

GROOTE ARCHIPELAGO

LOCAL DECISION MAKING AGREEMENT



SCHEDULE 3.1 – Housing Implementation Plan



Anindilyakwa
Land
Council



Made by the NORTHERN TERRITORY GOVERNMENT
and the ANINDILYAKWA LAND COUNCIL.





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Images supplied by the Anindilyakwa Land Council.

1 | Preliminaries

- (a) This Implementation Plan is a Schedule to the Groote Archipelago Local Decision Making Agreement (the Agreement) signed by the Northern Territory (NT) Chief Minister on behalf of the NT Government and the Chairman and Chief Executive Officer (CEO) of the Anindilyakwa Land Council (ALC) on 14 November 2018 and should be read in conjunction with that Agreement and its Schedules.
- (b) The objectives of the Agreement include:
 - i. identifying the services and priorities which the Anindilyakwa people wish to have control over and to take responsibility for; and
 - ii. committing NT Government agencies and, where agreed in Implementation Plans, NT Government owned corporations, to collaborating with the ALC including sharing information, to agree on how this control will be achieved.
- (c) To achieve its objectives, Section 8 of the Agreement contains an Implementation Framework which acknowledges that any transfer of responsibility to the Anindilyakwa people (through agreed entities) for a priority service delivery area:
 - i. will recognise and meet regulatory, legislative and Commonwealth requirements;
 - ii. may need to take a staged approach in order to ensure a successful transition over a period of time;
 - iii. will be supported by an agreed NT Government financial commitment in accordance with Clause 4.(h) of the Agreement;
 - iv. will be captured in agreed Implementation Plans and, where appropriate, legally binding agreements between the ALC and the NT Government; and
 - v. will be monitored and evaluated for progress and performance using a transparent, consultative and participatory approach that promotes the resolution of emerging issues as they arise.
- (d) In accordance with Section 5 of the Agreement, constructive engagement with stakeholders is an important feature of the Agreement and the key stakeholders identified include all Anindilyakwa-owned organisations that are involved in the social and economic development of the Anindilyakwa people. By agreement, the ALC and the NT Government may invite these stakeholders to participate in the development of relevant Implementation Plans.
- (e) Local Decision Making is the NT Government's ten year plan that seeks to return local decision making to Aboriginal communities by empowering Aboriginal people to determine service delivery models that work best for their community and region.
- (f) Schedule 2 to the Agreement also provides that each Implementation Plan to deliver the outcomes for each of the priority Service Delivery Areas is to include a Work Plan that has key performance indicators and milestones which are linked to the transfer of responsibility and funding arrangements.
- (g) The priority Service Delivery Area which is the subject of this Implementation Plan is Housing and it was decided in the Agreement that it would be agreed by 30 June 2019.
- (h) The purpose of this Implementation Plan is to demonstrate how the parties to the Agreement, and the additional parties to this Implementation Plan, intend to work together to achieve the outcome for Housing as set out in the Agreement and its Schedules.

2 | Parties to the Implementation Plan

- (a) The Parties to this Implementation Plan are the parties to the Agreement, being the NT Government and the ALC, and the Anindilyakwa Housing Aboriginal Corporation (AHAC).
- (b) While not a Party to the Implementation Plan, the Department of the Prime Minister and Cabinet (PM&C) has been consulted about the Implementation Plan and supports it in-principle consistent with the *National Partnership for Remote Housing Northern Territory 2018-2023*.
- (c) While not a Party to the Implementation Plan, the Executive Director of Township Leasing (EDTL) has been consulted about the Implementation Plan and supports it in-principle consistent with the *Groote Eylandt Township Lease* and has agreed to facilitate any transfer of tenure required to support the Implementation Plan.

3 | Terms of this Implementation Plan

- (a) This Implementation Plan has been approved by the NT Government, the Board of the ALC and the Board of AHAC who have authorised the Chief Minister, the Minister for Aboriginal Affairs, CEO Housing, the Chairman and CEO of the Anindilyakwa Land Council and the Chairperson and Manager of AHAC respectively to sign on their behalf.
- (b) The ALC in approving this Plan, warrants that it has undertaken the necessary consultations with Anindilyakwa Traditional Owners to obtain their consent to enter the Implementation Plan, and engaged with other Anindilyakwa organisations and groups to take account of their views.
- (c) The Implementation Plan will commence on signing by all Parties and will cease when the Agreement concludes unless otherwise agreed by the Parties.
- (d) This Implementation Plan may be varied by written agreement between the Parties.
- (e) The Implementation Plan, particularly Section 6 - Strategy and Associated Actions to achieve the Outcome, will be updated annually by the Parties before the commencement of the next financial year.



