Final Report

Housing conditionality, Indigenous lifeworlds and policy outcomes: towards a model for culturally responsive housing provision

authored by

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ACRONYMS

ABS	Australian Bureau of Statistics
ACC	Aboriginal Coordinating Council (Qld) (disbanded 01/01/2005)
ACT	Australian Capital Territory
AERC	Aboriginal Environments Research Centre (University of Queensland)
AHURI	Australian Housing and Urban Research Institute Limited
AIHW	Australian Institute of Health and Welfare
ANAO	Australian National Audit Office
APSC	Australian Public Service Commission
ARHP	Aboriginal Rental Housing Program
ARIA	Australian Remote Indigenous Accommodation
ATSI	Aboriginal and Torres Strait Islander
ATSIC	Aboriginal and Torres Strait Islander Commission (disbanded 24/03/2005)
BBF	Building a Better Future program
CAAHC	Central Australian Affordable Housing Authority (NT)
CAT	Centre for Appropriate Technology (Alice Springs)
CDEP	Community Development Employment Program
CEO	Chief Executive Officer
CHIP	Community Housing and Infrastructure Program (past ATSIC program)
CHMS	Community Housing Management Strategy (Qld)
COAG	Council of Australian Governments
CSHA	Commonwealth State Housing Agreement
CTC	Council of Territory Cooperation (NT)
DAA	Department of Aboriginal Affairs (C'th)
DAIA	Department of Aboriginal Islander Affairs (Qld)
DEWR	Department of Employment and Workplace Relations (C'th)
DHLGRS	Department of Housing, Local Government and Regional Services (NT)
DOGIT	Deed of Grant in Trust (former Aboriginal Reserve communities) (Qld)
DoH	Department of Housing (Qld)
FaHCSIA	Department of Families, Housing, Community Services and Indigenous Affairs (C'th)
FRC	Family Responsibilities Commission (Cape York)
HREOC	Human Rights and Equal Opportunity Commission (C'th)

ICC	Islander Coordinating Council (Qld)
ICHO	Indigenous community housing organisation/s
IHANT	Indigenous Housing Authority of the Northern Territory (disbanded 24/03/2005)
IMF	International Monetary Fund
JMAC	Joint Ministerial Advisory Committee
KALA	Katherine Aboriginal Living Area (working group) (NT)
LGA	Local Government Area
LIPPS	Local Industry Participation Plans (NT)
LSAs	Local Service Agreements (NT)
MOU	Memorandum of Understanding
NAHA	National Affordable Housing Agreement
NGOs	Non-government organisations
NHMRC	National Health and Medical Research Council
NHS	National Housing Strategy
NPARIH	National Partnership Agreement on Remote Indigenous Housing
NSW	New South Wales
NT	Northern Territory
NTG	Northern Territory Government
NTER	Northern Territory Emergency Response (replaced by Stronger Futures 2012)
QLD	Queensland
SA	South Australia
SIHIP	Strategic Indigenous Housing and Infrastructure Program
SHAs	State Housing Authorities
SLA	Service Level Agreements (NT)
SOMIH	State Owned and Managed Indigenous Housing
TAS	Tasmania
TH	Territory Housing (NT)
TSRA	Torres Strait Regional Authority
WA	Western Australia
VIC	Victoria

EXECUTIVE SUMMARY

Purpose of the study

In recent decades, national and international trends towards an increase in welfare conditionality have resulted in the tightening of government rental housing administration provisions in Australia to ensure that tenants conform to mainstream behavioural standards in matters such as good order, financial management, home maintenance and tenancy agreement compliance. This has implications for Indigenous people whose values and lifestyles may not always be aligned with those of the non-Indigenous population (Memmott et al. 2003). It raises the question of to what extent Indigenous housing access and tenancy sustainment are influenced by the alignment between different forms of conditionality and Indigenous cultural norms, including family and community obligations. This is the question guiding this research which aims to analyse how the intersection between Indigenous and mainstream norms, values, expectations and behaviours influence the successes and failures of welfare conditionality in its goal of supporting positive housing outcomes for Indigenous people. This includes areas such as reducing homelessness, increasing stable housing and achieving improvements in non-housing outcomes such as employment and school attendance.

'Welfare conditionality' refers to a form of contractualism in which state benefits are tied to demands that recipients conform to a range of behavioural requirements. Examples include probationary leases, acceptable behaviour contracts and provisions to refer tenants to Centrelink for income management if they fall behind in rental payments. The policy community is divided in its views on the effectiveness of welfare conditionality (Pearson 2000; Saunders 2008; Lister 1998; Wacquant 2009). Research on its effectiveness suggests mixed results (AIHW 2010; Bray et al. 2012; DEWR 2006; Smyth 2010) with suggestions that it is most successful when strategies are tailored to client needs and pay attention to the development of respectful relationships (Nixon et al. 2010). In contexts of cultural difference, success has also been linked to the acknowledgement of the social and cultural capitals of target populations and strategies for building community capacity for self-governance (Cape York Welfare Reform Evaluation 2012; Bastagli 2009). These findings are critical for Indigenous populations where there is an extensive evidence base on the contribution of incongruent cultural fit of housing design to poor housing outcomes (Long et al. 2007; Memmott et al. 2003; Memmott et al. 2012b).

Although conditionality appears to be a one-way relationship in which the state imposes demands on citizens, it is always an exchange involving negotiations over differences in values and expectations. This negotiation may not be formally acknowledged but instead may manifest in non-compliance and non-engagement on the part of such citizens, with implications for policy outcomes. Indigenous organisations are also critical players in the relations between Indigenous people and the state. Current research suggests that their location between the Indigenous domain and efforts towards self-determination, and the non-Indigenous domain where they are subject to the state's mechanisms of administrative control (Sullivan 1988) is best understood in terms of the 'intercultural' (Hinkson & Smith 2005; Lea et al. 2006) in which Indigenous and non-Indigenous agents work across both sectors in a way that shapes policy development and implementation and also influences self-understandings and perceptions.

Each of the three domains of Indigenous citizens, Indigenous governance organisations and the state, have cross-cutting sets of rights and responsibilities which shape their mutual engagement. In the housing context, the state, through the

three tiers of government, must ensure housing of an appropriate standard is accessible and affordable for all citizens. It operates within a regulatory and financial environment and distributes resources to multiple public and private sector organisations, requiring them to meet their contractual obligations in return for the benefits they receive. These organisations include Indigenous governance organisations who have responsibilities to their community and who use their economic resources, and their moral and social connections, to regulate community members. Individuals must also meet their obligations to family, neighbours and kin as well as to housing authorities through requirements to be responsible tenants by, for example, making timely rental payments and behaving appropriately to neighbours.

The idea of a 'recognition space' captures these multiple and overlapping sets of rights and responsibilities and proposes that the goals of conditionality to improve Indigenous housing outcomes are best achieved when efforts are made to balance these perceived rights and responsibilities. This perspective of the negotiation space proposes a middle ground in which policy is seen as most effective when it takes place on a shared terrain of social, political and economic exchange, established through negotiated relations of mutual cultural understanding and respect. This framework extends the idea of conditionality to one involving moral relationships of duty and care between the individual, Indigenous formal and informal governance structures, and the state and its agents.

This analysis gives rise to the following four questions, which will guide this study:

1. What are the characteristics of different types of housing conditionality and how effective are they in achieving positive housing outcomes for Indigenous people?

2. How does the intersection between these types of housing conditionality, and Indigenous lifeworlds and Indigenous governance arrangements, influence housing outcomes for Indigenous people?

3. Is there an identifiable form of conditionality which enables a recognition space that permits a shared understanding of the values and constraints of government workers, Indigenous tenants, housing managers and community leaders? What are the conditions of its emergence, and to what extent does it support improvements in Aboriginal housing?

4. Are there identifiable good practice and policy principles that have specific use in particular contexts or that are useful across all contexts that can be elicited from this analysis?

Key definitions

To answer these questions the research develops the following key concepts that are used to develop the research approach and data analysis.

Indigenous lifeworlds: The lived realities that are derived from the socially acquired shared cultural systems of meaning and everyday understanding including values and lifestyles (Habermas 1987). These shape and constrain Aboriginal understandings of what is possible, socially desirable or correct in their engagements with social housing providers.

Housing conditionality: The imposed contractual, behavioural and administrative requirements on prospective tenants that accompany the distribution of housing benefits.

The state: Australia's tripartite system of formal governance (local, state, federal), understood as a dynamic, complex system comprising multiple organisations, stakeholders and agents operating with competing and overlapping goals.

Governance: The 'formation and stewardship of the formal and informal rules that regulate the public realm, the arena in which the state as well as economic and societal actors interact to make decisions' (Hyden et al. 2004, p.16).

Indigenous governance: The formal and informal rules used by Indigenous people to control and manage their communities as well as the values and social capitals that underpin these.

A recognition space: Relationships and organisational arrangements that attempt to balance the competing demands of state, Indigenous lifeworlds and Indigenous governance entitlements and responsibilities.

Theory of change: Being a set of assumptions about how behavioural changes are expected to happen in relation to a particular intervention and in specific contexts.

Forms of enablers: The social, cultural and economic capitals that support positive social change.

Enabling programs: Programs and strategies designed to build Indigenous individual and community capacity and decrease state dependence.

Research method

An historical case study methodology was used to explore the association between conditionalities and Indigenous housing outcomes through the lens of the recognition space. This involved interrogating the literature for how housing outcomes have been influenced in the past by different forms of conditionality and the contribution made by the interaction between the three spheres of the recognition space, that is, the state, Indigenous citizens, and Indigenous governance arrangements.

This approach involved identifying studies of Indigenous housing that provided sufficient information about the contribution of each apex of the recognition triangle to the development and implementation of housing programs and policies and the influence this had on housing successes and failures. Efforts were made to collect examples from the literature that demonstrated evidence of the application of such recognition, and the effect this had on housing outcomes. Selection criteria included the application of some form of housing conditionality by the state on Indigenous people and/or Indigenous governance organisations, the nature and extent of recognition between the three spheres, and evidence of housing outcomes. An initial scan of the literature identified eleven potential case studies that met the criteria to varying degrees with further investigation narrowing this down to five cases where there were sufficient data to provide detailed accounts:

1. The Aboriginal self-help building projects that took place in the Darling River Basin, New South Wales, especially Wilcannia and Bourke, in the 1970s.

2. The arrangements for housing management in Queensland's discrete Indigenous communities administered as Deed of Grant in Trust (DOGIT) lands in the 1990s.

3. The Queensland Department of Housing's tenancy management program at Mt Isa in the mid-2000s.

4. Attempts to improve Aboriginal housing stock in Katherine, in the Northern Territory, in the 1990s.

5. The Strategic Indigenous Housing and Infrastructure Program in the Northern Territory from 2007 to 2012.

Findings

The analysis identified four kinds of conditionality operating at different times and places across the historical case study sites—'protectionist', 'assimilationist', 'normalising' and 'adaptive'. The first appears in the Katherine and Darling River Basin case studies in the first six decades of the 20th century. Protectionist conditionality was imposed on Indigenous people in a unilateral way that constructed them as located outside the social contract because they were deemed unready for citizenship. Despite this, they exercised their own forms of agency, demonstrating a refusal, or inability, to deny the legitimacy of their own cultural co-ordinates, even when this came at considerable cost. By the mid-20th century, a new form of assimilationist conditionality had appeared characterised by a qualified extension of rights located within a one-way cultural exchange. Transitional housing was provided in isolated areas but there was no attempt to recognise the legitimacy of Indigenous culture or to provide Indigenous people with control over these arrangements.

From the early 1970s, policies of self-determination opened up a recognition space demonstrated in the case studies at Wilcannia and Bourke, so that expectations of conformity to white models of citizenship were mediated by elements of cultural recognition in a form of adaptive conditionality. The self-help housing project at Wilcannia adjusted Western models of housing infrastructure to Indigenous lifestyles and behaviours, and efforts were made to include Indigenous people in the design, construction program and economy of housing procurement. This co-existed with other forms of conditionality in which housing provision was shaped by the state's obligations to its non-Indigenous citizens. In Wilcannina, Menindee and Cargellico, housing was only provided where there were employment opportunities. Non-Indigenous resistance to residential co-location with Indigenous people led to scatterisation policies which saw Indigenous tenancies spread thinly across the broader population, preventing Indigenous people from remaining close to kin. This was a barrier to improving Indigenous housing even though funding was available for this. It led to high levels of stress among Indigenous tenants living with neighbours who did not want them there and was a probable contributor to crowding.

Normalising conditionality refers to forms of contractualism that require Indigenous people to conform to a standardised model of self-responsible citizenship. This is exemplified in the early period of the Northern Territory Emergency Response (NTER) in Alice Springs, when radical changes were made to the way that housing was provided on the town camps. The case study material provides only limited insight into how Indigenous people engaged with these developments, but the tone of Tangentyere Council submissions to NTER review boards and the concerns about leases over Indigenous land expressed in the Council for Territory Cooperation (CTC) report reveals resistance on the part of some Indigenous people and governance organisations.

These accounts provide a consistent narrative that when the state attempts to position Indigenous people according to its own norms and expectations it leaves a legacy of dependence, distrust and cynicism. Undifferentiated expectations about what constitutes 'good citizenship' and insufficient attention to the capacity of populations to meet such expectations, risk generating apathy and resistance among target populations resulting in 'lose-lose' policy outcomes. In certain Queensland DOGIT communities, rent setting systems were thus ineffective prior to the introduction of a levy system in the 1990s that was developed through a process that engaged all stakeholders and was attentive to Indigenous lifeworlds.

The historical case studies also show that positive housing outcomes are enhanced in those moments and periods when Indigenous individuals and families, and Indigenous and state governance organisations, establish co-operative relations in a way that attempts to balance their respective cultural and organisational constraints. This is most evident in the operation of Mt Isa's tenancy management program and in some of the achievements of the Strategic Indigenous Housing and Infrastructure Program (SIHIP) program, most notably the employment and training initiatives for small to medium businesses. The findings also point to the way Indigenous people are subject to bundles of conditionality that impinge on them as multiple, sometimes contradictory demands, and in contexts that often lack enablers for meeting these, for example, their capacity to manage visitors.

Implications

The analysis highlights a number of good practice and policy principles related to the establishment of a recognition space that supports adaptive conditionality. These include:

→ Developing policies and enabling programs that acknowledge and strengthen Indigenous individual and community capacity so there is shared ownership of goals and the barriers to achieving these. This includes state governance at a distance to facilitate Indigenous engagement.

→ Strategies which apply an incremental approach to the resolution of challenging management issues.

→ Support for external agents who have the trust of Indigenous communities and whose possession of valuable social, political and cultural capital enables them to negotiate across the different dimensions of the intercultural space.

→ Some personal commitment from those involved in effecting change.

→ A holistic approach to policy development and implementation, including the establishment of horizontal linkages across different sectors and the establishment of multiple mechanisms and partnerships to provide early risk detection and management.

→ Cooperation between all levels of government and Indigenous organisations.

→ Protective mechanisms to ensure the conditions underpinning adaptive conditionality are sustained over time, including strategies for managing policy differences within different arms of the state, and across electoral cycles.

Next steps

The case studies have provided informative narratives about how different forms of housing conditionality have intersected with Indigenous lifeworlds and governance organisations to produce a range of positive and negative housing outcomes. But the reliance on secondary sources has meant they are not comprehensive in their coverage of the various components of the recognition space that we have argued are always involved in the kind of social engineering that conditionality seeks to achieve. Empirical field data collection is needed to provide a firmer evidence base for the thesis that underpins this study, and to provide answers to the detailed research questions.

A field case study approach will be employed with the aim of collecting primary data on how different forms of housing conditionality are being applied in specific areas of Indigenous housing, such as public rental housing tenancy agreements, homelessness programs, transitional accommodation, and home ownership

strategies; how successful they are in achieving their objectives; and what contribution the existence of a recognition space makes to achieving housing outcomes. The research questions will cover remote, regional, urban and metropolitan contexts as well as different forms of conditionality and evidence of the existence of a housing recognition space. Examples will include:

→ The effects of income management on large households living in social housing in an urban location.

→ The loan instruments, land administration and governance arrangements developed by state and Indigenous governance organisations to support tenants to transition from social to homeowner housing.

