

Remote Housing Leases

Policy

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1. Purpose

This policy explains how the Chief Executive Officer (Housing) manages housing under different lease arrangements in remote communities, town camps and community living areas.

2. Scope

This policy provides information on remote lease arrangements and tenancy and property management services carried out by the CEO (Housing). It does not include tenant responsibility information on management or maintenance.

The 'premises' is the land on which the 'dwelling' is built, including the yard, fence, driveway and garden. For housing complexes, it includes the common areas and parking lots.

For information on property management, refer to the Property Management Policy.

3. Policy details

The CEO (Housing) administers remote housing under two types of leases under the *Housing Act 1982 (NT)*, granted under *Aboriginal Land Rights (Northern Territory) Act 1976 (the Act)*. The two types of leases are:

- Whole of township leases; and
- Housing precinct leases.

The CEO (Housing) provides property and tenancy management services for all remote public housing on leased communities and town camps.

3.1. Whole of township leases

A whole of township lease is a long term lease over communities on Aboriginal land under Section 19A of the Act. Under a whole of township lease the Land Trust grants a lease over the entire area of the community to the Executive Director of Township Leasing (an independent Commonwealth Statutory Officer) or an approved Community Entity for a period of between 40 and 99 years.

A whole of township lease is agreed by the traditional owners and the Australian Government. The Executive Director of Township Leasing administers the whole of township leases on the Tiwi Islands and Mutitjulu on behalf of the Australian Government. The Anandilyakwa Royalties Aboriginal Corporation administers the township lease for communities in Groote Eylandt and Bickerton Island. The Gundjeihmi Aboriginal Corporation Jabiru Town administers the township lease in Jabiru. Subleases are then issued by these entities to all users of the town.

The Northern Territory Government, through a sublease arrangement, manages all housing in these townships. The term of the existing subleases is either 40 years or less, with the option to renew, by either party on expiry of the original lease period.

3.1.1. Housing precinct leases

Under a housing precinct lease, the landowner agrees to lease the existing housing lots to the CEO (Housing) for a minimum term of 1 year. These leases comprise of housing precinct, township, Community Living Areas (CLAs), and leases and subleases pursuant to Section 19 of the Act. If the community is on Aboriginal land,

the landowner is a statutory Land Trust under the Act that takes direction from the regional Land Council. Land Councils grant these leases under Section 19 of the Act.

3.2. Tenancy agreements

Tenants of houses in areas held under CEO (Housing) lease arrangements are required to pay either rent or a maintenance levy and will receive regular repairs and maintenance services. The CEO (Housing) provides tenancy and property management services as the landlord in accordance with the tenancy agreements and *Residential Tenancies Act 1999* between the CEO (Housing) and the tenant.

Tenants of new houses are required to sign tenancy agreements and occupants of existing housing will be required to sign either an Occupancy Information Document (OID) or a tenancy agreement depending on the condition of the house.

Tenants under a tenancy agreement are required to pay the rent specified in the Rent policy. Occupants who sign an OID are required to contribute to a maintenance levy.

3.3. Occupancy information document

Occupants of existing dwellings who are required to enter into an OID with the CEO (Housing) are required to pay a maintenance levy. Under the OID, the occupants are required to keep the dwellings clean and tidy and in a reasonable standard.

3.4. Maintenance levy

Occupants of properties subject to an OID contribute to maintenance and utilities expenses through a maintenance levy. This contribution is calculated per occupant of the dwelling.

3.5. Town camps

Where the CEO (Housing) holds a lease or sublease, responsibility for tenancy and property management services rests with the CEO (Housing).

The CEO (Housing) holds a housing underlease over each housing lot in the Alice Springs town camps on a month to month basis. For these town camps, the Department has entered into contract arrangements with service providers for the provision of tenancy management services, and under a memorandum of understanding with the Department, the Department of Infrastructure, Planning and Logistics (DIPL) has also entered into contract arrangements with service providers for the provision of property management services.

The CEO (Housing) holds a sublease over the Tennant Creek CLAs for a period of 20 years. For Tennant Creek CLAs, the Department has entered into contract arrangements with service providers for the provision of tenancy management services. DIPL has also entered into contract arrangements with service providers for the provision of property management services.

The CEO (Housing) holds a sublease over Elliott North Camp and the Marlinja homeland, with Elliott South Camp under lease to the NT Commissioner for Consumer Affairs. Processes for the delivery of tenancy and property management services in these three locations are under development. In the interim, housing maintenance services are being delivered through the Department's Homelands Program under grant funding arrangements.

There are no current tenure agreements held by the CEO (Housing) over the remaining town camps in the Northern Territory. Where the CEO (Housing) does not hold tenure agreements over the town camps, specified housing maintenance, municipal and essential services are delivered through the Homelands Program by service providers.

4. References

4.1. Legislation

Aboriginal Land Rights (Northern Territory) Act 1976

Housing Act 1982

Northern Territory National Emergency Response Act 2007

Residential Tenancies Act 1999

4.2. Policies

Pre-existing and Improvised Dwellings policy

Property Management policy

Rent policy

Tenancy Agreements for Public Housing policy