



**LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY**

**Public Accounts Committee**

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**REPORT ON  
REPAIRS AND MAINTENANCE  
OF HOUSING ON TOWN CAMPS**

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## Chair's Preface

Housing on Aboriginal town camps has long been an issue in the Northern Territory both in terms of the condition of the houses as well as the critical housing shortage. This inquiry was initiated in response to growing concerns, particularly in the Alice Springs region, about the timeliness of repairs and maintenance of houses on town camps and the long periods where houses sat vacant due to delays in repairing them.

Access to adequate housing is a fundamental human right enshrined by Article 25 of the Universal Declaration of Human Rights. Unfortunately, Aboriginal people are often at a significant disadvantage in relation to housing rights as well as many other human rights. Homelessness, overcrowding and the poor condition of housing can impact on so many areas of a person's life. It can lead to poor physical and mental health, reduce childhood development and affect educational outcomes. A person's physical, social and economic wellbeing is inextricably linked to their access to adequate housing and the Government has a responsibility for improving the housing and living conditions of all people including those living in town camps.

The Committee investigated the two housing models that operate in town camps across the Territory and found both of them to be wanting. The Department of Housing has full responsibility for the houses in Alice Springs and Tennant Creek. The Committee found that the model of contracting third parties to deliver housing services has been disjointed, confusing for tenants and contractors, inefficient and failed to meet the needs of the tenants. The attempts to implement a public housing model simply have not worked.

Much of the Committee's analysis of the Department of Housing's model was focussed on the Alice Springs Town Camps. Alice Springs has the greatest concentration of town camps of any of the urban centres in Australia with approximately 40% of the Territory's town camps located in and around the area. The Northern Territory Government is responsible for these houses through the Alice Springs Subleases and Housing Management Agreements. In exchange for entering into 40 year subleases with the Government, over 80 new houses were constructed on the town camps, the majority of the existing houses received refurbishments and improvements were made to the infrastructure. However, the current condition of some of the houses is poor and the Government has not fulfilled all of its obligations to Aboriginal Housing Associations and town camps tenants as outlined in the subleases and agreements.

The second housing model that exists in the remainder of town camps is more in line with a community housing model. The Department of Local Government and Community Services provides a contribution only to housing repairs and maintenance through grant funding. The Committee found that this model is far from perfect as well. There is confusion about the roles and responsibilities of the tenants and Aboriginal Housing Associations that are the leaseholders of the town camps and this may be impacting on the standard of housing and compliance with legal obligations.

During the course of the inquiry, the Government announced that it would commission a comprehensive independent review into the housing and administration of all town

camp in the Territory. Based on the timing of the announcement, it would appear that the Committee's inquiry was a catalyst for the announcement of the review. The work that has been undertaken by this Committee in identifying some of the fundamental issues related to town camp housing and the Committee's findings should help inform both the independent reviewer and the Government of the issues that are in desperate need of attention.

The issue of housing on town camps appears to have fallen into the 'too hard basket' for both the Commonwealth and Northern Territory Governments. This is not good enough. There are many complexities associated with Aboriginal housing, both in town camps and remote areas. But these complexities cannot be used as an excuse to ignore the poor condition of existing houses and the critical housing shortage which has led to overcrowding and homelessness. It is time for the Government to make a serious commitment, and follow through on that commitment, to improving housing outcomes for the residents of town camps.



**Mrs Robyn Lambley MLA**

**Chair**

## Committee Members

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	Sessional	Northern Territory's Energy Future.
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## Acknowledgments

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## Acronyms and Abbreviations

ADF	Aboriginal Development Foundation
AHA	Aboriginal Housing Association
ALRA	Aboriginal Land Rights (Northern Territory) Act 1976
ASTP	Alice Springs Transformation Plan
CAAHC	Central Australian Affordable Housing Company
CAALAS	Central Australian Aboriginal Legal Aid Service
CLA	Community Living Area
EDTL	Executive Director of Township Leasing
HMA	Housing Management Agreement
HMO	Housing Maintenance Officer
HMP	Housing Maintenance Program
ICHO	Indigenous Community Housing Organisations
Julalikari	Julalikari Council Aboriginal Corporation
NPARIH	National Partnership Agreement on Remote Indigenous Housing
NAAJA	North Australian Aboriginal Justice Agency
NTCAT	Northern Territory Civil Appeals Tribunal
MOU	Memorandum of Understanding
NTER	Northern Territory Emergency Response
RTA	Residential Tenancies Act
SIHIP	Strategic Indigenous Housing and Infrastructure Program
Yilli Housing	Yilli Rreung Housing Aboriginal Corporation
Zodiac	Zodiac Business Services

## **Terms of Reference**

On 16 February 2016, the Public Accounts Committee resolved:

To inquire into and report on the repairs and maintenance of housing on town camps in the Northern Territory, with particular regard to:

- a) Timeliness of completing repairs;
- b) Costs of repairs; and
- c) Consistency, accessibility and efficiency of administrative arrangements.

## Executive Summary

The Committee initiated this inquiry in February in response to growing concerns about the condition of housing on town camps and repairs and maintenance not being completed within a reasonable period of time which, in some instances, has resulted in houses remaining vacant for a significant period. The Committee understood from the outset that there would not be sufficient time to undertake a full and rigorous inquiry. However, the Committee considered there would be merit in conducting a preliminary inquiry to identify key issues that warranted further investigation. This assessment was affirmed during the inquiry when the Government announced it would commission a comprehensive independent review of the administration of all town camps in the Territory.

At the time of reporting, the Department of Local Government and Community Services had called for expressions of interest to conduct that review for finalisation by December 2016.

During the inquiry it became apparent to the Committee that while the history and management of town camps is riddled with complexities, there are issues associated with town camp housing that are in desperate need of attention and cannot continue to be overlooked. Housing is fundamental to a person's physical, social and economic wellbeing so this is not a matter that can be deferred. However, it is going to need a strong and sustained commitment by government to address these issues.

There are two distinct town camp housing systems in operation in the Northern Territory which are characterised by their funding models and administrative arrangements. The Department of Housing provides funding for complete housing management services in Alice Springs and Tennant Creek and has full administrative responsibility for them. The remaining town camps across the Territory receive grant funding from the Department of Local Government and Community Services and the Government has no direct administrative responsibility for these town camps. The different housing models that have evolved are directly linked to land tenure arrangements and a discussion of town camp housing cannot be separated from the wider issue of land tenure.

The public housing model, administered by the Department of Housing in Alice Springs and Tennant Creek, delivers housing management services through contracted third party providers. The Government's responsibilities flow directly from the sublease arrangements in place with the Aboriginal Housing Associations who are the underlying leaseholders.

Housing management services were initially provided through a single organisation however in the second and third contract periods, the core functions of tenancy management and property (repairs and maintenance) management were separated. The Committee found that the processes established by the Department of Housing, particularly during the second contract period, were disjointed, confusing for tenants and contractors, inefficient and unresponsive to the needs of the tenants. While the Department has made significant improvements under the current contract model

which commenced in February, the system will need to be monitored to ensure that it can be easily navigated by tenants; is delivered in a culturally appropriate manner and that repairs are undertaken in an efficient and timely manner.

The Department of Housing has a number of obligations contained within the Alice Springs Subleases and Housing Management Agreements, which underpin the Department's responsibilities as the Housing Authority on these town camps. It became evident to the Committee that the Department of Housing has failed to meet a number of their obligations in respect to the Alice Springs Town Camps. The Department is required to commission an independent review of housing and infrastructure on the town camps on a three yearly basis. In 2014 the Department made a commitment to commence a review however it has failed to deliver on this commitment. The Department has alluded that this obligation will be met through the independent review of all town camps in the Territory. If this is the case, the Department will need to ensure that the review meets the requirements outlined in the subleases.

The Housing Management Agreements appoint the Department of Housing as the Housing Authority on the Alice Springs Town Camps. The initial agreements were for a period of three years and the Department has failed to negotiate new long term agreements with the Executive Director of Township Leasing. As such, the original agreements continue on a month to month basis which means that tenancy agreements can only exist on a month to month basis. It has been suggested that the absence of a long term agreement has restricted major capital works being undertaken however the Department has refuted this. The Government should review this issue as a priority to provide more certainty around the provision of housing on Alice Springs Town Camps.

The Housing Management Agreements also require the Department of Housing to maintain, repair or replace houses in Alice Springs. The Committee found that the Department has been tardy in meeting this obligation in regards to a number houses that have major structural damage and have been sitting vacant for several years. The Department informed the Committee that it is now assessing these houses.

The remaining town camps across the Territory receive grant funding from the Department of Local Government and Community Services. The town camps are under perpetual special purpose or crown leases that are generally held by Aboriginal Housing Associations. The grant funding is a contribution only to repairs and maintenance of the houses and there is an expectation that leaseholders and tenants will also contribute to the upkeep of the houses. In the majority of instances, the funding is provided to third party organisations that deliver housing repairs and maintenance services on the town camps. These service providers often have little involvement with the Aboriginal Housing Association that is the leaseholder.

There is confusion surrounding the roles and responsibilities of tenants and leaseholders, which casts doubt on the legal obligations and protections normally afforded to landlords and tenants under the *Residential Tenancies Act* (NT). It is vital that both tenants and leaseholders have a clear understanding of their rights and responsibilities and the Government should assist with providing this clarity.

The evidence presented to the Committee suggests that the governance of Aboriginal Housing Associations varies greatly across the Territory. Effective governance is necessary to ensure members of the associations and those who rely on its services are able to contribute and, where necessary, assert their rights. The Aboriginal Housing Associations are subject to minimal governance requirements and the Committee recommends that the Department of Local Government and Community Services should assure itself of the adequacy of the Associations' governance and consult with relevant administering bodies to ensure appropriate standards are maintained.

The Committee identified notable inconsistencies in the funding and administration of town camps which is directly linked to land tenure arrangements. These arrangements are the product of the local history, Commonwealth and Northern Territory legislation and policy, and decisions made by Aboriginal Housing Associations to vary land tenure. While some Aboriginal Housing Associations have been offered financial incentives to increase and improve housing in exchange for the government gaining secure land tenure over the camps, other Aboriginal Housing Associations, and therefore town camps, have received little in terms of government investment in capital works.

The Committee acknowledges that there are many factors that contribute to the complexities associated with housing on town camps and ensuring that the houses are maintained to an acceptable standard. The Committee trusts that the independent review into town camps will take into consideration the findings of this preliminary inquiry to help inform the Government on the issues that need to be addressed to see an improvement in housing outcomes for town camps.

## **Findings & Recommendations**

### **Finding & Recommendation 1**

The system for managing repairs and maintenance requests has been unsatisfactory in the past and the new system needs to be monitored and reviewed to ensure adequate responsiveness, efficiency and accountability.

### **Finding & Recommendation 2**

The separation between the tenancy manager and the property manager has caused inefficiencies and communication problems and consideration should be given to combining these functions.

### **Finding & Recommendation 3**

The time taken to repair vacant houses has been excessive and the management of vacant housing needs to be reviewed to improve turnover.

### **Finding & Recommendation 4**

The policies and processes for managing tenant related damage should be clearer and any belief that damage is the tenant's responsibility should be well founded, clearly communicated and appropriately managed.

### **Finding & Recommendation 5**

The failure to conduct any three yearly housing and infrastructure reviews over six years is without excuse, a failure of the Department to meet its obligations and should be adequately addressed as a matter of priority.

### **Finding & Recommendation 6**

It appears that the Department has been tardy in its obligation to maintain housing and infrastructure and this should be addressed as a matter of priority.

### **Finding & Recommendation 7**

The failure to enter new housing management agreements three years after their initial expiry is unacceptable and should be addressed as soon as possible, taking into account the current review.

### **Finding & Recommendation 8**

The Department's failure to meet the above obligations for an extended period under the Housing Management Agreements suggest that it is not adequately managing town camps.

### **Finding & Recommendation 9**

The Department has had a repeated turnover of leadership which must have added to the challenges of managing town camps. The Government needs to work towards a greater level of consistency of strategic direction and the Department needs effective strategies to manage its high level of internal change.

**Finding & Recommendation 10**

The application of the public housing model to town camps has not yet proved effective and consideration should be given to taking a community housing approach.

**Finding & Recommendation 11**

There needs to be greater clarity of the rights and responsibilities of tenants and landlords on town camps, and the identity of the tenant and landlord, so both tenants and landlords can assert their rights and fulfil their responsibilities.

**Finding & Recommendation 12**

Aboriginal Housing Associations need effective governance to allow participation of their members and the assertion of rights by tenants. The Department of Local Government and Community Services, either through the review of town camps or otherwise, should inquire into the adequacy of governance arrangements of AHAs and consult with the relevant administering body to ensure appropriate standards are maintained.

**Finding & Recommendation 13**

The different forms of land tenure and funding models for town camps across the Territory adds to the complexity of administering town camps. Government policy regarding administering town camps and management of land tenure should be reviewed with a view to simplifying policies and promoting consistency, having regard to the rights and needs of residents and landholders.

**Finding & Recommendation 14**

The Northern Territory Government needs to make a serious and sustained commitment to addressing the problems with housing on town camps to bring about an acceptable level of improvement. To this end, the Government should make public the findings of the forthcoming inquiry, commit to the actions it will take in response, and report regularly on the implementation of those commitments.

**Finding & Recommendation 15**

The Public Accounts Committee in the 13<sup>th</sup> Assembly should monitor the implementation of these recommendations and of the Government's response to the review of town camps.

# 1 Background

- 1.1 The Committee commenced this inquiry due to growing concerns about the state of housing on town camps across the Northern Territory and the cost, timeliness and quality of repairs and maintenance. The Committee understood that the time constraints due to the general election in August 2016 would prohibit the Committee from conducting a full and rigorous inquiry. What the Committee has sought to do is identify a number of key issues that warrant further investigation and review to improve the state of housing on town camps.
- 1.2 This inquiry has arguably spurred the Northern Territory Government into announcing a comprehensive independent review of town camps in the Northern Territory. The Committee welcomes that review as it will provide an opportunity for a more full examination of the issues the Committee has identified. The Committee trusts the findings of this preliminary inquiry will help inform the independent reviewer of issues that are in desperate need of attention to improve the housing situation for residents of town camps.
- 1.3 The Committee notes that the terminology 'town camp' is contentious and has received feedback from a number of organisations that the terms Community Living Area or Urban Living Area are more appropriate. The Committee has heard views that the term 'town camp' can be seen as derogative and does not reflect the fact that these areas are no longer temporary transient living areas but instead provide permanent housing for their residents. The Committee acknowledges that this term is not a good description of these housing areas and the development of a more appropriate term would be useful. However, as the term 'town camp' is still the term most commonly used and the term used throughout the evidence received by the Committee, except in relation to Tennant Creek where these areas are referred to in government policy as 'Community Living Areas'. This report will reflect the language used by the Government which is not necessarily the terminology used by residents.
- 1.4 The standard and condition of housing on town camps in the Northern Territory is significantly lower than that of urban public housing and the private housing market. Many town camps have not had new houses built in decades and overcrowding is a prominent feature of the camps. Throughout this inquiry, the Committee has focused on repairs and maintenance of housing on the town camps, with specific regard to the timeliness and costs of repairs, as well as the efficiency of the administrative arrangements in place to manage the repairs and maintenance.
- 1.5 However, the Committee quickly observed that there were many factors impacting on the state of housing on the town camps. Consequently, the Committee found that it was not possible to evaluate repairs and maintenance in isolation of the myriad of contextual factors that have all contributed to the condition of housing on town camps.
- 1.6 There are two distinctively different housing models operating in the Territory, each with its own unique set of complexities. One model is underpinned by lease

arrangements that dictate the Northern Territory Government's responsibilities in providing complete housing management services, that is tenancy management and property management, which are subcontracted out by the Government to third party organisations to deliver the services. Much criticism has been levelled against the Government about the inefficiencies of the disjointed service delivery that has operated under this model.

- 1.7 The other model of town camp housing was the polar opposite in terms of Government involvement. A defined level of funding is provided to third party service providers, as a contribution towards repairs and maintenance, and the Government has no involvement in the repairs processes beyond ensuring that service providers comply with reporting requirements. The lack of clarity surrounding the roles and responsibilities of leaseholders, tenants and organisations delivering repairs and maintenance services was a primary issue of concern for the Committee throughout the course of this inquiry.

### ***Aboriginal land rights and the emergence of town camps***

- 1.8 Town camps are Aboriginal communities in or adjacent to urban centres in the Northern Territory. They evolved as a result of discriminatory laws and practices which prevented Aboriginal people from living within urban areas and required them to live in "fringe camps' of their own creation – some of which were in authorised camping areas, others of which were illegal – or in government or mission-controlled compounds".<sup>1</sup>
- 1.9 Historically many of the urban areas in the Territory where Aboriginal people congregated were seen as temporary settlements for a transient population that came in from remote communities. In the case of One Mile Dam, the Committee heard that "there was a lot of transient movement through it, mainly from Port Keats and Daly River residents. Whenever they wanted to come to town it was a place they went."<sup>2</sup> The Committee was further informed that the settlement at Knuckey Lagoon evolved through "station people who had worked on cattle properties. It seemed to be a situation from before the 1960s, that station workers would drop their workers off at Knuckey Lagoon for the wet season. Then they would pick them up after the wet and take them back out."<sup>3</sup>
- 1.10 The recognition of indigenous land rights in Australia is relatively recent in comparison to other British colonies. The 1970s saw the rise of the Aboriginal land rights movement across Australia generally and more specifically in reference to the Northern Territory. In 1973 the Commonwealth Government established the Aboriginal Land Rights Commission headed by Justice Woodward to inquire into

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<sup>1</sup> L Terrill, *Beyond Communal and Individual Ownership – Indigenous land reform in Australia*, Routledge, Oxon, 2016, p. 80.

<sup>2</sup> Aboriginal Development Foundation, Committee Transcript, 11 April 2016, p. 13.

<sup>3</sup> Aboriginal Development Foundation, Committee Transcript, 11 April 2016, p. 13.

the recognition of Aboriginal land rights in the Northern Territory.<sup>4</sup> The Commission produced a report in 1973 with one of the key recommendations to establish land councils to represent Aboriginal people, which were subsequently created in the Northern and Central regions of the Territory.

- 1.11 The second and final report from the Commission in 1974 made a number of recommendations with the most notable being that the Commonwealth should establish Aboriginal land rights legislation in respect to the Northern Territory and appoint an Aboriginal Land Commissioner. The Whitlam Government accepted these recommendations and appointed a Commissioner despite not yet having enacted Aboriginal land rights legislation. The Central Land Council submitted claims on 12 areas of land in the Alice Springs area however the claim process was halted following the dismissal of Prime Minister Whitlam and the appointment of caretaker Prime Minister Fraser.<sup>5</sup>
- 1.12 The *Aboriginal Land Rights (Northern Territory) Act 1976* (ALRA) was passed by the Commonwealth with bi-partisan support however it excluded provisions relating to town camps that had been included in the original drafting of the bill.<sup>6</sup> As a result, town campers were unable to apply for leases under the ALRA and were required to negotiate leases with the Commonwealth Department of the Northern Territory and, following self-government, the Northern Territory Government.<sup>7</sup>
- 1.13 The struggle for land rights on town camps saw the emergence of incorporated Aboriginal Housing Associations (AHA) to negotiate leases on behalf of the residents. Perpetual leases on town camps have been granted to AHAs under the *Special Purpose Leases Act (NT)* and the *Crown Lands Act (NT)*.<sup>8</sup> The first special purposes leases over town camps were granted in Alice Springs in 1976 and in Darwin at One Mile Dam in 1979.<sup>9</sup>

### ***From community housing to public housing***

- 1.14 Initially housing in town camp areas consisted of little more than tents and tarpaulins with limited or no infrastructure and municipal services provided. Historically, funding for Aboriginal housing was provided by Commonwealth and Northern Territory Governments to Indigenous Community Housing Organisations (ICHO) which were often local councils or leaseholder AHAs. These organisations

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<sup>4</sup> L Terrill, *Beyond Communal and Individual Ownership – Indigenous land reform in Australia*, p. 2.