→ Routes and challenges of transitional housing, including clients returning to social housing from women's refuges, imprisonment, substance abuse reform, and homelessness.

1 BACKGROUND TO THE STUDY: INDIGENOUS HOUSING AND WELFARE CONDITIONALITY

1.1 Introduction

Managing Indigenous cultural difference is integral to social housing services in Australia, influencing many areas of the housing system, including housing design and location (Memmott & Chambers 2003; Go-Sam 2008), homelessness programs (Memmott et al. 2012b) and tenancy management (Milligan et al. 2011). The question of culture is especially acute in the case of Indigenous households where differences between Indigenous and non-Indigenous norms and behaviours are significant, and cultural attachments are often critical to Indigenous identity (Memmott 2013). These differences influence Indigenous housing access and tenancy sustainment making them important policy concerns.

Recent research and policy interest in the topic of managing cultural difference has been shaped by the widespread and contested adoption of principles of conditionality in national policy aimed at improving the circumstances of Aboriginal and Torres Strait Islander people (ATSI) in Australia. This reflects international developments in state welfare provision towards an emphasis on the responsibilities of citizens to minimise their burden on the state (HREOC 2001; Kinnear 2002; Dwyer 2004, p.270). Examples include the 'Shared Responsibility Agreements' that have been applied to some Indigenous communities, and the welfare reform measures applied to Indigenous individuals and households in Cape York (Thompson 2006; Pearson 2001) with proposals for similar policies to be introduced in other locations, including the East Kimberley (Wunan Foundation 2012).

Welfare conditionality represents a form of contractualism in which state benefits are tied to demands that recipients conform to a range of behavioural and/or administrative requirements. For social housing providers, especially public housing, this has led to the tightening of provisions to ensure that tenants conform to mainstream behavioural standards in matters such as good order, financial management, home maintenance and tenancy agreement compliance. This increase in contractualism has occurred in tandem with a shift to the 'mainstreaming' of Indigenous housing management and provision with the result that state-owned and managed Indigenous housing (SOMIH) and Indigenous community housing have undergone rapid decline (Milligan et al. 2010).

These developments raise the question of to what extent Indigenous housing access and tenancy sustainment are influenced by the alignment between different forms of conditionality and Indigenous cultural norms, including family and community obligations. This is the question guiding this research which aims to analyse how the intersection between Indigenous and mainstream norms, values, expectations and behaviours influence the successes and failures of welfare conditionality in its goal of supporting positive housing outcomes for Indigenous people.

Box 1: Early forms of Indigenous housing and attempts to change traditional behaviours—the case of Queensland

In the early part of the 20th century there were some 180 missions established across Australia with state legislation whose goals were to 'civilise' and 'protect' Indigenous peoples (Memmott 2012, p.459). Many were unmotivated to house traditionally oriented adults and focused instead on the cultural change and indoctrination of children. Removing children from their families was common and children's dormitories were built alongside church architecture and staff accommodation buildings.

Fencing surrounding missionary buildings, work sheds and gardens created a defined physical territory into which entry by Indigenous adults was restricted to daylight hours and only after they had donned clothing sufficient to cover their genitals. Memmott (2012, p.460) writes of the Mornington Island Mission in the early 20th century:

> Inside the mission, new behavioural settings had to be negotiated involving the western concepts of space (generated by rectilinear orders) and of time (marked by church services and the ringing of bells).

As the dormitory inmates reached adulthood and were allowed to marry, household compositions were actively altered by missionaries who forbad traditional practices such as polygamy (Memmott 2012, p.461). Despite the direct efforts of missionaries to change behaviour on settlements, many aspects of Indigenous lifeworlds were not completely stamped out. For example, an early traditional trading camp layout could still be found during the 1970s in the social patterning of residences at the village at the Mornington Island Mission (established in 1914 by Presbyterians).

> Although the material environment had changed, the sociospatial behaviour and forms of domestic behaviour were largely unchanged, with an emphasis on external orientation of family groups, compact density, ease of visual and auditory communication, external cooking, and eating around fires. (Memmott 2012, p.461)

By the 1940s the provision of basic housing (cottages) on Government Reserves was seen as a tool for behavioural change.

> Assimilation prescribed that the inmates of Reserves attain the same manner of living as other Australians with the same rights, responsibilities, customs beliefs and loyalties as the colonising Australians. (Memmott 1993, p.12)

Sawmilling, trade training, and 'manual training' for schoolboys was accompanied by various construction programs using locally trained tradesmen and labourers. The industrial and training operations of the 'State Department' meant that housing production was said to keep up with need on government settlements. This was not the case on Mission settlements which were comparatively poorer.

In the late 1960s, the Queensland Works Department produced two standard house designs (S1559 and S1560), which were raised on pipe columns with under-the-house living space. These were constructed throughout the state irrespective of variables in climate, site, family or cultural needs. Memmott (1979, pp.359–89) evaluated the houses at Mornington Island and while noting they were culturally inappropriate, he demonstrated how residents were able to adapt the house in subtle ways to suit their needs including maintaining their traditional externally-oriented lifestyle underneath the house and using upstairs for sleeping and storage.

1.2 Conditionality in Indigenous housing

Elements of compulsion have always been a feature of welfare provision in Australia (see Box 1 above) but today there is increased emphasis on the responsibilities of citizens to minimise their burden on the state and to treat one another with due regard (HREOC 2001; Dwyer 2004, p.270). Supporters of welfare conditionality argue for its benefits on moral, psychological, political and economic grounds (Pearson 2000; Saunders 2008; Taylor-Gooby 2005). They point to increased participation in education and health services, improved targeting of resources to vulnerable groups and increased political legitimacy of programs targeting the poor (Bastagli 2009, p.136). Critics suggest conditionality is unfair, paternalistic, discriminatory, intrusive and punitive (Lister 1998; Wacquant 2009; Yeatman 1999) and question its effectiveness (see Campbell & Wright 2005; Dwyer 2004). In housing policy, concerns have also focused on the impact on innocent third parties, especially children (Deacon 2004; Nixon et al. 2006a), its costs (Jacobs 2008; Bastagli 2009) and further marginalisation of the most vulnerable social groups (Hunter 2001; Flint 2004; Rodger 2006).

Paz-Fuchs (2008) identifies four distinct rationales of (a) deterrence, (b) morality, (c) economics and (d) quid-pro-quo, underpinning different forms of conditionality, but notes these are often mixed. These rationales are based on assumptions that conditionality improves social outcomes (deterrence and economics) and that it is inherently right to expect people to behave in certain ways (morality) and to give something back in return for benefits received (quid-pro-quo). Models of conditionality differ according to these rationales, the target group and the balance of rights and duties between the state, the community and individual citizens. Most approaches today share a concern with reducing state expenditure, encouraging active citizenship and expectations about the rights and responsibilities that should exist between individuals, communities and the state. Conservative models minimise state responsibilities stressing the moral obligation of citizens to conform to mainstream behavioural norms (Murray 1984; Mead 1997; White 2003). Progressive versions locate individuals within communities and allocate some responsibility for the state to address embedded disadvantage (Flint 2003; Deacon 2004).

In housing policy, these differences translate to different emphases on managing the tension between meeting the housing needs of marginalised social groups and ensuring tenants conform to community expectations of the 'good citizen'. In the UK, debates are characterised by a 'politics of behaviour' in relation to anti-social behaviour, benefit reform and tenant participation, with ideas of responsible citizenship central to processes of housing governance (Flint 2004). In Australia, social housing measures have taken the form of additional tenant obligations including reporting changes in circumstances, probationary leases and anti-social behaviour provisions (see Table 1 below) (COAG 2008b; 2009b). In public rental housing, conditionality underpins the landlord/tenant relationship and across the social housing sector, housing management policies and practices have been adopted that are largely unresponsive to variations in cultural attachments and lifestyles. This is similar to the UK where the use of positive incentives (see Jacobs et al. 2008) is outweighed by a disciplinary approach linked to a civilities agenda (Pawson & McKenzie 2006).

1.3 Culture, behavioural change and Indigenous housing

The inspiration for some of the forms of conditionality adopted by the Australian Government, especially in relation to the use of income management, is the Cape York Welfare Reform trials in far north Queensland (see Box 2 below). The trial was developed through an extended process of community engagement and participation

and built on local social capital to achieve the objective of behavioural change. Indigenous principles of reciprocity are employed, stressing mutual obligation and 'an equitable distribution of resources, responsibility and capacity and to achieve cohesion and survival of the social order' (NHMRC 2003, p.10). Community leaders are integral to the operation of conditionality through the Family Responsibilities Commission (FRC) whose officers are community elders. A comprehensive evaluation of the trial in 2012 endorsed this approach, finding improvements had been greatest in relation to school attendance and social responsibility in relation to meeting the needs of children and financial management. In housing, there had been no progress towards home ownership but there was a greater pride in homes and home maintenance activities and residents were meeting obligations for rental payments set at public housing levels. Levels of welfare dependence were unchanged. The evaluation also found that Indigenous leadership had been strengthened, rebuilding the capacity of Indigenous authorities to tackle anti-social behaviour (Cape York Welfare Reform Evaluation 2012). Achievements were also greatest in communities where local involvement was highest and all stakeholders endorsed and supported the changes.

The Cape York trial combines conditionality with a detailed knowledge and understanding of local forms of social and cultural capital and the application of principles of supportive, respectful engagement with community members. Positive relationships and partnerships with the Australian and Queensland Governments are integral to the design so that the program harnesses the knowledge, networks and skills of both mainstream and Indigenous governance organisations. Empowering Indigenous leadership is an explicit goal of the program, with Indigenous leaders extensively involved in policy and program design and delivery (Cape York Welfare Reform Evaluation 2012, p.6).

These principles are in keeping with overseas research which suggests that conditionality is most effective when tailored to local concerns and priorities (Nixon et al. 2010). In Mexico, difficulties with a program of conditional cash transfers were found to be partly due to a lack of responsiveness to local Indigenous social capitals (Bastagli 2009, p.131). The weight given to positive and negative incentives, how these were presented to participants and how compliance was monitored and non-compliance addressed was also critical. In Brazil, the Bolsa Familia program provides financial aid to disadvantaged families in return for compliance with school attendance and with vaccination programs. Non-compliance is understood as a flag of additional vulnerability so it is managed by first identifying why it occurs and then the provision of additional supports. Removal from the program is the last resort and exited participants may apply to re-enter the program after six months (Bastagli 2009, p.133). These characteristics have some similarity with the Cape York welfare reform trials in which income management is applied only after a warning and offered access to support.

Table 1: Forms of welfare conditionality in Australia, 2011–12

Welfare field	Lead agency	Behavioural/ administrative concern	Incentive	Locations
Housing	State Housing Authorities (SHAs)	Financial management ('vulnerable welfare payment')	Income management	Whole of NT WA: Kimberley, Perth Ngaanyatjarra,Lands Qld: Rockhampton, Cape York, Logan SA: Playford Vic: Greater Shepparton, Laverton NSW: Bankstown
		Leases over Indigenous land	Capital investment in housing and related services	Remote Indigenous communities as defined by National Partnership on Remote Indigenous Housing
		Housing debt/disruptive or criminal behaviour	Probationary leases	All states and territories
		Disruptive or criminal behaviour	Acceptable behaviour contracts	
		Housing management standards	Regulation and capital funding	
Education	Department of Education, Employment and Workplace Relations/Local Education Authority	School enrolment and attendance	Income suspension	NT: Katherine, Katherine town camps, Wadeye, Tiwi Islands, Wallace Rockhole, Hermannsburg Qld: Logan Central, Kingston, Woodbridge, Eagleby, Doomadgee, Mornington Island
	Family Relationships Commission (Cape York)		Income management*	Cape York
Child protection	Child Protection (referral) Centrelink	Child abuse/neglect	Income management	NT: Kimberley, Cape York, Perth, Rockhampton, Logan, Playford, Greater Shepparton, Bankstown
Child protection/ Family violence	Family Relationships Commission	Substance use/gambling/ family violence	Income management	Cape York
Income security	Centrelink	Labour market participation	Income suspension	All states and territories

Box 2: The Cape York welfare reform trial

The Cape York welfare reform trial was introduced in 2008 into the Indigenous communities of Aurukun, Coen, Hope Vale and Mossman Gorge with current extensions ending in December 2013. Its aims are to move people from 'passive welfare' to engagement in the real economy by supporting the restoration of socially responsible standards of behaviour and local authority and helping Indigenous people to maintain primary responsibility for their individual, family and community wellbeing.

The trial targets four areas of social responsibility—education, employment and housing. Housing reforms focus on normalising state-owned housing tenancy agreements, tenancy management and rents and encouragement of home ownership through the introduction of 99-year leases. The Pride of Place program also addresses improving private and public amenities and management through $10 000 property grants for home improvements and assistance for local councils to improve their public spaces. Conditionality is integral to the reforms. For example, Pride of Place recipients must have a clean rental history, sign a new tenancy agreement, agree to participate in carrying out the improvement and financially contribute to the household.

Conditionality is regulated through the Family Responsibilities Commission which was established under the *Family Responsibilities Commission Act* 2008 (Qld). This independent authority is empowered to respond to breaches of social obligations as identified by Queensland Government agencies by attaching conditions to welfare payments. These include requirements to participate in a conference, to participate in support programs including case management, and to be subject to income management.

The Act identifies four circumstances in which persons will become the subject of a notice to the Families Responsibilities Commission (FRC):

1. A parent's child is not enrolled at school or has accumulated three unexplained absences in one school term.

2. A person becomes the subject of a child safety notification.

3. A person is convicted of an offence in the Magistrates Court.

4. A person breaches a state-owned housing tenancy agreement.

The Family Responsibilities Commission is a partnership between local Indigenous communities and the Queensland and Australian Governments. Its members include local commissioners with eligibility criteria including being an Aboriginal person or Torres Strait Islander, and being a recognised leader of a welfare reform community area. The Commission applies principles of listening and talking through problems, promoting respect for local authority and identifying community values and expected behaviours. Sanctions are applied incrementally. The Commission operates with a theory of behavioural change that acknowledges the complexity and interconnected nature of the issues so it is accepted that change is likely to be gradual, unpredictable and to require ongoing support.

A comprehensive evaluation conducted in 2012, found that the Families Responsibilities Commission had achieved acceptance within the communities and that qualitative and survey data indicated that 'people are taking on greater responsibility and raising expectations, particularly in areas such as sending kids to school, caring for children and families and their needs and accessing supported self-help measures to deal with problems' (Cape York Welfare Reform Evaluation 2012, p.3). The report also observed that there 'can be no quick fix to rectify challenges that have been decades in the making' (Cape York Welfare Reform Evaluation 2012, p.7).

Conditionality is also a core feature of the UK's Family Intervention program. This has been effective in supporting individuals and families with high and complex needs to achieve social inclusion and address anti-social behaviour. Its goal is to prevent eviction by supporting positive change in families characterised by unstable housing histories, including repeated evictions, high rates of neighbour complaints, poor school attendance and high levels of family violence and substance use (Nixon et al. 2006b). Its principles are to address the underlying causes of anti-social behaviour through intense supervision and support and to treat family members with 'respect, listening, being non-judgemental and accessible' (Nixon et al. 2010, p.316; Habibis et al. 2007, pp.15–16).

Evaluations suggest keys to its success include strategies tailored to individual client need and close working with family members in a supportive and non-judgemental environment. Flint has shown how the outreach program combines domestic inspections, which attempt to 'grip' families through a range of sanctions and restrictions, with the development of 'fictive kin' relations between tenant and support worker. These supportive relations between clients and workers are critical elements of the program's success. Support workers are often women from the same social class and locality as their clients. Flint suggests this enables the power relations in the relationship to be mediated by an equality of social status that through empathy and friendship generates productive engagement (Flint 2012, pp.831–33).

In Australia, analyses of welfare conditionality have been mixed in their evaluation. Research points to power disparities (Smyth 2010), lack of consultation (Rowse 2002), lack of sensitivity to individual circumstance (HREOC 2001), disempowering effects (Kinnear 2002, p.261) and the imposition of values on cultures that do not share them (Thompson 2006, p.8). Evaluations of income management operating in Indigenous communities show patchy acceptance with improvements in child and family wellbeing, including housing conditions, co-existing with evidence that the policies increase marginalisation, decrease financial responsibility (ORIMA & FaHCSIA 2010; AIHW 2010), and are discriminatory and stigmatising (DEWR 2006; AIHW 2010; Equality Rights Alliance 2011).

