



NSW ABORIGINAL COMMUNITY HOUSING INDUSTRY ASSOCIATION

NSW Aboriginal Community Housing Industry Association (ACHIA) Charter

This Charter is a policy of the Board of Community Housing Industry Association NSW (CHIA NSW)

It is adopted to as a part of CHIA NSW's commitment to supporting the establishment of the Aboriginal Community Housing Industry Association (ACHIA) as the peak body for Aboriginal Community Housing Providers in NSW.

CHIA NSW recognises that housing justice for Aboriginal people remains unfinished business. CHIA NSW, along with its counterparts in the housing sector, has adopted the following statement of apology and commitment to Aboriginal and Torres Strait Islander people:

As organisations committed to strengthening communities through improving housing outcomes, we believe it is vital that we build constructive working relationships with Aboriginal and Torres Strait Islander people based on the recognition of and respect for the Indigenous cultures of this country.

We understand that recognition of and respect for the Indigenous cultures of this country must include coming to terms with a history marked by dispossession of Aboriginal and Torres Strait Islander people from their land and the forced removal of their children.

We believe that the dispossession of Aboriginal and Torres Strait Islander people must be addressed as a matter of justice and we support all efforts that aim to meaningfully resolve rights to the land of Aboriginal Peoples and Torres Strait Islanders.

We recognise that the policy of forced removal sought to assimilate the children of Aboriginal and Torres Strait Islander people so that they would cease to exist as the Indigenous people of this country with their own distinct culture and history. We agree that assimilation policies are wrong and all people have the right to be proud of their cultural heritage and to continue their cultural practices and beliefs.

We acknowledge the finding of Human Rights and Equal Opportunity Commission report, Bringing Them Home, that the forced removal of children permanently traumatised individuals and families.

We acknowledge the Human Rights and Equal Opportunity Commission and the National Report of the Royal Commission Into Aboriginal Deaths in Custody finding that childhood separation of those deceased was largely a result of 'care and protection' orders made in response to housing conditions. The National Report makes it clear that the lack of facilities available to Aboriginal and Torres Strait Islander people in the places where they live has been both a direct and indirect cause of ill health and that this, in turn, has been used to justify racially discriminatory policies of assimilation.

We recognise that inappropriate housing and infrastructure policies and programs have significantly contributed to the severe disadvantages suffered by Aboriginal and Torres Strait Islander people today.

We believe that all government and non-government organisations must commit themselves to a reconciliation process that ensures a united Australia.

We agree to commit ourselves to the reconciliation process by seeking advice from and working with Indigenous organisations in their struggle for better health and housing outcomes. We agree with the principles of empowerment, self-determination and self-management by Aboriginal and Torres Strait Islander people and to their fundamental right to appropriate housing and better health outcomes under terms within their control.

We agree that to address the present we must actively and sincerely commit ourselves to addressing our collective past and its ongoing impact. We cannot move forward unless the wounds of the past are healed. We recognise that meeting the housing and other needs of the Stolen Generation is essential to repairing some of the consequences of that past.

We therefore unreservedly and with open hearts apologise to Aboriginal and Torres Strait Islander people for the pain and suffering caused and we look forward to working with Aboriginal and Torres Strait Islander people and collectively contributing to a united Australia where justice and equity prevails for all peoples.

CHIA NSW has supported the work of an interim committee of representatives of Aboriginal Community Housing Providers to explore the establishment of an industry body to represent their interests and that of their communities in NSW.

At this early stage in ACHIA's development, CHIA NSW has offered to Aboriginal Community Housing Providers in NSW (many of whom are also members of CHIA NSW) to provide the auspices for the establishment of ACHIA. To do this, CHIA NSW will support the work and purposes of ACHIA, overseen by the ACHIA Committee.

The Board of CHIA NSW wishes to make it clear that NSWHA does not have any interest of its own in retaining this role in the long-term. CHIA NSW will fully support moves to further promote the independence of ACHIA (for example, by establishing ACHIA as a separate legal entity) when this is desired by ACHIA's affiliates.