<sup>5</sup> L Terrill, *Beyond Communal and Individual Ownership – Indigenous land reform in Australia*, p. 80.

<sup>6</sup> F Coughlan, *Aboriginal Town Camps and Tangentyere Council: The Battle for Self-Determination in Alice Springs*, MA Dissertation, La Trobe University, 1991, p. 73, viewed on 5 May 2016, [http://www.tangentyere.org.au/publications/research\\_reports/coughlan-aboriginal-town-camps-and-tangentyere-council.pdf](http://www.tangentyere.org.au/publications/research_reports/coughlan-aboriginal-town-camps-and-tangentyere-council.pdf)

<sup>7</sup> L Terrill, *Beyond Communal and Individual Ownership – Indigenous land reform in Australia*, p. 80; F Coughlan, *Aboriginal Town Camps and Tangentyere Council*, p. 75.

<sup>8</sup> T Calma, *Native Title Report 2007*, Office of the Aboriginal and Torres Strait Islander Social Justice Commissioner, Sydney, p. 196, viewed on 3 May 2016,

[https://www.humanrights.gov.au/sites/default/files/content/social\\_justice/nt\\_report/ntreport07/pdf/ntr2007.pdf](https://www.humanrights.gov.au/sites/default/files/content/social_justice/nt_report/ntreport07/pdf/ntr2007.pdf)

<sup>9</sup> F Coughlan, *Aboriginal Town Camps and Tangentyere Council*, p. 75; S Crawford, *One Mile Dam: Our Village of the Damned*, News Corp Limited, 1 June 2013, viewed on 4 May 2016,

<http://www.news.com.au/national/our-village-of-the-damned/story-fncynjr2-1226654859280>

were responsible for the provision of housing services including construction, tenancy allocation and management, repairs and maintenance and municipal services.<sup>10</sup>

- 1.15 In 2006 the Commonwealth Government commissioned a review into the program that funded ICHOs, which resulted in recommendations to shift away from the traditional model of community housing to a model more aligned with mainstream public housing.<sup>11</sup>
- 1.16 In June 2007 the Commonwealth Government announced a suite of measures to combat child sexual abuse in Aboriginal communities which became known as the Northern Territory Emergency Response (NTER). Although the NTER was instigated as a response to child sexual abuse, the policies that resulted were far broader reaching and signalled the start of increased government intervention in Aboriginal communities, including town camps, and a decisive shift towards increased responsibility of the Northern Territory Government in the provision and management of housing related services.<sup>12</sup>
- 1.17 In September 2007 the Commonwealth and Northern Territory Governments signed the *Memorandum of Understanding (MOU) on Indigenous Housing, Accommodation and Related Services* which outlined the principles of how government funded public housing would be delivered in remote Aboriginal communities and town camps in the Northern Territory. As part of the MOU, the Commonwealth Government committed \$793 million over four years, of which \$527 million was specifically allocated to improving existing housing and infrastructure, as well as increasing the level public housing. The Northern Territory Government committed \$100 million over five years to the capital works budget.<sup>13</sup>
- 1.18 One of the primary shifts in Aboriginal public housing under the MOU was that the Commonwealth Government would have “no further responsibility for the delivery of Indigenous housing, municipal, essential and infrastructure services in the Northern Territory from 1 July 2008”.<sup>14</sup> The Northern Territory Government’s *Remote Housing Reform Framework – A New Housing System for the Bush*, referenced in the MOU, contained a number of principles on the funding and delivery of remote Indigenous housing including:
  - All new remote Indigenous housing will be publically owned by Territory Housing;

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<sup>10</sup> L Terrill, *Beyond Communal and Individual Ownership – Indigenous land reform in Australia*, p. 107.

<sup>11</sup> L Terrill, *Beyond Communal and Individual Ownership – Indigenous land reform in Australia*, p. 194.

<sup>12</sup> D Habibis, R Phillips, P Phibbs & J Verdouw, *Identifying effective arrangements for tenancy management service delivery to remote Indigenous communities*, Positioning Paper No. 165, Australian Housing and Urban Research Unit, University of Tasmania, May 2015, p. 23.

<sup>13</sup> Department of Families, Housing, Community Services and Indigenous Affairs, *Strategic Housing and Infrastructure Program – Review of Program Performance*, 28 August 2009, Australian Government, pp. 13-14; *Memorandum of Understanding between the Australian Government and the Northern Territory Government – Indigenous Housing, Accommodation and Related Services*, September 2007, pp. 1-2.

<sup>14</sup> MOU – Indigenous Housing, Accommodation and Related Services, September 2007, p. 2.

- Leases will be established over the properties;
- Existing houses will be transferred to Territory Housing ownership when they meet the remote public housing framework standard;
- The *Residential Tenancies Act* (NT) will apply to tenancy agreements; and
- Best practice housing management approach will be established covering tenancy management, property management and tenancy support.<sup>15</sup>

1.19 In April 2008 the Strategic Indigenous Housing and Infrastructure Program (SIHIP) was announced and the Commonwealth funding of \$527 million from the MOU was reallocated to SIHIP and increased to \$672 million. The Northern Territory Government committed to construct 750 new houses, rebuild 230 houses and refurbish 2500 houses by December 2013. Many of the Aboriginal communities and town camps identified through the NTER were designated to receive the funding through SIHIP. In the case of town camps, this included Alice Springs, Tennant Creek and Borroloola.<sup>16</sup>

1.20 In November 2008 the Council of Australian Governments endorsed the National Partnership Agreement on Remote Indigenous Housing (NPARIH) which would provide remote Indigenous housing in every state and territory except the Australian Capital Territory. As part of the 10 year agreement, the Commonwealth Government committed \$1.7 billion to the Territory while the Northern Territory Government contributed \$240 million. The original funding for SIHIP was subsumed into NPARIH and in 2009 the targets were increased to 1456 new houses to be constructed and 2915 houses to be rebuilt or refurbished.<sup>17</sup>

1.21 The original *Northern Territory NPARIH Implementation Plan* states that the “government must have access to and control of the land on which construction will proceed for a minimum period of 40 years”.<sup>18</sup> Secure land tenure, in the form of long term government control of land on which Aboriginal houses were to be built, became a fundamental element attached to Commonwealth funding.

### ***Property and tenancy management reforms***

1.22 Property and tenancy management reforms were a key feature of NPARIH and pre-conditions to the provision of Commonwealth funding. The Northern Territory Government was provided with around \$465 million through NPARIH funding to develop the Remote Public Housing Management Framework with the intention to adopt urban public housing policies and practices in a remote environment.<sup>19</sup> The framework was developed to create a “single housing management framework to

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<sup>15</sup> MOU – Indigenous Housing, Accommodation and Related Services, September 2007, p. 3.

<sup>16</sup> Australian National Audit Office (ANAO), *Implementation of the National Partnership Agreement on Remote Indigenous Housing in the Northern Territory*, Audit Report No. 12, 2011-2012, Australian National Audit Office, p. 45.

<sup>17</sup> ANAO, *Implementation of the NPARIH in the Northern Territory*, pp. 16-17.

<sup>18</sup> ANAO, *Implementation of the NPARIH in the Northern Territory*, p. 41.

<sup>19</sup> ANAO, *Implementation of the NPARIH in the Northern Territory*, p. 122; D Habibis et al., *Identifying effective arrangements for tenancy management service delivery to remote Indigenous communities*, p. 24.

replace the myriad arrangements that existed under the community housing model”.<sup>20</sup> While town camps are situated in and around urban centres and not in remote areas, the framework that has been applied in a number of town camps is “an extension of the remote community model”.<sup>21</sup>

- 1.23 Despite the intention to establish a single housing management framework, what has developed in regard to the town camps in the Northern Territory are two very distinct housing models, one which is a form of public housing and the other which is more closely aligned to a community housing model.
- 1.24 The property and tenancy management reforms aimed to provide support structures for tenants; contribute to the long term sustainability of Aboriginal housing; and extend the life of Aboriginal housing to 30 years.<sup>22</sup> One of the primary reforms was the introduction of tenancy agreements under the *Residential Tenancies Act* (NT) for public housing tenants in remote communities and town camps which replaced occupancy agreements.<sup>23</sup>

### ***Two models of town camp housing***

- 1.25 Prior to September 2012, the Department of Housing, Local Government and Regional Services provided funding to town camps across the Northern Territory. The separation of this department into the Department of Housing and the Department of Local Government and Community Services split the responsibilities of funding town camps between the two departments, based on the land tenure arrangements in place for each town camp. As will become clear throughout this report, land tenure plays a crucial role in how town camps across the Territory are funded and managed.
- 1.26 The Department of Housing provides funding for town camp housing in Alice Springs and Tennant Creek as the Northern Territory Government has sublease agreements in place with these town camps. The remaining 18 officially recognised town camps in the Northern Territory receive funding from the Department of Local Government and Community Services through a grants model. The different funding models and administration by government departments has resulted in two distinctively different housing models which will be examined separately in the following chapters.
- 1.27 The Committee notes that during the course of this inquiry, the Northern Territory Government announced its intention to hold an independent review into the 43 town camps within the Territory. The review will be coordinated by the Department of Local Government and Community Services which will assume administrative

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<sup>20</sup> R Porter, *Towards a hybrid model of public housing in Northern Territory remote Aboriginal communities?* DKCRC Working Paper 45, Desert Knowledge CEC, Alice Springs, 2009, p. 12.

<sup>21</sup> Department of Housing, Committee Transcript, 2 March 2016, p. 8.

<sup>22</sup> ANAO, *Implementation of the NPARIH in the Northern Territory*, p. 17; D Habibis et al., *Identifying effective arrangements for tenancy management service delivery to remote Indigenous communities*, p. 5.

<sup>23</sup> ANAO, *Implementation of the NPARIH in the Northern Territory*, p. 123.

responsibility for all of the town camps.<sup>24</sup> At the time of reporting, the Department was seeking expressions of interest to conduct the review. As it is unclear how this administration will function during the course of the review, this report will examine the different town camp housing models as they have existed under the two departments.

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<sup>24</sup> Hon. B Price, *Comprehensive and inclusive review of Northern Territory Town Camps*, media release, Parliament House, Darwin, 11 April 2016, viewed on 12 April 2016  
<http://newsroom.nt.gov.au/mediaRelease/19566>

## 2 Department of Housing

2.1 The Department of Housing is responsible for 284 houses spread across 17 town camps in Alice Springs and 78 houses in the seven Tennant Creek Community Living Areas (CLA).<sup>25</sup> The administrative responsibility and funding arrangements stem from the subleases that the Northern Territory Government has in place with the AHAs that hold the underlying leases. As a result of these land tenure arrangements, the Northern Territory Government has contractual responsibilities for both property management (repairs and maintenance) and tenancy management of the houses. The transfer of responsibilities to the Government represents the shift from a community housing model to a public housing model.

### Alice Springs Town Camps

2.2 Housing services in the Alice Springs Town Camps were traditionally provided through government funding to Tangentyere Council, an umbrella organisation established in the 1970s. Tangentyere Council is comprised of representatives from the AHAs that hold the perpetual special purpose or crown leases over the town camps. The housing services provided by Tangentyere Council included tenancy support and management and undertaking repairs and maintenance.

### *Land tenure negotiations*

2.3 In accordance with the Aboriginal housing policy reforms that have been discussed, in 2007 the Commonwealth Government commenced negotiations with Tangentyere Council, acting on behalf of the AHAs, for the Government to obtain secure land tenure over the town camps. The Commonwealth initially offered \$50 million funding for housing and infrastructure in exchange for 99 year unconditional subleases over the 18 Alice Springs Town Camps.<sup>26</sup>

2.4 Although the AHAs held perpetual leases over the town camps, sub-section 20CA of the *Aboriginal Land Rights (Northern Territory) Amendment (Township Leasing) Act 2007* enabled the Executive Director of the Office of Township Leasing, on behalf of the Commonwealth Government, to hold head leases and subleases over town camps.<sup>27</sup>

2.5 The *Northern Territory National Emergency Response Act 2007* provided the Commonwealth Government with the power to compulsorily acquire town camp

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<sup>25</sup> Department of Housing, Committee Transcript, 2 March 2016, p. 3.

Note: The transcript states 18 town camps in Alice Springs however Ilpeye-Ilpeye community is managed differently due to the acquisition of the land by the Commonwealth in 2010.

<sup>26</sup> Centre for Appropriate Technology, *Housing Experience: Post Occupancy Evaluation of Alice Springs Town Camp Housing 2008-2011*, Centre for Appropriate Technology, Alice Springs, 2013, p. 6.

<sup>27</sup> Office of Township Leasing, *Current Leases*, Australian Government, viewed on 9 March 2016, <http://www.otl.gov.au/site/current.html>

- land irrespective of the perpetual special purpose and crown leases. During the protracted negotiations between Tangentyere Council, the Commonwealth Government and the Northern Territory Government, the Commonwealth threatened to use their compulsory acquisition powers if a resolution was not reached.<sup>28</sup>
- 2.6 An agreement was finally reached and in December 2009 the Executive Director of Township Leasing (EDTL) entered into 40 year sublease agreements with the AHAs holding leases over 17 of the 18 Alice Springs Town Camps. The other parties to the subleases are the Northern Territory Government and the Chief Executive Officer of Housing.<sup>29</sup>
- 2.7 The AHA for the Ilpeye-Ilpeye Town Camp elected not to enter into a sublease, instead opting for the land to be acquired by the Commonwealth Government under the provisions within the *Northern Territory National Emergency Response Act 2007* from 1 February 2010.<sup>30</sup> This area is in the process of being transitioned into a suburb of Alice Springs.<sup>31</sup>
- 2.8 In exchange for the 40 year subleases, the Commonwealth Government committed \$100 million over five years through SIHIP to construct new houses, refurbish and rebuild existing houses and upgrade infrastructure in the Alice Springs Town Camps. Prior to the funding allocation there were 199 houses within the town camps and by April 2013 the Northern Territory Government reported that 86 new houses had been completed and 196 houses had been rebuilt or refurbished.<sup>32</sup>
- 2.9 In conjunction with the subleases, the EDTL entered into a Housing Management Agreement (HMA) with each of the AHAs and the Northern Territory of Australia (Northern Territory Government) for an initial period of three years. The HMA is an under lease which transfers responsibility for “all areas located within the town camp boundary and captures all infrastructure, including housing, open spaces, roads, parks and community centres” to the Northern Territory Government.<sup>33</sup> In 2012-13 the EDTL extended the HMAs for an additional twelve months.<sup>34</sup> Since the expiration of this period, the HMAs have continued on a periodic month to month basis as the EDTL and the Northern Territory Government have been unable to reach a long term agreement.<sup>35</sup>
- 2.10 The funding that was allocated through SIHIP became part of the Alice Springs Transformation Plan (ASTP) which was later incorporated into the National Partnership Agreement on Stronger Futures in the Northern Territory. The ASTP

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<sup>28</sup> ABC News, *Town camps acquisition seen as a ‘step backwards’ for land rights*, 7.30 Report, 30 September 2009, viewed on 20 April 2016, <http://www.abc.net.au/7.30/content/2009/s2641518.htm>

<sup>29</sup> Alice Springs Living Area Sublease between the Executive Director of Township Leasing, Northern Territory of Australia, Chief Executive Officer (Housing) and the leaseholder Association.

<sup>30</sup> ANAO, *Implementation of the NPARIH in the Northern Territory*, p. 164.

<sup>31</sup> Department of Local Government and Community Services, Committee Transcript, 2 March 2016, p. 33.

<sup>32</sup> Centre for Appropriate Technology, *Housing Experience: Post Occupancy Evaluation of Alice Springs Town Camp Housing 2008-2011*, p. 1.

<sup>33</sup> Executive Director of Township Leasing, *Annual Report 2014-2015*, Australian Government, p. 21.

<sup>34</sup> Executive Director of Township Leasing, *Annual Report 2012-2013*, Australian Government, p. 18.

<sup>35</sup> Executive Director of Township Leasing, *Annual Report 2014-2015*, Australian Government, p. 21.

sought to “improve life outcomes for Aboriginal residents and visitors in Alice Springs, particularly in town camps, and to reduce homelessness through the provision of suitable support services.”<sup>36</sup> Although the funding committed in exchange for the subleases was included as part of the ASTP, this was only one component of the transformation plan. Other elements of the ASTP included alcohol treatment, school attendance, safety and wellbeing and parenting education support.

### ***Property and tenancy management contracts***

- 2.11 The signing of the Alice Springs Subleases and HMAs marked the end of Tangentyere Council’s responsibility and funding for providing housing services in the town camps and the start of a public housing model.
- 2.12 The Central Australian Affordable Housing Company (CAAHC) was founded in 2009 by Tangentyere Council as a not-for-profit organisation to deliver housing management services on behalf of Territory Housing to the Alice Springs Town Camps following the signing of the 40 year subleases.<sup>37</sup> The Commonwealth Government contributed \$160,000 to establish CAAHC.<sup>38</sup>
- 2.13 In 2010 the Department of Housing entered into a single contract with CAAHC to deliver both tenancy management and property (repairs and maintenance) management services to the town camps. Under this contract, CAAHC employed tenancy managers and Housing Maintenance Officers (HMO) to provide these services.<sup>39</sup>
- 2.14 Clause 11 of the Alice Springs Subleases states “the Territory must call for tender for the provision of housing management services in the Subleased Alice Springs Living Areas within 2 years and 6 months of the commencement of the first Alice Springs Living Areas Sublease”.<sup>40</sup>
- 2.15 In 2012 the Northern Territory Government put out to tender separate contracts for tenancy management and property management on the Alice Springs Town Camps. The outcome of the tender process saw CAAHC awarded the tenancy management contract valued at \$1,466,000 over 2 years.<sup>41</sup>
- 2.16 The property management contract for repairs and maintenance was awarded to Ingkerreke Commercial with a schedule of rates estimate of \$4 million over 2 years, which is a calculation of the overall estimated expenditure on itemised works

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<sup>36</sup> National Partnership Agreement on Stronger Futures in the Northern Territory, Alice Springs Transformation Implementation Plan, Schedule H, 2013 p. 1.

<sup>37</sup> Central Australian Affordable Housing Company (CAAHC), Submission No. 5, 2016, p. 4.

<sup>38</sup> *Transcript of interview between Rohan Barwick and Jenny Macklin on Town Camps*, 22 April 2009, viewed on 12 April 2016, <http://www.formerministers.dss.gov.au/14648/town-camps/>

<sup>39</sup> Tangentyere Council Aboriginal Corporation, Submission No. 9, 2016, p. 3.