4 | Overview of Housing in the Groote Archipelago

- (a) In the past ten years, linked to the ALC entering into the Groote Eylandt Township Lease over Angurugu, Umbakumba and Milyakburra, and the *National Partnership Agreement on Remote Indigenous Housing*, the Commonwealth and NT governments have made significant investments to improve housing. This includes building 107 new houses and upgrading another 184 houses in Angurugu, Umbakumba and Milyakburra.
- (b) This new investment was accompanied by governments implementing a new public housing model to underpin housing in remote communities across Australia. As a result, most of the community housing in the Groote Archipelago is owned and managed by the NT Department of Local Government, Housing and Community Development (DLGHCD) including the provision of services for tenancy management and repairs and maintenance. It currently owns and manages 260 houses in Angurugu, Umbakumba and Milyakburra which are on sub-leases under the *Groote Eylandt Township Lease* currently held by the EDTL on behalf of the Commonwealth. They are managed under the NT Government's Remote Public Housing framework.
- (c) Despite the sustained commitment from both governments to improve housing for Anindilyakwa people, outcomes remain poor overall. Classic indicators of poor outcomes include that 53% of dwellings are estimated to be over-crowded. The situation in the four satellite communities (considered to be homelands by the NT Government) is worse with the ALC estimating 75% of the housing stock to be in very poor condition.
- (d) Many factors have contributed to these existing poor housing standards, including overcrowding, low quality or malfunctioning health hardware (such as toilets, showers and stoves), high costs because of the Groote Archipelago's remoteness, a lack of culturally and family responsive housing, and a poor township environment based on substandard town planning and essential services infrastructure.
- (e) A further complication is that there are a range of disparate community housing management arrangements in place. While DLGHCD manages most houses, Anindilyakwa organisations now own and manage some stock and each has different arrangements for tenants.
- (f) The ALC, representing all Traditional Owners across the Archipelago, however, believes that it is the insufficient involvement of community members in controlling and taking responsibility in all aspects of the provision of their housing which is the principal cause of enduring poor outcomes. The ALC's focus on housing commenced with the publication of its *15-Year Strategic Plan* in 2012. In 2016, the ALC and Groote Eylandt and Bickerton Island Enterprises (GEBIE) facilitated the preparation of a *Groote Archipelago Housing Master Plan* to identify locations for new housing across the Groote Archipelago and propose a clear plan for the staging of these growth areas over the short to medium term. The Housing Master Plan has been updated in preparation for the commencement of this Implementation Plan and may be amended from time to time by agreement between the Parties.
- (g) The Traditional Owners have also agreed that mining royalties should flow to new housing investment. The Anindilyakwa Royalties Aboriginal Corporation (ARAC) has funded 28 community houses, including in satellite communities. Aminjarrinja Enterprises Aboriginal Corporation has built 10 community houses while GEBIE has built 24 community houses. This community housing is being managed by the individual corporations, but it is proposed to be transferred to AHAC as a new community housing provider with their agreement.
- (h) ALC facilitated the establishment of AHAC in 2018 which is incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*. Its purpose is to facilitate decision-making by Anindilyakwa people in respect of the ownership, location, type and occupation of community housing across the Groote Archipelago and to take responsibility for tenancy management, repairs and maintenance and capital upgrades of this housing over time.
- (i) Traditional Owners have provided AHAC with a budget from their mining royalty equivalents through the ALC. AHAC has now commenced operations after a Manager was contracted from 6 May 2019.

5 | Outcome sought for Housing in the Groote Archipelago Local Decision Making Agreement

- (a) The agreed outcome for Housing, as stated in the Agreement, is a single, sustainable, diverse and culturally appropriate community housing system across all towns and satellite communities in the Groote Archipelago that the Anindilyakwa people control and take responsibility for.
- (b) For the Parties, this means:
- i. designing and delivering a new system of community controlled housing for the Groote Archipelago which will replace the Remote Public Housing system administered by DLGHCD over the period of the Implementation Plan;
 - ii. building a new community housing system in a collaborative manner that meets the social and cultural needs of all Anindilyakwa communities that are characterised by extended families and clans;
 - iii. transferring control of the EDTL held *Groote Eylandt Township Lease* to an Anindilyakwa controlled organisation and extending its boundary to include the satellite communities of Malkala, 4-Mile, Little Paradise and Bartalumba Bay;
 - iv. using the *Groote Archipelago Housing Master Plan* as the basis for all housing investments by the Parties;
 - v. establishing a single community housing provider, AHAC, that has a Board made up of Anindilyakwa Traditional Owners, community representatives and independent experts, that is responsible for all community housing across the Archipelago including in the satellite communities;
 - vi. jointly investing in an agreed 5-year housing program, that includes associated infrastructure, to significantly reduce overcrowding and to provide a viable asset base of an agreed and reasonable standard for handover to AHAC;
 - vii. facilitating the registration of AHAC as a community housing provider under the National Regulatory System for Community Housing once all parties are satisfied it is well governed, well-managed, financially viable, meeting the needs of its tenants, sustainable and provides assurance for governments and investors;
 - viii. putting in place a single, affordable and equitable management system for all community housing;
 - ix. implementing a tenancy management system that ensures all households contribute to the upkeep of their homes, ensures that tenants pay for damage and that enough revenue is raised from households to enable a community based repairs and maintenance program to be implemented; and
 - x. progressively transferring to AHAC over the period of the Implementation Plan the management and ownership of remote public housing currently subleased by DLGHCD.