Purpose of ACHIA

The purpose of ACHIA is to be the industry body for Aboriginal Community Housing Providers in NSW and in doing so, to:

- promote the human rights of all Aboriginal people in NSW to decent, affordable and secure housing;
- promote the right of all Aboriginal people to self-determination, including the right to choose a culturally appropriate social landlord;
- develop and support public policy which promotes a more just housing system for Aboriginal people in NSW;
- in partnership with counterpart organisations across Australia, develop and promote policy at a national level for housing justice and self-determination for Aboriginal people;
- support the development of best practice in the provision of housing for Aboriginal people by encouraging networking and collaboration between Aboriginal Community Housing Providers; and
- support the provision of culturally appropriate housing by mainstream community housing providers.

Affiliates of ACHIA

An entity that is an Aboriginal Community Housing Provider can apply to the ACHIA Committee to become an affiliate of ACHIA.

The ACHIA Committee will recognise an entity as an affiliate of ACHIA if it:

- supports the aims of ACHIA as set out in this Charter;
- meets the criteria to be an Aboriginal Community Housing Provider; and
- pays an annual subscription fee (if any) set by the ACHIA Committee.

The ACHIA Committee may review the status of an entity as an affiliate of ACHIA if the Committee determines that:

- the entity no longer meets the criteria set out above; or

- the entity has acted persistently and wilfully in a manner prejudicial to the interests of ACHIA.

CHIA NSW will offer to all affiliates of ACHIA, associate membership of CHIA NSW, for no additional fee. Aboriginal Community Housing Providers may also apply to become full members of CHIA NSW under the normal membership criteria of CHIA NSW, but this is not necessary in order for an entity to become an affiliate of ACHIA.

An Aboriginal Community Housing Provider is an entity which as a part of its activities provides housing wholly or predominantly to Aboriginal people and which is under Aboriginal community control. These may be entities registered under:

- the National Regulatory System for Community Housing (NRSCH);
- the Provider Assessment Registration System (PARS) operated by the Aboriginal Housing Office; or
- the Social Housing Assessment and Provider Evaluation (SHAPE) system operated by the NSW Aboriginal Land Council (NSWALC) under the Aboriginal Land Rights Act.

Composition of ACHIA Committee

The initial ACHIA Committee will comprise the members of the initial working party.

Members of the ACHIA Committee will be chosen in a process which aligns with the annual CHIA NSW elections (with the first to occur in December 2018). The process for choosing board members will be determined by the ACHIA Committee, with the intent to ensure that the ACHIA Committee:

- is broadly representative of Aboriginal Community Housing Providers in NSW;
- contains an appropriate mix of skills in order to carry out its functions; and
- comprises at least [6] and no more than [9] members.

All members of the ACHIA Committee must be Aboriginal. A majority should be employed or engaged by an Aboriginal Community Housing Provider that is an affiliate of ACHIA.

A person ceases to be a member of the ACHIA Committee if the person:

- is or becomes an insolvent under administration within the meaning of the Corporations Act 2001 (Cwlth); or
- ceases to be involved in the work of Aboriginal Community Housing Providers; or
- resigns office by notice in writing given to the Chair of the Committee; or
- is removed from office by a resolution of the ACHIA Committee or the Board of CHIA NSW, where the person has the potential to bring ACHIA or CHIA NSW into disrepute; or
- becomes a mentally incapacitated person; or
- is absent without the consent of the ACHIA Committee from 3 consecutive meetings; or
- is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than 3 months; or

- is prohibited from being a director of a company under Part 2D.6 (Disqualification from managing corporations) of the Corporations Act 2001 (Cwlth); or
- is disqualified, suspended or removed as a board member by the ACNC Commissioner under Division 100 of the Australian Charities and Not-for-profits Commission Act 2012 (Cwlth).