The controversial nature of these programs has led to their condemnation by human rights organisations (Amnesty International 2007) and work bans by the New South Wales Public Service association on the implementation of income management in Bankstown (ban on income management). An evaluation of the program by the Social Policy Research Centre found mixed results. For some, income management had a limited impact on reducing adverse outcomes from financial harassment. There was a statistically significant improvement in perceptions about the ability to afford food. But many respondents said that income management had made little practical difference to their lives, some had mixed views, and others described the experience as 'restrictive and frustrating' and limited 'their ability to fully engage in community life' (Bray et al. 2012, p.xviii). This was especially the case where income management was compulsory. Even though many respondents reported a belief that child wellbeing had improved, this was not supported by objective data. The report concludes that, 'the early indications are that income management operates more as a control or protective mechanism than as an intervention which increases capabilities' (Bray et al. 2012, p.xix).

Within social housing, the shift towards mainstreaming in recent years has been associated with concerns that have centred on whether the new arrangements are adequately adjusted to Indigenous cultural realities. An analysis of mainstreaming in urban Indigenous housing associated it with reduced engagement with Indigenous tenants and communities and loss of Indigenous staff (Milligan et al. 2010). In remote

settings, research has pointed to the potential for the gap between mainstream and Indigenous housing expectations and practices to contribute to homelessness (Habibis 2013). Fundamental to these concerns is the need for greater attention to how Indigenous norms and cultural values influence housing outcomes. According to Milligan et al.:

> Appreciation of, and respect for ATSI identity and cultural values and understanding the implications of cultural norms and life styles for housing aspirations and the variety of needs and living patterns … is the fundamental starting point for designing and delivering housing service responses. (2010, p.49)

This current analysis is supported by an extensive evidence base on the contribution of cultural fit to Indigenous housing outcomes. The size and floor plan layouts of state housing are based on a model of the nuclear family that is incongruent with the needs of many Indigenous households who require homes large enough to accommodate extended family arrangements including visits from kin (Birdsall-Jones & Corunna 2008). Indigenous lifestyle norms, household formation and use of internal and external living spaces are potential sources of conflict with landlords and neighbours (Long et al. 2007; Memmott et al. 2003). Kinship obligations including demand sharing can compete with values of conforming to tenancy agreements (Peterson 1993). An account taken from research undertaken in Mt Isa in Queensland describes how the values attached to kinship shape how tenants manage their housing space.

> Get a lot of daytime visitors, male and female, families. Visitors from Dajarra, Bonya, Urandangi. Never got stressed out by visitors. Being an Indigenous person, it's a normal state of life. Never want to turn family away, one day you might need them. Person being drunk and having a fight—it's normal—see it everyday life. Don't worry me. They do fighting outside. We're good hearted people—we like to share. You see other people. So private and protected of their own space. If women with little kids, let them sleep inside—too cold outside for kids. Mothers and children visiting stay in lounge. (Memmott et al. 2012b, p.71)

Aboriginal patterns of settlement use and residential mobility are not necessarily closely aligned with housing systems based on sedentary populations. The state's goal of sedentarising the Indigenous population in large population centres where Indigenous people can participate in the formal economy is in tension with patterns of geographical movement among some Indigenous people's culture of regional or circular mobility and their enduring attachment to remote homelands. This contributes to high levels of homelessness and tenancy failure among Indigenous people (Memmott et al. 2006; Habibis et al. 2011). These examples suggest that greater correspondence between housing services and Indigenous values and lifestyles has potential to improve Indigenous housing access and tenancy sustainment.

The need for culturally appropriate service provision is recognised in some policy strategies, including 'Closing the Gap' and the 'Indigenous Urban and Regional Strategy'. These stress the importance of engaging positively with Indigenous people and providing avenues for effective consultation (COAG 2008a, p.6; 2009a). Yet these principles are in tension with mainstreaming policies and the increased emphasis on the accountability of Indigenous organisations and forms of contractualism that demand Indigenous people to meet non-Indigenous behavioural standards and normative expectations. It is this area of tension that this project addresses by asking whether and how conditionality can be applied in a way that is adaptive to Indigenous cultural and organisational contexts, so that these contribute to positive housing outcomes as evidenced by reductions in homelessness, stable housing tenure,

positive relationships with housing services, maintenance of rental payments and well-maintained houses, low neighbour complaints and also in improvements in non-housing outcomes in areas such as employment, health and education.

The chapter that follows provides a preliminary framework of what the elements of such an operationalised set of tenancy relationships might involve.

2 TOWARDS A FRAMEWORK FOR CULTURALLY RESPONSIVE HOUSING SERVICES

2.1 Indigenous-state relations and Indigenous housing policy analysis

Indigenous-state relations have been characterised by high levels of Indigenous dependence on the state, especially in the field of housing. This engagement has been one in which state housing is provided in a way that prioritises the state's imperatives over the housing aspirations of Indigenous people. The tension between the needs, priorities and expectations of the state and those of Indigenous people creates a field that is often deeply contested (Hunt et al. 2008). In this uneven relationship, Indigenous agency is expressed along a continuum of responses that range from engagement, compliance and compromise to subversion and resistance. Morgan's (2006) analysis of Indigenous housing in New South Wales shows that Indigenous people at times complied with the efforts of the state to assimilate them into mainstream housing practices, but they also resisted these efforts, maintaining connections with their own cultural and organisational forms.

This enactment of Indigenous agency is critical for policy analysis because it shapes policy formally through pressure for change, and informally through behaviours that support, disrupt or undermine policy goals and outcomes (Spivakosky 2006). The history of Indigenous housing since the 1960s can be understood in terms of these engagements, but there have been few attempts to conceptualise their dynamics in ways that will inform and guide contemporary policy directions.

This chapter builds on this insight and earlier points identified in Chapter 1 about the need for particular kinds of policy solutions if housing for Indigenous people is to be substantially improved. It provides a way of thinking about how housing conditionality can be adjusted to incorporate policy principles of collaboration, consultation, holistic coverage of the issues and responsive, innovative design and implementation. It presents a model for understanding Indigenous-state relations in the field of housing as comprising three discrete but overlapping zones of the state, Indigenous governance organisations and Indigenous citizens. In this analysis the state is conceptualised as a dynamic, complex system comprising multiple organisations, stakeholders and agents operating with competing and overlapping goals; *governance* is defined as the 'formation and stewardship of the formal and informal rules that regulate the public realm, the arena in which the state as well as economic and societal actors interact to make decisions' (Hyden et al. 2004, p.16). *Indigenous governance* is understood as referring to the formal and informal rules used by Indigenous people to control and manage their communities as well as the values and social capitals that underpin these. This includes Indigenous community organisations operating with their own rationalities and forms of respect, reciprocity and conditionality.

2.2 State governance, citizenship and behavioural change

In its engagement with Indigenous people, the state operates with a set of assumptions about what is important and beneficial for national goals and citizenship well-being, these underpin its regimes of governance and in normalising conditionality are usually premised on principles of:

→ Minimal state intervention and the dismantling of 'big government'.

→ A valorisation of the market as the source of individual and collective wealth, including market-based solutions to social justice and poverty rather than the redistribution of economic goods.

→ A model of reciprocal citizenship in which individual freedom is understood in terms of empowering citizens to be self-responsible agents who will minimise their burden on the state (Craig & Porter 2006; Moran & Elvin 2009, p.418).

This construction of citizenship carries a set of moral imperatives about the behaviour of 'the good citizen' relating to areas such as school attendance, employment, home ownership, urbanisation and treatment of fellow citizens. Because these values are predicated on white, European, liberal cultural values, they sometimes sit uncomfortably and disproportionately alongside Indigenous cultural norms and behaviours, especially traditional ones, exposing many Indigenous people to the regulatory and disciplining actions of the state. In its attempt to mould Indigenous individuals, families and communities to its criteria of the self-regulating and self-responsible individual, the state operates with a theory of change, or set of assumptions about how a specific intervention is meant to effect change, involving mostly negative enforcements and restrictions.

The constitution of this theory of change cannot be read in a unilinear fashion from the overarching policy direction of particular eras, but must be a matter for empirical investigation and examination. Rowse (2005) points out that policy analysis usually assumes a straightforward dichotomy between the policy eras of assimilation and self-determination, but his analysis shows the extent of continuity between the two policy periods. Sanders' (2009) analysis of Indigenous policy since the last century suggests it needs to be understood in terms of shifts and tensions between three competing principles of 'guardianship', 'equality' and 'choice'. Like Rowse, he argues that these do not map in a straightforward way onto the usual Indigenous policy descriptors of protection, assimilation, integration and self-determination. He suggests that since the end of the 20th century guardianship has been the most prominent principle prevailing in Indigenous affairs and this operates in a way that contradicts the prevailing policy discourse of human rights.

These contradictions are also influenced by Australia's tripartite system of federal, state and local governments as well as local and regional contexts. Differences in state policies, local government priorities and politics, geographical location, land rights arrangements, employment opportunities, the mix of Indigenous kinship groups, the quality of local leadership and the legacy of the past, create particular local and regional policy environments that interact and intersect with usually top-down policy directives, creating local and regional policy environments which are nuanced, adjusted and shifting in ways that depart from national trends. Policy contexts are also far from static, but subject to continual review, adjustment and local interpretation. Consequently, analysis of the state's governmental imperatives, its purposes and models of improvement, is best approached through an examination of particular locations and periods.

2.3   Indigenous lifeworlds and Indigenous governance organisations

In Chapter 1 we presented some of the evidence for the argument that Indigenous identity and culture are not simply add-ons that can be adapted and adjusted at will but are engrained in lifestyles, habits and social connections. Their significance extends beyond cultural preference to issues of well-being and economic survival through principles such as mutual reciprocity. These lived realities form the context for the state's expectations of how Indigenous people should adapt to mainstream

standards and models of behaviour and explain responses of resistance, rejection and adaptation. These responses can be understood as 'choices' derived from Indigenous lifeworlds, defined here as the socially acquired shared cultural systems of meaning and everyday understanding including values and lifestyles (Habermas 1987). The concept captures how our actions are shaped by our foundational social and cultural knowledge and experience. To accept the existence of the lifeworld is to accept that our behavior arises from socio-cultural and economic determinants that shape and constrain understandings of what is possible, socially desirable or correct. The lifeworld helps to explain why Indigenous people may resist efforts to enforce behavioural change when policies are not aligned with their own norms and values.

Arrangements for the governance of Indigenous people are also more than the interventions and policies of the state and its agents, and more than the rights, responsibilities and capabilities of individual Indigenous people. They include Indigenous forms of governance, with arrangements for the management of populations based on kin- and clan-based networks and relations of authority as well as community organisations. In recent decades Indigenous values have been largely constructed as a policy problem through their association with traditional behaviours and norms which have become distorted, effectively counteracting personal responsibility, limiting the growth of positive social capital and possibilities of sound governance (Pearson 2000, 2010).

Among Indigenous people there is evidence of concern about a decline in values of personal responsibility and support for attempts to address these distortions (Cape York Institute 2007; Wunan Foundation). But Indigenous cultural norms may also be a valuable form of social capital (Memmott & Melzer 2005; Altman 2009), and community has been posited as the vehicle by which a responsible and engaged citizenry can be activated (Hunter 2003). In Yolngu culture, the term *Raypirri* refers to traditional arrangements for governance through elders. They are 'the backbone' of some communities and have culturally sanctioned authority over young people so that they know how they are expected to behave (Christie & Campbell 2013, pp.3–8). Memmott and Melzer describe the networks at Wadeye in the north-west of the Northern Territory where the combination of Indigenous kinship, the system of social classes or divisions (subsections, sections, and so on or 'skins') and the land tenure system generated multiple social and even corporate networks. There was an emphasis on certain values extended beyond those of trust, unity and reciprocity that are commonly found across many societies and included respect, kindness and concern, motherly love, tough love, personal and community sharing, and belief in self-capacity. The values emphasised in organisational networks included taking ownership of the problem and homogeneity or levelling of constituent members (2005, pp.114, 115).

Since the 1970s, Indigenous community organisations have operated as a form of community governance that parallels the activities of the state in their control and direction over Indigenous communities including the allocation of community resources and influence on community relationships. Their strength lies as much in their connection with their communities as in their control over economic resources. Most have formed on the basis of shared history, kinship and tribal ties and a shared cultural universe. Their location within particular social and geographical locations enables them to enact their own forms of conditionality over the communities they serve. This has given rise to local arrangements for managing local Indigenous affairs established through Indigenous processes of governance.

Indigenous Community Housing Organisations (or ICHOs) in particular, have represented one of the most significant forms of Indigenous governance, acting as

mediators and negotiators between the state and Indigenous peoples and influencing the direction of Indigenous social and economic development, especially in remote and rural locations. At various times they have been co-opted, incorporated and excluded from or into, the state's formal arrangements for managing the affairs of Indigenous people. Based on his work with an outstation resource agency in Halls Creek in the Kimberleys region of Western Australia, Sullivan (1988, p.1) concluded that 'community organisations are inherently ambiguous, situated at the intersection of cultural systems, and occupying positions within two incommensurate structures at the same time'. The ambiguity results from their activities being directed toward two distinct domains: the first being to the Indigenous domain and efforts towards self-determination; and the second being to the non-Indigenous domain and its mechanisms of administrative control.

This analysis highlights the complexity across the governance system, which can be understood in terms of vertical and horizontal axes (after Uphoff 1986, pp.213–16). Horizontally, decision-making in Indigenous affairs can be conceptualised as occurring at multiple levels, including the household, extended family/clan, settlement, region, state and nation. Communication is vertically intertwined across these multiple levels, decisions and information travel along discrete channels, dominated by the many departments of federal and state/territory governments. These vertical interactions between different levels do not necessarily form a unidirectional hierarchy since processes, institutions, forces and relationships at one level operate dialectically with those at other levels (Howitt 1993, p.36). These interactions are better conceptualised as taking place multi-directionally, within and between different levels (Moran & Elvin 2009, p.417).

Box 3: State and Indigenous governance at Kowanyama, Queensland

The complexity of the field of interaction between governments and Indigenous communities is captured in Moran's (2006) study of governance arrangements at Kowanyama in the 1990s. The local political arena was pluralistic, involving a complex of balancing and competing interests including traditional and contemporary influences with multiple and overlapping loci of power. State responsibility was:

> … as fractured as the local political arena. A large and increasing number of government departments and higher-level organisations delivered an array of programs, schemes, projects and resource options … The number of external agencies delivering services increased by half (44 to 61) over the 10 years from 1991 to 2001 (pp.384–85).

Local polities were 'intertwined in a complex and dialectic relationship with the wider society' (p.384) (see Figure 1 below), with new forms of power and knowledge actively forming. These were complex and contingent and could not be explained by a 'centre-peripheral continuum' of power devolved from central governments to local authorities. The Kowanyama Aboriginal Council was a critical player, reducing the load of state-imposed accountability on community organisations. One of the greatest obstacles limiting local capacity was 'the size of the task to administer the programs of self-determination' (p.409). Political innovation often arose from combinations of permanent resident outside experts and a group of leaders who identified innovative solutions to the complexity involved (p.412). Interpersonal transactions were fundamental to Indigenous participation with respectful, trusting relationships built over time.

The complex power relationship between government and the community included the pressures brought to bear on governments from multiple internal and external sources, and its capacity to exercise veto powers or deny funding or apply other sanctions to its distribution of funded programs. But residents were also willing to bring 'political pressures to bear, actively lobbying and even embarrassing governments to secure resources' (Moran 2006, p.401). An important finding was that when government retained direct control of an initiative, there was little participation (e.g. town planning) but when initiatives were left unencumbered, the level of participation was high (p.404).