<sup>40</sup> Clause 11, Alice Springs Living Area Sublease between the Executive Director of Township Leasing, Northern Territory of Australia, Chief Executive Officer (Housing) and the leaseholder Association.

<sup>41</sup> Department of Housing, Answer to Question on Notice from Public Hearing 2 March 2016.

throughout a contract period.<sup>42</sup> Although the contracts were for an initial period of two years commencing from December 2012, both contracts were extended until the end of January 2016.<sup>43</sup>

- 2.17 In January 2016 the Chief Minister announced new contracts for the Alice Springs Town Camps commencing on 1 February 2016, with Tangentyere Constructions (a subsidiary of Tangentyere Council) being awarded the property management contract for \$752,289 and Zodiac Business Services (Zodiac) winning the tenancy management contract for \$720,000.<sup>44</sup> Both of these contracts were awarded for 16 months with the option to extend by an additional 16 months to June 2018.<sup>45</sup>
- 2.18 In addition to the property management contract, the Department of Housing also awarded panel contractors to undertake specific trade-related work on the town camps. The panel contractors are Ingkerreke Commercial, S&R Building and Construction, SDA & Co Pty Ltd and Tangentyere Constructions.<sup>46</sup>

## Tennant Creek Community Living Areas

- 2.19 Julalikari Council Aboriginal Corporation (Julalikari) hold perpetual crown and special purpose leases over the seven CLAs in Tennant Creek. Julalikari received government funding for around 25 years to provide housing services including repairs and maintenance and tenancy management to the CLAs.<sup>47</sup>

### *Land tenure negotiations*

- 2.20 Following the new policy approach to Aboriginal housing, the Commonwealth entered into negotiations with Julalikari to secure land tenure on the Tennant Creek CLAs. On 7 August 2007, Julalikari signed a Memorandum of Understanding (MOU) with the Commonwealth and Northern Territory Governments agreeing to sublease the CLAs to the Northern Territory for a period of 99 years in exchange for funding of \$20 million from the Commonwealth and \$10 million from the Northern Territory to be spent on housing and infrastructure in the CLAs.<sup>48</sup>
- 2.21 Under the MOU, the funding was conditional on Julalikari transferring ownership of houses to the Northern Territory Government public housing authority to be managed in accordance with the Territory Housing Framework.<sup>49</sup> Negotiations

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<sup>42</sup> Department of Housing, Answer to Question on Notice from Public Hearing 2 March 2016.

<sup>43</sup> Tangentyere Council Aboriginal Corporation, Submission No. 9, 2016, p. 4; Department of Housing, Answer to Question on Notice from Public Hearing 2 March 2016.

<sup>44</sup> Hon. A Giles, *New Service Providers for Alice Springs Town Camps*, media release, Parliament House, Darwin, 19 January 2016, viewed on 21 March 2016, <http://www.chiefminister.nt.gov.au/media-releases/new-service-providers-alice-springs-town-camps>

<sup>45</sup> Department of Housing, Committee Transcript, 11 April 2016, p. 83.

<sup>46</sup> Email from Department of Local Government and Community Services dated 23 February 2016 providing details of service providers for each town camp.

<sup>47</sup> Julalikari Council Aboriginal Corporation (Julalikari), Committee Transcript, 11 April 2016, p. 55.

<sup>48</sup> Memorandum of Understanding between the Australian Government and the Northern Territory Government and Julalikari Council Aboriginal Corporation in relation to Tennant Creek Community Living Areas, viewed on 22 March 2016, <http://www.formerministers.dss.gov.au/14866/6-5-million-extra-for-indigenous-housing-in-tennant-creek/>

<sup>49</sup> MOU between the Australian Government, Northern Territory Government and Julalikari Council.

continued between Julalikari, the Commonwealth and Northern Territory Governments and on 20 October 2008 a 60 year sublease (20 years + 20 years + 20 years) over the CLAs were signed between Julalikari and the Northern Territory Government.<sup>50</sup> Unlike the lease arrangements on the Alice Springs Town Camps, the Commonwealth is not a party to the lease.

- 2.22 On the 28 October 2008 the Commonwealth Government announced \$6.5 million additional funding for Tennant Creek CLAs for new housing to tackle overcrowding, bringing the total funding to \$36.5 million.<sup>51</sup> The Committee has been advised that no new houses were constructed in the CLAs through the funding provided.<sup>52</sup>

### **Property and tenancy management contracts**

- 2.23 During the initial years of the sublease, Julalikari continued to receive funding to provide housing services to the CLAs. They were contracted by the Department of Housing to provide both tenancy management and property management to the CLAs for a period of three years from 1 July 2011 however the contract was later extended to 30 September 2015. The tenancy management contract was valued at \$254,670 per annum while the property management contract was \$589,524 per annum.<sup>53</sup>
- 2.24 In 2015 the Northern Territory Government put to tender contracts for tenancy management and property management for a period of 24 months. Harvey Development Pty Ltd was awarded the \$643,751 property management contract and Far Northern Contractors Pty Ltd was successful in winning the \$241,000 tenancy management contract.<sup>54</sup> Harvey Development Pty Ltd is the only panel contractor for the Tennant Creek CLAs.

### **Repairs and maintenance**

- 2.25 Although the terms of reference for this inquiry focus specifically on housing repairs and maintenance on town camps, it is clear to the Committee that tenancy management cannot be excluded from this discussion as the relationships between the tenants, tenancy management contractor, property management contractor and the Department of Housing are critical in the operations of the repairs and maintenance program. This section of the report will examine the processes in place for reporting and completing repairs; the efficiency of these processes and impact on timeliness; and the costs associated with the repairs and maintenance program.

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<sup>50</sup> ANAO, *Implementation of the NPARIH in the Northern Territory*, p. 165.

<sup>51</sup> Hon. J Macklin (Minister for Indigenous Affairs) & W Snowdon (Member for Lingiari), *\$6.5 million extra for Indigenous housing in Tennant Creek*, media release, Parliament House, Canberra, 28 October 2008.

<sup>52</sup> Julalikari, Committee Transcript, 11 April 2016, p. 60.

<sup>53</sup> Department of Housing, Answers to Questions on Notice from Public Hearing 2 March 2016, p. 1.

<sup>54</sup> Department of Housing, Answers to Questions on Notice from Public Hearing 2 March 2016, p. 3.

2.26 The Committee has been advised that the processes in place for repairs and maintenance are largely the same between Alice Springs and Tennant Creek. The examination of the processes will primarily focus on the Alice Springs Town Camps, due to the amount of historical and current information available to the Committee on the repairs and maintenance processes in Alice Springs.

### **Processes**

2.27 The organisations contracted to provide housing management services in the Alice Springs Town Camps have changed over time, as have the processes in place and the Department of Housing's policies. As such, the Committee has assessed each distinct phase of housing management services to explore the processes that were in place and the efficiency of these processes in completing repairs and maintenance.

### **Central Australian Affordable Housing Company 2010-2012**

2.28 In 2010 CAAHC was contracted under a service level agreement with Territory Housing to provide property and tenancy management services to the Alice Springs Town Camps.<sup>55</sup> During this time, CAAHC employed tenancy management officers and Housing Maintenance Officers (HMO) to deliver the services. CAAHC also played a role in the procurement and coordination of external contractors to undertake trade-related works.<sup>56</sup> Tangentyere Council have advised the Committee that the model with a single service provider delivering both tenancy and property management worked well in the Alice Springs Town Camps.<sup>57</sup>

### **Central Australian Affordable Housing Company and Ingkerreke Commercial 2012-2016**

2.29 In 2012 the Northern Territory Government separated the two key components of housing management by awarding the tenancy management contract to CAAHC and the property management contract to Ingkerreke Commercial. The division of these two functions changed the process for reporting and completing repairs and maintenance. The process was outlined to the Committee by CAAHC through their submission and evidence presented at the public hearing:

- The tenant reported repairs to CAAHC or CAAHC became aware of required works through a tenancy inspection.
- CAAHC collected detailed information from the tenant on the nature of the repair and emailed the information to the Department of Housing.
- The Department of Housing issued a purchase order to Ingkerreke Commercial for the work to be undertaken.

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<sup>55</sup> Centre for Appropriate Technology, *Housing Experience: Post Occupancy Evaluation*, p. 82.

<sup>56</sup> Tangentyere Council Aboriginal Corporation, Submission No. 9, 2016, p. 3.

<sup>57</sup> Tangentyere Council Aboriginal Corporation, Submission No. 9, 2016, p. 11.

- Ingkerreke Commercial contacted the tenant and a maintenance worker attended to complete the work.
  - Ingkerreke Commercial invoiced the Department of Housing for the completed work and was then paid by the Department.<sup>58</sup>
- 2.30 In contrast to the period where CAAHC provided both tenancy and property management services and employed HMOs to undertake repairs, Tangentyere Council informed the Committee that:
- Ingkerreke was not funded to employ Housing Maintenance Officers and required the Department of Housing to generate work orders before it could attend to any repairs and maintenance issues on the Town Camps. In reality the role of Ingkerreke was analogous to a Panel Contractor without a Panel.<sup>59</sup>
- 2.31 The process described above illustrates a significant disconnection between the tenancy management contractor and the property management contractor, as neither party had a direct relationship with the other and all requests were channelled through the Department of Housing. The Committee heard from Ingkerreke Commercial that:
- Everything from us went through to our client, Housing which dealt with that. If it needed to go back to CAAHC or something from CAAHC needed to come to us, that information was disseminated through Housing.<sup>60</sup>
- 2.32 The Committee was informed by Tangentyere Council that Alice Springs Town Camp residents were dissatisfied with the processes and felt that the Department did not take responsibility for the system that they had created and were reluctant to provide adequate funding for repairs and maintenance:
- Our members believe that the issues with the previous property management contract largely stemmed from the unwillingness of the Department to spend money on Town Camp housing. Even in the case of a relatively minor repair the Department would be obliged to raise a purchase order to get Ingkerreke to investigate and initiate the required repair. It is true that at times members were not satisfied with the work of Ingkerreke but it seems suspect that the Department now appears willing to blame the previous contractors for the previous poor arrangements. The Department was always responsible for both procurement and contract management.<sup>61</sup>
- 2.33 The inefficiency of the processes in place during this period was confirmed by the Chief Executive Officer of the Department of Housing who advised the Committee that “where the Department issued the contract and works it was very disjointed”.<sup>62</sup>
- 2.34 As previously mentioned, prior to the signing of the Alice Springs Subleases, Tangentyere Housing (a subsidiary of Tangentyere Council) received government funding and delivered all housing management services on the Alice Springs Town Camps. Figures 1 and 2 illustrate the change in the number of service providers

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<sup>58</sup> CAAHC, Submission No. 5, 2016, p. 4; CAAHC, Committee Transcript, 11 April 2016, p. 49.

<sup>59</sup> Tangentyere Council Aboriginal Corporation, Submission No. 9, 2016, p. 4.

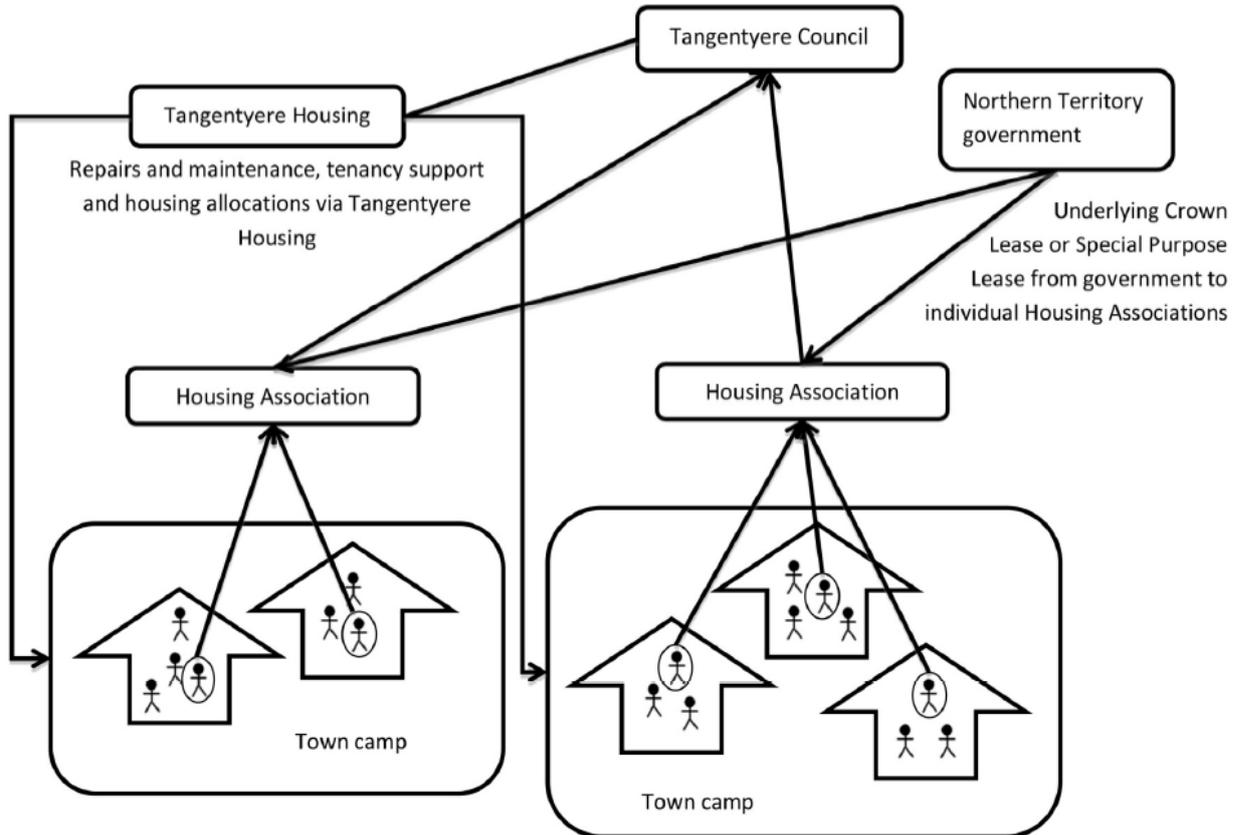
<sup>60</sup> Ingkerreke Commercial, Committee Transcript, 11 April 2016, p. 44.

<sup>61</sup> Tangentyere Council Aboriginal Corporation, Submission No. 9, 2016, p. 14.

<sup>62</sup> Department of Housing, Committee Transcript, 11 April 2016, p. 82.

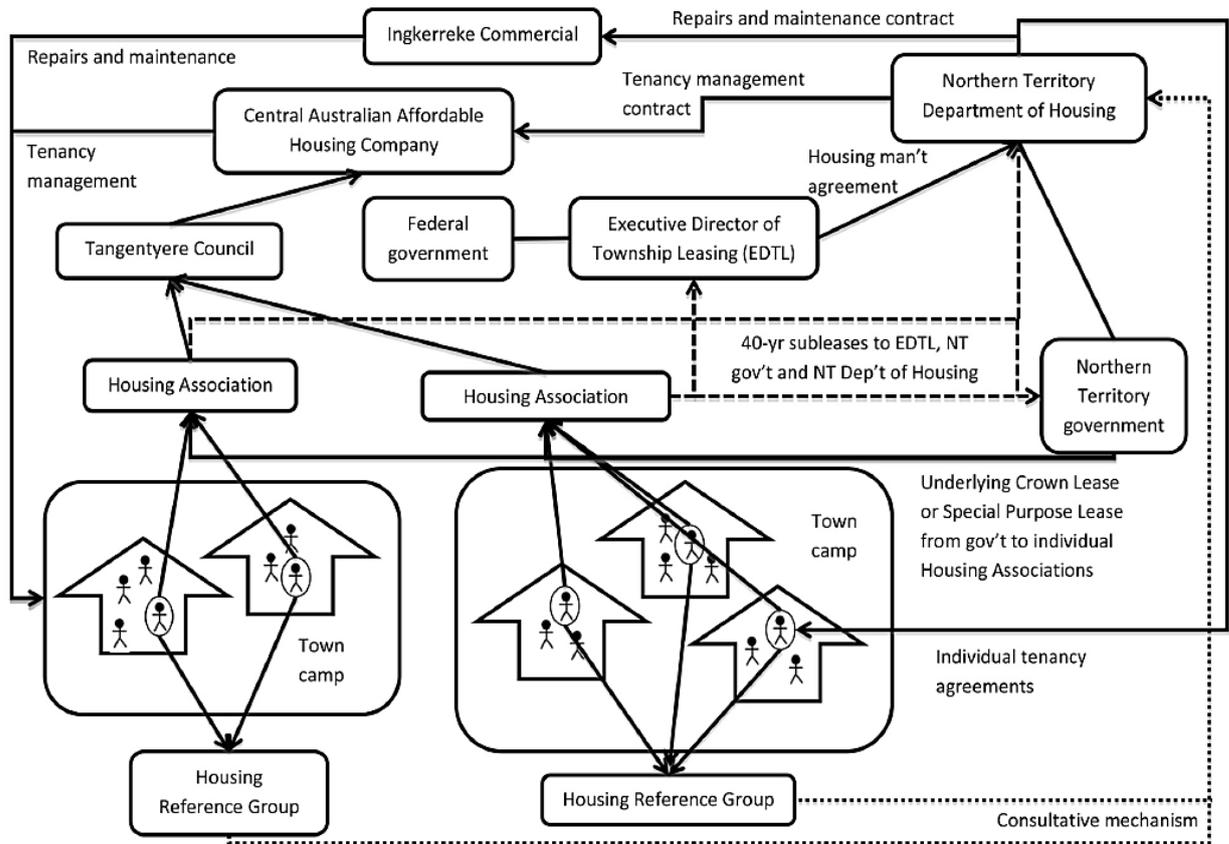
and complexities of arrangements for housing management on the town camps prior to the signing of the subleases and in the period where CAAHC and Ingkerreke Commercial were contracted to provide services on behalf of the Department of Housing.

**Figure 1: Town Camp Housing Management Prior to Alice Springs Subleases<sup>63</sup>**



<sup>63</sup> Dr L Crabtree, Submission No. 8, 2016, p. 3.

**Figure 2: Town Camp Housing Management 2012 to 2016<sup>64</sup>**



2.35 The Committee notes that not only was the arrangement between CAAHC and Ingkerreke Commercial disjointed, the tenancy management contract between the Department of Housing and CAAHC was:

A compartmentalised and fragmented arrangement where NT Housing had responsibility for certain aspects of the tenancy management process and CAAHC performed the tasks that were mainly the face to face components of the tenancy management continuum. Our observation was that the arrangement was riddled with inefficiencies, double handling, red tape and processes that delayed good outcomes. Where CAAHC was expected to act with relative urgency there was little reciprocal urgency offered to us by NT Housing.<sup>65</sup>

2.36 The Committee questioned CAAHC whether the Department of Housing had regular meetings with the contractors to review processes and provide feedback. The Committee was advised that:

We were supposed to have monthly operational meetings to talk about the sort of things we were encountering. They tended to drop off towards the end of our contract. I think probably our last meeting would have been July or August last

<sup>64</sup> Dr L Crabtree, Submission No. 8, 2016, p. 4.

