AHO housing products and/or services will not be required to provide evidence of their Aboriginality if there is recorded evidence to confirm they have already done



so, and it has previously been accepted. In situations where the evidence cannot be sourced by the managing provider, the former tenant will be required to meet the AHO Eligibility for Services policy.

4.6 New Applicants

Applicants requesting access to an AHO-owned or managed property, or other AHO housing services and/or products, including those who are currently on the NSW Housing Register will be required to provide evidence of Aboriginality to be eligible for AHO housing services and/or products.

5. Appeals

Applicants who wish to appeal the outcome of their eligibility assessment under this policy should in the first instance contact their housing provider. ACHPs, DCJ and CHPs must have appropriate processes in place to manage complaints and appeals. Complaints and appeals must be consistent with this policy and the AHO Eligibility for Aboriginal Services Provider Guidelines.

6. Monitoring, evaluation, and review

This policy will be reviewed and updated to reflect any significant:

- legislative change, or
- organisational change.

7. Roles and Responsibilities

The roles and responsibilities for implementing this policy are as follows

- ACHPs, Homes NSW, Housing Services and CHPs, under a contractual agreement with the AHO, are responsible for ensuring this policy is adhered to and that their own policy documents are consistent with the policy set by the AHO.
- The AHO Director Housing and Client Services is responsible for ensuring that this policy is being adhered to by contracted providers.
- The AHO Director Policy and Evidence is responsible for maintaining the currency of this policy within the AHO Housing Policy framework.

8. Support and Advice

Support and advice about this policy can be obtained from the:

- AHO Policy and Evidence Team
 - Email: Policy@aho.nsw.gov.au
- AHO Regional Offices and Regional Relationship Managers
 - Sydney South East - email SSE@aho.nsw.gov.au
 - Northern - email Northern@aho.nsw.gov.au
 - Western - email Western@aho.nsw.gov.au

T: 02 88369444
E: enquiries@aho.nsw.gov.au
W: www.aho.nsw.gov.au

Office hours:
Monday to Friday
9:00am to 5:00pm





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