Figure 1: Actors in the interethnic field at Kowanyama in early 2000s
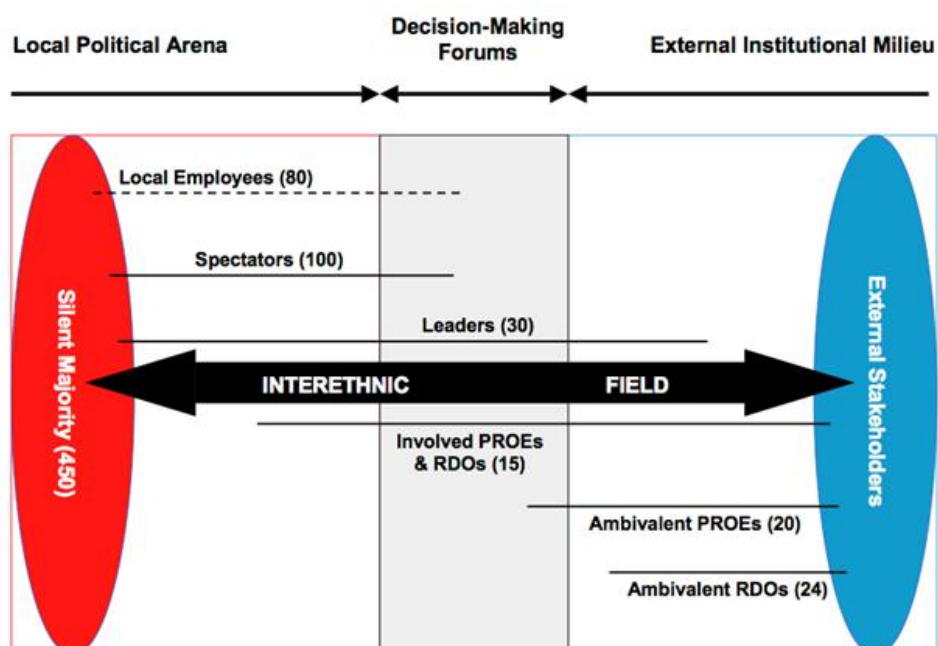
2.4 Indigenous-state relations as a recognition space

The complexity of Indigenous-state relations and the extent of mutual engagement suggest that the field of Indigenous affairs is best understood as an 'intercultural' domain rather than one in which Indigenous and non-Indigenous people occupy separate spaces (Hinkson & Smith 2005; Lea et al. 2006). Indigenous organisations and the state exist in uneven, but overlapping social spaces with Indigenous and non-Indigenous individuals often who work together within both Indigenous and mainstream organisations. Partnership, cooperation and mutual learning co-exist alongside more negative relations of distrust, poor communication, and conflicts of value.

This analysis suggests that Indigenous-state relations are best understood as co-constitutive in which agents do not work in isolation from one another but share and exchange ideas and knowledge, influencing self-understandings and perceptions. From a policy perspective, it highlights the way that Indigenous people and organisations are not passive recipients of policy but shape its development and implementation, attempting to bend it to their perceived priorities and needs. This approach accepts that contemporary Indigenous people operate to varying degrees of adherence to traditional culture, and variously synthesise, adapt and maintain customs, traits, concepts and values that are drawn from this sphere. On a day-to-day basis, many may increasingly operate within an inter-cultural field where these different customs and traits are merged in thought and behaviours.

The idea of a 'recognition space' reflects this understanding by emphasising the potential for relations between Indigenous people and the state to take place on a shared terrain for social, political and economic exchange through consensual, negotiated relations of mutual cultural understanding and respect. In the Australian Indigenous context, the notion of a 'recognition space' was first proposed by Pearson (1997) in the context of native title, and then elaborated by Mantziaris and Martin (1999). More recently, it has been described in terms of Indigenous governance (Martin 2003), and intercultural development (Moran 2010, pp.65–74). The concept critiques mono-cultural notions of development, where culture is idealised as static and isolated from outside influences (Smith 2008, p.157).

In Honneth's (1996) theory of recognition, cultural recognition and respect are fundamental human needs without which individuals are unable to achieve self-actualisation and are therefore unable to become functioning members of society. He argues that recognition occurs within the family sphere where it concerns love, within the legal sphere, where it concerns respect, and in co-operative relationships, where it concerns esteem. Those who are not accorded these forms of recognition are unable to develop self-confidence, self-respect and self-esteem which are pre-conditions for individual autonomy and self-actualisation (p.131). Honneth (1996) argues the achievement of social order and the legitimation of a nation's institutions necessitates some fulfilment of a community's normative expectations because it is fundamental to their existence. The denial of these expectations is psychologically and socially damaging because it violates intuitive feelings of natural justice. This may be personally wounding, generating feelings of shame and anger and this, in turn, may lead to feelings of alienation and a rejection of the legitimacy of the social order.

Box 4: An early recognition space that was destroyed, then revitalised

Mapoon Mission was initially named by the Reverends Hey and Ward, of the Moravian church, a worldwide order accomplished in mission management. Established in 1891, it was the first mission in Queensland remote from non-Indigenous settlement. Reverend Hey ran Mapoon Mission over its first 27 years to 1919, when he handed it over to the Presbyterian Church. Rev. Hey adopted an unusual approach to community development. Newlywed couples were encouraged to settle along a strip of estuary and river foreshore, separate from the Mission village. Small cottages were built on plots of about five acres, with subsistence farming lots and plantations of coconuts. The satellite suburb had its own church and graveyard. Rather than being absorbed into the Mission coffers, wages earned by men working away in the fishing and pastoral industries were used to purchase corrugated iron and other building materials for their homes. Although instigated by the mission, this policy of self-help housing built around newly wedded families came to be embraced by Mapoon people. As well as the stability and order provided by the Mission, life on these little blocks provided considerable freedom and privacy. People spoke of the houses bearing their 'sweat', an expression indicating the depth of their cultural attachment. A recognition space thus developed between Mapoon residents and the mission management.

The Mission layout changed little in the fifty years following Reverend Hey's departure. Through the late 1950s, the Queensland Government began to question the viability of Mapoon, relocating people to different townships and establishing a new community at New Mapoon on the tip of Cape York. The official reason was an inadequate water supply, but a mining exploration lease was also issued in 1958 to the bauxite mining company Comalco. Some people refused to leave and in 1963 the Queensland Police removed a small party of people identified as the leaders of the resistance. Some houses were burnt down during the removal, and the remainder (bar one) were demolished the following year. This physical destruction of what had been a space for co-operative relations between local members of Indigenous and non-Indigenous communities was a watershed of the worst excesses of the conservative Joh Bjelke-Petersen Queensland Government. The tragic closure of the Mission and subsequent demolition and burning of private homes is remembered with considerable sadness and resentment by Mapoon people, but the event also became symbolic of the return to Mapoon, galvanising the Mapoon diaspora to re-establish the community.

Through the 1970s, families started to intermittently camp back at Mapoon, on the same mission block where their homes were once built. There was no support from government, so families relied on their own skills and ingenuity and on the building materials they could salvage. Through the 1980s, families rebuilt humpies using bush timbers and second-hand materials, including those collected from the Comalco bauxite mine dump in Weipa. Rubber conveyor belts became the vogue in flooring. The humpies were elaborate in their construction, some with verandas and sleep outs. They were a strong expression of self-sufficiency and defiance in the face of a hostile government. And there was no question as to who were their owners.

In a remarkable historical turnaround, the Federal then Queensland Governments, as well as the mining company Comalco, recognised this self-initiative as being consistent with the new self-determination policy. What began as a mission policy galvanised the return to Mapoon 70 years later, which then reopened the recognition space and increasing government funding and support. The population of Mapoon has today returned to what it was before the removal incident.

This thesis is helpful in explaining the resistance of some Indigenous people to participation in mainstream services and their unwillingness to trade their cultural integrity for social goods. It highlights how Indigenous people are intertwined in a dialectic relationship with governments involving the negotiation of differences in value systems and goals without any objective measure of what cultural practices and values are 'legitimate' and should be acknowledged in the state's governance arrangements. For housing services, questions revolve around the extent to which housing design, location and tenancy management principles should be adjusted to the lifestyles, aspirations and behaviours of their tenants. For tenants, the question is whether and to what extent they should accept the legitimacy of demands to modify their behaviour in order to qualify for the benefits they receive.

These questions are critical for welfare conditionality which is supported by a political discourse that those who fail in their citizenship duties may be subject to punitive measures. Housing conditionality is largely constructed as a remedial intervention in which the intrusion of the state into the lives of some of its citizens is undertaken with the goal of 'improving' welfare populations so that they can become productive citizens. This relationship is seen as a unilateral one with little concern as to how these populations assess these demands and what is required for them to accept these demands as legitimate. The experience of this one-way relationship can be seen in the views of Yolngu people in response to the provision of new houses and refurbishments under the NPARIH (National Partnership Agreement on Remote Indigenous Housing). The way the houses were allocated disrupted their own systems of decision-making, leading one respondent to express her hope that Yolngu ways could be acknowledged in these processes:

> It's hard for Balanda (white people) to turn around to Yolngu ways of thinking. Yolngu agreement-making and Yolngu commitments are quite different from Balanda ways. If we could come together into an agreed feeling, thinking and action, that's how we will truly work helpfully. (G19) (Christie & Campbell 2013, p.7)

Although conditionality often appears to be a one-way relationship in which the state imposes demands on citizens, it is always an exchange, although an unequal one, involving negotiations over differences in values and expectations. This negotiation may not be formally acknowledged but instead may manifest in non-compliance and non-engagement. Folds (2001), for example, gives an account of how remote Aboriginal people subvert development interventions to their own culturally determined purposes. Recognition draws attention to how citizens respond to the state's demands and emphasises the reciprocity that is inherent to conditionality.

In the current study these ideas are used to develop a model of a recognition space in which a middle ground is sought where productive communication and interaction are seen as essential for identifying and addressing some of the barriers that arise between peoples as a result of different value systems which affect housing sustainability. This position is supported by research that suggests that in the intercultural domain, policy is most effective when both mainstream and Indigenous cultural knowledge systems are practised with equal human, technological and financial resources, with spaces for exchange of knowledge, methodologies and practices that ensure ongoing development of both systems (United Nations Permanent Forum on Indigenous Issues 2009, p.177). This exchange needs to be understood as occurring within and between organisations, structured by the legislative framework of the state, as well as between individuals and groups, where emotions and attitudes are involved.

Thus, the idea of a recognition space asks how individual householders and tenants, community leaders and elders, and governments and their agents can establish relationships of trust and communication as a foundation for the establishment of socially beneficial shared understandings and goals. It implies a willingness to listen to and be open to, and accommodating of, the perspectives of other parties and to be flexible in finding solutions.

Figure 2: A government rent collector (Charlie Huggard) and an Aboriginal Reserve tenant (Auntie Joyce Atkinson) at the Rumbulara Aboriginal Reserve near Shepparton, Victoria, c1963

Source: Reproduced with the permission of Ms Rachel Atkinson

Figure 3 below depicts a model of the recognition space which extends the idea of conditionality to one involving moral relationships of duty and care between the individual, Indigenous formal and informal governance structures and the state and its agents. It implies that governance systems should be understood as adaptive to feedback from local knowledge and practice, operating with an 'evolution of rules and norms that better promotes the satisfaction of underlying human needs and preferences given changes in understanding, objectives and the social, economic and environmental context' (Hatfield-Dodds et al. 2007, p.4).

Figure 3: The recognition space—three intersecting continuums of responsibility
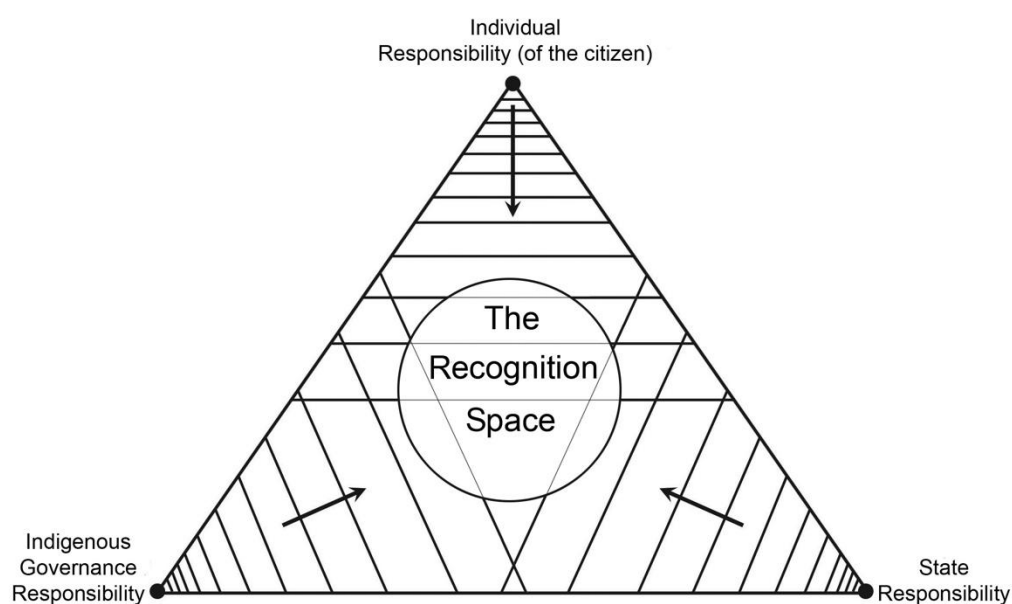
In the housing context, the state, through the three tiers of government, is required to ensure housing of an appropriate standard is accessible and affordable for all citizens. This requirement takes place in a context of limited resources and accountability requirements. To achieve this, it forms partnerships with public and private sector organisations that deliver housing and infrastructure to citizens, requiring all parties to meet their contractual obligations. Indigenous governance responsibilities involve community structures and leaders who use their moral and social connections to regulate community members, with access to housing and infrastructure services one of the mechanisms by which this is achieved. Individuals must meet their obligations to family, neighbours and kin as well as to housing authorities through requirements to be responsible tenants through timely rental payments, maintaining the property in good order, reporting excess wear and tear, and behaving appropriately to neighbours by not engaging in disruptive or violent behaviour.

The idea of a recognition space asks how can these three responsibilities be mutually recognised and appreciated. What is the optimum balance between these competing relationships such that it produces positive outcomes for Indigenous populations while acknowledging the constraints imposed on the social housing sector? It asks how we can make steps towards a productive framework for practice where Indigenous citizens, leaders, organisational employees, government officials, service providers and development workers can form the necessary trust and knowledge exchange to work through the complexity involved. It also reverses these questions, asking what is going on when negative dynamics take place between these three social spaces in ways that impact adversely on housing delivery and tenant outcomes. These negative dynamics may be between any of the dyads including between the Indigenous governance sector and Indigenous individuals and between the state and the Indigenous governance sector or Indigenous individuals. Questions that arise from this might be how can income management be used to support head tenants to manage their households and meet tenancy agreement requirements without disrupting positive social capitals? What is the optimal arrangement for the management of drug and alcohol use in hostel settings so that it minimises exclusion of residents, and in what contexts? Are there forms of Indigenous governance that can be used to support head tenants to manage visitors, demand sharing and anti-

social behaviour? How do mainstream tenancy agreements work to undermine the social benefits that may derive from Indigenous values, social networks and governance arrangements? What are the barriers to Indigenous construction companies achieving preferred provider status, and how might they be overcome?

This analysis gives rise to four questions that will guide this study:

1. What are the characteristics of different types of housing conditionality and how effective are they in achieving positive housing outcomes for Indigenous people?

2. How does the intersection between these types of housing conditionality, and Indigenous lifeworlds and Indigenous governance arrangements, influence housing outcomes for Indigenous people?

3. Is there an identifiable form of conditionality which enables a recognition space that permits shared understanding of the values and constraints of government workers, Indigenous tenants, housing managers and community leaders? What are the conditions of its emergence and to what extent does it support improvements in Aboriginal housing?

4. Are there identifiable good practice and policy principles that have specific use in particular contexts or that are useful across all contexts that can be elicited from this analysis?

2.5   Historical case study methodology

Some initial answers to the above questions have been provided through an analysis of literature on efforts to improve Indigenous housing in five different locations across New South Wales, Queensland and the Northern Territory. An historical case study methodology is used to explore the associations between conditionalities and Indigenous housing outcomes through the theoretical lens of the recognition space. This involves interrogating the literature for how housing outcomes have been influenced in the past by different types of conditionality including those that included a recognition space that attempts to balance the rights and duties operating between the three elements of Indigenous lifeworlds, Indigenous governance organisations and the state and its agents. The recognition space is here conceived as mutually respectful relationships, shared understandings and organisational arrangements that allow for effective communication between the individual, Indigenous governance arrangements and the state on how to manage their competing relationships of duty and care (see Figure 3 above). This expands the idea of conditionality beyond the exchange of rights and duties between the state and citizens by acknowledging the autonomy of citizens and the existence of local governance arrangements arising from the Indigenous public sphere.