<sup>65</sup> CAAHC, Submission No. 5, 2016, p. 4.

year and we did not have any meetings until the end of our contract at the end of January.<sup>66</sup>

- 2.37 The Committee heard from CAAHC that the separation of the tenancy management and property management contracts in 2012 and awarding of tenancy support program contracts to three different organisations, “created more confusion for the tenants and multiple layers of system navigation for the tenants and all the service providers involved”.<sup>67</sup> CAAHC further stated:

When the new contracts came into effect it was unclear on whom tenants would contact for repairs; as it was not clearly scoped in either contract. It became apparent very quickly that tenants were struggling to report their repairs; and due to language barriers, inability to communicate actual concerns or the hotline staff not understanding the exact nature of the repair required. This led to confusion and frustration.

Quite quickly we concluded that the arrangement was simply the most diabolical, confusing, disempowering arrangement we had ever come across; not just for CAAHC as the service provider, but most notably for the tenants on the Town Camps.<sup>68</sup>

- 2.38 The confusion, that resulted from having multiple parties each responsible for different aspects of service delivery, led to CAAHC taking on an additional role to assist tenants to navigate the system:

In early 2013 after advocacy from CAAHC, the organisation took on the role of running a Maintenance Helpdesk to convey maintenance requests from the tenant to NT Housing. CAAHC received an additional fee to cover the role of the Maintenance Helpdesk.<sup>69</sup>

### **Zodiac Business Services and Tangentyere Constructions 2016-2017**

- 2.39 With the commencement of the new contracts in February 2016, the Department of Housing implemented a new policy whereby repairs and maintenance works valued up to \$100 (materials only) could be completed by a HMO employed by the property management contractor, Tangentyere Constructions, without referral to the Department.<sup>70</sup> The repairs and maintenance process currently in place is as follows:

- Tenant reports repairs and maintenance to Zodiac or Zodiac is alerted to these through a scheduled housing inspection. Alternatively the tenant may report the works directly to a HMO.
- Zodiac completes a maintenance request form and emails it to Tangentyere Constructions or contacts by phone for urgent repairs. Zodiac inputs all requests into the Tenancy Management System which is a Department of Housing database.

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<sup>66</sup> CAAHC, Committee Transcript, 11 April 2016, p. 51.

<sup>67</sup> CAAHC, Submission No. 5, 2016, p. 4.

<sup>68</sup> CAAHC, Submission No. 5, 2016, pp. 4-5.

<sup>69</sup> CAAHC, Submission No. 5, 2016, p. 4.

<sup>70</sup> Tangentyere Council Aboriginal Corporation, Submission No. 9, 2016, p. 4; Department of Local Government and Community Services, Committee Transcript, 2 March 2016, p. 6.

- Tangentyere Constructions assess the work and complete non-trade related work up to the value of \$100 (materials only). If the work is assessed at over \$100, Tangentyere Constructions can contact the Department of Housing who may either provide approval to complete the work on the spot or make a determination that it should be referred to one of the panel contractors.
  - If the work is trade-related or valued at over \$100 (and approval to complete the work was not granted to Tangentyere Constructions), the Department of Housing will issue a purchase order to one of the four panel contractors.
  - Tangentyere Constructions provides a report to Zodiac once a week outlining all work that has been completed plus any additional work that has been identified but not completed, such as work referred to the Department of Housing.
  - The Department of Housing also provides reports to Zodiac of purchase orders issued to panel contractors.<sup>71</sup>
- 2.40 Trade works that are referred to panel contractors include plumbing and gas, electrical, refrigeration, carpentry, pest control, tree trimming and removal, vacate cleans, painting, glazing, fencing, concreting and satellite dish maintenance.
- 2.41 The Committee was informed by the Chief Executive Officer of the Department of Housing that:
- With the current model that we are operating, we do not issue the works order. The contractors have that ongoing service delivery relationship and as part of that we are working closely with them.<sup>72</sup>
- 2.42 The Committee notes that this is only applicable if the works to be undertaken are valued at up to \$100, otherwise it is the Department of Housing that will issue a work order to one of the panel contractors or provide approval to Tangentyere Constructions to complete the work.
- 2.43 It has been suggested that the effectiveness and efficiency of the property management process is hampered by the requirement for all works with materials over \$100 to be referred to the Department of Housing to be outsourced to panel contractors. This process does not appear to consider whether, in fact, the original HMO that assessed the work has the capability to undertake the work without the need for it to be referred to a panel contractor.<sup>73</sup> The bureaucratic system also increases the number of parties involved in the work, from the tenancy manager and HMO, to the Department of Housing staff and panel contractors.
- 2.44 The Department of Housing holds informal weekly meetings with the contractors and formal monthly contract management meetings to monitor performance and discuss any issues that may have arisen.<sup>74</sup>

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<sup>71</sup> Zodiac Business Services, Committee Transcript, 11 April 2016, pp. 35-37.

<sup>72</sup> Department of Housing, Committee Transcript, 11 April 2016, p. 85.

<sup>73</sup> Tangentyere Council Aboriginal Corporation, Submission No. 9, 2016, p. 14.

<sup>74</sup> Department of Housing, Committee Transcript, 11 April 2016, p. 81.

2.45 The Committee heard that a community information campaign was undertaken at the start of the new contracts resulting in Zodiac being nominated as the single point of contact for both tenancy and repairs and maintenance issues. The Department of Housing noted that:

There is a repetition to make sure the message is clearly understood and is complemented by the magnets and the handouts we have already provided. We were looking to provide similar in language but have been told it is difficult to translate and does not always come across. That is why we went to the CAAMA radio announcement instead as a better way to get the message across.<sup>75</sup>

2.46 In addition to the information provided by the Department of Housing, the Committee was advised by Zodiac that in regards to who tenants should report maintenance works to:

Obviously we are not being inflexible so they do not have to always come to us for a maintenance request, they can ask them [Tangentyere Constructions] on the spot as well. If they see them in the camp, we encourage them to wave them down so they can get their problem fixed or assessed – whatever has to happen – and then Tangentyere Constructions report that back to us.<sup>76</sup>

2.47 Evidence provided to the Committee by Zodiac shows that in February 2016, Tangentyere Constructions attended to 297 maintenance issues of which 114 had been reported to Zodiac, while in March 2016, they attended to 304 maintenance issues of which 79 were reported to Zodiac.<sup>77</sup> This indicates that despite the Department of Housing's community information campaign aimed at educating tenants to use Zodiac as the first point of call to report repairs and maintenance, in the majority of instances this is not occurring.

### ***Separation of housing management contracts***

2.48 As outlined in the previous section, the separation of the property management and tenancy management contracts, particularly between 2012 and 2016, resulted in a service delivery model that was disjointed and unable to provide a seamless service to tenants. The Committee heard observations from CAAHC:

During the period when the company held the maintenance and tenancy management jointly, it did not have problems with feedback and it was able to assemble a database of what was going on with each house. It was laying the ground work for a really good management system but then they changed the system and split those two operations up.<sup>78</sup>

2.49 The failure of the system to deliver satisfactory housing outcomes for tenants due to the inefficient processes that were in place following the separation of contracts was further outlined by CAAHC:

When the two things were split it became rather patchy and very awkward to manage. By the time I arrived I guess casting my eye over it from an outsider's point of view, I thought it was pretty bad. I just could not understand how a system like that could possibly deliver good outcomes. I really do not think there

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<sup>75</sup> Department of Housing, Committee Transcript, 2 March 2016, p. 11.

<sup>76</sup> Zodiac Business Services, Committee Transcript, 11 April 2016, p. 39.

<sup>77</sup> Zodiac Business Services, Committee Transcript, 11 April 2016, p. 35.

<sup>78</sup> CAAHC, Committee Transcript, 11 April 2016, p. 53.

were high levels of satisfaction from the tenants. There was a part of me that felt quite embarrassed about that because our organisation had no control over it...it did feel wanting to a significant degree and I think that is the experience of the people on the town camps.<sup>79</sup>

2.50 The Committee acknowledges that the Department of Housing has implemented improved processes under the current contract arrangements which seek to rectify some of the fundamental flaws that existed under the previous contract. The Committee recognises that there may be some benefits to a single provider delivering both property and tenancy management services, particularly in respect to communication and having a thorough understanding of what is happening in both aspects of housing management. However, the Committee notes that, as raised by Ingkerreke Commercial, transparency would be critical in ensuring that a single service provider was delivering services that are value for money.<sup>80</sup>

2.51 The Committee is not seeking to make a determination on whether a single or dual service provider is the ideal model. However, this is an area that warrants further evaluation in terms of value for money, accountability, efficiency, the outcomes for tenants and the tenant's ability to navigate the housing system.

### ***Cost of repairs***

2.52 The Committee sought information from the Department of Housing on the contract amounts awarded for tenancy and property management on the Alice Springs Town Camps and the Tennant Creek CLAs, as well as the actual amounts expended during the contract periods which are outlined below in Tables 1 and 2.

**Table 1: Tennant Creek Tenancy and Property Management Expenditure<sup>81</sup>**

<b>Tenant Creek CLAs</b>	<b>Contractor</b>	<b>Contract Period</b>	<b>Awarded Contract Amount</b>	<b>Actual Contract Expenditure (1 July 2011 to 30 September 2015)</b>	<b>Actual expenditure equivalent per annum</b>
Tenancy Management	Julalikari Council Aboriginal Corporation	1 July 2011 to 30 June 2014 Extended to 30 September 2015	\$254,670 per annum	\$601,129	\$141,442
Property Management	Julalikari Council Aboriginal Corporation	1 July 2011 to 30 June 2014 Extended to 30 September 2015	\$589,524 per annum	\$1,396,409	\$328,566

<sup>79</sup> CAAHC, Committee Transcript, 11 April 2016, p. 53.

<sup>80</sup> Ingkerreke Commercial, Committee Transcript, 11 April 2016, p. 46.

<sup>81</sup> Department of Housing, Answers to Questions on Notice from Public Hearing 2 March 2016, p. 1.

**Table 2: Alice Springs Tenancy and Property Management Expenditure<sup>82</sup>**

Alice Springs Town Camps	Contractor	Contract Period	Awarded Contract Amount	Actual Contract Expenditure (3 December 2012 to 31 January 2016)	Actual expenditure equivalent per annum
Tenancy Management	Central Australian Affordable Housing Company	3 December 2012 to 2 December 2014 Extended to 31 January 2016	\$1,466,000 over 24 months	\$2,244,330	\$708,736
Property Management	Ingkerreke Commercial	3 December 2012 to 2 December 2014 Extended to 31 January 2016	Schedule of rates estimate \$4M over 24 months	\$1,720,806	\$543,412

2.53 The 'schedule of rates estimate' referred to in Table 2 is a calculation of the overall estimated expenditure on itemised works through a contract period. The projected volume and quantity of anticipated works is based on considerations such as: condition of assets; the expected number of vacates in a year; the estimated amount of wear and tear to assets; the amount of damage identified; and any planned maintenance programs.

2.54 The Committee questioned the Department of Housing about why the actual expenditure for property management was significantly less than the contract amount awarded to Julalikari for Tennant Creek and the schedule of rates estimate in the Ingkerreke Commercial contract for Alice Springs, particularly given the significant amount of repairs and maintenance that these houses require.

2.55 The explanation for the significantly reduced expenditure provided in writing by the Department of Housing was:

The contract for the property management of the Alice Spring Town Camps was a schedule of rates contract. The Contract is for responsive maintenance and quantities are only projected or forecast estimates based on prior period activity.

The Tennant Creek Community Living Areas contract with JCAC was dependant on the submission of a bi-annual Maintenance and Expenditure Plan. Payment of the quarterly payments took into account the anticipated expenditure as outlined in the plan.<sup>83</sup>

2.56 The Committee notes that this response does not sufficiently explain why the projected volume of repairs and maintenance expected for the contract period at the time that the contract was awarded was significantly higher than the works that were actually carried out over the period.

2.57 In April 2016 the Department of Housing advised the Committee that the expenditure to date for the 2015-16 financial year for property management, tenancy management and charges in Alice Springs was \$1.35 million. This figure includes charges for services provided to the town camps which the Department is

<sup>82</sup> Department of Housing, Answers to Questions on Notice from Public Hearing 2 March 2016, p. 1.

<sup>83</sup> Department of Housing, Answers to Questions on Notice, Public Hearing 11 April 2016, p. 3.

liable for under the sublease and HMAs. The Department stated the current financial year's expenditure for property management in Tennant Creek was \$400,000, however it is unclear to the Committee whether this figure includes tenancy management and charges, as is the case with the Alice Springs expenditure.<sup>84</sup> The Committee notes that these figures represent expenditure from both previous and current contract periods.

- 2.58 While the current property management contract with Tangentyere Constructions is valued at \$752,289 over 16 months, this does not reflect the full amount to be expended on repairs and maintenance on the Alice Springs Town Camps over this period. This is due to the use of panel contractors to complete trade-related works and repairs valued at over \$100. The trade panel contract is in place from 3 February 2016 to 31 May 2017 and the estimated funding for this period is \$748,800.<sup>85</sup>
- 2.59 The Committee queried what proportion of the repairs and maintenance undertaken is valued as less than \$100 (materials only) and can therefore be completed by Tangentyere Constructions without approval from the Department of Housing. The Committee was informed that in February 2016 90% of total works were under \$100 and in March 2016 it accounted for 84% of the total works.<sup>86</sup>
- 2.60 Tangentyere Council informed the Committee that residents of the Alice Springs Town Camps:
- Have been frustrated by the unwillingness and inability of the Department to raise work orders for the repair or replacement of larger items including the following: air conditioners; hot water services; and stoves. In fact our members have on numerous occasions been informed by the Department that stoves will not be replaced unless completely inoperable. A stove with one of four elements working is deemed partially operable and therefore won't be replaced.<sup>87</sup>
- 2.61 The Committee questioned the Department of Housing on whether repairs and maintenance requests were ever denied due to a lack of funds. The Department advised:
- 'Repairs and Maintenance' is a category of works used by the Department and in the budget process to describe works that are routine or of a minor nature. The Department is allocated funding for repairs and maintenance for town camps. The Department is unaware of any repair and maintenance requests that have been denied due to lack of funds for repairs.<sup>88</sup>
- 2.62 The Department of Housing's *Maintenance Manual* states:
- Only that type of work which is related to your **health, safety or security or which affects the structure of the property** will be attended to in a responsive

<sup>84</sup> Department of Housing, Committee Transcript, 11 April 2016, p. 75.

<sup>85</sup> Department of Housing, Answers to Questions on Notice, Public Hearing 11 April 2016, p. 5.

<sup>86</sup> Department of Housing, Answers to Questions on Notice, Public Hearing 11 April 2016, p. 5.

<sup>87</sup> Tangentyere Council Aboriginal Corporation, Submission No. 9, 2016, p. 14.

<sup>88</sup> Department of Housing, Answers to Questions on Notice, Public Hearing 11 April 2016, p. 9.

manner. All other maintenance requests will be deferred and completed in a planned way depending on the priority and availability of funding.<sup>89</sup>

- 2.63 It appears to the Committee that there is confusion between tenants, third party organisations and the Department of Housing regarding the nature of repairs that will be completed. An example of this is the instance referred to by Tangentyere Council involving stove hotplates. A number of publications on the Department's website inform tenants to report stove hotplates not working and these will be classified as 'routine work' and attended to within 10 days.<sup>90</sup> However, part of a stovetop not working should not affect 'health, safety or security', therefore is not classified as a responsive repair according to the definition quoted above from the *Maintenance Manual*.
- 2.64 The Committee understands that repairs and maintenance must be prioritised in accordance with available funding. However, it is evident that tenants may not understand how determinations are made about funding prioritisation. This may be leading to tenants having expectations that are unmet by the Department and result in tenant dissatisfaction. This could be addressed through improving the consistency of publications relating to repairs and maintenance and ensuring that tenants understand the difference between responsive repairs and those that will be deferred pending available funding.

### **Timeliness**

- 2.65 The Department of Housing categorises repairs and maintenance work as either immediate, urgent or routine. The Department issues a maintenance manual to tenants, also available on the Department's website, which outlines different repairs and maintenance issues and the remediation timeframes. Immediate repairs, such as a blocked toilet or tap that will not turn off, will be attended to within four hours of being reported. Urgent repairs such as a screen door not locking correctly will be attended within two days, while routine maintenance, for instance a broken toilet seat or cupboard, will be attended within 10 days.<sup>91</sup>
- 2.66 In their submission, CAAHC advised that after the contracts for tenancy management and property management were split between themselves and Ingkerreke Commercial, the timeframes stipulated in the Department of Housing's policy:

Were often not met – including those that were deemed 'Emergency' and 'Immediate'. However, the greatest number of repairs that were not within timeframe were those classed as 'Routine'. Often when CAAHC would follow up overdue repairs Housing staff would ignore this fact – Meeting these service

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<sup>89</sup> Department of Housing, *Maintenance Manual – Using this manual*, viewed on 12 May 2016, [https://dlgcs.nt.gov.au/\\_data/assets/pdf\\_file/0006/5694/1\\_using\\_this\\_manual.pdf](https://dlgcs.nt.gov.au/_data/assets/pdf_file/0006/5694/1_using_this_manual.pdf)

<sup>90</sup> Department of Housing, *Maintenance Manual – Stoves*, viewed on 12 May 2016, [https://dlgcs.nt.gov.au/\\_data/assets/pdf\\_file/0013/5701/6\\_electric\\_stove\\_completed.pdf](https://dlgcs.nt.gov.au/_data/assets/pdf_file/0013/5701/6_electric_stove_completed.pdf); Department of Housing, *Looking after your home*, viewed 12 May 2016, [https://nt.gov.au/\\_data/assets/pdf\\_file/0017/204065/looking-after-your-home-booklet.pdf](https://nt.gov.au/_data/assets/pdf_file/0017/204065/looking-after-your-home-booklet.pdf)

<sup>91</sup> Department of Housing, *Home Maintenance*, Northern Territory Government, viewed on 10 March 2016, [http://www.housing.nt.gov.au/\\_data/assets/pdf\\_file/0011/79157/home\\_maintenance\\_FS17.pdf](http://www.housing.nt.gov.au/_data/assets/pdf_file/0011/79157/home_maintenance_FS17.pdf)

goals was not a priority for Housing and often the Property Maintenance contractor was handed the blame.<sup>92</sup>

- 2.67 The Committee received similar evidence from Tangentyere Council regarding delays in repairs and maintenance during this period:

Work was rarely carried out within the required timeframes...This meant that our houses were not functioning to the extent that we as tenants are legally entitled...The only recourse for Town Campers with outstanding Repairs and Maintenance was to keep ringing the Tenancy Manager. It is our understanding that the Central Australian Affordable Housing Company would keep re-forwarding the same reports to the Department on our behalf. This was a very frustrating process, and the previous Tenancy manager would encourage residents to make official complaints to the Department of Housing complaints line, so that there was an official record that the work had not been done.<sup>93</sup>

- 2.68 The Committee questioned Ingkerreke Commercial regarding the timeliness of repairs while they were the property management contractor and whether departmental processes contributed to delays in repairs and maintenance. Ingkerreke Commercial advised the Committee:

There is one issue which is how long did it take us to deal with the work once we actually had it, and how long it took the work order to get from the report of the maintenance through to when we received it. I think having that process and relying upon particular people or particular parts of the department to process that, and that delay between report processing and reissuing the work order out.<sup>94</sup>

- 2.69 When questioned by the Committee about whether it appeared that reports were bottlenecked at the Department of Housing, Ingkerreke Commercial informed the Committee:

We would quite often see late of an afternoon at 4 o'clock in the afternoon we may receive 20 or 30 orders in that 10 to 15 minute period. They seemed like they had potentially been bottlenecked through the day or perhaps a couple of days.<sup>95</sup>

- 2.70 In their submission to the Committee, an Aboriginal Housing Association commented that tenants had lost faith in the systems in place to deliver quality housing services to the Alice Springs Town Camps:

On many occasions we had to wait a long time for a response. A resident...has been waiting about 2 years for some minor repairs (these were reported and re-reported). We don't have confidence in the process or in the Territory Housing and our landlord. Our members have given up ringing and reporting repairs and maintenance issues now...

