

---

**MEMORANDUM OF UNDERSTANDING**

**BETWEEN**

**ANANGU PITJANTJAJARA YANKUNYTJAJARA INCORPORATED  
("APY Inc.")**

**AND**

**THE MINISTER FOR HOUSING ("the Minister")**

**Logos**

**August 2009**

---

TABLE OF CONTENTS

---

1. Purpose.....	1
2. Commencement.....	1
3. Preamble.....	1
4. Principles of Collaboration.....	5
5. Governance.....	5
6. Dispute Resolution.....	5
7. Confidentiality.....	5
8. Relationships.....	5
9. Consultation and Communication.....	6
10. Resources.....	7

**PARTIES**

**THE MINISTER FOR HOUSING**, a body corporate pursuant to the Administrative Arrangements Act 1994 and whose office is situated at Level 2, 45 Pine Street, Adelaide, 5000 in the state of South Australia ("The Minister")

AND

**ANANGU PITJANTJATJARA YANKUNYATJARA**, a body corporate pursuant to the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981 whose office is situated at Umuwa, South Australia ("APY Inc.");

**1. Purpose**

1.1 This Memorandum affirms the intention of the parties to work collaboratively to implement a new housing model for the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands. This model is known as the Anangu Housing Model. Both parties are committed to delivering improved housing and maintenance services and providing improved opportunities for Anangu.

1.2 This Memorandum also confirms the commitment by the Minister to the transition of Community Housing Program (CHP) dwellings and households to a new APY housing management model aligning with the 10 year Department for Families and Communities (DFC) Asset Strategy and the National Partnership for Remote Indigenous Housing.

1.3 This Memorandum supercedes a memorandum of understanding between the former Minister and APY 9 November 2007 ("the current MOU")

**2. Commencement**

The Memorandum commences from the date signed by both parties and will be reviewed annually by the parties.

**3. Preamble**

The South Australian Government committed to the National Partnership Agreement on Remote Indigenous Housing in November 2008. An Implementation Plan has been developed, outlining the commitment of the South Australian Government to reform the provision of housing for Aboriginal people in remote communities and to reduce overcrowding, homelessness, poor housing condition and severe housing shortages in remote communities.

A 50 year Ground Lease between the South Australian Government and APY Inc. has been established and will apply to new, replacement and upgraded social housing on the APY Lands. ("Ground lease")

In 2008, DFC established a housing office on the APY Lands, providing a local and central point of contact for housing matters and the delivery of a repairs and maintenance service. In 2009, DFC has committed to appointing a Regional Manager, APY who will be located on the APY Lands, and who will work closely with communities to deliver the new housing management model, and support the transition to the new model. DFC is also committed to a broader service program in the APY Lands, including Housing SA, Disability SA, Families SA, Office for the Ageing, and other relevant DFC services.

### 3.1 Remote Indigenous Housing National Partnership Commitments

The goal of the parties is to deliver on commitments made within the Remote Indigenous Housing National Partnership Agreement, to achieve improved quality, service and sustainability in housing. Specifically:

- The transition of existing assets to new lease arrangements;

- An asset strategy to deliver a capital program for new housing stock and cyclical repairs and maintenance;

- A new housing management model;

- Aboriginal employment and training.

In this regard, the parties recognise that they share the following common objectives:

- Increased supply of affordable, sustainable and suitable housing;

- Reduced overcrowding and improved dwelling condition;

- Responsive housing management services;

- Meaningful opportunities for Anangu employment and training derived through new housing investment.

### 3.2 Asset Strategy

The parties will agree on a ten year Asset Strategy (2009-2019) which will guide growth, renewal and property management activities on the APY Lands. The strategy will be integrated with the introduction and delivery of the new APY housing management model.

Funding provided under the Remote Indigenous Housing National Partnership Agreement will provide the basis for the Asset

Strategy, incorporating both the building program and major refurbishment program.

The housing management model will detail the repairs and maintenance service.

During the first 3 years of the Asset Strategy (2009-2011), DFC will construct and upgrade housing at Amata and Mimili. The parties will continue consultation with Pukatja traditional owners and community members about the location of sites for new and upgraded houses in Pukatja.

### 3.3

#### Transition to new lease arrangements

The Asset Plan 2009-2011 will schedule the new construction, replacement and upgrade of CHP dwellings for the first three years. Schedules will be developed for remaining CHP dwellings which meet the required standard, within the ten year asset strategy.

The Minister will obtain all necessary development approvals at the Ministers cost.

Prior to the commencement of a building and refurbishment program in each community, and in order to transition to the new housing management model, a number of lease variations for each community, identified as 'Deed to Vary Ground Lease', will be required to provide a lease of the sites upon which new houses are to be constructed, houses to be substantially upgraded or houses which are to be replaced with new houses. Deeds to Vary will be prepared at no cost to APY by the Minister and only be executed following consultation with traditional owners in each community and the receipt of formal consent for the sites identified. APY's costs of those consultations will be paid by the Department as well as a reasonable documentation fee to be agreed by the parties for each lease variation.

Upon completion of planned capital works on CHP dwellings, DFC will inspect the dwellings and verify that the properties are at a tenable standard and ready for individual tenancies to be established.

### 3.4

#### Housing Management

A new public housing style management program will be developed in accordance with the ground lease and the letter of comfort signed by the Minister in relation to the ground lease and DFC will aim to implement the program across all communities on the APY Lands. This program will cover all relevant aspects of housing management including, but not limited to, allocations of housing, tenancy agreements, rent setting and rent collection,

The model will apply to all new and upgraded dwellings and progressively to existing dwellings as new leases are transitioned.