This approach involved identifying studies of Indigenous housing that provided sufficient information about the contribution of each apex of the recognition triangle (Figure 3) to the development and implementation of housing programs and policies and the influence this had on housing successes and failures. Efforts were made to collect examples from the literature that demonstrated evidence of the application of such recognition, and the effect this had on housing outcomes. The literature search was informed by Long et al.'s (2007) *An audit and review of Australian Indigenous Housing Research*, as well as the extensive Indigenous housing literature collection held in the Aboriginal Environments Research Centre, University of Queensland.

Selection criteria included:

→   The application of some form of housing conditionality by the state on Indigenous people and/or Indigenous governance organisations.

→ Information about the theory of change and the enablers that supported the application of conditionality.

→ The nature and extent of recognition between agents (the state, Indigenous people and their households and Indigenous governance organisations).

→ Evidence of housing outcomes such as rental payments, stable tenancies and well maintained houses, as well as additional benefits such as employment, enterprise, health and governance improvements.

→ Some diversity of state jurisdictions, settlement types (urban, regional and remote), goals, policy types and policy periods.

An initial scan of the literature identified 11 potential case studies that met the criteria to varying degrees:

1. The developmental work of the Aboriginal Housing Panel in the Alice Springs town camps in the 1970s (Heppell 1979; Heppell & Wigley 1981; Memmott 1989a, 1989b).

2. The Indigenous self-help building projects that took place in the Darling River Basin, New South Wales, especially Wilcannia and Bourke, in the 1970s (Beckett 1965, 1958a, 1958b; Memmott 1991a; Ross 2000; Kamien 1976, 1978).

3. The formation of Indigenous housing associations and co-operatives in Redfern, New South Wales from the 1970s onwards (James & Jermyn 1973; Memmott 1994; Anderson 1993, 1999, 2000; Wells 2000; James et al. 2003; Oluwoye & Sykes n.d).

4. The management of Indigenous housing at Halls Creek, Western Australia in the early 1980s (Dagmar 1978; Ross 1987; Memmott 1991b, 1991c, 1992).

5. The arrangements for housing management in Queensland's discrete Indigenous communities administered as Deed of Grant in Trust (DOGIT) communities in the 1990s (Qld ACC 1997; Memmott 1998; Moran 2006; Dalley 2012).

6. The provision of culturally appropriate housing to Indigenous residents of Mutitjulu, Northern Territory in the early 1990s (Morel & Ross 1993; Go-Sam 1997).

7. Living skills programs in Katherine, Northern Territory in the late 1990s (Thompson 2004).

8. The Queensland Department of Housing's (DoH) tenancy management program at Mt Isa in the early 2000s (Memmott 1996; Flatau et al. 2009).

9. Attempts to improve Indigenous housing stock in Katherine in the 1990s.

10. The application of the 'Closing the Gap' reforms in Dandenong (Victoria), Dubbo (NSW) and Townsville (Queensland) in 2009–11 (Milligan et al. 2011).

11. The Strategic Indigenous Housing and Infrastructure Program (SIHIP) in the Northern Territory from 2007 to 2012.

Further investigation of the data sources and the extent of data gaps against the selection criteria resulted in the selection of five cases in which there were sufficient data to provide detailed accounts of how efforts to address Indigenous housing needs were shaped by the interactions between each element of the recognition triangle over one, or a number of policy periods.

→ The Darling River basin case study of the 1970s provides an account of Indigenous state engagement in Bourke, Wilcannia and Menindee that extends from the policy period of protection through to the self-determination policy era. It provides an early example of attempts to meet Indigenous housing needs through

a shared project of housing design, delivery and allocation between the Australian and New South Wales Governments, Indigenous community members and Indigenous governance organisations.

→ The DOGIT case study of the 1990s examines the relationships between the Queensland Government as housing funder and Aboriginal Councils as housing providers in remote and discrete Queensland communities.

→ The Katherine (NT) case of the late 1990s focuses on attempts to improve living conditions in the town camps and the enablers and barriers to achieving and sustaining improvements.

→ The Mt Isa case study of the early 2000s examines state-managed Indigenous tenancies in a regional city in northwest Queensland. It provides an account of how mainstream policies can be adapted to Indigenous lifeworlds and the positive housing outcomes that result from this.

→ The SIHIP case study of the late 2000s and early 2010s examines the implications of the way a major investment in remote Indigenous housing whose goals included strengthening Indigenous labour market productivity was combined with the imposition of state management of housing.

Together these accounts provide an opportunity to examine how conditionality has operated in five different locations over different time periods in the history of Indigenous housing. These include periods in which conditionality has been imposed in a coercive policy environment as well as periods in which it has been inclusive and adaptive to Indigenous lifeworlds, and forms of social organisation.

The above five case studies will be outlined in Chapters 4, 5 and 6 following more in-depth analysis of conditionality in the history of Australian Indigenous housing policies in Chapter 3.

3 CONDITIONALITY IN AUSTRALIAN INDIGENOUS HOUSING POLICY

The Indigenous housing policy landscape in Australia reflects broader Indigenous policy settings in place over the past decade. These are increasingly underpinned by ideas of conditionality as discussed in Chapter 1. Indigenous housing policy also features distinct approaches to conditionality that are heavily influenced by mainstream social housing policy and practice frameworks, with federal/state institutional arrangements resulting in some variation between jurisdictions in the way that conditionality is applied.

This chapter traces national Indigenous housing policy since 1970 paying special attention to how policy principles have incorporated forms of housing conditionality and the extent of their alignment with Indigenous lifeworlds and governance arrangements.

3.1 National Indigenous housing policy 1970–2007

Until the confirmation of Commonwealth Government powers over Indigenous affairs through the 1968 referendum, it is not really meaningful to speak of a national Indigenous housing policy. National policy action can be seen to have commenced under the leadership of the Whitlam Labor government in the early 1970s when Indigenous housing policy reform focused on humanitarian goals. Significant funding was set aside to support an agenda of Indigenous 'self-determination' and targeted intervention into living conditions (Heppell 1979, pp.1–3). Solutions to the 'Indigenous housing problem' focused on delivering social services as well as meeting a perceived 'need' for physical houses.

Self-help housing projects sprang up throughout Australia during the 1970s and a 'self-management' objective saw the growth of Indigenous housing organisations as preferred suppliers of housing. At the same time interest in technical approaches to the Indigenous housing problem saw the establishment of the Aboriginal Housing Panel which offered consultative arrangements with architects sympathetic to designs that recognised Indigenous culture and social organisation (Memmott 1988a, 1988b; Heppell 1979, pp.56–62). These self-help projects can be viewed as embodying some of the earliest examples of efforts to establish a recognition space through arrangements in which Indigenous communities contributed their labour in return for public funding and other assistance, and efforts on both sides to strengthen Indigenous capacity.

This policy approach was short lived and by the late 1970s there existed a perception by the new Fraser government and the wider community that these approaches had been an expensive failure. Under the influence of economic rationalism, policy reform in the late 1970s saw decreases in funding for Indigenous housing and a focus on mainstream public housing authorities as the preferred vehicle for housing delivery (Heppell 1979, pp.56–62).

During the 1980s and 1990s, support for Indigenous housing organisations grew alongside a renewed focus on 'self-determination'. Funding was conditional on a definition of 'need' driven by statistical analysis of populations (Memmott 1988a, pp.34–47). By the 2000s this policy approach resulted in the distribution of public funding on the basis of regional indicators of the 'backlog' in Indigenous housing need. Policy reform during this period focused on delivery and process outcomes with the prioritisation of technical criteria of 'health hardware' and efficient service delivery (Nganampa 1987.) This approach was informed by an assumption that appropriate

provision of infrastructure would change behaviour and achieve health and social outcomes. Some consultation with Indigenous people occurred during this period based on offering a choice between a range of predetermined products (Thompson 2004, pp.283–84).

The establishment of the Aboriginal and Torres Strait Islander Commission (ATSIC) in 1990 added further impetus to 'self-determination' in national Indigenous housing policy. ATSIC administered the Australian Government's Community Housing and Infrastructure Program (CHIP), in which housing funds were allocated to ICHOs, some of which were remote Indigenous councils. In the early 1990s, the Federal Government released its National Housing Strategy (NHS) which affirmed the need for stronger Indigenous involvement in mainstream housing policy and delivery and the importance of Indigenous housing organisations. The NHS (1991, p.7) *Discussion Package on Aboriginal and Torres Strait Islander Housing* identified the need to 'improve community involvement in house planning, building, maintenance and management' and to 'assist Aboriginal and Torres Strait Islander housing organisations to become self-sufficient'.

Policy, funding and delivery of Indigenous housing prior to and during the ATSIC era was achieved through a complex mechanism of public, semi-government, non-government and market providers. In addition to CHIP funding through ATSIC, targeted funding was also directed to states and territories through the Aboriginal Rental Housing Program (ARHP). There followed a 'mishmash of roles and responsibilities [which] resulted in multiple and often inconsistent policies and a plethora of programs that often functioned with little or no coordination within single jurisdictions or even local areas' (Milligan et al. 2010, p.16).

From the late 1990s conditionality became increasingly explicit as a policy principle. Economic pressure was placed on Indigenous communities to ensure rental payments were sufficient to maintain socially provided housing, and mainstream housing arrangements were increasingly applied to Indigenous tenants in all forms of state and ICHO housing (Thompson 2004, p.278). ICHOs faced increased expectations to comply with tenancy legislation and accountability requirements in areas of financial management, governance, procurement and the allocation of housing (see the later example of Kowanyama in Chapter 5).

A decade of policy attention to Indigenous housing culminated in 2001 with the adoption by national and state housing ministers of a 10-year strategy, 'Building a Better Future (BBF): Housing to 2010' (HMAC 2001). This emphasised principles that recognised the need for improved collaboration between governments and the Indigenous community, and for the self-management and recognition of the Indigenous community housing sector. The strategy also incorporated the clear articulation of contractual obligations on Indigenous housing providers and tenants in areas including housing management, rent collection and accountability.

Following the abolition of ATSIC in 2004, responsibility for CHIP transferred to the federal Department of Families and Housing, Community Services and Indigenous Affairs (FaHCSIA) which commissioned a review of the program. The recommendations were wide ranging and heavily influenced subsequent policy directions. They included abolishing CHIP and replacing it with a remote Indigenous housing program; adopting public housing management standards; and the assumption of full responsibility for delivery of urban Indigenous housing by states and territories. In the ensuing years these recommendations were gradually implemented, and, following the introduction of the Northern Territory Emergency Intervention (NTER) in 2007, eventually constituted national policy.

3.2   National Indigenous housing policy since 2007

The implementation of the NTER in 2007 marks a critical transition in the nature of the conditionalities imposed on Indigenous people. With the declaration of an emergency and the imposition of special provisions on 73 remote Northern Territory communities, outstations, town camps and community living areas, the element of recognition of Indigenous capacities for community self-governance was removed. The state's provision of benefits was increased through substantial investments in service provision, matched by a normalisation agenda that expanded behavioural expectations and regulations as well as the marginalisation of Indigenous governance agencies. In Indigenous housing policy, the main vehicle for achieving this was a series of national agreements between state and federal governments (AG 2008, p.25, 2011, pp.3–5; Porter 2009b, pp.14–16).

The NTER was initiated in response to the *Ampe Akelyernemane Meke Makarle— Little Children are Sacred* report (2007) and aimed to protect children and make communities safe. It involved a collection of initiatives and had to be enabled by parliamentary suspension of anti-discrimination laws. Initiatives included: mandatory health checks for children; income management for welfare payments; increased policing as well as measures designed to reduce alcohol-related violence and improve housing, the health and wellbeing of communities, early learning, education and employment (Yu et al. 2008). Many of these initiatives were welcomed within communities, but because they were imposed with almost no consultation with affected communities, they also met with considerable resistance. The NTER review concluded that, 'the single most valuable resource that the NTER has lacked from its inception is the positive, willing participation of the people it was intended to help' (Yu et al. 2008). In 2012, the NTER was superseded by the 'Stronger Futures' program which differentiates itself legislatively from the NTER by ensuring that all further actions taken by the Australian and Northern Territory Governments comply with the Racial Discrimination Act and stresses the necessity of efforts to engage meaningfully with Indigenous communities (Australian Government 2011, p.3).

Child sexual abuse in Indigenous communities was causally linked to crowded households in the *Little Children are Sacred Report* (2007) and this provided added justification for major housing policy reforms (NTG 2007, pp.31, 65, 195–98). The Strategic Indigenous Housing and Infrastructure Program (SIHIP) became the vehicle for driving the housing related aspects of the NTER, including reforms to land tenure and the transfer of housing provision and management to the state (AG 2008).

Since 2007, the national Indigenous housing policy context has been informed by the NTER as well as broader Indigenous and social housing reform agendas developed and implemented under the Council of Australian Governments (COAG). The primary vehicles for setting national policy are national housing agreements between the Australian and state/territory governments situated under the overarching National Indigenous Reform Agreement (Altman & Russell 2012, p.4). These include the National Affordable Housing Agreement (NAHA) and the National Partnership Agreement on Remote Indigenous Housing (NPARIH). The new intergovernmental arrangements established under the direction of the COAG rationalised the responsibilities of national and state/territory governments for Indigenous housing in order to address previous duplication and policy inconsistency and to establish mainstream standards of housing delivery in remote communities. Management of remote Indigenous housing was shifted from the ICHO sector to the states/territories, who took direct responsibility for delivering housing to Indigenous households in all locations. Under the NPARIH, states and territories are granted dedicated funding of $5.5 billion over 10 years from 2008–09 for building and upgrading housing for

Indigenous households in remote locations (COAG 2008b). The conditionalities associated with this investment include agreement to leases (usually 40 years) over Indigenous land, and the introduction of public housing tenancy agreements, including market-based rents. Specific purpose funding is not earmarked for urban areas where the policy intention is for Indigenous households to access mainstream housing programs and services (Porter 2009b, pp.14–16).

While these national housing agreements articulate policy aspirations to improve housing outcomes across all tenures including homeownership, the primary focus of funding programs is on social housing which is the tenure in which approximately one third of all Indigenous households in Australia live and is overwhelmingly the predominant tenure in remote Indigenous communities.

3.2.1 Conditionality in Indigenous housing policy

Strategies such as 'Closing the Gap' and the 'Indigenous Urban and Regional Strategy' acknowledge the importance of recognising the strength of Indigenous culture and engaging positively with Indigenous people while also emphasising changing the behaviour of Indigenous people through conditions attached to provision of state benefits (COAG 2008a, p.6, 2009a). There is some tension between this approach and housing policies of 'normalisation' of land tenure and housing management which provide little adjustment to Indigenous culture (COAG 2008b, 2009b) or to processes for meaningful engagement of tenants or Indigenous housing organisations (Milligan et al. 2010). This instrumental focus is reflected in performance indicators that focus on housing supply and access, building standards, management efficiency and tenancy sustainability but which neglect outcomes sought under the earlier policy settings of *Building a Better Future* that emphasised cultural adequacy, such as the maintenance of family and social networks and enhancing the management capacity of Indigenous communities (Housing Ministers Conference 2001). It can be seen in the application of increasingly top-down forms of conditionality that reduce recognition of Indigenous culture and capacity for self-governance, as summarised in Table 2 below. Similar approaches are evident in the National Partnership which reflect notions of conditionality that share disciplinarian elements characteristic of trends in overseas welfare policy (IMF 2002; Kinnear 2002) and which have become embedded more broadly in Indigenous affairs policy in Australia over the past decade.