We asked for proper security screens for the doors because the screens are either not aligned properly or have holes in them. The solid main door of at least one house has been installed incorrectly; there is a large gap between the door and the door frame so it is easy to open with a key card. We had had to replace the mesh ourselves. The door can't be locked with a key and it is easy to tamper with the lock. The houses aren't secure because the doors and locks

<sup>92</sup> CAAHC, Submission No. 5, 2016, p. 7.

<sup>93</sup> Tangentyere Council Aboriginal Corporation, Submission No. 9, 2016, pp. 11-12.

<sup>94</sup> Ingkerreke Commercial, Committee Transcript, 11 April 2016, pp. 44-45.

<sup>95</sup> Ingkerreke Commercial, Committee Transcript, 11 April 2016, p. 43.

have been fitted poorly and this means that people can break in. We have no security at all. We have made formal complaints about the flimsy screens and the fact that they can be easily cut and opened by hand. The screens are so flimsy that normal wear and tear wrecks them easily.<sup>96</sup>

2.71 The Committee received evidence from the Central Australian Aboriginal Legal Aid Service (CAALAS) that they are frequently contacted by town camp tenants regarding repairs and maintenance concerns, including blocked drains and electrical faults that have been unresolved for many months and in some instances years. CAALAS state that investigations through freedom of information revealed that “in most cases we have discovered that the housing service providers had sent the required documentation to the Department and the delay stood with the Department for not actioning the request”.<sup>97</sup> Furthermore, CAALAS noted that “requests for repairs and maintenance are approached very differently depending on whether the request is made by a tenant or their legal representative.”<sup>98</sup>

### **Tenant related damage**

2.72 The Committee understands that another factor affecting the perception of whether repairs and maintenance were completed within prescribed timeframes is whether the Department of Housing included all of the repairs reported by CAAHC in the work order issued to Ingkerreke Commercial. The Committee was advised by Ingkerreke Commercial that:

What was reported to CAAHC and then what was sent to us as a work order was sometimes not all the items that had been reported to CAAHC. Housing had a policy I suppose, for lack of better words, where tenant damage was not being responded to.

If somebody rang up CAAHC and reported an incident and said look there is a broken door, broken tap and a broken light switch. By the time it gets to us we might have gone out and fixed the broken light switch and tap, but maybe not the door because it was assumed that it was deemed tenant damage. So there is a perception issue between what was being reported by the residents and being received by the contractor, us in this instance.<sup>99</sup>

2.73 It was further explained to the Committee that Ingkerreke Commercial was not advised by the Department of Housing if repairs had been excluded from the work order:

We would often find that out by accident; we did not have that information at hand. We would only know when CAAHC would call us and ask why it was not responded to. We would have to go back to our records to know that it was not on the purchase order to begin with.<sup>100</sup>

2.74 The Committee was advised by Ingkerreke Commercial that they observed a change during the contract period in the Department of Housing’s approach towards completing additional repairs that were identified when attending to job:

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<sup>96</sup> Tangentyere Council Aboriginal Corporation, Submission No. 9, 2016, Appendix 2, Aper-Alwerrkngge Association, p. 3.

<sup>97</sup> CAALAS, Submission No. 10, 2016, p. 3.

<sup>98</sup> CAALAS, Submission No. 10, 2016, p. 4.

<sup>99</sup> Ingkerreke Commercial, Committee Transcript, 11 April 2016, p. 43.

<sup>100</sup> Ingkerreke Commercial, Committee Transcript, 11 April 2016, p. 43.

Initially the contract allowed us to be able to pick up any additional works and carry them out. I stand to be corrected on the number, but I think it was up to \$500 extra. Typically we would ring Territory Housing and the concerned manager to say, 'We found this. We expect it will cost X amount. Do you want us to do this?' 'Yes, that is okay, please go ahead with it.' The work order would then be backed up or reissued or whatever they would need to do....

There was a change to it, which occurred – not so much because we could not do it anymore but we became so restricted in what was being delivered in the town camps, from a wear-and-tear or tenant damage perspective. The scope of works became somewhat less throughout the period of the contract, based around what was perceived as wear and tear and tenant damage.<sup>101</sup>

2.75 When questioned about this change, the Department of Housing informed the Committee that there had not been any change to the policy of contacting the Department for approval to undertake additional repairs.<sup>102</sup> This suggests to the Committee that while Ingkerreke Commercial was still able to seek approval to complete additional repairs, the Department may have changed their approach to what was deemed to be tenant related damage during this contract period.

2.76 The evidence provided to the Committee from a number of organisations indicates that the policy surrounding whether damage is deemed to be 'fair wear and tear' or tenant related is not clearly articulated by the Department of Housing. In their submission, CAALAS stated that there is:

No clear and transparent mechanism to establish what is considered fair wear and tear and what should be considered as tenant responsible damage. We have observed clients to frequently be held accountable for the entirety of repairs and maintenance costs without an appropriate demarcation between these categories.<sup>103</sup>

2.77 The Committee heard that while the *Residential Tenancies Act* (NT) (RTA) requires a landlord to prove tenant related damage "historically the landlord, the Department of Housing, will charge the tenants for what they deem tenant-responsible damage. In some cases it is obviously tenant-responsible damage."<sup>104</sup> However in other cases, there may not be a thorough investigation of the damage and "when it comes down to evidence for who pays for that, it will be the tenant because Housing will deem it tenant-responsible damage before they look into the matter."<sup>105</sup>

2.78 The Committee has heard arguments that 'wear and tear' in houses that are overcrowded, as is the norm in town camps, cannot be assessed against the same standards as houses occupied by fewer people:

It is a well known fact that homes on the Town Camps experience a higher than normal occupancy rate and therefore more wear and tear on components. These houses are 'hard lived in' and yes, while deliberate damage does occur,

<sup>101</sup> Ingkerreke Commercial, Committee Transcript, 11 April 2016, p. 45.

<sup>102</sup> Department of Housing, Answers to Questions on Notice, Public Hearing 11 April 2016, p. 8.

<sup>103</sup> CAALAS, Submission No. 10, 2016, p. 6; CAAHC, Committee Transcript 11 April 2016, p. 49.

<sup>104</sup> CAALAS, Committee Transcript 11 April 2016, p. 67.

<sup>105</sup> CAALAS, Committee Transcript 11 April 2016, p. 67.

treating people as if every piece of damage has been done on purpose is disrespectful and inconsiderate of the way of life of the tenants.<sup>106</sup>

2.79 The Department of Housing's *Dwelling Management Policy* states:

The Department of Housing will meet the costs of maintenance due to fair wear and tear, which is related to the normal lifespan of items within a dwelling. Any damage to an item will be assessed by the Department of Housing staff in accordance with the expected lifespan and depreciation. Damage considered to be beyond normal wear and tear will require the tenant to replace or repair the item at their own expense.<sup>107</sup>

2.80 The Department of Housing has informed the Committee that it assesses tenant related damage in accordance with the RTA and the *Tenant Responsibilities Policy*. The policy specifies that tenant damage is that "considered to be any intentional or negligent damage to the premises".<sup>108</sup> The Department further advised that it:

Does not refuse to make good on any health, safety, or security repairs. Where damage is of a minor nature, the tenant is given the first opportunity to rectify the damage in accordance with the RTA.<sup>109</sup>

2.81 It is unclear whether the Department evaluates the expected lifespan of items in town camp houses differently to those in urban public housing to take into account the faster rate of 'wear and tear' that may result from a higher number of occupants in each house. It is also unclear how the Department assesses each damage report in respect to tenant related damage given the subcontracting arrangements in place or whether these determinations are in fact made by one of the contractors.

2.82 Given the implications of damage being classified as either tenant related or fair wear and tear, there is a need for greater clarity of the process for assessing damage; the consequences of damage being tenant related; and communication of assessments of damage being tenant related and any rights of review.

### **Compliance with Residential Tenancies Act**

2.83 The Committee was informed by the Department of Housing that the Department's:

Requirement, amongst other activities that relate to public housing, is to provide housing that is habitable, safe and secure in accordance with the *Residential Tenancy Act*.<sup>110</sup>

2.84 The Committee has heard claims that the Department of Housing does not comply with the RTA in regard to its repairs and maintenance obligations. In their submission, CAALAS states that the "delays in rectifying these maintenance issues are breaches of the timelines set out in the RTA for repairs and maintenance to be conducted by the Landlord".<sup>111</sup>

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<sup>106</sup> CAAHC, Submission No. 5, 2016, p. 9.

<sup>107</sup> Department of Housing, *Dwelling Management Policy*, viewed 12 May 2016,

[https://cmsexternal.nt.gov.au/data/assets/pdf\\_file/0006/266154/Dwelling\\_Management.pdf](https://cmsexternal.nt.gov.au/data/assets/pdf_file/0006/266154/Dwelling_Management.pdf)

<sup>108</sup> Department of Housing, Answers to Questions on Notice, Public Hearing 11 April 2016, p. 10.

<sup>109</sup> Department of Housing, Answers to Questions on Notice, Public Hearing 11 April 2016, p. 11.

<sup>110</sup> Department of Housing, Committee Transcript, 2 March 2016, p. 3.

<sup>111</sup> CAALAS, Submission No. 10, 2016, p. 3.

- 2.85 CAALAS provided a case study to the Committee where structural safety issues had been identified and reported to the Department of Housing. A condition report was completed in May 2015 by Tangentyere Design outlining the structural damage that required repairing. In November 2015 the resident complained to CAALAS about the lack of response from the Department. In early December CAALAS was advised by the Department that “orders were raised to address the issues as a matter of urgency”. Around a week later, the dining room ceiling collapsed as the structural problems had not been remedied.<sup>112</sup>
- 2.86 The RTA outlines the roles and responsibilities of both tenants and landlords. Section 63 of the Act permits the Northern Territory Civil Appeals Tribunal (NTCAT) to order a landlord to make emergency repairs if:
- the tenant has notified the landlord of the repairs; and
  - the landlord has not undertaken the repairs within five business days; or
  - the landlord has not made arrangements for the repairs and notified the tenant of arrangement within five business days; and
  - the repairs have not been completed within 14 days.<sup>113</sup>
- 2.87 The timeframes outlined in section 63 of the Act are a trigger for when a tenant may apply to NTCAT to order a landlord to make emergency repairs. The RTA does not in fact stipulate repairs and maintenance timeframes for landlords. These timeframes may be perceived as a reasonable time in which a tenant could expect a landlord to undertake emergency repairs however they are not legislated requirements. Nevertheless, the Committee considers that it is evident that the length of delays as described in evidence are not acceptable and below the standard expected under the Act.

### **Housing vacancies due to repairs and maintenance**

- 2.88 The Committee heard concerns that the Department of Housing’s procedures for undertaking repairs and maintenance when a house becomes vacant lead to significant delays in a new tenant moving into the property. Similar to most rental properties, the Department of Housing requires new tenants to pay bond and rent in advance, prior to occupying a property. The Committee heard from CAAHC:

Often that could take a really long time, so you perhaps had a homeless person or living in an overcrowded house who really wanted that particular property. It might take up to three months for them to save up the rent and then it might take another three months for the house to be fixed. You could have someone who is potentially homeless waiting for up to six months before they could move into their property. During that time we had to keep an eye on that property to make sure that it was not vandalised or people who were homeless would often

<sup>112</sup> CAALAS, Submission No. 10, 2016, p. 3.

<sup>113</sup> Section 63, *Residential Tenancies Act* (NT).

move in there and seek shelter. Quite often by the time housing came to fix it, it was even more damaged than when the original people had vacated.<sup>114</sup>

2.89 The Committee notes that Tangentyere Council raised similar concerns in their submission to this inquiry:

The policy of the Department requiring bond and rent upfront and the practice of only initiating repairs to vacant houses once the bond has been paid has several impacts as follows (1) the applicant can wait months before being able to occupy a house, (2) the Department loses the potential for rental income, (3) the house is likely to deteriorate, (4) the applicants remain homeless and (5) other households face additional pressure from overcrowding.<sup>115</sup>

2.90 In comparison to the lengthy timeframes for repairs and maintenance to be undertaken when a house is vacated in Alice Springs, the Committee heard from Julalikari that the turnaround time between a vacancy and reoccupation in the Tennant Creek CLAs was three to four weeks.<sup>116</sup>

2.91 The Committee questioned the Department of Housing in March regarding the number of vacant houses in the Alice Springs Town Camps and was advised that of the 33 vacant houses, 11 had been allocated by the respective Housing Reference Groups and were about to be occupied, four were “questionable with regard to structure” (often referred to as beyond economic repair) and the remaining 18 were in the process of being repaired.<sup>117</sup>

2.92 While the Committee acknowledges that it is common practice for tenants to be required to pay bond and rent in advance before occupying a property, there is no clear reason why repairs and maintenance required on a property that has been vacated should be delayed until the prospective tenant has sufficient funds to pay their bond and advance rent. The Committee has concerns that this policy approach may exacerbate the critical housing shortage on town camps and lead to further overcrowding and homelessness.

2.93 The Committee questioned the Department of Housing regarding delays in repairing vacated houses and was informed that its business processes have changed under the current contract model so that now:

As soon as a house becomes vacant the Department works with the contractor to commence action to re-tenant a property. This includes consultation with the Housing Reference Group to identify a suitable applicant. This pre allocation process is to provide the new tenant with the opportunity to obtain the required bond and rent. Repairs and maintenance are also identified in the process and works carried out.<sup>118</sup>

2.94 The Committee commends the Department for taking action to reduce the waiting time to re-tenant houses. However, it is unclear why the Department did not change the policy when the issues were first raised by CAAHC during the previous contract

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<sup>114</sup> CAAHC, Committee Transcript, 11 April 2016, p. 50.

<sup>115</sup> Tangentyere Council Aboriginal Corporation, Submission No. 9, 2016, p. 33.

<sup>116</sup> Julalikari, Committee Transcript, 11 April 2016, p. 62.

<sup>117</sup> Department of Housing, Committee Transcript, 2 March 2016, p. 26.

<sup>118</sup> Department of Housing, Answers to Questions on Notice, Public Hearing 11 April 2016, p. 10.

period, or whether the new processes will prove effective. The management of vacant houses is another issue that should be kept under review.

- 2.95 It appears to the Committee that delays in completing repairs and maintenance are, at least in part, attributable to the disjointed housing management arrangements that were put in place by the Department of Housing between 2012 and 2016. Based on the evidence provided, it seems that some of the delays were a direct result of the time taken by the Department to forward repairs and maintenance requests to the property management contractor.
- 2.96 According to the Department of Housing, reporting shows that under the new contracts, most of the repairs and maintenance works are completed on the day they are reported.<sup>119</sup> This is likely due to the policy change enabling the property management contractor to complete works valued up to \$100 without approval from the Department of Housing which has streamlined the process for these repairs.

## **Contractual obligations**

- 2.97 During the course of this inquiry, a number of questions have been raised regarding the contractual obligations of the Department of Housing, specifically those contained within the Alice Springs Subleases and the Housing Management Agreements.

### ***Independent review of housing and infrastructure***

- 2.98 The Committee notes that clause 12(b) of the Alice Springs Subleases states:

To inform the Department of Families, Housing, Community Services and Indigenous Affairs of the Commonwealth of Australia's regard to the continuing housing and infrastructure needs in the Alice Springs Living Areas, the Territory will commission an independent review of housing and infrastructure needs on a 3 yearly basis. Such a review will include:

- i) details of capital works carried out during the reporting period including detail of the works undertaken and the associated expenditure; and
- ii) identification of outstanding housing and associated infrastructure needs including the priority of the needs and an estimate of cost based on the market rate at the time of the review.

The 3 yearly report will be made available by the Territory to the Association on request within a reasonable timeframe, subject to any privacy or confidentiality obligations on the Territory.<sup>120</sup>

- 2.99 The Committee questioned the Department of Housing at the first public hearing in March as to the status of the review and was informed that no formal review had been undertaken as per the requirements of the sublease.<sup>121</sup>

<sup>119</sup> Department of Housing, Committee Transcript, 11 April 2016, p. 81.

<sup>120</sup> Clause 12(b), Alice Springs Living Area Sublease between the Executive Director of Township Leasing, Northern Territory of Australia, Chief Executive Officer (Housing) and the leaseholder Association.

<sup>121</sup> Department of Housing, Committee Transcript, 2 March 2016, p. 23.

2.100 In their submission to the Committee, Tangentyere Council stated that they have “been pursuing this review for years. After many attempts to engage the Department, Tangentyere approached the Executive Director of Township Leasing who wrote to the CEO of Housing...Despite the assurances nothing has happened.”<sup>122</sup>

2.101 Tangentyere Council provided a copy of the correspondence dated 27 August 2014 from the then Chief Executive Officer of the Department of Housing to the Executive Director of Township Leasing which stated:

The Department of Housing will work with relevant government agencies to undertake an independent review, as per Clause 12 of the 40 year Sublease between 14 Town Camp Housing Associations (representing 17 Town Camps), the Executive Director Township Leasing (EDTL), the Northern Territory of Australia and the Chief Executive Officer (Housing). I have instructed staff to commence the necessary work. As you will appreciate we will need to develop a clear scope for the project and undertake procurement to engage the services of an independent reviewer.<sup>123</sup>

2.102 The Committee questioned the Department of Housing on what had been done in regard to the commitment made in 2014. The Department advised it had “commenced the necessary steps to scope the project and action required including multi agency discussions”.<sup>124</sup> The Department also reiterated that an independent review of all town camps has been announced by the Northern Territory Government.

2.103 It appears to the Committee that the Northern Territory Government has not satisfactorily met its contractual obligations under the Alice Springs Subleases in its failure to comply with clause 12(b) and conduct a review of housing and infrastructure needs on a three yearly basis. As the subleases have been in place for over six years, the Government should have in fact undertaken two reviews and have failed to do so.

2.104 Having adequate awareness of and regard to housing and infrastructure needs is clearly an important element of the package of housing reforms implemented by the agreements. It is a crucial step towards having a strategy to manage housing needs rather than just a contract to manage a tenancy. This is particularly pertinent in a situation where overcrowding and inadequacy of infrastructure is a problem that, among others things, has an adverse impact on existing housing stock. This needs to be addressed as a matter of priority.

