



## What is a Housing Management Agreement?

A Housing Management Agreement (HMA) is an agreement between the Housing Authority (**Authority**) (represented by the Department of Communities) and an Aboriginal Organisation (**Organisation**) to manage the leasing of lots and houses to Aboriginal people in a remote or town-based Aboriginal community. Under an HMA, the Authority acts on behalf of the Organisation that owns or leases the community land.

## What effect does an HMA have on Aboriginal community housing?

In managing the lots and houses under an HMA, the Authority will now have the obligations of an 'owner' under the *Residential Tenancies Act 1987* (**RTA**). This means that the Authority will be responsible for repairs and maintenance and ensuring that housing in the Aboriginal community is up to the standard of mainstream social housing.

Tenants also have rights that can be enforced under the RTA to ensure that the Authority is adequately doing its job.

## What is a nominated lot or a nominated house?

A nominated lot or a nominated house is a house or lot to which the HMA applies. Parties can agree to add houses or lots (which means the HMA will apply to it, and the Authority will manage it) or remove a house or lot from the HMA (which means the Authority will no longer have any power to manage it). This can only be done by agreement between the Authority and the Organisation.

## Will the Housing Authority take any interest in any land?

No. The HMA only allows the Authority to manage housing under the terms of the HMA, on behalf of the Organisation. The HMA and the *Housing Act 1980* prevents the Authority from taking any interest in any land that the Organisation currently manages. The Organisation's interest in the land will continue unchanged.

## What about other community land that does not have housing on it?

Any community land that is not listed as a nominated lot or house in the HMA will continue to be the responsibility of the Organisation. The Authority will not have any interest in it and will not have any power to manage it.

## What is a Cultural Circumstance?

The Authority recognises that there are times when Aboriginal people may be required to be away from a house that they have been living in due to law business, sorry business or cultural obligations. The HMA provides that when Aboriginal people are away from their house in such a circumstance, they will not have to pay rent for the period that they are away.

The HMA allows communities to decide what a 'cultural circumstance' is, and how long it should last. This allows communities to set the boundaries of what is acceptable.

## What happens if the Organisation wants to change part of the HMA?

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All changes to the HMA must be agreed to between the Authority and the Organisation. This includes the addition or removal of nominated lots and houses. The Authority cannot agree to a change which contradicts the sections of the *Housing Act 1980* dealing with HMAs.

## What happens if the Organisation wants to get out of an HMA?

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If the Organisation enters into the HMA and then wants to leave it, the Agreement can only be terminated by agreement with the Authority. If the Authority agrees, and the HMA is terminated, the Authority will no longer have a legal responsibility to undertake repairs and to maintain properties to the standard of mainstream social housing. The responsibility for the houses will return to the Organisation.

## What happens if the Organisation thinks the Authority is breaching the Agreement?

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The HMA requires that the Organisation must sit down and negotiate with the Authority on any breach. If no agreement can be reached regarding the breach, the Organisation must then engage in mediation with the Organisation. If the two parties are still unable to resolve their differences, the Organisation can then take legal action against the Authority. The same applies if the Authority believes the Organisation has breached the agreement.

## Are all Aboriginal Organisations in remote communities required to sign up to an HMA?

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No. However, if the Authority is granted funds to invest in housing in an Aboriginal community, that investment may be conditional on the Aboriginal Organisation that leases the land agreeing to an HMA.

The Authority will only enter into an HMA if it accords with the wishes of the Aboriginal inhabitants of the community. To ascertain the wishes of Aboriginal inhabitants, the Authority will discuss the HMA with residents and stakeholders in Aboriginal communities, including Native Title bodies.

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