Table 2: National housing and related Indigenous policy initiatives

National housing initiatives	Types of conditionality
National Affordable Housing Agreement (NAHA) Overarching objective for all Australians to have access to affordable, safe and sustainable housing that contributes to economic participation.	All programs and parties have a role to play in overcoming Indigenous disadvantage. Indigenous people to have the same housing opportunities and responsibilities as other Australians. Specific funding for Indigenous housing no longer earmarked.
NPARIH Remote Indigenous Housing $5.5 billion capital funding over 10 years for new housing (up to 4200 dwellings) and major repairs to 4800 existing dwellings. Targeted to 26 communities in NT (15), Queensland (4), WA (3), SA (2) and NSW (2). Aims to address: → severe housing shortage → significant overcrowding → poor housing conditions → homelessness. Other objectives: → provide Indigenous employment opportunities.	Earmarked funding to close the gap between Indigenous and non-Indigenous households in selected remote communities. Conditionalities include management of Indigenous housing consistent with 'public housing standards' and 40-year leases over Indigenous land. Separate approach to addressing Indigenous needs in remote versus non-remote areas.
National Indigenous Reform Agreement	Attempting to drive integrated strategies to close the gap in Indigenous disadvantage.
National Partnership Agreement on Remote Service Delivery	States to develop Overarching Bilateral Indigenous Plans and implementation plans through which monitoring of outcomes will occur.
Closing the Gap: National Urban and Regional Service Delivery	Distinct service strategies for urban/regional and remote areas.
Strategy for Indigenous Australians	Development of housing infrastructure conditional on viability of remote communities.

Source: Adapted from Milligan et al. 2010, pp.18–19

3.3   Housing conditionality and Indigenous lifeworlds

In recent years, Indigenous housing policy settings are significantly shifting towards mainstream forms of conditionality which are themselves becoming increasingly stringent. In both remote and urban locations this involves managing housing according to public housing norms and the adoption of housing management policies and practices within social housing that do not differentiate between tenant profiles. There has been limited evaluation to date of the resulting housing outcomes for Indigenous tenants or the challenges faced by front line housing workers tasked with implementing these mainstream policies. However, the available evidence shows that in spite of strategies in some jurisdictions aimed at improving culturally appropriate

service delivery, the loss of identified Indigenous housing programs and differentiated policies has seen reduced engagement with Indigenous tenants and communities as well as loss of Indigenous housing staff and Indigenous housing organisations (Milligan et al. 2010).

Social housing policy changes have achieved a significant increase in access by Indigenous households in non-remote locations. The benefits of this access are, in part, offset by a lack of suitable housing stock, difficulties in sustaining many tenancies and social tensions associated with high concentrations of Indigenous tenancies in high density public housing developments and neighbourhoods (AIHW 2011; Egan 2011; Milligan et al. 2010).

3.4   Indigenous governance organisations

These reforms have had a direct impact on the Indigenous Community Housing Organisation (ICHO) sector. ICHOs operating in remote locations have largely been forced to relinquish management of their housing to State Housing Authorities (SHAs) and in non-remote locations are increasingly subject to mainstreaming and conditionality. They have lost dedicated national funding and are now expected to meet the conditions of mainstream community housing funding, policy and regulatory regimes. The exception is New South Wales where adapted policy, funding and regulation are in place (Milligan et al. 2010). The evidence to date indicates a dramatic reduction in the number of ICHOs across Australia over the past decade from 616 in 2001 to 328 in 2011. Of these, only 217 are reported by SHAs to be registered and/or funded. This has been accompanied by a reduction in the number of dwellings managed by ICHOs from 21 717 in 2004 to 17 543 in 2011 (AIHW 2012, p.63). It is plausible that these trends have continued.

For remote communities, the NPARIH specifies that states are to provide 'standardised tenancy management and support consistent with public housing tenancy management' (COAG 2009b). SHAs are acquiring 40-year leases on social housing properties, but there is variation in the way they are implementing the landlord role. In Western Australia and the Northern Territory, State Housing Authorities have formed partnerships with some ICHOs in the delivery of housing services, but in Queensland and South Australia state housing is delivered directly by the State Housing Authority. In urban areas, the directive to bring ICHOs under mainstream community housing funding and regulatory regimes is occurring at a time of enormous change in the community housing sector, as national agreements are being implemented to expand the role of non-government providers in social and affordable housing provision. This is occurring through a mix of strategies, including ownership or management transfers of public housing stock and directing investment in new social housing through these agencies. Nationally consistent regulation is also being implemented across all jurisdictions.

These reforms have major implications for Indigenous households in social housing and for ICHOs. For Indigenous tenants, concerns centre on the capacity of the mainstream community housing sector to provide services that are sufficiently responsive to the lifestyles and needs of Indigenous clients to ensure they sustain their tenancies. For ICHOs, the concerns are about what opportunities they will have to survive and prosper under these mainstream policy regimes (Milligan et al. 2010). Some commentators have noted the inconsistency of national policies that expand the role of community housing and hand over control of social housing assets, while in the Indigenous housing sector policy settings are reversed with SHAs taking over control of social housing from the Indigenous community sector (Pisarski et al. 2009; Scott 2009).

Table 3: Numbers of Indigenous Community Housing Organisations (ICHOs) by state or territory: 2001, 2006 and 2011

State or territory	All ICHOs 2001	All ICHOs 2006	All ICHOs 2011	All funded ICHOs 2011
NSW and ACT	205	169	207	98
VIC	25	22	19	19
QLD	116	91	28	28
SA	31	37	41	32
WA	125	92	-	5
TAS	3	3	3	2
NT	111	82	30	30
Total Australia	*616*	*496*	*328*	*214*

Source: Adapted from Milligan et al. 2010 (from Table 2.2, ABS 2006b 4710.0, p.7) and AIHW 2012, p.63

3.5   Competing policy priorities

In analysing current Indigenous housing policy settings, it is instructive to apply ideas of competing 'policy principles' (Sanders 2008, 2009; Altman 2004, 2009; Nussbaum 2009). Sanders argues that equality and difference and diversity are the dominant and competing principles in Australian Indigenous affairs (see Figure 4 below). He argues the equality principle comprises legal or civic equal rights, equality of opportunity, and equality in socio-economic outcomes while difference and diversity encompass ideas of choice, self-determination and guardianship. Each has positive and negative potentials and limitations regarding efficacy.

Figure 4: Competing principles in Australian Indigenous affairs
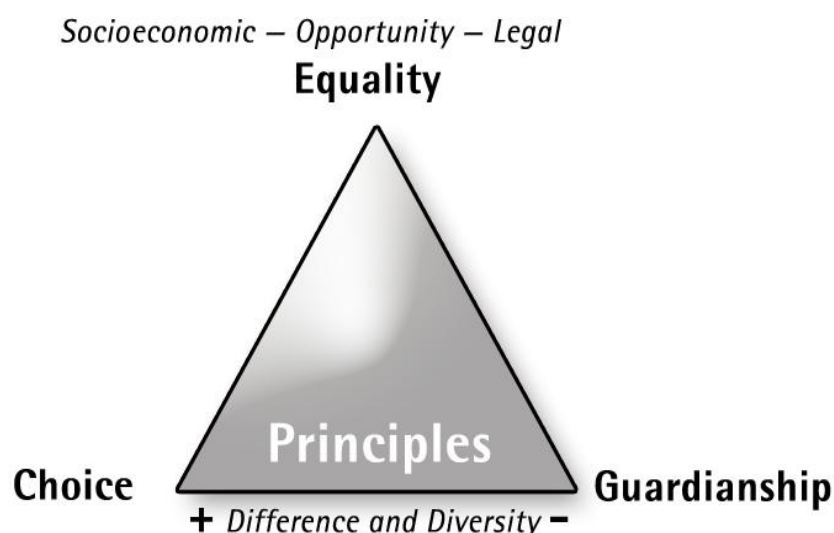
Source: Sanders 2009, p.7

The policy rationale for mainstreaming draws on notions of equality, human rights and citizenship (Altman 2004; Sanders 2009) and is justified with reference to perceived failures of past 'segregationist' approaches and the need for social inclusion and more integrated approaches (Nussbaum 2009; Sanders 2008). These accounts fail to acknowledge causal factors that contributed to the sub-optimal performance of Indigenous housing organisations, including inadequate funding and lack of capacity

building and institutional supports (Eringa et al. 2008; Hall & Berry 2006). They also fail to 'take account of evidence that mainstream public housing provision has been in the past, and remains, problematic in meeting the needs of Indigenous people' (Milligan et al. 2010).

Evidence shows that 'equality' within mono-cultural policy and service delivery regimes does not necessarily result in equality of outcomes (Nussbaum 2009; Sanders 2008). Instead, the resulting homogeneity is not consistent with cultural appropriateness or responsiveness and is reminiscent of past assimilationist policies where dominant cultural norms are unilaterally imposed. Such policies are likely to result in direct and/or indirect discrimination, alienation, failure to achieve intended outcomes and the unintentional creation or exacerbation of disadvantage (Equal Opportunity Commission 2004). The application of the 'equality' principle may promote formal or legal equality, but may fail to achieve either equality of opportunity or socio-economic equality because it may diminish or limit the capability of many Indigenous people to exercise their rights (Altman 2009; Nussbaum 2009; Sanders 2008).

The difference and diversity principle that was applied through CHIP and the Aboriginal Rental Housing Program (ARHP) privileges informed choice by Indigenous people and special recognition of Indigenous historical and cultural contexts by the state (Altman 2009; Sanders 2009). It acknowledges the legacy of the history of dispossession and negative impacts of past policies in contemporary Indigenous disadvantage and accommodates restitution in the form of positive discrimination. In their most positive application, principles of difference and diversity promote self-determination and provide real choice for Indigenous people by providing both Indigenous specific and culturally adapted mainstream responses. In negative forms, these principles may lead to paternalism and justify policies of state guardianship such as previous 'native protection' regimes and more recently, the Northern Territory intervention (Merlan 2010). Over-reliance can also lead to segregation with negative impacts as exemplified by the problems that resulted from the separate development of housing programs in the past.

Conditionality can be applied in relation to either of these principles, but this analysis points to the need for these approaches to promote a recognition space in which Indigenous and non-Indigenous players can work to establish effective strategies that accommodate mainstream requirements and strengthen Indigenous social inclusion while also respecting Indigenous culture and promoting Indigenous social capital. This is the position of Milligan et al. (2011, p.106) who argue that:

> … social housing will be better delivered if policy and service delivery settings reflect the intercultural nature of the environment in which service providers, workers, tenants and the wider Indigenous community live and work. This requires shared knowledge, respect, collaboration and a willingness to work collectively and flexibly in grappling with the 'wicked problems' associated with providing [Indigenous] housing … in ways that improve the well-being and life chances of current and future tenants.

3.6   Summary

This analysis of the changing Indigenous housing policy context in Australia positions social housing within a complex milieu of national and international public policy debates regarding Indigenous policy principles and welfare conditionality. The available policy and research literature highlights the privilege accorded to policies that promote mainstreaming or 'normalisation' of housing provision and the increasing application of conditionality as a tool for affecting behavioural change that meets

mainstream expectations. This policy agenda adopts the conditionality elements of the broader COAG Indigenous policy reform strategy but largely fails to adopt those elements that place emphasis on the strengths of Indigenous culture and the broader social benefits generated by positive, respectful engagement with Indigenous communities. The implications and impacts of these policy approaches are the subject for empirical enquiry through this research.

4 SELF-HELP HOUSING PROJECTS—DARLING RIVER BASIN 1970S

This case study explores the history of Indigenous housing in the Darling River Basin in north-western New South Wales from early contact period to the 1970s. It traces the development of housing for the Indigenous people of this area from simple shelters to public housing and the policies that accompanied this, including the policy of 'scatterisation' in the 1970s. It focuses especially on two self-help housing projects and the forms of conditionality that operated within and around these projects in relation to Indigenous engagement and cooperation with the government. This period provides an early example of a genuine partnership between the Australian and New South Wales Governments, Indigenous community members and Indigenous governance organisations in a shared project of housing design, delivery and allocation. It highlights the critical contribution of skilled, knowledgeable and sympathetic outsiders to facilitate this, the complexities of the partnerships involved and the difficulties of maintaining momentum in the face of local government resistance to these developments.

4.1 Background to the projects: Indigenous housing in the Darling River Basin 1800s–1940s

At the time of first white contact in the mid-19th century there were at least five distinct language families present in the Darling River Basin region, namely the Bakandji groups on the river, the Yalji group to the west, the Wangaabuwan-Ngiyampa and Wiradjuri to the east, the Murray River and Kulin peoples to the south, and the Ngura groups to the north (Hercus 1982, pp.3–7). At this time, the structures used by Indigenous people at their campsites included wind-breaks, bark huts and domed earth-clad shelters. Frames for shelters were left standing and cladding materials stored when a camp was deserted. Complex social rules existed for the sharing of resources and spatial behaviour, settlement layout and the spacing of shelters and campsites (Memmott 1991a, pp.6, 42–53).

From the 1800s to the 1940s, as access to traditional water, food and resources diminished, Indigenous people in the Darling River Basin began to gather around ration deposits, pastoral stations, mining towns and regional centres. Short-term and seasonal camping gave way to more permanent arrangements. Resistance to the presence of the European settlers was widespread as living conditions deteriorated but there was also some cooperation when the settler population required cheap labour to look after stock, and work in commercial enterprises such as the meatworks at Bourke (Kamien 1978, p.16; Memmott 1991a; Ross 2000, p.6; Rowse 2000, p.87).

Riverside campsites were the preferred locations for settlements and Indigenous residents had a degree of control over domiciliary groups, mobility, and settlement layout. Shelter types began incorporating non-traditional building materials like corrugated iron and tarpaulins, and camps were established in places where there was access to water or an abundance of building materials such as riverbanks or town rubbish dumps (Kamien 1978, p.17; Memmott 1991a, p.82). The colonial government argued that Indigenous people would be protected and more easily civilised if they were contained in controlled settlements, usually well away from European settlements (Rowley 1971; Heppell & Wigley 1981, pp.15, 20, 21; Memmott 1991a, p.68; Ross 2000, p.7; Rowse 2000, p.85). Over time, large numbers of Indigenous people were relocated to managed institutions, missions, government reserves and settlements, and cattle stations (Memmott 1991a, pp.61,62) where they were subject to a civilising agenda (Attwood 2000; Long 2000; Ross 2000, p.6) and people once

responsible for their own needs became progressively dependent on government representatives, station owners and missionaries to access basic shelter and to ensure their survival (Memmott 1991a, pp.62, 66, 80).