### ***Housing Management Agreements***

2.105 As previously discussed, the Housing Management Agreement is the under lease that was entered into by the Executive Director of Township Leasing and the Northern Territory Government following the signing of the Alice Springs Subleases. The HMAs were for an initial period of three years, which were then extended for 12

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<sup>122</sup> Tangentyere Council Aboriginal Corporation, Submission No. 9, 2016, p. 25.

<sup>123</sup> Tangentyere Council Aboriginal Corporation, Submission No. 9, 2016, Appendix 17.

<sup>124</sup> Department of Housing, Answers to Questions on Notice, Public Hearing 11 April 2016, p. 3.

months and since the expiration of this period have continued on a periodic month to month basis.<sup>125</sup>

2.106 The Committee questioned the Department of Housing why long term HMAs have not been entered into with the EDTL and was advised:

The Stronger Futures National Partnership Agreement and associated schedule provided for the extension of housing management arrangements on a month by month basis after 2 December 2013.

A formal long term arrangement has not been entered into as negotiations between the EDTL and the Northern Territory have been ongoing.<sup>126</sup>

2.107 The Department of Housing did not provide specific details as to how the Stronger Futures National Partnership Agreement and associated schedule provide for the extension of the HMAs on a month of month basis. The most likely schedule that the Department has referred to is schedule H, which is the Alice Springs Transformation Implementation Plan which was agreed on in 2013 and is linked to the Alice Springs Transformation Plan (ASTP) announced in May 2009. The \$100 million funding provided through SIHIP in exchange for the 40 year subleases formed part of the ASTP which also included a number of other measures that were not related to housing.

2.108 The 2013 Implementation Plan focuses on five elements of the ASTP: alcohol treatment; school enrolment and attendance; safety and wellbeing; parenting education support; and tenancy support.<sup>127</sup> The Committee was unable to discern any linkage between the Stronger Futures National Partnership Agreement, the Implementation Plan and a month to month extension of the HMAs.

2.109 The Committee also notes that no explanation has been provided why negotiations with the EDTL have been ongoing for several years with no obvious resolution in sight.

2.110 Clause 10 of the Alice Springs Subleases states:

(a) The EDTL must use its best endeavours to ensure that there is a Housing Management Agreement to enable a Housing Authority to provide housing services to Aboriginals in the Living Area.

(b) Subject to the provisions of Clause 10, the EDTL may enter into a Housing Management Agreement if the Housing Management Agreement is with:

- (i) the Territory or Territory Housing; or
- (ii) a Housing Authority other than the Territory or Territory Housing and has been approved by the Territory and it will commence after the third anniversary of this Sublease.<sup>128</sup>

<sup>125</sup> Executive Director of Township Leasing, *Annual Report 2014-2015*, p. 21.

<sup>126</sup> Department of Housing, *Answers to Questions on Notice Public Hearing 11 April 2016*, p. 1.

<sup>127</sup> National Partnership Agreement on Stronger Futures in the Northern Territory, Alice Springs Transformation Implementation Plan, Schedule H, 2013 p. 4.

<sup>128</sup> Clause 10, Alice Springs Living Area Sublease between the Executive Director of Township Leasing, Northern Territory of Australia, Chief Executive Officer (Housing) and the leaseholder Association.

2.111 In their submission to the Committee, Tangentyere Council stated that as the Northern Territory Government has failed to negotiate long term HMAs with the EDTL, they proposed that:

The Territory Government recommend that the Executive Director of Township Leasing enter into a new Housing Management Agreement with Tangentyere Council. Such an agreement would install Tangentyere Council as the Housing Authority for the Town Camps paving the way for Tangentyere Council to engage the Central Australian Affordable Housing Company as Tenancy Manager and Tangentyere Constructions as the Property Manager.<sup>129</sup>

2.112 The Committee questioned the Department of Housing in relation to this clause and any impediments to a non-government organisation becoming the Housing Authority in replacement of the Department of Housing. The Department responded that an independent review into town camps has been announced by the Northern Territory Government and this review will consider current lease arrangements.<sup>130</sup>

2.113 The absence of long term HMAs directly impacts on the tenancy agreements in place between the Department of Housing and the town camp tenants. Clause 9.1(a)(i) of the HMAs stipulates that any tenancy agreement cannot exceed the remaining term of the HMA.<sup>131</sup> Consequently, tenancy agreements between the Department of Housing and town camp tenants can only be on a periodic month to month basis which provides no long term stability for tenants in the Alice Springs Town Camps.

2.114 The Committee notes that the 2013-2014 and 2014-2015 Executive Director of Township Leasing Annual Reports state “unfortunately, due to the month by month continuous Housing Management Agreement it has not been possible to progress any major work in the Town Camps.”<sup>132</sup> The Department of Housing rejects that major works have been restricted stating “the overarching sublease allows for major works to be undertaken.”<sup>133</sup>

2.115 With both Tangentyere Council and the Executive Director of Township Leasing seeking the clarity and security that comes from a long term agreement, and no substantive reason being provided for the delay, the Committee considers that it is unacceptable that it has taken so long without this being resolved. At the same time, the Committee acknowledges that the recently announced review of town camps may impact on any future agreement, so it may be preferable to not establish an agreement that extends beyond the timeframe for that review. During this inquiry the question has also been raised whether it would now be preferable for the EDTL to enter HMAs with a Housing Authority other than the Territory, such as potentially Tangentyere Council. While allowing for consideration of these matters, the Department should secure agreements for as long as practicable as quickly as practicable.

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<sup>129</sup> Tangentyere Council Aboriginal Corporation, Submission No. 9, 2016, p. 5.

<sup>130</sup> Department of Housing, Answers to Questions on Notice, Public Hearing 11 April 2016, p. 2.

<sup>131</sup> Housing Management Agreement between the Executive Director of Township Leasing and the Northern Territory of Australia.

<sup>132</sup> Executive Director of Township Leasing, *Annual Report 2014-2015*, p. 21.

<sup>133</sup> Department of Housing, Answers to Questions on Notice Public Hearing 11 April 2016, p. 1.

### ***Houses deemed beyond economic repair***

- 2.116 In their submission to the Committee, Tangentyere Council asserted that the Department of Housing has failed to comply with its obligations under the Alice Springs Subleases and the HMAs in respect to houses that are deemed ‘beyond economic repair’.<sup>134</sup>
- 2.117 Clause 9.2(b) of the Alice Springs Subleases states that “if the Lease requires the Association to maintain, repair or replace any Existing Improvements, the EDTL must maintain, repair or replace those Existing Improvements.”<sup>135</sup> The ‘Lease’ that is referred to in the clause is the underlying lease held by the AHA. Tangentyere Council advised the Committee in their submission that the “special purpose leases and crown leases in perpetuity held by the Associations require that each Association ‘maintain, repair or replace existing improvements’”.<sup>136</sup>
- 2.118 This responsibility is transferred from the EDTL to the Northern Territory Government through the HMAs which state in clause 8.2(b) ‘if the Sublease requires the EDTL to maintain, repair or replace any Existing Improvements, the Territory must maintain, repair or replace those Existing Improvements’.<sup>137</sup>
- 2.119 As previously stated, there are four houses on the town camps that are deemed beyond economic repair and one house that has already been demolished. Two of the houses have been vacant since 2013 while the other two were vacated in mid 2015. Tangentyere Council claim they have been advised that “the repair of these houses is too costly and that no budget exists for their repair or reconstruction.”<sup>138</sup>
- 2.120 The Committee questioned the Department of Housing in regard to the claim made by Tangentyere Council that they are not fulfilling their obligations under the HMAs. The Department informed the Committee it was meeting its obligations:
- Houses that are considered to have major ‘structural damage’ undergo a process of assessment to determine works required. The Department has taken action to review and assess the few houses considered to have structural damage.<sup>139</sup>
- 2.121 The Department advised the Committee in the March public hearing that the four houses have suffered fire damage and two of those houses were in the process of receiving engineering reports.<sup>140</sup> One of the houses that is the subject of an engineering report has been vacant since January 2013.<sup>141</sup>

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<sup>134</sup> Tangentyere Council Aboriginal Corporation, Submission No 9, 2016, p. 13.

<sup>135</sup> Clause 9.2(b), Alice Springs Living Area Sublease between the Executive Director of Township Leasing, Northern Territory of Australia, Chief Executive Officer (Housing) and the leaseholder Association.

<sup>136</sup> Tangentyere Council Aboriginal Corporation, Submission No. 9, 2016, p. 13.

<sup>137</sup> Clause 8.2(b) Housing Management Agreement between the Executive Director of Township Leasing and the Northern Territory of Australia.

<sup>138</sup> Tangentyere Council Aboriginal Corporation, Submission No. 9, 2016, p. 15.

<sup>139</sup> Department of Housing, Answers to Questions on Notice Public Hearing 11 April 2016, p. 7.

<sup>140</sup> Department of Housing, Committee Transcript, 2 March 2016, p. 26.

<sup>141</sup> Tangentyere Council Aboriginal Corporation, Submission No. 9, 2016, p. 15.

2.122 It appears to the Committee that the Department has had extensive time to assess the structural condition of these properties but has not yet done so. This appears to fall short of their obligations under the agreement and further exacerbates overcrowding within the town camps.

## Public housing model

2.123 The Committee has heard a number of concerns regarding the shift in policy direction of the Commonwealth and Northern Territory Governments in relation to Aboriginal housing. The signing of the Alice Springs and Tennant Creek subleases resulted in a fundamental change in the manner in which housing services were delivered on these town camps. The introduction of a public housing model and increased level of government intervention has led to the disempowerment of the residents living on the town camps. The Committee heard from CAAHC:

The application of a public housing model on the Town Camps was a terrible mistake; people who were accustomed to having a community response to their housing were required to have individualised contracts and assume a high level of individual responsibility without any obvious reciprocal rights.

We observed that the public housing model's emphasis on 'compliance' created a system where people had to prove themselves as being 'worthy' rather than receiving a preferred base line response; that housing is a human right and everyone in our country is worthy of a home.<sup>142</sup>

2.124 In addition to the disempowerment of residents, the Committee received evidence that the public housing model does not take into account the cultural practices of Aboriginal people, with Tangentyere Council noting:

Community housing looks at the communal construct of the community itself. Public housing has failed because the policies that are put in place work against the residents. The housing associations in Alice Springs, the town camps, we have a varying degree of different language groups. There are Aboriginal people who still live a semi-cultural existence in the urban backdrop of Alice Springs.

Community housing looks at the sensitivity around dealing with community housing on Aboriginal land. There are issues where people may have to remove themselves from their town camp for long periods of time – funerals, ceremony during the Christmas period. There are a number of factors when it comes to overcrowding. People still hold and maintain that cultural obligation of looking after family when they come in to Alice Springs. Alice Springs is a service hub for at least 260 Central Australian communities.<sup>143</sup>

2.125 In making the decision to implement a public housing model, the Government has taken on responsibility for ensuring that quality services are delivered to tenants in an efficient and culturally appropriate manner. The Committee heard from CAAHC that when dealing with some of the staff at the Department of Housing:

They did not really understand the needs of the community they were responsible for. There seemed to be that unflinching line about the importance the tenant had in being compliant. That was often spoke of; that they had to be compliant. That distressed me because I often thought, 'But what do the tenants

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<sup>142</sup> CAAHC, Submission No. 5, 2016, p. 5.

<sup>143</sup> Tangentyere Council Aboriginal Corporation, Committee Transcript, 11 April 2016, p. 34.

get back in return?' Surely, as the landlord, Territory Housing has to be compliant in fixing their houses and providing all those other services. It is a two-way street. I felt that the tenants were the ones who were having to prove themselves to be worthy of receiving the service all the time. That was a fairly big stretch.<sup>144</sup>

2.126 Tangentyere Council advocated for a return to a community housing model:

Tangentyere and the town camps believe the public housing management of town camps needs to end in favour of a community housing model that both empowers and cares for the welfare of residents.<sup>145</sup>

2.127 Although not related to the cultural aspect of housing management, the Committee was advised by Yilli Housing that there is a financial benefit to a community housing approach. Unlike tenants of community housing, tenants of government public housing are unable to apply for Commonwealth Rent Assistance, which is a subsidy paid to eligible recipients of Commonwealth social security payments.<sup>146</sup> The Committee is aware that public housing tenants may be eligible for a rental rebate from the Northern Territory Government, however this is a reduction in the rent that tenants must pay, as opposed to a cash payment. While the Committee has not undertaken a thorough examination of this issue, the Government may wish to consider this matter further through the independent review of town camps in terms of assessing the financial viability of different housing models on town camps.

2.128 While the Committee has not taken sufficient evidence to advocate for either a public housing or community housing model on the town camps, it is evident that the public housing model that has been delivered in Alice Springs and Tennant Creek is not meeting the needs of the tenants. The Committee believes that further investigation is warranted to evaluate the most appropriate model of housing for the town camps to ensure that housing services are value for money, meet the needs of the residents and are delivered in a culturally sensitive manner.

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<sup>144</sup> CAAHC, Committee Transcript, 11 April 2016, p. 51.

<sup>145</sup> Tangentyere Council Aboriginal Corporation, Committee Transcript, 11 April 2016, p. 27.

<sup>146</sup> YRHAC, Submission No. 3, 2016, p. 6.

### 3 Department of Local Government and Community Services

- 3.1 The Department of Local Government and Community Services provides funding for maintenance of 368 houses across 18 town camps in the Territory which are located in Darwin, Katherine, Borroloola, Adelaide River, Elliot, Jabiru, Mataranka and Pine Creek.<sup>147</sup> The perpetual special purpose or crown leases for these town camps are held by a number Aboriginal Housing Associations with the exception of the Jabiru Town Camp (Manaburdurma) and Elliot South Town Camp where the leaseholders are the Director of National Parks and the Commissioner of Consumer Affairs respectively.<sup>148</sup>
- 3.2 The Committee found one of the complexities in reviewing repairs and maintenance on the town camps funded through the Department of Local Government and Community Services stems from the myriad of organisations involved in the town camps. Across the 18 town camps there are 13 different leaseholders and seven organisations providing repairs and maintenance services. Appendix 2 provides details of the 18 town camps including their location, total number of funded dwellings, the AHA or other leaseholder and repairs and maintenance service provider.
- 3.3 The Committee notes that the arrangements for repairs and maintenance and relationships between tenants, leaseholders and service providers may vary greatly across the town camps. Given the limited time and resources available to the Committee in conducting this inquiry, the analysis of town camp repairs and maintenance in this section of the report focuses on evidence provided by the leaseholders and service providers directly to the Committee, which may not be reflective of the arrangements in all town camps.
- 3.4 As the Northern Territory Government does not own the houses or hold leases over the town camps, the funding provided is only a contribution towards the cost of repairs and maintenance of these houses. Funding grants are provided by the Department of Local Government and Community Services through the Homelands Housing Maintenance Program (HMP) to the value of \$3,166 per house per annum.<sup>149</sup>
- 3.5 The Committee heard that as the Northern Territory Government does not provide a “whole-of-maintenance program”<sup>150</sup> to these town camps, there is an expectation that the leaseholder AHA will be responsible for some of the costs associated with

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<sup>147</sup> Department of Local Government and Community Services, Committee Transcript, 2 March 2016, p. 4.  
Note: The Department of Local Government and Community Services has advised that figure of 366 quoted in the transcript is in fact incorrect and the correct number of funded dwellings is 368.

<sup>148</sup> Department of Local Government and Community Services, Committee Transcript, 2 March 2016, p. 4.

<sup>149</sup> Department of Local Government and Community Services, Committee Transcript, 2 March 2016, p. 17.

Note: The figure quoted during the public hearing was \$3,066 however the Department of Local Government and Community Services has advised that the correct figure is \$3,166.

<sup>150</sup> Department of Local Government and Community Services, Committee Transcript, 2 March 2016, p. 13.

the upkeep and maintenance of houses and facilities on the town camp through the rent collected from the residents. The Committee notes that the Northern Territory Government does not have any involvement or oversight on whether the AHA collects rent from residents or the manner in which the Association may elect to expend funds collected from residents.<sup>151</sup>

- 3.6 In the majority of instances, the service provider contracted to deliver repairs and maintenance through the HMP is a different organisation to the town camp leaseholder, which is usually an AHA. The exceptions are the Kalano Community Association Inc. (Kalano) and the Pine Creek Aboriginal Advancement Association which are both the leaseholders and repairs and maintenance service providers for the Katherine Town Camps and Pine Creek Town Camp respectively.
- 3.7 In July 2013, the Northern Territory Government entered into three year funding agreements with service providers under the HMP to undertake repairs and maintenance on houses in town camps. Funding is released to service providers twice per year when they have met financial and performance reporting requirements.<sup>152</sup> The Department of Local Government and Community Services has advised the Committee that all Homelands Program funding agreements have been extended for an additional 12 months through to June 2017.<sup>153</sup>

### ***Tenancy Management***

- 3.8 Unlike the Alice Springs Town Camps and Tennant Creek CLAs, the Northern Territory Government does not provide funding for tenancy management in the remaining town camps in the Territory. The Committee received evidence that Yilli Housing provides tenancy management services on the town camps where it is funded to provide repairs and maintenance. In their submission, Yilli Housing stated that they have “MOUs with all leaseholder organisations and tenancy agreements with all tenants and properties under its management.”<sup>154</sup>
- 3.9 Kalano also provide tenancy management services in their town camps that are not funded by the Northern Territory Government. However, as Kalano is the leaseholder for the perpetual leases, they are the legal landlord so it could be expected that they would manage the tenancies on their housing stock. The Committee did not receive evidence on what tenancy management arrangements exist in other town camps.

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<sup>151</sup> Department of Local Government and Community Services, Committee Transcript, 2 March 2016, p. 15.

<sup>152</sup> Department of Local Government and Community Services, *Homelands Policy – Program Guidelines 2015-16*, pp. 3-4.

<sup>153</sup> Department of Local Government and Community Services, Answer to Question on Notice from Public Hearing 11 April 2016.

<sup>154</sup> YRHAC, Submission No. 3, 2016, p. 2.

## Repairs and maintenance

3.10 The Committee recognises that due to the number of organisations involved in town camps from the leaseholders to service providers funded through the HMP, the repairs and maintenance arrangements vary among the town camps. As such, the Committee has based its analysis of repairs and maintenance on information provided by the Department of Local Government and Community Services, Yilli Housing and Kalano.

### Processes

3.11 The Department of Local Government and Community Services does not prescribe the repairs and maintenance processes to be utilised by service providers beyond the reporting requirements contained in the funding agreements which includes submitting financial reports twice a year and keeping maintenance logs that record the specific details of all works undertaken. If service providers are found to have breached their funding agreements, they may be required to repay funding or future funding may be withheld.<sup>155</sup>

3.12 The Department of Local Government and Community Services is responsible for assessing if the service providers' performance is deemed to be satisfactory. The Committee was advised that "inspections are undertaken by technical officers within the town camps to monitor the quality of the works undertaken by service providers."

3.13 The most comprehensive details surrounding the repairs and maintenance processes were provided to the Committee by Yilli Housing, the service provider for a number of town camps with different AHA leaseholders.