An aerial photograph showing a rugged, rocky coastline. The water is a vibrant turquoise color. A small white motorboat with a black canopy is on the water. The rocks are reddish-brown and have some sparse green and yellow vegetation growing on them.

“ The agreed outcome for Housing is a single, sustainable, diverse and culturally appropriate community housing system.”

6 | Strategy and associated actions to achieve the outcome

- (a) The broad strategy to achieve the agreed outcome is set out below. The Parties may also develop Project Management Plans for those actions where more detail is needed to make informed decisions.

Operationalising AHAC, building its capacity and achieving its registration under the National Regulatory System for Community Housing

- (b) The Parties will work together to ensure AHAC has strong governance, financial management, adequate funding and housing asset, tenancy and maintenance systems and capabilities. This is to include:
- i. DLGHCD providing reasonable in-kind support for the establishment and operations of AHAC, including nominating a senior and experienced contact to facilitate information sharing, providing access to networks, training and feedback on performance and issues as they arise;
 - ii. DLGHCD and AHAC jointly supporting the new Housing Reference Groups to make informed decisions about housing in Angurugu, Umbakumba, Milyakburra and the four satellite communities of Bartalumba Bay, Malkala, Little Paradise and 4-Mile;
 - iii. DLGHCD putting in place, as quickly as possible and subject to NT Government procurement requirements, Remote Contracting Framework Agreements with AHAC or other agreed Anindilyakwa organisations to provide a range of contracted services to DLGHCD under the current Remote Public Housing management system;
 - iv. The Parties committing to making the necessary arrangements to share data, subject to the requirements of relevant privacy legislation, to inform decision making;
 - v. AHAC appointing two independent directors to provide specialist support in relation to community housing, recruiting staff to perform its functions including to manage community housing stock for which it has responsibility, develop a 5-year strategic plan, annual business plan and policies to support its operations;
 - vi. AHAC leading, with DLGHCD support, a review of property and tenancy management arrangements across the Archipelago with a view to reporting on options that meet the requirements of Clause 5.(b)ix. and relevant legislative and regulatory requirements;
 - vii. the ALC, with its partners, providing direct financial and other support to AHAC to achieve a sustainable foundation including facilitating funding from the mining income of Traditional Owners for its operations and its Housing for Health project and providing, through the ALC's Royalty Development Unit, services for accounting, business development, governance and human resources; and
 - viii. AHAC ultimately achieving registration as a Community Housing Provider under the National Regulatory System for Community Housing.

Joint Housing Investment to Reduce Overcrowding and Achieve Agreed Standard for Transition

- (c) This includes joint investment in the existing and new housing stock to achieve agreed and reasonable standards for progressive asset transfer to AHAC.
- (d) The ALC, with its partners, together with DLGHCD have developed a coordinated Housing and Infrastructure Program (at Attachment A) which will be reviewed annually and amended by agreement of the Parties.
- (e) A key objective is to build 76 new houses as guided by the agreed Groote Eylandt Housing Master Plan. This joint investment is expected to reduce overcrowding by at least 30% over the life of the agreement.

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- (f) The Program comprises:
- i. new housing;
 - ii. upgraded housing;
 - iii. land servicing (including associated headworks); and
 - iv. repairs and maintenance.
- (g) A Delivery Plan for the Program will be developed and agreed by the Parties and amended by agreement between the Parties as necessary.
- (h) Funding contributions for the Program will be agreed for the Delivery Plan in accordance with Clause 4.(h) of the Agreement.
- (i) Using the services of Healthabitat Pty Ltd, AHAC starting in 2019-20 will implement a full Fixing Houses for Better Health (FHBH) project that will touch every community house across the Archipelago.
- i. FHBH will be fully funded by AHAC.
- (j) The objectives of the FHBH project are to:
- i. use community teams to improve the functionality of houses and living conditions for residents;
 - ii. fix hardware;
 - iii. build understanding and support for Healthy Living Practices; and
 - iv. collect comprehensive data about the condition of every house that will be used by AHAC and the NT Government to manage and transfer stock into the future.