Figure 5: Map of Darling River Basin, Western New South Wales, showing key towns and settlements of Indigenous populations in the 1970s
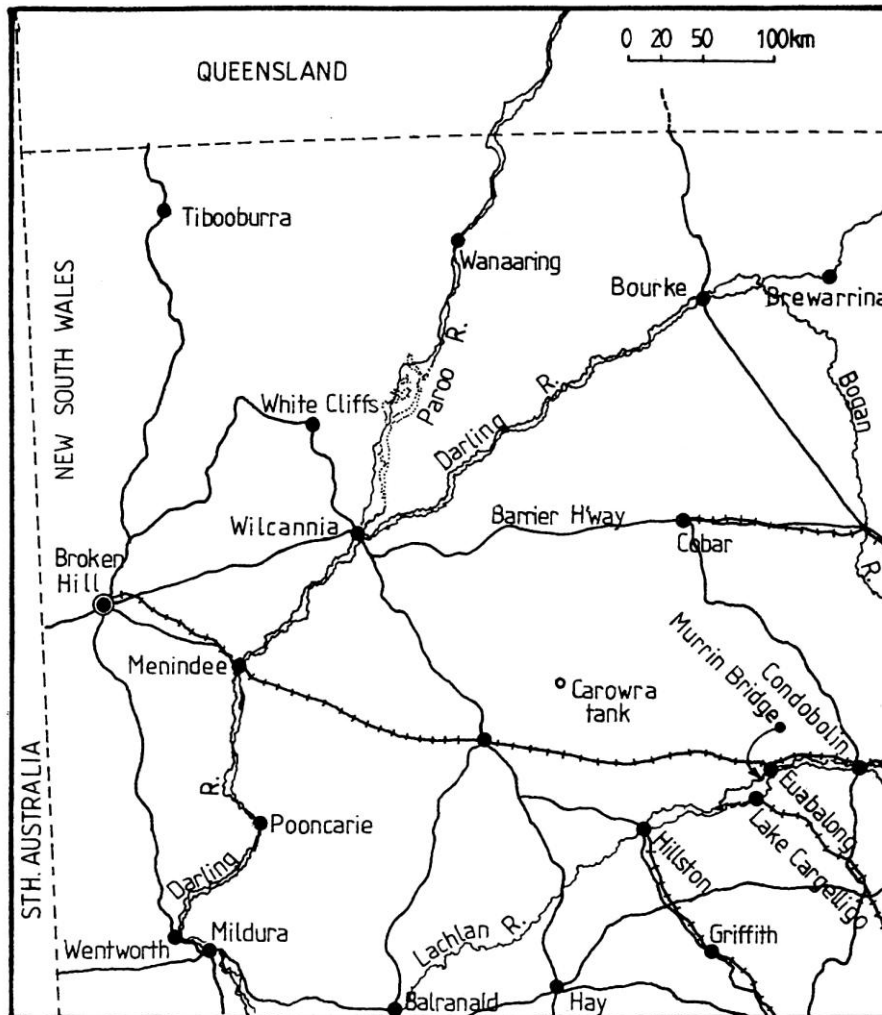
Source: Memmott 1991a, p.81

Settlement on managed institutions provided access to rations of food and water but Indigenous residents took responsibility for their housing, establishing camps of tents, basic huts and dormitories, often with little or no plumbing or sanitation (Memmott 1991a, p.64). At this time there seems to have been little attempt on the part of white settlers to adjust their lifeways or expectations in any way to Indigenous cultures and efforts were instead concentrated on controlling Indigenous movements, livelihoods, and behaviours (Ross 2000, p.6; Wells 2000). This included moving and relocating Indigenous residents at will, and often with no warning in response to the demands and concerns of European settlers. Relocation was often accompanied by the physical destruction, burning and clearing of camps (Wells 2000, p.65). In later years Indigenous informants in this region described these forced relocations from traditional lands to and from places such as Menindee, Carowra Tank, Murrin Bridge and later Wilcannia as socially and culturally traumatic (Hardy 1976, pp.20, 21; Donaldson 1980, p.12; Kennedy & Donaldson 1982, p.16; Hercus 1982, p.1; Memmott 1991a, pp.68, 70, 76). The new locations were often poorly sited for

Indigenous sociospatial practices and this compounded the stress associated with separation from country, forced migration, co-residence with people from diverse language groups, and the removal of children (Beckett 1958a, pp.53, 73; Donaldson 1980, p.12; Memmott 1991a, p.70; Wells 2000, p.68). The experience of institutionalisation on government missions also left a psychological legacy of state dependence for shelter, food and services that was transmitted across generations (Berndt & Berndt 1943, p.78; Memmott 1991a, p.77).

Following the droughts of the 1920s and the advent of the depression in western New South Wales, large numbers of Indigenous people were drawn to town centres, but policies of segregation forced them to form makeshift town camps on the periphery. Here close-knit groups of socially and culturally related Indigenous people lived and shared available resources. At Bourke, new settlers made few places in their economy for Indigenous people, whose only survival was through dependence on paternalistic welfare or mission charity where they were insulated from learning and developing new skills (Kamien 1978, p.44). The white residents of Wilcannia were concerned about the growing numbers of Indigenous people camping on the riverbank across from the south-eastern side of town. Initially they restricted camping on the town side of the river for a kilometre or so in either direction from the edges and, in 1934, removed most of them to the newly established Menindee Aboriginal Mission[1] Wilcannia (Memmott 1991a, p.82).

The Menindee Mission accommodated over 250 Indigenous people representing numerous language groups. It was sited adjacent to a traditional Indigenous burial ground where powdered human bones had been an ingredient for a traditional poison (Donaldson 1980, p.12; Kennedy & Donaldson 1982, p.17). Deaths at the Mission were very high, averaging one a month for the first nine months (Donaldson 1980, p.12; Kennedy & Donaldson 1982, p.16) and when human bones were found in nearby sand-dunes, a link was made between this burial site and the high level of sickness and death. This caused some Indigenous people to return to Wilcannia despite the risk of having their Protection Board rations cut off (Hardy 1976, pp.211, 212). Memmott (1991a, p.80) found that Indigenous people remembered the Wilcannia river camps, which stretched up to 5 kilometres along the river, as a positive and alternative lifestyle option for Indigenous people unhappy with government settlements like the Menindee Mission (pc. Elsie Jones, 3 November 1980).

> Each environment was created and built by the users, adjusted to suit their own lifestyle and changing needs, and supportive of their own social organisation and interaction … all this being done by the people with their own devices, their own labour and skills, and drawing where appropriate on the traditions of their Indigenous culture (Memmott 1991a, p.9).

Self-constructed humpies afforded privacy and culturally defined 'space' between campers using resources obtained from the Wilcannia rubbish dump (Memmott 1991a, p.82).

One of the Wilcannia river camping sites was eventually excised as an Aboriginal Reserve by the Aboriginal Protection Board sometime between the late 1930s and early 1940s but was not provided with any sanitary services. In 1948, the poverty and health conditions became a topic of news and letter writing in the *Sydney Morning Herald*. The Chief Health Inspector of Broken Hill City Council described the 'bad situation' he found there and noted that a number of town campers were station

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[1] The Menindee Aboriginal Mission operated from 1933–1949 and was partially staffed by the Roman Catholic Church.

employees and willing to purchase and pay for a house although nothing came of this (Memmott 1991a, pp.80, 82, 84).

The following year, the closure of the Menindee Mission resulted in a large group of Indigenous people moving to the Wilcannia camps even though regular flood damage meant campers were continually forced to rebuild their homes (Beckett 1958b, p.94, 1965, p.41; Memmott 1991a, p.83). After the 1950 flood, some of the camp residents established a second camping area in a flood-free area on the northern side of the town that became known as the 'Mallee' (Memmott 1991a, pp.84, 94). After the 1949-50 wet season, tents were provided to residents by the Welfare Board, but the Council bulldozed the humpies after designating them as 'illegal'. When the mud on the riverbank dried, the campers were 'pushed' back to the Reserve with the support of the local Welfare Board Officer threatening the removal of children to institutional homes (Memmott 1991a, pp.83–94).

4.2   State housing at Wilcannia in the 1950s

In 1951, the severe living conditions at the Wilcannia camps led to a proposal by the Aboriginal Welfare Board to build 12 to 14 houses at the Wilcannia Reserve. The Welfare Board Annual Report stated that a nominal rent was proposed, with the objective 'to awaken in the residents a sense of responsibility and a pride in their own houses', since the 'payment of rent is a social obligation that still has to be learned by the majority' (Annual Report for 1950–51 in Memmott 1991a, pp.88, 89). This declaration of conditionality occurred at a time of scarce employment opportunities in the Darling River Basin as successive droughts, and changes in the pastoral industry resulted in the region's economic decline. As the non-Indigenous population declined, the Indigenous population grew to the point where the ratio of Indigenous to non-Indigenous people was approximately 1:2 between 1957 and 1964 (Memmott 1991a, pp.84, 100).

Fourteen low-set, timber framed, weatherboard and asbestos-cement clad houses were built in 1951–52 on the Reserve in two rows of seven. The house design included either three or four rooms, adjoined by a verandah, but they were poorly suited to climatic conditions and provided few amenities. There was no electricity, sinks or baths and sanitation was an exterior earth closet. Housing priority was given to families with large numbers of children suitable for attendance at a segregated school that was being built nearby and run by Roman Catholic nuns. The first tenants took up residency in early 1953. Supervisors were empowered to remove 'undesirable' visitors and to evict troublesome tenants or those who failed to pay rent. Within nine months of construction, the houses were badly damaged by a wind storm which took a year to repair and was the start of an ongoing problem of house maintenance (Memmott 1991a, pp.89–90).

Residents of the informal camps had close kin ties with these house residents, regularly visiting them and using house amenities, and swapping camps for houses as tenants struggled to meet their obligations as state tenants. Memmott (1991a, p.88) describes the benefits of this kinship relationship:

> When a family had to leave a house by order of the Supervisor due to its inability to maintain rent or for some other reason, another family (quite possibly related) would be on hand to move in. The departing household would occupy a humpy on the riverbank and retain its social relation with the remaining house tenants.

Beckett (1958a, p.108) recorded the frustration experienced by supervisors who after evicting tenants and breaking up a gambling school[2] at houses would see them shift to the nearby riverside camp where they had no authority. By 1955, a New South Wales Aboriginal Welfare Board report stated that only three tenants in the houses on the Reserve at Wilcannia were paying rent with suggestions that refusal to pay rent was an act of defiance on the part of tenants. A series of floods in the mid-1950s caused severe structural damage to the houses and, despite partial repairs in 1958, by 1969 only some remained and these were described as being in a 'shocking condition' (NSW AWB (1963A), Glanville (1969) in Memmott 1991a, pp.89–91).

4.3   The self-help projects of the 1970s

By the early 1970s, interaction between Indigenous and non-Indigenous people had brought about death, poor health, poverty, the widespread breakdown of many cultural traditions and a sense of housing and welfare dependency among many Darling River Basin Indigenous people (Kamien 1978, pp.13–19; Memmott 1991a, pp.60–68). Access to public rental properties was limited, as was participation in mainstream and targeted public housing programs. This changed with the Constitutional amendment giving power to the Commonwealth to make laws in relation to Indigenous people and the subsequent abolition of the White Australia policy by the Whitlam Government in 1972. That year saw the establishment of the first Commonwealth Department of Aboriginal Affairs and the beginning of a new national legislative and policy framework for managing the affairs of Indigenous people with addressing the state of Indigenous living conditions a national priority.

In New South Wales, Indigenous housing in towns and some Reserves was the responsibility of the New South Wales Housing Commission with housing supply used to encourage Indigenous relocation and urbanisation. At this time, most Indigenous people of the Darling River Basin lived in small rural centres near their linguistic groupings and traditional lands where opportunities for full-time employment were few. To provide opportunities for Indigenous people to earn income that would support rental payments, the New South Wales Government provided housing in large regional centres. Consequently, many Indigenous families moved to growth centres such as Dubbo, Wagga and Sydney (Memmott 1991a, p.136).

This initiative was later formalised by the New South Wales Government as the *Aboriginal Family Resettlement Scheme* (1977) (Ross 2000, p.7; Thompson 2004, p.63). The location of housing for Indigenous people in these urban centres was problematic, partly because of difficulties in sourcing land suitable for new houses (Memmott 1991a, p.135) and partly because of strong resistance from non-Indigenous residents (Beckett 1958a, p.72; Kamien 1978, p.140; Memmott 1991a, pp.85, 135). The New South Wales Housing Commission responded by locating houses for Indigenous families throughout towns under the integration policy of 'scatterisation'[3] (Memmott 1991a, p.135). This permitted the allocation of only one Indigenous household to every 10 non-Indigenous households. But in western towns like Wilcannia, Menindee and Lake Cargellico where there was a high proportion of Indigenous residents, it was an impediment to the provision of new state housing despite the availability of funds and the extent of Indigenous housing need. More than

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[2] The use of the term 'school' applied by Beckett is derived from the colloquial meaning of a 'group of people settled (either on one occasion or habitually) into a session of drinking or gambling' (Macquarie Dictionary 1989, p.1516).

[3] Also known as the 'salt and pepper' policy whereby Indigenous people were housed alongside non-Indigenous people in townships with the aim of integrating Indigenous people in wider society, Memmott notes: 'in fact the policy was very rigidly administered through the application of a ratio rule which required one Aboriginal household to every 10 non-Aboriginal households' (Memmott 1991a, p.135).

half of the Housing Commission's program to build 1000 cottages in 1974–75 were not built because of the inability to meet this rule (Memmott 1991a, pp.135–36).

There were other problems associated with the scatterisation policy associated with the lack of recognition of Indigenous lifeworlds. In the camps on the Darling River, housing standards had been appalling but Indigenous people at least had control over their living spaces and the support of kin. Although they relocated willingly to access improved housing, they found the loss of kinship support and problems with neighbours extremely stressful.

> Thirty-one women with an anxiety state or a mixture of anxiety and reactive depression came from houses with two white neighbours. Seventeen of these women lived in housing commission houses and nine of them claimed that their psychiatric symptoms had begun since they had moved to this better, but more isolated accommodation. Indigenous people were not welcome by their white neighbours. Their reception was often so hostile that they lived in a state of virtual siege. (Kamien 1978, pp.139, 140)

Tenant stress due to social isolation, was exacerbated by high levels of crowding. In 1971, there were 730 Indigenous people living in the town of Bourke (upstream from Wilcannia) in 92 dwellings—an average of 7.9 people per dwelling unit. This may have been a response to the scatterisation policy by increasing housing density in order to maintain connections with kin, but it must also have been due to housing exclusion. At this time privately-owned housing was rarely available to Indigenous people and was usually in very poor condition, creating long waiting lists for public housing. Tenants also had difficulty in maintaining rental payments and were subject to criticism from those who remained on the Bourke Reserve where they returned if their tenancy failed (Kamien 1978, pp.294–96).

4.3.1 The Widjeri Cooperative at Bourke

In the early 1970s, the welfare of Indigenous people in Bourke became the object of a sustained campaign by Max Kamien, a medical practitioner in Bourke. He took a community development approach to Indigenous social exclusion and aimed to help Indigenous people establish 'the knowledge, skill and self-confidence to continue the process of change towards a functioning self-regulating community able to organise its affairs without the continued advice of white helpers' (Kamien 1978, pp.3, 4). As well as applying political pressure through the media and the establishment of the Aboriginal Advancement Association of Bourke, he developed a number of other initiatives with housing as a core focus (Kamien 1978, pp.47–51).

In a survey conducted in 1971, Kamien found that more than half the Indigenous families in Bourke wanted better housing and were prepared to work for it (Kamien 1978, pp.294–95). The Aboriginal Advancement Association petitioned the New South Wales Government and a Commonwealth Parliamentary delegation, for funding to support the development of culturally appropriate housing at Bourke. Despite initial setbacks, by July 1972 the Bourke Shire Council had granted approval. The building team included six Indigenous workers and by the end of the year they had built a prototype of the housing with work on two more houses in progress. However, the Indigenous community were concerned about the design, expense and workmanship of the houses and as morale in the working crew declined, further complications followed with disagreement about the allocations policy to be applied. When funding ran out, the project stalled until a grant from the Department of Aboriginal Affairs allowed the two houses to be completed and tenanted (Kamien 1978, pp.300–3).

The Widjeri Cooperative had been established in November 1973, but by 1974 only three houses were built, and financial discrepancies resulted in the building program

being frozen even though significant funding remained. Key leaders and skilled Indigenous workmen became unavailable and the Indigenous community 'began to see housing as a pipe-dream' (Kamien 1978, pp.65, 295). Despite this, two Indigenous field officers put deposits on purchasing four houses and funding was received from the Department of Aboriginal Affairs allowing work to continue on completing the two unfinished houses (Kamien 1978, p.66).

4.3.2   The Bakandji Limited at Wilcannia

In 1973, severe flooding along the Darling River Basin had damaged Indigenous housing in the Wilcannia camps resulting in a proposal by the Central Darling Shire Council to improve Indigenous housing there. There were 35 families living in self-built shelters or humpies with limited access to water and other basic services in the camping precincts at the Mission and the Mallee camps (Memmott 1991a, pp.106, 137). A Council meeting attended by Indigenous representatives from the Aboriginal Advancement Association and representatives from all levels of government resulted in agreement on a proposal to build up to 65 houses for families living in the Mallee, the Mission and Wilcannia. This was achieved despite concerns about lack of employment, an alternative proposal for relocation to distant centres, and the New South Wales Housing Commission's policy of not building in small population centres. A justification for overriding this policy was acknowledgement that some groups 'living in areas peculiar to their tribal forbears' were unwilling to move from their region (Memmott 1991a, p.138), signalling the beginning of a 'recognition space'.

To examine the Indigenous housing problem in Wilcannia, the Commonwealth Department of Aboriginal Affairs commissioned Ken George, an architect from the newly formed Aboriginal Housing Panel of the Royal Australian Institute of Architects. He consulted with all the Indigenous families in Wilcannia, liaised with the Aboriginal Advancement Association, studied cultural practices and traditions impacting on settlement planning and design and made recommendations on communal or cooperative land tenure over the Mallee where Indigenous people had a sense of attachment. In response to the requests of the Mallee people for 'an alternative to the whole urban value of town housing'. George's proposal preserved the sociospatial layout of the Mallee to reflect local Indigenous social organisation, despite the higher service costs that this would entail. At the time, the project was seen as a unique approach to Indigenous housing and was only possible through the degree of cooperation established between the local council, state government, Indigenous residents and the fledgling Indigenous organisation. It was especially significant in its recognition of humpy settlements as a form of cultural expression, its emphasis on maintaining, and supporting Indigenous autonomy and cultural integrity through building design and preserving the original social spacing of humpy settlements (Memmott 1991a, pp.155–58).