3.14 Repairs and maintenance are either reported directly to Yilli Housing by the tenant or they may be picked up during tenancy inspections or when a maintenance worker is undertaking another repair. The Committee heard:

The vast majority of people phone through their requests. We also have a 24-hour emergency 1300 number, so it is free to ring. We also have contact info on our website. People can even do it on their smart phones... Or the tenancy or maintenance people will pick it up on a general sweep through when they are doing maintenance or tenancy agreements. We get really cranky when people do not report things.<sup>156</sup>

3.15 In their submission, Yilli Housing noted that if a maintenance officer identifies other repairs while on site, they will complete minor works at the same time or contact the works manager to seek approval if it is a major or expensive repair. Yilli Housing stated:

It is easier and cheaper to amend the [work] order rather than the worker have to travel back and forwards to site just because it was not listed on the original order. In our experience this is in contrast to the government managed housing

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<sup>155</sup> Department of Local Government and Community Services, *Homelands Policy – Program Guidelines 2015-16*, pp. 6-7.

<sup>156</sup> YRHAC, Committee Transcript, 11 April 2016, p. 11.

where if it is not on the order it does not get fixed until a new order is processed, usually requiring the contractor to make multiple trips to the work site and adding delays and cost in getting R&M completed.<sup>157</sup>

- 3.16 Yilli Housing has experience delivering repairs and maintenance services on behalf of the Department of Housing in remote communities and highlighted to the Committee the different level of flexibility a maintenance worker has to complete additional repairs on site when operating under the HMP model:

There is not the level of bureaucracy. Dealing with the Department of Housing you have all these layers that you have to work through to get a job done. Whereas with our community housing, the housing stock we directly manage, we do not have that.<sup>158</sup>

- 3.17 Although the Department of Local Government and Community Services does not provide funding for tenancy management, Yilli Housing provides the full range of tenancy and property management services to town camps and is:

Very much a one-stop shop. Everyone is there in the office from the tenancy officer who knows exactly who lives in that house to the works manager to the maintenance staff to the accountant who can say how much in arrears that person is or how much that is going to cost. If there is a query it is as simple as somebody getting up from your desk and going to his desk and asking him. There is that one-stop shop, flexibility, there are no layers and we can respond very quickly.<sup>159</sup>

- 3.18 Their ability to provide a full service is enhanced through the use of a specialised community housing management database which integrates detailed information on tenancy matters, repairs and maintenance and financial transactions for each property and is able to interface with Centrepay (Centrelink payment deductions) and financial institutions to set up automated rental payments. The use of an integrated information database provides all Yilli Housing employees with access to a full property history and scheduled repair works or events.<sup>160</sup>

### ***Costs of Repairs and Maintenance***

- 3.19 Due to the grant funding model and number of organisations providing repairs and maintenance services to different town camps, the Committee was only able to obtain limited information regarding repairs and maintenance expenditure.
- 3.20 As previously noted, in 2015-16 the Department of Local Government and Community Services provided funding to service providers of \$3166 per house for each town camp. Table 3 below outlines the total funding allocated to each service provider, the number of town camps where services are provided and the total number of funded dwellings. A full breakdown of the number of houses in each town camp is shown in Appendix 2.

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<sup>157</sup> YRHAC, Submission No. 3, 2016, pp. 5-6.

<sup>158</sup> YRHAC, Committee Transcript, 11 April 2016, pp. 7-8.

<sup>159</sup> YRAHC, Committee Transcript, 11 April 2016, p. 8.

<sup>160</sup> YRHAC, Submission No. 3, 2016, p. 8.

**Table 3: Department of Local Government and Community Services Town Camp Funding Allocations 2015-16**<sup>161</sup>

Service Provider	Town Camps	Total Dwellings	Funding Allocated
Yilli Rreung Housing Aboriginal Corporation	7	150	\$474,839
Mabunji Aboriginal Resource Association Inc.	4	84	\$265,911
Barkly Regional Council	2	48	\$151,948
Warnbi Aboriginal Corporation	1	12	\$37,987
Kalano Community Association	2	59	\$186,770
Roper Gulf Regional Council	1	12	\$37,987
Pine Creek Aboriginal Advancement Association	1	3	\$9,497
<b>Total</b>	18	368	\$1,164,393

- 3.21 The Committee was able to examine funding and expenditure information for Kalano however it is important to note that the expenditure includes a number of houses that are not located within the town camps. The information indicates that repairs and maintenance expenditure for housing on town camps is considerably higher than the level of funding provided by the Department of Local Government and Community Services.
- 3.22 Kalano receives repairs and maintenance funding for Miali Brumby and Warlpiri (Geyulkan) Town Camps, Rockhole homeland and a number of houses located within the Katherine township, all of which are funded through the HMP. In 2014-15 the Department of Local Government and Community Services provided a total of \$256,814 to Kalano with \$180,381 designated specifically for the two town camps.<sup>162</sup>
- 3.23 In 2014-15 the Kalano housing program expended a total of \$536,891 with \$388,277 attributed to salaries, which includes administration staff, carpenters and their housing labour force, and \$148,614 on repairs and maintenance.<sup>163</sup> The total government funding received by Kalano for housing maintenance accounted for around half of the expenditure, while the town camp specific funding accounted for around one third of the expenditure. The Committee heard from Kalano that the rent collected on town camps “goes back into the housing bucket, so it is not extracted from the housing system. The determination on new works or extensions is negotiated with the community and determined by our council.”<sup>164</sup>
- 3.24 While the Committee is not able to ascertain the exact repairs and maintenance expenditure on town camps, the example provided above illustrates that a

<sup>161</sup> Department of Local Government and Community Services, *Municipal and Essential Services and Housing Maintenance Programs 2015-16*, viewed on 22 March 2016, [http://www.homelands.nt.gov.au/\\_data/assets/pdf\\_file/0010/193744/MES\\_Housing\\_Maintenance\\_Approved\\_Allocations\\_2015-16.pdf](http://www.homelands.nt.gov.au/_data/assets/pdf_file/0010/193744/MES_Housing_Maintenance_Approved_Allocations_2015-16.pdf)

<sup>162</sup> Department of Local Government and Community Services, *Municipal and Essential Services and Housing Maintenance Allocations 2014-15*, viewed on 20 April 2016 <https://dlgcs.nt.gov.au/homelands-and-remote-communities/municipal-and-essential-services-implementation-plan>

Note: The allocation data within this document relates to homelands only and not town camps. However the Department of Local Government and Community Services has provided data to the Committee on allocations to each service provider for town camps. These allocations were based on \$3057 per house.

<sup>163</sup> Kalano Community Association Inc. (Kalano), Submission No. 4, 2016, p. 3.

<sup>164</sup> Kalano, Committee Transcript, 11 April 2016, p. 21.

considerable proportion of expenditure is funded through rent collection or other income sources outside of government funding.

- 3.25 The Committee heard that Kalano does not have sufficient financial resources to expand their repairs maintenance program:

We would dearly like to have a regular renovation or refurbishment upgrade program, but from a financial point of view, the arrears and what it costs Kalano to run its housing program the year before last was about \$85,000 in the red and is about 35 on track for this year. We are making up the difference, albeit rather slowly.<sup>165</sup>

- 3.26 In their submission, Kalano noted that they had been in discussions with the Northern Territory Government about increased funding to achieve better housing outcomes. The Committee questioned Kalano on the outcome of these discussions at the public hearing however Kalano was still waiting on a written response from the Government outlining what the expected future funding arrangements will be. The Committee notes that in their submission, Kalano stated it is “adamant that it will not sacrifice its control of its lands in return for a small increase in funding availability”<sup>166</sup> which suggests that negotiations for increased funding may be dependent on changes in land tenure.
- 3.27 While the Committee is not in a position to determine the level of funding that should be provided by the Northern Territory Government, given the state of housing on town camps it would appear that the current level of funding is not sufficient to undertake a repairs and maintenance program that would bring the standard of housing on town camps to a level comparable with urban public housing.

### ***Timeliness***

- 3.28 According to the *Homelands Program Guidelines 2015-16*, repairs that are classified as immediate will be actioned within 48 hours of being reported to the service provider. Immediate repairs are “those necessary to make a house safe and healthy to live in; where there is a direct danger due to safety, health or security risks to the tenants of the premises and prompt action is required to relieve the situation”.<sup>167</sup> These repairs may include electrical, gas, water and sewerage faults.
- 3.29 General repairs and maintenance are defined as “any non-immediate repairs and scheduled maintenance required to keep housing to a safe living standard”<sup>168</sup> and

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<sup>165</sup> Kalano, Committee Transcript, 11 April 2016, p. 20.

<sup>166</sup> Kalano, Submission No. 4, 2016, p. 2.

<sup>167</sup> Department of Local Government and Community Services, *Homelands Policy – Program Guidelines 2015-16*, p. 20.

<sup>168</sup> Department of Local Government and Community Services, *Homelands Policy – Program Guidelines 2015-16*, p. 20.

the guidelines state that inspections should be carried out at least twice per year to “evaluate work required to ensure dwellings meet the minimum standard”.<sup>169</sup>

3.30 According to the Department of Local Government and Community Services, HMP funding “should be prioritised for immediate repairs. Any funding remaining should be used for general repairs and maintenance”.<sup>170</sup> As such, there are no prescribed timeframes within the HMP Guidelines for completing general repairs and maintenance.

3.31 In their submission to the Committee, Yilli Housing noted that over the past three years they have implemented a preventative maintenance program that has been effective in improving the timeliness of repairs and reducing the number of immediate repairs which has resulted in savings to the repairs and maintenance program. These immediate repairs are generally related to electrical or plumbing works and require a trade qualified contractor to respond, often out of regular working hours, which is considerably expensive. Data provided by Yilli Housing shows that the proportion of immediate repairs represented 38% in 2013, 16% in 2014 and 6.9% in 2015.<sup>171</sup>

3.32 Yilli Housing also provided data on the completion timeframes for repairs and maintenance jobs in 2014-15. Urgent works were completed in 1 day, priority works in 2 days, general repairs and maintenance works within 4.5 days. The average completion timeframe for all works was 2.5 days.<sup>172</sup>

3.33 In their submission to the Committee, Kalano noted that the age and condition of the houses in the Katherine Town Camps hinders their ability to respond quickly to repairs and maintenance requests as many problems are not straightforward:

The very age of most of its accommodation units hampers repair work being done in a timely manner. The state of repair of the older accommodation units frustrates the form of repair of what might appear to be a simple job. The initial request for repair is just the tip of the iceberg. Aging plumbing, wiring and fittings contribute to making the building safe and suitable for habitation. The hardware is or had worn out.

Urgent repairs where danger and the resident’s safety are at risk (eg electrical and drainage/plumbing) are completed immediately. Kalano has a regime for house inspection and depending on the reports and faults identified a schedule as timing of corrective action is determined. The actual timing of such repairs to some extent is itself determined by the actual state of the residence.<sup>173</sup>

## **Governance, accountability and responsibility**

3.34 The Committee found that there is an overwhelming lack of clarity surrounding the role and responsibilities of AHAs leaseholders on town camps. As previously

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<sup>169</sup> Department of Local Government and Community Services, *Homelands Policy – Program Guidelines 2015-16*, p. 21.

<sup>170</sup> Department of Local Government and Community Services, *Homelands Policy – Program Guidelines 2015-16*, p. 21.

<sup>171</sup> YRHAC, Submission No. 3, 2016, pp. 5-6.

<sup>172</sup> YRHAC, Submission No. 3, 2016, p. 3.

<sup>173</sup> Kalano, Submission No. 4, 2016, p. 3.

mentioned, with the exception of three town camps, the organisations that receive grant funding to undertake repairs and maintenance are not the leaseholders.

- 3.35 As the leaseholders, AHAs effectively own the houses on the town camps and it would appear are ultimately the landlords of the properties. In the case of the Aboriginal Development Foundation (ADF) that holds the perpetual leases over four town camps, the Committee heard that the ADF does not receive any government funding as the grant funding for repairs and maintenance is paid to Yilli Housing, who also collect the rent directly from the town camp tenants. The General Manager of ADF stated:

We are the leaseholders, but leaseholders with no money, no financial responsibility. We have a piece of land. Yilli Rreung acts as real estate agents and they have to carry out exactly what a real estate agent has to do.<sup>174</sup>

- 3.36 When questioned about the ADF's responsibilities for the town camps, the Committee was advised:

Under the terms of the lease, we were to carry out certain conditions. Those conditions were met, but they need to be upgraded now. They say we had to build so many shelters, showers and toilets and some roadworks and fencing. That was done in the earlier days of the lease in issue. But at the moment we are not being funded.<sup>175</sup>

- 3.37 It appears to the Committee that the relationship between some AHAs and service providers is somewhat tenuous. The ADF informed the Committee:

In the beginning, when there was an MOU between Yilli and the foundation, they were to take on all of the physical activities the foundation did. We do not interfere. We do not even tell them that the grass needs cutting, because that would be interfering with them. If people are complaining about something like that we ask them to go directly to Yilli.<sup>176</sup>

- 3.38 The Committee notes that contradictory evidence was provided as to who has the legal right to evict tenants on town camps which leads to questions on who is the landlord under the tenancy agreement and RTA. Yilli Housing informed the Committee that they did not have the power to evict tenants and while they can make recommendations to the leaseholder, the power to evict a tenant lies with the leaseholder.<sup>177</sup> Conversely, the ADF advised the Committee that they signed over the rights in writing to evict tenants from a property and "eviction is not our problem."<sup>178</sup>

- 3.39 The Committee heard from the North Australian Aboriginal Justice Agency that:

The legal relationship and the legal protections that are available to residents of town camps are also unclear in the Top End because of the nature of the leasing arrangements. The majority of the town camps, certainly in the Darwin area, the lease is to the Aboriginal Development Foundation and Yilli Rreung acts as a service provider. It does not consider itself to need to comply with the

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<sup>174</sup> Aboriginal Development Foundation (ADF), Committee Transcript, 11 April 2016, p. 15.

<sup>175</sup> ADF, Committee Transcript, 11 April 2016, p. 16.

<sup>176</sup> ADF, Committee Transcript, 11 April 2016, p. 17.

<sup>177</sup> YRHAC, Committee Transcript, 11 April 2016, p. 8.

<sup>178</sup> ADF, Committee Transcript, 11 April 2016, p. 18.

*Residential Tenancies Act* and that obviously creates uncertainty for town camp tenants or residents about whether or not they can actually seek legal advice and assistance.<sup>179</sup>

3.40 The North Australian Aboriginal Justice Agency further noted:

Service providers' understanding of their legal obligation goes directly to how they are communicating with their tenants about their legal obligations and responsibilities. If a service provider understands that they are not covered under the *Residential Tenancies Act*, it will come out in communications with their tenant. It will come out in how they respond to requests for repairs and maintenance. Whether or not you consider yourself subject to the time frames set out in the act and the responsibility to provide safe and habitable premises at the time of entry into the tenancy agreement.

Kalano is in a different position again, because it owns the land. They have the ability to be taken to NTCAT for breaches of the *Residential Tenancies Act*. It is a different situation to the situation in Alice Springs and Tennant Creek, as well as Darwin. Without there being clear avenues for tenants to seek redress, either through NTCAT or another mechanism, tenants, who are already vulnerable, in town camps are left confused.<sup>180</sup>

3.41 The lack of clarity around the status of tenancies is of concern to the Committee as it is essential that tenants and landlords have a clear understanding of both their rights and responsibilities. This is discussed further in the Committee's findings and recommendations below.

3.42 The Committee has heard concerns from Yilli Housing about governance arrangements of some of the AHAs. A lack of leadership and community representation on the boards or management committees in a number of Associations has hindered Yilli Housing in broadly consulting with town camp community members about housing matters:

The one that is closest to the most functional would be Bagot because there is some semblance of governance there. They have people who come together from the community we can consult with. We know they are broadly representative of the community and we can talk to them about housing issues and allocation. We lack that at our other town camps, quite frankly. There is no real leadership in any of the ADF communities. Certainly Gwalwa Daraniki community is pretty much dominated by one or two people who do not represent their communities. This is one of the issues we struggle with. Certainly, Bagot is the closest to the mark because there is some semblance of governance there.<sup>181</sup>

3.43 The Committee considers that the lack of engagement between AHAs and repairs and maintenance service providers is likely to have a detrimental effect on securing better housing outcomes for town camp residents.

3.44 It is unclear to the Committee whether AHAs are complying with their legal obligations under the *Associations Act* (NT) and the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cwth) in respect to their governance and financial responsibilities. The Committee was informed by the Department of Local Government and Community Services that the regulation of associations registered

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<sup>179</sup> North Australian Aboriginal Justice Agency, Committee Transcript, 11 April 2016, p. 71.

<sup>180</sup> North Australian Aboriginal Justice Agency, Committee Transcript, 11 April 2016, p. 72.

<sup>181</sup> YRHAC, Committee Transcript, 11 April 2016, p. 7.

under the *Association Act* (NT) sits with the Department of Business.<sup>182</sup> The AHAs that are registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cwth) are administered by the Office of the Registrar of Indigenous Corporations. The Committee has further been advised that the independent review of Northern Territory Town Camps will assess the:

Capacity of leaseholders to take responsibility for obligations under relevant legislation and funding agreements. This will provide further insight into housing association governance.<sup>183</sup>

- 3.45 It appears to the Committee that the HMP grant funding model is a contributing factor in the unclear responsibilities of AHAs and repairs and maintenance service providers. The provision of funding directly to service providers limits the role of the AHA in determining the how funding is spent within the community and creates a situation where the Association may believe that they have no responsibility for the housing under their leasehold.
- 3.46 However, if funding was provided directly to AHAs, there are concerns that the level of governance and absence of consultative forums may lead to the funding not being expended based on the needs of tenants and have the potential for nepotistic decision making. The need to improve the governance of Aboriginal Housing Associations is discussed in the findings and recommendations below.

## Land tenure

- 3.47 It is evident to the Committee that land tenure is an underlying issue that is at the heart of funding arrangements for town camps. This is the primary factor that has distinguished whether town camps receive funding for complete housing services through the Department of Housing or if funding is provided on a contribution only basis by the Department of Local Government and Community Services. The different funding models have led to two distinctly different housing models across town camps in the Northern Territory. The Committee has not received evidence on what negotiations the Northern Territory Government has entered into with leaseholders of town camps to secure long term land tenure in exchange for increased funding for housing.
- 3.48 The Committee notes that the four town camps in Borroloola were identified to receive capital works funding under NPARIH to build new houses and refurbish existing houses. These town camps are yet to receive new or refurbished houses through NPARIH funding as the underlying issue of land tenure has not yet been resolved. In their 2011-12 review of the implementation of NPARIH, the Australian National Audit Office noted that land tenure negotiations were in progress and media reports in December 2015 indicated that the negotiations had still not been

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<sup>182</sup> Department of Local Government and Community Services, Answers to Questions on Notice from Public Hearing on 11 April 2016, p. 2.

<sup>183</sup> Department of Local Government and Community Services, Answers to Questions on Notice from Public Hearing on 11 April 2016, p. 3.

finalised.<sup>184</sup> The Commonwealth Government maintains that the funding will not be expended until long term secure land tenure arrangements are in place.<sup>185</sup>

- 3.49 In March 2016 the Northern Territory Government committed “\$3 million for housing refurbishments and to extend living areas within Elliott town camps and Marlinja homeland in the Barkly region making inroads into addressing overcrowding”.<sup>186</sup> The Committee questioned the Department of Local Government and Community Services whether the provision of funding was reliant on changes to the existing land tenure of the Elliot Town Camps and was advised that it was not.<sup>187</sup>
- 3.50 Clarifying policy on land tenure and working towards simpler systems is another issue requiring more detailed consideration.