Progressive Transfer of Housing Assets to AHAC

- (k) AHAC will seek, by agreement, to progressively take ownership and management responsibility for all current and new community housing across the Archipelago.
- (l) This includes:
- i. 260 currently existing Remote Public Housing dwellings in Angurugu, Umbakumba and Milyakburra, and Remote Public Housing dwellings newly constructed over time;
 - ii. 37 satellite community houses;
 - iii. new community housing as it is funded through the ALC and its partners; and
 - iv. other existing and new housing assets as agreed by other entities and AHAC.
- (m) To support the progressive transfer of assets to AHAC, the ALC has entered into a Deed of Variation of Lease to the *Groote Eylandt Township Lease* with the Groote Eylandt Land Trust and the EDTL following the Minister for Indigenous Affairs agreement on 10 April 2019.
- (n) The objective is to empower Traditional Owners and communities by enabling decision making about their land to be made at the local level through a community entity township lease. The Variation includes amendments to the Lease so that annual payments from the EDTL for the communities of Angurugu, Umbakumba and Milyakburra are to be used for community and economic development purposes and to allow for the transfer of the *Groote Eylandt Township Lease* to a community entity - this initiative complements, but is not essential to, establishing a community housing system for the Groote Archipelago.
- (o) A Memorandum of Understanding (MoU) has also been signed by the ALC and PM&C on 7 December 2018 which included reference to parties considering the suitability of the inclusion of the satellite communities 4-Mile, Bartalumba Bay, Little Paradise and Malkala within the *Groote Eylandt Township Lease* boundary that are located and connected closely with the relevant townships within the boundary of the *Groote Eylandt Township Lease*.

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- (p) The ALC will, over the course of 2019-20, seek to implement the changes to the *Groote Eylandt Township Lease* provided for through the Deed of Variation and negotiate with the EDTL and PM&C about the inclusion of the satellite communities. Any future variations to the Lease are subject to the approval of the Minister for Indigenous Australians as required under the *Aboriginal Land Rights (Northern Territory) Act 1976*.

7 | Policies and Reforms that may impact the Implementation Plan

- (a) This Implementation Plan may need to be reviewed in light of any changes to the *National Partnership for Remote Housing Northern Territory* between the Commonwealth and NT governments.
- (b) The NT Government is also developing an Aboriginal Contracting Framework and its implications for the Groote Archipelago will be considered and a plan agreed that ensures that AHAC and other Anindilyakwa organisations are given priority in housing procurement arrangements.
- (c) The NT Government has appointed a Treaty Commissioner and has signed a MoU with the four NT Land Councils to progress discussions on the possible development of a Treaty or Treaties. This ongoing discussion may interact with this Implementation Plan.
- (d) Other national and NT housing reforms may be developed and implemented during the period of the LDM Agreement and this Implementation Plan. The Parties agree to work cooperatively to ensure any new NT Government and Commonwealth policies and programs are effectively integrated into the Implementation Plan. Conversely, the NT Government commits to considering the LDM Agreement and this Implementation Plan in the development of new housing policy and programs to ensure that they complement and support the objectives and strategy set in this Plan.

8 | Risk Management

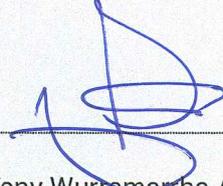
- (a) The Parties will adopt a risk management approach which identifies and mitigates undue risk to achieving the agreed outcomes and strategies.



9 | Signing

- (a) As is the case with the Agreement, the Parties to this Implementation Plan acknowledge that its provisions are not legally enforceable. However, that does not lessen the commitment of the Parties to achieve the Implementation Plan Outcomes and deliver on the Strategy.
- (b) The Parties agree that the transfer of Housing responsibilities and control will be supported by legally binding processes (e.g. transfer of legal title, contracts and/or funding agreements for services, or other legal agreements).