Service delivery will be in collaboration with other relevant partner agencies, and will aim to achieve successful housing outcomes by providing support services to residents. This will include working with residents to develop successful tenancy plans and aiming to provide homemaker and family support services.

Engaging contractors will be undertaken in line with State Government procurement and tender requirements, applicable legislation and the 2008 Ground Lease between the parties provided that, in the event of inconsistency and the extent permitted by law, the Ground Lease shall prevail.

A Regional Manager, APY will be positioned on the APY Lands to manage the delivery of the housing management model.

**3.5**

### **Home purchase opportunities**

A working group will be established to examine possible 'rent to purchase', and other home purchase/ownership schemes on leased sites. This work will involve the Commonwealth Government, Indigenous Business Australia and other interested parties.

**3.6**

### **Homelands housing**

The Minister and APY will examine the feasibility of applying the new housing management model to homelands (less than 10 dwellings). This work will also examine home ownership options for homelands, including community title.

**3.7**

### **Employment initiatives**

Activity undertaken by DFC on the APY Lands will aim to meet the target of 20% Anangu local employment as outlined in the Implementation Plan under the National Partnership. The parties will ensure that asset and service delivery plans incorporate the development and implementation of learning and work opportunities. These will exist in housing capital works programs (i.e. construction and refurbishment) and in property management and housing services.

**3.8**

### **Existing CHP Dwellings**

The Minister will administer the funds allocated for service delivery, insurance and administration of existing CHP dwellings. The Minister will collect CHP property rents using the current APY rent policy settings.

The Department will provide to APY annual income and expenditure accounts..

The Minister will take responsibility for the following service elements for all existing CHP properties located in communities and on homelands, where these houses are located within a 30 kilometre radius of the nearest community:

- Repairs & Maintenance; and
- Rent collection and receipting.

#### 4. Principles of Collaboration

The parties agree to follow a collaborative partnership approach in undertaking the tasks associated with this MOU. The parties agree to observe and comply with the collaboration principles and requirements set out in clauses 5, 6, 7, 8, and 9 of this Agreement..

#### 5. Governance

The Minister will delegate the planning, implementation and management of the projects and initiatives referred to in this Memorandum, to the Executive Director, Housing SA, DFC.

The Minister is committed to meeting the milestones and targets for delivery and reporting in accordance with the requirements of the Remote Indigenous Housing National Partnership.

Nominated delegates of the parties will meet as agreed, to report against progress on the initiatives.

#### 6. Dispute Resolution

Any disputes that arise will be addressed through negotiation in the course of normal business processes and in accordance with the dispute resolution procedures set out in the ground lease.

#### 7. Confidentiality

Each party agrees to keep confidential all information disclosed by the other party on a confidential basis.

#### 8. Relationships

8.1 The parties are responsible for enabling relationships which lead to constructive and positive outcomes for Anangu-tjuta.

8.2 DFC staff, on behalf of the Minister, will:

8.2.1 Be respectful of the culture, traditions and practices of Anangu-tjuta;

8.2.2 Provide suitable notice of proposed meetings about housing with communities and surrounding homelands;

8.2.3 Protect all personal details acquired and stored, in accordance with legislation;

8.2.4 Co-host forums, submits or any other arrangement, which enables the timely, accurate and relevant exchange of information and advice between the parties with Anangu tjuta;

8.2.5 Translate housing discussions and information updates with Anangu-tjuta into Yankunytjatjara / Pitjantjatjara wherever possible. This will be undertaken with assistance from APY staff.

8.2.6 Comply with APY's Code of Conduct and child protection protocols

8.3 APY employees and Executive Board members will:

8.3.1 Provide orientation sessions to DFC Officers visiting the Lands;

8.3.2 Arrange and hold consultations with APY Lands Traditional Owners in locations where housing is planned for construction, upgrade and transfer to 50 year ground lease;

8.3.3 Co-host forums, submits or any other arrangement, which enables the timely, accurate and relevant exchange of information and advice between the parties with Anangu-tjuta.

## 9. Consultation and Communication

9.1 The parties are committed to ensuring the active involvement of Anangu-tjuta in planning and implementing the housing management and asset strategies outlined in this Memorandum.

9.2 The parties will also provide regular and accessible communication to all stakeholders (communities, non-government organisations, other government agencies) so as to establish an effective, two-way sharing of all relevant information.

9.3 The parties will endeavour to keep each other informed of matters which may become the subject of media attention or media release by the parties.



10. Resources

- 10.1 The Minister will allocate senior staff to plan, oversee and implement new arrangements. This will reflect the Minister's strong commitment to implementing new and robust housing management on the APY Lands.
- 10.2 The allocation of new service delivery resources will be aligned with the transition to lease schedule and the introduction of the new housing management model.
- 10.3 The Regional Manager APY will support the delivery of housing in APY communities, and will be a point of contact for Anangu on housing matters.
- 10.4 Local trainees will be recruited to support administration and housing management services.

DATED this

day of

2009

SIGNED by MS JENNIFER RANKINE,  
THE MINISTER FOR HOUSING,

Witness  
[Print Name: ]

SIGNED by MR BERNARD SINGER, CHAIRPERSON  
OF ANANGU PITJANTJAJARA YANKUNYATJAJARA

INC.  
in the presence of:  
Witness  
[Print Name: ]

SIGNED by MR REX TJAMI, DIRECTOR  
OF ANANGU PITJANTJAJARA YANKUNYATJAJARA

INC.  
in the presence of:  
Witness  
[Print Name: ]