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<sup>184</sup> ANAO, *Implementation of the NPARIH in the Northern Territory*, p. 164.

<sup>185</sup> J Bardon, ‘Borrooloola residents accuse governments of leaving them in Third World housing conditions’, *ABC News*, 1 December 2015, viewed on 12 April 2016, <http://www.abc.net.au/news/2015-12-01/borrooloola-residents-waiting-for-housing-upgrades/6988512>

<sup>186</sup> Hon B Price, *Elliott and Marlinja are moving ahead with new investment*, media release, Parliament House, Darwin, 9 March 2016, viewed on 19 April 2016, <http://newsroom.nt.gov.au/mediaRelease/18401>

<sup>187</sup> Department of Local Government and Community Services, Answers to Question on Notice from Public Hearing 11 April 2016, p. 1.

## 4 Summary of issues for further consideration

The Committee initiated this inquiry in February in response to a range of concerns being raised that repairs and maintenance to houses on town camps were not being completed within a reasonable period of time and that in some instances the poor state of repairs resulted in houses being vacant for long periods. Although there was not sufficient time before the final full sitting week in May to conduct a thorough investigation, the Committee considered there would be value in doing an initial investigation to highlight key issues and define matters for more detailed consideration. This assessment was affirmed when the Government announced on 11 April 2016, the day of the Committee's public hearings, that it would be commissioning an independent review to be reporting during the next Assembly on the administration of town camps. The Committee trusts that its preliminary findings and identification of issues of concern will inform that review.

An inquiry into the Government's management of repairs and maintenance on town camps naturally results in an examination of the Department of Housing's administration of the houses in Alice Springs and Tennant Creek. For other town camps the Government only provides funding grants and does not have direct administrative responsibility. The effect of different land tenure arrangements on the provision of housing repairs and maintenance mean that it is impossible to separate repairs and maintenance from wider questions of land tenure. The Committee is conscious of the fact that, while reporting on repairs and maintenance requires discussion of land tenure issues, it did not seek evidence on those wider issues. The Committee must therefore raise the implications of land tenure, but is not in a position to give final recommendations on how best to address these wider issues.

The key findings of the Committee, and the issues identified for further consideration, are set out below.

### **The Department of Housing's system for managing repairs and maintenance**

#### **Finding & Recommendation 1**

**The system for managing repairs and maintenance requests has been unsatisfactory in the past and the new system needs to be monitored and reviewed to ensure adequate responsiveness, efficiency and accountability.**

- 4.1 Since taking on responsibility for repairs and maintenance in Alice Springs in 2010, the Department of Housing has just moved onto its third model for the delivery of repairs and maintenance services. It is apparent that the earlier models were confusing and inefficient, particularly the most recent where requests were passed between the tenancy manager, the Department, and the property manager. The new contractual model appears to be significantly improved, allowing much greater discretion for the both the tenancy manager and repairer for routine jobs. This system needs to be closely monitored to ensure it is working effectively. In

particular, the system should be assessed for the effectiveness of communication between tenants, managers and repairers; whether repairers have the appropriate level of authority to do repairs in an efficient manner; and that the system maintains a suitable level of accountability throughout to ensure an adequate standard of work and that funds are being used appropriately.

#### **Finding & Recommendation 2**

**The separation between the tenancy manager and the property manager has caused inefficiencies and communication problems and consideration should be given to combining these functions.**

- 4.2 The evidence the Committee received about double handling and poor communication raise the question of whether the benefits of separating tenancy and property managers outweighs the costs. This issue should be subject to review.

#### **Finding & Recommendation 3**

**The time taken to repair vacant houses has been excessive and the management of vacant housing needs to be reviewed to improve turnover.**

- 4.3 The evidence received by the Committee indicates that the processes for repairing vacated houses have led to considerable delays with houses remaining vacant for long periods. It is critical that processes are expedited so that houses are not sitting vacant and exacerbating overcrowding and housing shortages. The Department informed the Committee that it has improved re-tenancing processes under the new contractual model and it is important that the vacancy timeframes and processes continue to be monitored.

#### **Finding & Recommendation 4**

**The policies and processes for managing tenant related damage should be clearer and any belief that damage is the tenant's responsibility should be well founded, clearly communicated and appropriately managed.**

- 4.4 The policies and decision making processes for tenant related damage are not clearly articulated by the Department or well understood by tenants and housing management contractors. It is imperative that determinations of tenant related damage are fair, based on adequate investigations and that tenants understand their right to have the decision reviewed. The policies need to be clarified, made publically available and their application in decision making understood by all parties including departmental staff.

## **Housing's administration of housing management agreements**

#### **Finding & Recommendation 5**

**The failure to conduct any three yearly housing and infrastructure reviews over six years is without excuse, a failure of the Department to meet its obligations and should be adequately addressed as a matter of priority.**

- 4.5 The requirement to commission independent three yearly reviews of housing and infrastructure is clearly stipulated within the Alice Springs Subleases. In response to complaints about no review being done, the Department made a commitment in 2014 to commence a review however it has failed to deliver on this commitment.
- 4.6 The Department has alluded that this obligation will be met through the independent review of all Territory town camps announced in April 2016. If this is the case, the Government will need to ensure that the review meets the requirements outlined within the subleases including details of capital works carried out during the reporting period and associated expenditure; outstanding housing and infrastructure needs, prioritisation of these needs and estimated costs; and a report with this information, specific to the Alice Springs Town Camps, must be made available to the relevant AHAs upon request. The Government will also need to commission future independent reviews on a three yearly basis to meet its obligations under the subleases.

#### **Finding & Recommendation 6**

**It appears that the Department has been tardy in its obligation to maintain housing and infrastructure and this should be addressed as a matter of priority.**

- 4.7 The Committee received evidence that the Alice Springs Subleases and HMAs require the Department to maintain, replace or repair existing improvements on the Alice Springs Town Camps. This has not occurred within a reasonable period of time to some houses that have been deemed beyond economic repair. The Department has indicated to the Committee that it is undertaking assessments of the houses that are considered to have major structural damage. This appears to have only commenced recently despite some of the houses being vacant for several years. The Department should either repair or replace these houses in a timely manner to meet its obligations.

#### **Finding & Recommendation 7**

**The failure to enter new housing management agreements three years after their initial expiry is unacceptable and should be addressed as soon as possible, taking into account the current review.**

- 4.8 The Department has not provided the Committee with an explanation of why it has been unable to enter into long term HMAs with the EDTL. The Committee heard a number of concerns regarding the absence of long term agreements including the EDTL reporting for several years that major capital works have been restricted as a result of no long term agreements; and that tenancy agreements between the Department and town camp tenants can only exist on a month to month basis providing no long term stability for tenants.
- 4.9 It is clear that the intention at the signing of the initial agreements was that long term HMAs would exist between the EDTL and either Territory Housing or an alternative approved Housing Authority. The Committee received suggestions that

the Government should recommend a non-government organisation enter into HMAs with the EDTL.

- 4.10 When asked what the impact of month to month agreements had on town camp residents, the Department replied:

Services continue to be delivered under a periodic Housing Management as per the services delivered when a fixed term agreement was in place, and in accordance with the *Residential Tenancies Act*.

- 4.11 This suggests that the Department does not share the concerns held by the EDTL or Tangentyere Council.
- 4.12 The review into town camps should consider who is the most appropriate party to enter a new HMA with the EDTL and a new HMA should be put in place as soon as possible.

#### **Finding & Recommendation 8**

**The Department's failure to meet the above obligations for an extended period under the Housing Management Agreements suggest that it is not adequately managing town camps.**

- 4.13 The responsibilities of the Department were clear at the time of entering into the HMAs and the above failures to meet their obligations suggests an ongoing failure to adequately administer the system established.
- 4.14 The shift to a public housing model, whereby the Department became the landlord of town camp houses, was instigated by the Government, not town camp residents. In moving to this contractual model for the delivery of housing services, the Department should not unilaterally decide which parts of the contract it would implement. Issues such as the review of infrastructure and maintaining existing improvements are key to an holistic housing strategy. The maintenance of houses is not only dependent on the relationship between the tenant and landlord and the delivery of repairs but also on issues such as the adequacy of the housing stock and management of overcrowding. It is vital that the Department addresses the full range of undertakings it made when entering the HMAs.

#### **Finding & Recommendation 9**

**The Department has had a repeated turnover of leadership which must have added to the challenges of managing town camps. The Government needs to work towards a greater level of consistency of strategic direction and the Department needs effective strategies to manage its high level of internal change.**

- 4.15 Since the Department's establishment in September 2012, it has had four different Ministers, with the longest tenure being 16 months, and it has had a different Chief Executive for each of its three Annual Reports. As set out in Table 4, Annual Reports show that at June 2015 only two of the 10 people listed in the executive team held positions in that team in the previous reporting year and no one in the executive team had been in the team for two years.

4.16 Such a high level of turnover in leadership would present a challenge to any organisation, and must present significant difficulties in managing town camps which have been undergoing radical change over the last decade and have complex cultural, historical and interjurisdictional issues to manage.

**Table 4: Length of tenure of the Department of Housing's Executive Team as identified within Annual Reports<sup>188</sup>**

Housing	Years CEO	No of Exec	1 year	2 years	3+ years
2015	0 Clifford	10	2	0	0
2014	0 Bradford	10	2	1	1
2013	0 McGill	12	5	3	1
DHLGRS					
2012	2 Davies	22	9	8	?
2011	1 Davies	17	13	?	?

4.17 The Committee considers that a reasonable level of stability in leadership is necessary for the ongoing effective operation of the Department and its management of town camps and that the Government should implement strategies to improve the longevity of the Agency's leadership and to manage the consequences of having had such a level of change.

#### **Finding & Recommendation 10**

**The application of the public housing model to town camps has not yet proved effective and consideration should be given to taking a community housing approach.**

4.18 The evidence received by the Committee illustrates that the Government has attempted to apply the remote public housing model, which appears to be a hybrid of the urban public housing model, in Alice Springs and Tennant Creek. The system of contracting out housing management services to third party providers has changed a number of times since the inception of public housing on the town camps however the processes have failed to meet the needs and expectations of the residents.

4.19 The application of rigid urban public housing policies does not take into account nor is it adaptable to the cultural practices of tenants. A community housing approach

<sup>188</sup> This table counts the number of individuals listed as part of the executive in the Annual Reports of the Department of Housing and the former Department of Housing, Local Government and Regional Services and the number of years each individual has been listed as part of the executive team in previous Annual Reports.

seeks a greater level of involvement from residents and leaseholders in the policy development and management of housing, and can ensure that policies are formulated in a culturally appropriate and sensitive manner. A number of organisations have advised the Committee that the public housing model has not been successful and recommend a return to a community housing approach. The Government should evaluate the merits of different housing models and consider the most appropriate approach to delivering housing on town camps.

## **Grant funding by the Department of Local Government and Regional Services**

### **Finding & Recommendation 11**

**There needs to be greater clarity of the rights and responsibilities of tenants and landlords on town camps, and the identity of the tenant and landlord, so both tenants and landlords can assert their rights and fulfil their responsibilities.**

- 4.20 The evidence presented to the Committee highlighted the confusion regarding the rights and responsibilities of tenants and leaseholders. This uncertainty cast doubts over whether the legal obligations and protections of tenants and landlords usually afforded under the RTA do in fact apply to town camp residents and leaseholders. The Government should assist in providing clarity around these issues to ensure that both tenants and landlords have a comprehensive understanding of their rights and responsibilities.

### **Finding & Recommendation 12**

**Aboriginal Housing Associations need effective governance to allow participation of their members and the assertion of rights by tenants. The Department of Local Government and Community Services, either through the review of town camps or otherwise, should inquire into the adequacy of governance arrangements of AHAs and consult with the relevant administering body to ensure appropriate standards are maintained.**

- 4.21 The evidence presented to the Committee indicates that the governance of AHAs varies greatly across the Territory. Effective governance is needed to enable members of associations and those who rely on their services to have their say and where necessary assert their rights. It is important that the community members are able to contribute to the decision making that affects their community.
- 4.22 AHAs under the *Associations Act* are subject to minimal governance requirements regarding meetings, constitutions, and annual and financial reporting. Inquiries made by the Committee indicated that an AHA responsible for many houses had not filed financial or annual reports for many years, suggesting that there was little opportunity for participation by members. The Department of Business is responsible for ensuring compliance of Associations with the requirements of the *Associations Act*. AHAs registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cwth) are subject to equivalent requirements under that Act and administered by the Office of the Registrar of Indigenous Corporations.

- 4.23 As the Agency taking on administrative responsibility for town camps, the Committee recommends that the Department of Local Government and Community Services should assure itself of the adequacy of governance arrangements of AHAs and consult with the relevant administering body to ensure appropriate standards are maintained.

## **Town camp policy and further action**

### **Finding & Recommendation 13**

**The different forms of land tenure and funding models for town camps across the Territory adds to the complexity of administering town camps. Government policy regarding administering town camps and management of land tenure should be reviewed with a view to simplifying policies and promoting consistency, having regard to the rights and needs of residents and landholders.**

- 4.24 The different land tenure arrangements that exist across the Territory's town camps are the product of the local history, Commonwealth and Northern Territory Government policy and legislation, and decisions made by AHA leaseholders to vary the land tenure. Commonwealth funding for Aboriginal housing over the past decade has been directly linked to secure land tenure arrangements while the Northern Territory Government's current policy on land tenure is unclear. The evolution of two distinctively different housing models on town camps is directly linked to the level of government control over housing which is based upon land tenure arrangements.
- 4.25 The Committee acknowledges the complexity that surrounds land tenure arrangements and subsequently the funding and delivery of housing management services on town camps. Despite, and because of, that complexity, Government policy needs to move towards simplifying arrangements to ensure that town camps are administered in a culturally appropriate manner that meets the needs of the tenants; delivers housing of an equitable and acceptable standard; and promotes the rights and responsibilities of both tenants and leaseholders.

### **Finding & Recommendation 14**

**The Northern Territory Government needs to make a serious and sustained commitment to addressing the problems with housing on town camps to bring about an acceptable level of improvement. To this end, the Government should make public the findings of the forthcoming inquiry, commit to the actions it will take in response, and report regularly on the implementation of those commitments.**

- 4.26 This inquiry into the property management and repairs and maintenance of town camps in the Territory has raised the need for reform across the whole sector of government funded town camp housing.

- 4.27 The long term problems in the management of Northern Territory town camps seems to fall in the “too hard basket” for the Northern Territory and Commonwealth Governments, that have not fulfilled their obligations as outlined in numerous MOUs and agreements over the past 10 years.
- 4.28 The Northern Territory Government needs to make a serious commitment of time and resources to reforming the management of town camps. Without this level of commitment, the problems with the management of town camps will persist for many more decades into the future.

**Finding & Recommendation 15**

**The Public Accounts Committee in the 13<sup>th</sup> Assembly should monitor the implementation of these recommendations and of the Government’s response to the review of town camps.**

- 4.29 The issues identified in this inquiry will require ongoing work to resolve. Cross party and public follow-up by the Public Accounts Committee can help ensure that the work required is sustained.

## **Appendix 1: Submissions and Public Hearings**

### ***Submissions***

1. North Australian Aboriginal Justice Agency
2. Julalikari Council Aboriginal Corporation
3. Yilli Rreung Aboriginal Housing Corporation
4. Kalano Community Association Inc.
5. Central Australian Affordable Housing Company
6. Tangentyere Design
7. Confidential
8. Dr Louise Crabtree
9. Tangentyere Council Aboriginal Corporation
10. Central Australian Aboriginal Legal Aid Service

### ***Public Hearings***

#### ***Darwin – 2 March 2016***

1. Department of Housing
2. Department of Local Government and Community Services

#### ***Darwin – 11 April 2016***

1. Yilli Rreung Housing Aboriginal Corporation
2. Aboriginal Development Foundation Inc.
3. Kalano Community Association Inc.
4. Tangentyere Council
5. Zodiac Business Services
6. Ingkerreke Commercial3
7. Julalikari Council Aboriginal Corporation
8. Central Australian Aboriginal Legal Aid Service
9. North Australian Aboriginal Justice Agency
10. Department of Housing
11. Department of Local Government and Community Services

Note: Copies of submissions and transcripts are available at:

<http://www.nt.gov.au/lant/parliamentary-business/committees/public%20accounts/public-accounts-inquiries.shtml>

## Appendix 2: Department of Local Government and Community Services Funded Town Camps<sup>189</sup>

Town Camp (Official Name)	Funded Dwellings	Housing Association or Leaseholder	Repairs and Maintenance Service Provider
<b>Adelaide River Town Camp (1)</b>			
Amangal Indigenous Village	9	Aboriginal Development Foundation Inc.	Yilli Rreung Aboriginal Housing Corporation
<b>Borrooloola Town Camps (4)</b>			
Garawa 1	16	Garawa No. 1 Camp Aboriginal Corporation	Mabunji Aboriginal Resource Association Inc.
Garawa 2	11	Garawa No. 2 Housing Aboriginal Corporation	Mabunji Aboriginal Resource Association Inc.
Mara	28	Narwinbi Aboriginal Land Trust	Mabunji Aboriginal Resource Association Inc.
Yanyula	29	Rumburriya Malandari Housing Association	Mabunji Aboriginal Resource Association Inc.
<b>Darwin Town Camps(4)</b>			
Bagot	55	The Bagot Community Inc.	Yilli Rreung Aboriginal Housing Corporation
Kulaluk	20	Gwalwa Daraniki Association Inc.	Yilli Rreung Aboriginal Housing Corporation
Minmarama Park	24	Gwalwa Daraniki Association Inc.	Yilli Rreung Aboriginal Housing Corporation
Railway Dam	5	Aboriginal Development Foundation Inc.	Yilli Rreung Aboriginal Housing Corporation
<b>Elliot Town Camps (2)</b>			
Elliot North Town Camp	36	Gurungu Aboriginal Land Trust	Barkly Regional Council
Elliot South Town Camp	12	Commissioner of Consumer Affairs	Barkly Regional Council
<b>Jabiru Town Camp (1)</b>			
Manaburdurma	12	Director of National Parks	Warnbi Aboriginal Corporation
<b>Katherine Town Camps (2)</b>			
Miali Brumby	49	Kalano Community Association Inc.	Kalano Community Association Inc.
Warpiri (Geyulkan)	10	Kalano Community Association Inc.	Kalano Community Association Inc.
<b>Knuckey Lagoon Town Camp (1)</b>			
Knuckey Lagoon Indigenous Village	17	Aboriginal Development Foundation Inc.	Yilli Rreung Aboriginal Housing Corporation
<b>Mataranka Town Camp (1)</b>			
Mulggan	12	Mataranka Aboriginal Land Trust	Roper Gulf Regional Council
<b>Palmerston Town Camp (1)</b>			
Palmerston Indigenous Village	20	Aboriginal Development Foundation Inc.	Yilli Rreung Aboriginal Housing Corporation
<b>Pine Creek Town Camp (1)</b>			
Pine Creek Compound	3	The Pine Creek Aboriginal Advancement Association	The Pine Creek Aboriginal Advancement Association

<sup>189</sup> Data provided to the Public Accounts Committee by the Department of Local Government and Community Services.

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