Role of ACHIA Committee

The ACHIA Committee is responsible for overseeing the work of ACHIA, including:

- developing a strategic plan for ACHIA in collaboration with stakeholders which seeks to advance the purposes of ACHIA;
- stakeholder management, including ensuring that there is regular and appropriate communication with ACHIA affiliates, tenants, the wider Aboriginal community and other stakeholders;
- developing and approving all policy positions of ACHIA;
- developing and overseeing a strategy to influence and shape policy at a local, state and national level;
- securing (and approving the terms of) funding from government that supports the work of ACHIA;
- developing and overseeing a work plan for the ACHIA Committee and any people who are engaged to carry out the work of ACHIA; and
- providing advice and input to the work of CHIA NSW more broadly so that:
 - policy developed for the community housing section in NSW is inclusive of Aboriginal people; and
 - mainstream community housing providers in NSW deliver housing in an inclusive and culturally appropriate way; and
- reviewing and setting the ongoing governance of ACHIA, including considering any proposed changes to its legal form or governing instruments.

Meetings of the ACHIA Committee

Meetings of the ACHIA Committee will be held at least once every two months and more often if desired by the ACHIA Committee.

The ACHIA Committee will be presided by a Chair who is a member of the Committee appointed from amongst the members of the Committee. If the Chair is not present at a meeting then the Committee may appoint another person to act as Chair.

The agenda for meetings of the ACHIA Committee will be set by the Chair in collaboration with any relevant staff. Members of the Committee can seek to add items to the agenda through the Chair.

A quorum for meetings of the ACHIA Committee will be one half of its members, rounded down to the nearest whole number.

The ACHIA Committee will strive to reach consensus wherever possible. If a vote on a proposed motion is required, decisions will be made by majority, with each member of the Committee casting one vote. If the votes for and against a motion are equal, the motion will be decided in the negative and the Chair will not have a casting vote.

In all other respects, and unless the ACHIA Committee otherwise provides, the proceedings of the ACHIA Committee are to be guided by the policies of CHIA NSW.

Role of CHIA NSW

As the legal entity under which ACHIA operates, CHIA NSW has a role to:

- hold the benefit of any funding which is provided to support ACHIA;
- engage any staff or other resources which are required to support the work of ACHIA.

CHIA NSW will hold funds for ACHIA in a separate bank account and provide the ACHIA Committee with accurate financial and other information that demonstrates that funding received is being expended in accordance with the work plan developed by the ACHIA Committee.

CHIA NSW is committed to supporting the aims of ACHIA and will provide as much of its own resources as it can to support the goals of ACHIA and the work of the ACHIA Committee. CHIA NSW will provide secretariat support to the ACHIA Committee.

To provide for continuity of Aboriginal participation in the wider organisation, CHIA NSW will endeavour, within the scope of its election process, to ensure that at least one member of the ACHIA Committee is also a member of the CHIA NSW Board. Where this is not possible, the Board of CHIA NSW will permit the Chair of the ACHIA Committee to be present and speak at CHIA NSW Board meetings on a regular basis.

Consistent with its commitment to self-determination, the Board of CHIA NSW will respect the decisions and priorities of the ACHIA Committee. The CHIA NSW Board will only act contrary to the decisions of the ACHIA Committee where strictly necessary, for example to ensure that CHIA NSW and the Board comply with their legal obligations or to protect the reputation or integrity of CHIA NSW. The CHIA NSW Board believes that any such instances should be minimal and resolved wherever possible through negotiations in good faith and reflecting the spirit in which this Charter is adopted.

Adoption and review

The Charter was adopted by the CHIA NSW Board on 15th June 2018.

The Board of CHIA NSW commits to ongoing review and evaluation of this Charter in collaboration with the ACHIA Committee and Affiliates of ACHIA, consistent with its commitments under this Charter. It will formally review this Charter in consultation with stakeholders within two years after it is adopted.