Signed by



Tony Wurrumarrba AO
Chairman
Anindilyakwa Land Council

Date: _____ / _____ / 2019



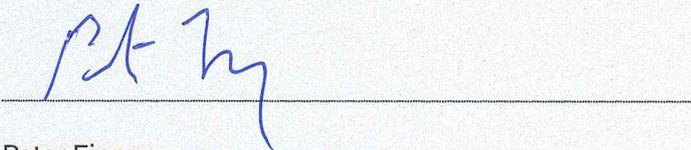
Mark Hewitt
Chief Executive Officer
Anindilyakwa Land Council

Date: 19 / 06 / 2019



Gregson Lalara
Chairman
Anindilyakwa Housing Aboriginal Corporation

Date: 19 / 06 / 2019



Peter Finney
Manager
Anindilyakwa Housing Aboriginal Corporation

Date: 19 / 06 / 2019



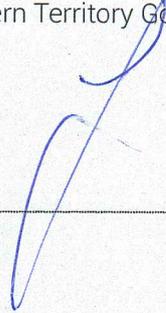
Date: 19 / 06 / 2019

The Hon Michael Gunner MLA
Chief Minister of the Northern Territory,
on behalf of the Northern Territory Government



Date: 19 / 06 / 2019

The Hon Selena Uiibo MLA
Minister for Aboriginal Affairs and Member for Arnhem,
on behalf of the Northern Territory Government



Date: 19 / 06 / 2019

Jamie Chalker
Chief Executive Officer
Department of Local Government, Housing and Community Development

Witnessed by



Date: 19 / 06 / 2019

Andrew Cowan
Deputy Chief Executive Officer
Department of the Chief Minister

ATTACHMENT A – 5-YEAR AGREED PROGRAM

		IN FIRST FIVE YEAR PERIOD
ACROSS ALL COMMUNITIES	SUB-DIVISION	95 LOTS
	RENOVATIONS (RTB)	74 HOUSE UPGRADES
	NEW BUILDS (NPRHNT + GAHP)	76 HOUSES
		80 CONFIRMED FOR CONSTRUCTION BY 2023
		COMPRISING 56 NPRHNT AND 20 GAHP HOUSES

NOTES:

*NTG repairs and maintenance commitment to 30 June 2023

**RTB rollout for Angurugu and Umbakumba to be confirmed after community consultation

ANGURUGU

CATEGORY	PROGRAM	FUNDER	PROGRAM	19/20	20/21	21/22	22/23	23/24	24/25
Land Servicing	Subdivision	NTG	40 LOTS +	DESIGN	CONSTRUCTION				
Repairs and Maintenance	Repairs and Maintenance	NTG*/Cwith/AHAC	ALL	ONGOING	ONGOING	ONGOING	ONGOING	ONGOING	ONGOING
	Fixing Houses for Better Health	AHAC	ALL	SURVEY FIX 1	SURVEY FIX 2	ONGOING	ONGOING	ONGOING	ONGOING
Upgrades	Room to Breathe**	NTG	40 HOUSES	26	14				
New Builds	New Housing NTG	NTG	30 HOUSES			7	8	7	8
	Groote Archipelago Housing Program	ALC and Partners	16 HOUSES	5	5	6			

UMBAKUMBA

CATEGORY	PROGRAM	FUNDER	PROGRAM	19/20	20/21	21/22	22/23	23/24	24/25
Land Servicing	Subdivision	NTG	40 LOTS		DESIGN	CONSTRUCTION			
Repairs and Maintenance	Repairs and Maintenance	NTG*/Cwith/AHAC	ALL	ONGOING	ONGOING	ONGOING	ONGOING	ONGOING	ONGOING
	Fixing Houses for Better Health	AHAC	ALL	SURVEY FIX 1	SURVEY FIX 2	ONGOING	ONGOING	ONGOING	ONGOING
Upgrades	Room to Breathe**	NTG	23 HOUSES	23					
New Builds	New Housing	NTG	19 HOUSES			5	5	5	4
	Groote Archipelago Housing Program	ALC and Partners	4 HOUSES	4					

MILYAKBURRA

CATEGORY	PROGRAM	FUNDER	PROGRAM	19/20	20/21	21/22	22/23	23/24	24/25
Land Servicing	Subdivision	NTG	15 LOTS		DESIGN	HOLD			
Repairs and Maintenance	Repairs and Maintenance	NTG*/Cwith/AHAC	ALL	ONGOING	ONGOING	ONGOING	ONGOING	ONGOING	ONGOING
	Fixing Houses for Better Health	AHAC	ALL	SURVEY FIX 1	SURVEY FIX 2	ONGOING	ONGOING	ONGOING	ONGOING
Upgrades	Room to Breathe	NTG	11 HOUSES	11					
New Builds	New Housing	NTG	7 HOUSES	2	2	2	1	0	0
	Groote Archipelago Housing Program	ALC and Partners	0 HOUSES						