An important aim of the project was to entrust decision-making into the hands of the Wilcannia people, allowing them to manage their housing program and develop an economic base for their community. In 1974 'Bakandji Limited' was formed and sought funding from the Commonwealth Department of Aboriginal Affairs to design and implement the construction of new houses in Wilcannia. This was granted on condition that rent collection and housing management would be requirements of tenancies and the project would generate 'spin-offs' in terms of employment, training, community development and self-management. There were a number of proposals to provide Indigenous employment that had potential to be sustained even after the houses were built, including a concrete block-making plant and timber truss manufacture (Memmott 1991a, pp.157–158, 184).

Following community consultations, the houses were planned in four stages so that each family could have input into the construction as it progressed. Sixty-five houses were proposed in successive serial clusters for location on the flood-free Indigenous camping area of the Mallee (see Figure 5 above) (Memmott 1991a, pp.161–66). Despite this high level of cooperation and commitment from the Indigenous residents and architect, the project was delayed when the local council became concerned about who would fund the necessary service infrastructure (roads, water, electricity, sanitary disposal) and how rate contributions would be enforced. This saw the imposition of numerous development conditions including environmental impacts statements, an economic feasibility study and subdivision planning (Memmott 1991a, pp.169, 181–82). Commonwealth funding was also inconsistent and sporadic, causing delays. Some of the more experienced Indigenous leaders also relocated from Wilcannia to Albury where Commonwealth Aboriginal Funds had been provided to the New South Wales Housing Commission to build four or five houses per year at Albury-Wodonga for families who wanted to resettle from Wilcannia. As the project stalled, temporary shelters were constructed in 1975, under the directive of the Commonwealth Aboriginal Affairs Minister and in contradiction to an earlier Local Government refusal (Memmott 1991a, p.138).

Figure 6: Post-flood design proposed for Wilcannia by architect Ken George: Concept for staged construction in concrete block to allow for families in the community to be progressively housed

lv   living
k   kitchen
b2   bedroom 1, 2 etc.
ba   bathroom
t   toilet
f   fire
v   verandah
l   laundry

0 1m 3m 5m   10m

Costs are as at December, 1974, and exclude builder's overheads and profits.

Stage 1
(Cost $3,500)

Stage 2
(An additional $2,500)

Stage 3
(An additional $6,500 but no allowance here for site works.)

Stage 4
(An additional $3,500)
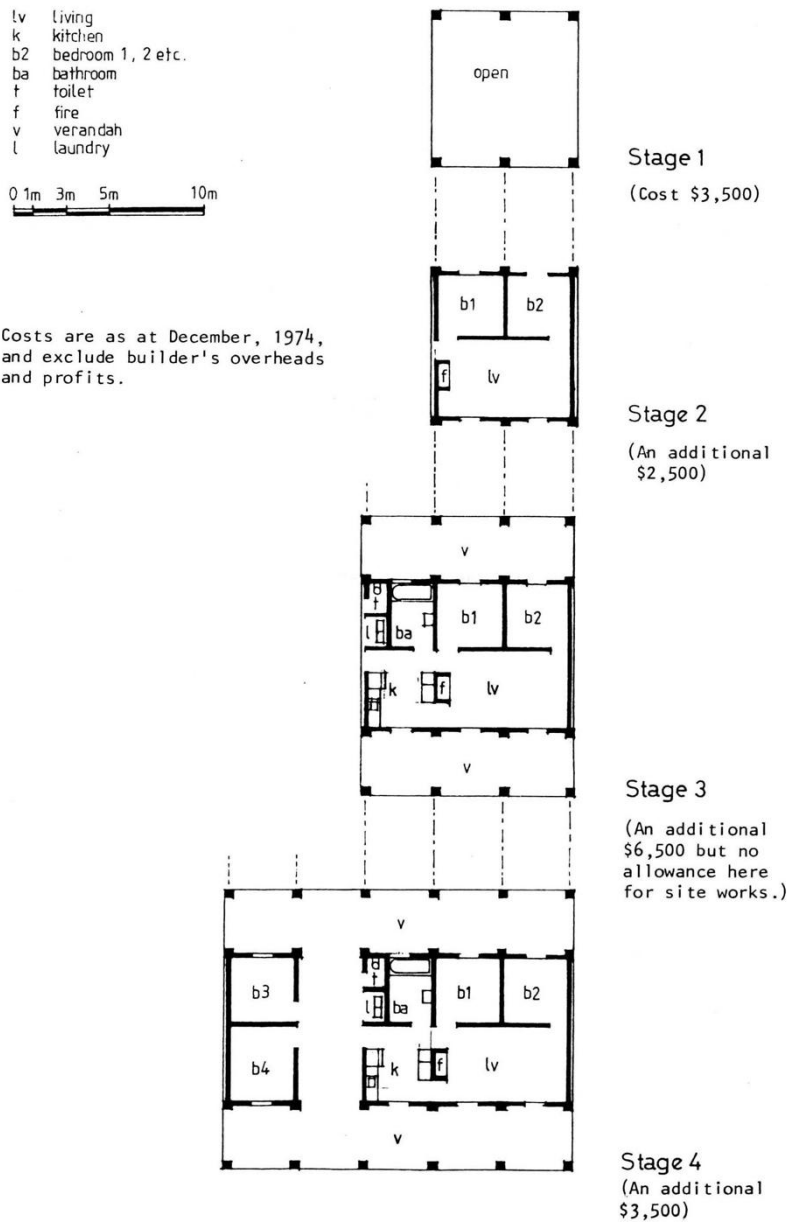
Source Memmott 1991a, p.162

Over the next three years the Wilcannia project foundered as the architect was forced to withdraw with blame variously allocated to inadequate project administration by the Commonwealth Department of Aboriginal Affairs, arguments over project estimates, accusations of mismanagement of funds, improper accounting, criticism of George's proposal and his competence, poor building supervision standards and the lack of cooperation from the Central Darling Shire Council. Despite expenditure of over a million dollars by the Department of Aboriginal Affairs, only eight houses were built and the self-help project was wound down and considered a failure (Memmott 1991a, pp.181–86).

4.4 Policy lessons: The achievements of the self-build projects

The Bourke and Wilcannia self-help housing projects provide an early example of the formation of a recognition space and the difficulty of maintaining it in the context of multiple conditionalities, poorly developed Indigenous governance structures, and resistance from key local stakeholders. Despite attracting early significant support from the state and major institutions, the achievements of the self-build projects were limited. Despite this, a detailed analysis of the project in 1977 by the Department of Aboriginal Affairs argued strongly that in addition to the housing that was provided, positive social benefits included training and employment, decreases in alcoholism, a new respect for white townspeople, an increase in graziers employing Indigenous people, building work undertaken in Wilcannia, the commencement of rent collection, and an increase in Indigenous self-esteem (Memmott 1991a, p.195).

In Bourke, despite the small number of houses constructed, the project also generated social benefits. However, it increased Indigenous governance capacity through the establishment of the Widjeri Cooperative, developed the housing construction skills of some community members, and generated cooperative relationships across Indigenous and non-Indigenous sectors. The building program continued into the late 1970s and by the end of 1976, only 27 families had been housed (Kamien 1978, p.67).

Much can be learned from the projects' failures. The policy commitment to self-determination that underpinned the projects was not supported with the necessary capacity building and administrative oversight and support. Project management and building contractual experience on this scale was limited among Indigenous and non-Indigenous residents. At Wilcannia, the Department of Aboriginal Affairs review in 1977 found that little professional advice, assistance or on-the-job training in office administration and accounting had been provided resulting in significant administration problems, including poor budgeting, discrepancies between grant approvals and expenditures, misuse of funds in unplanned areas of expenditure and failure to implement rent collection (Memmott 1991a, pp.196–98).

In Memmott's analysis of the power relations involved in the projects, he applies anthropologist, Rose's (1986) 'double-bind' model involving the imposition of a series of at least three injunctions by a more powerful group on a 'victim' (an individual or a group). The second injunction contradicts the first, creating a stressful dilemma and the third prevents escape or effective protest. Memmott argues that:

> … the first injunction was the government's encouragement of the Indigenous community to undertake a self-help housing project in conformity with its policy of self-determination and in an atmosphere of cooperative and courageous social reform. The second injunction unfolds as a series of mistakes made by the earnest Bakandji leaders. The Department's economic requirements are spelt out in more and more stringent terms to enable the Department to maintain its accountability to the public, the press and the politicians. This restricts more and more the implementation of the project in a way that fulfils the original ideology on which the motivation of the Indigenous people is founded, (that is), self-control by (Indigenous) people. The third injunction becomes clear as (Indigenous) protest is voiced. The legality of the grant conditions, the commitment to an investment of capital and plant and to complete what was started and the necessity to become even more dependant on the charity of the welfare agents to find a solution to the problem; all of

these things bind the company irreversibly to the worsening situation. (1991a, pp.202–3)

Although the Bakandji project was an even more complex set of exchanges than this analysis describes, this model sheds light on how the power relations worked to produce inefficiency and wasteful results (Memmott 1991a, p.203).

This analysis captures something of the process whereby the state's management of risk, driven by its need to demonstrate accountability, results in its imposition of intrusive forms of conditionality that generate unproductive results. The enablers that were required for conditionality to be effective, in terms of Indigenous capacity building, and timely financial scrutiny were also lacking. Although trusting, cooperative relationships were initially established across the three dimensions of the recognition space and Indigenous residents were prepared to meet their obligations to the state, weaknesses of internal regulation within the Indigenous organisations and external barriers disrupted the potential to achieve housing goals. The case study raises the issue of how the balance within the negotiation space can be maintained and re-stabilised when either internal or external political forces arise unexpectedly.

5 INDIGENOUS GOVERNANCE ORGANISATION IN QUEENSLAND

5.1 Housing management policies in discrete Indigenous Communities 1970s–2004

This case study examines relationships between Queensland discrete Indigenous communities and the state in relation to housing provision and management. It focuses on the nature of conditionality in housing policy approaches and the implications for Aboriginal Community Councils and Indigenous tenants. The community of Kowanyama is used as an example to highlight the local dynamics at play and the role of Community Councils in mediating external demands.

The case study focuses especially on the interactions between the state and the Indigenous Councils during the period from the mid-1990s to the mid-2000s. During this time, state interventions were implemented that sought to influence housing management practices and tenant behaviours with the stated aims of improving the condition and sustainability of housing as well as promoting tenant responsibilities and rights. These interventions included a mixture of incentives, investments in capacity building, and imposition of contractual obligations.

Attempts were made to recognise the negative legacy of prior state administration, the legitimate authority of Community Councils, the importance of cultural values, and the poor material conditions for Indigenous communities. They also attempted to promote landlord and tenant rights and responsibilities consistent with those of citizens in the broader community. Indigenous communities, individually through their elected Councils and collectively through their peak organisation, the Aboriginal Coordinating Council (ACC), were active in asserting and protecting community values, using a range of strategies to negotiate and enforce conditions on housing procurement and management practices.

In the 1980s, statutory Councils established by the Queensland Government governed discrete Indigenous communities. These assumed local government responsibilities and in most communities, acted as the Trustees for community lands administered under a Deed of Grant in Trust (DOGIT). Following withdrawal of the state as administrator for these 'reserve' communities in the late 1980s, Community Councils became the owners and managers of state and federally-funded rental housing on DOGIT lands. In recent years, in accordance with a Commonwealth Government requirement under the NPARIH, housing ownership and management has been transferred back to the state along with 40-year leases over the DOGIT land.

The discrete Indigenous communities in Queensland have a long history that can be traced to the displacement of Indigenous peoples associated with colonisation. As European settlement spread through Queensland from the 1830s, Indigenous people were killed or died from disease and their cultural ties to land were destroyed or severely disrupted, resulting in the movement of remnant groups to the fringes of white settlements (Memmott 1993). The *Aborigines Protection and Restriction of Opium Act (1897)* enabled 'the [directed] movement of individuals, families and whole communities of people into settlements on newly established Aboriginal Reserves' (Memmott 1993, p.12). Government appointed administrators or missionaries who had absolute powers to control the lives and movements of residents managed these Reserves. It was only in the late 1980s that Aboriginal and Torres Strait Islander

Community Councils in Queensland achieved self-management[4] (Moran 2006, p.35). These changes were implemented reluctantly by the Queensland Government, in large part as a response to increasing Commonwealth Government involvement in Indigenous affairs following the powers it attained through the 1968 referendum.

As well as local government power, the Aboriginal Community Councils had extensive social wellbeing responsibilities, including construction and management of social housing. Responsibility for housing rented to community residents, which had previously been administered by the state or the Mission, was allocated to Councils, making them landlord for almost the entire community. Councils inherited a legacy of state neglect, as the physical condition of housing and its management was basic, overcrowded and in poor condition (Kidd 1997, pp.323–34). The transfer of management responsibility failed to adequately provide any system of tenancy management, record keeping, housing policies and procedures or training of staff.

The main source of capital funding for housing on discrete communities from 1978 was provided by the Commonwealth Government under the Aboriginal Rental Housing Program (ARHP) a specific purpose payment under the Commonweath State Housing Agreement (CSHA), administered through the Queensland agency responsible for Aboriginal Affairs with DOGIT Councils taking on the construction and management of housing from 1987. The Queensland Department of Housing continued to provide technical, architectural, engineering and other assistance and advice provided to Community Councils at no cost (Qld, Parliamentary Committee for Public Works 1991).

Housing and infrastructure funding was provided directly to Councils by the Commonwealth during this period, initially through its Department of Aboriginal Affairs (DAA) and subsequently by ATSIC through CHIP. This dual Federal/Queensland funding arrangement added complexity for Community Councils due to differences in the planning, funding, procurement processes and differences in conditions attached to housing funding by the two tiers of government.

During the period 1996–2004, a significant agenda of housing policy and program reforms aimed at DOGIT communities occurred in Queensland that reflected, and in some cases led, national policy directions. These reforms strengthened conditionality but also embodied respect for the role of Indigenous governance agencies and provided opportunities to establish a series of recognition spaces. The areas of attention included:

→ Improved and integrated planning including restructuring of the Indigenous housing advisory body and revised needs-based planning for capital grants.

→ Addressing the poor condition of housing and overcrowding including a program of housing condition inspections and data collection system on housing conditions and revised housing design and construction standards.

→ Strengthening of the housing funding agreement with Councils.

→ A Community Housing Management Strategy (CHMS) including tenancy management training, funding allocations and the development of tenancy management software.

5.1.1 Conditionality and recognition in DOGIT communities 1990s

The Community Housing Management Strategy (CHMS) is examined here in more detail as it provides an instructive example of a program of activity that was developed

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[4] The exceptions were Mornington Island and Aurukun which had previously been gazetted as Aboriginal local authorities.

jointly by the state and Indigenous advisory and peak organisations. The CHMS aimed to change the way that housing on DOGIT communities was managed in order to sustainably improve housing conditions, comply with tenancy legislation and enable appropriately adapted housing management policies and practices. At this time conditionality was mediated through the formation of a recognition space that supported improvements in housing goals.

The CHMS was developed with engagement of key government and Indigenous stakeholders through the housing state advisory group, the Joint Ministerial Advisory Committee (JMAC). In the mid-1990s the JMAC included representatives of remote and urban housing bodies, the state housing and Indigenous affairs departments, the Commonwealth Government, ATSIC and the Torres Strait Regional Authority (TSRA). Remote Indigenous Councils were represented through their peak bodies, the Aboriginal Coordinating Council (ACC) and the Islander Coordinating Council (ICC) representing the Torres Strait. One key strategy of the CHMS was to fund the ACC and ICC to facilitate training and policy workshops in order to actively engage local Indigenous housing workers and Council representatives from the DOGIT communities in the development of housing management policies and practices appropriate to their communities.

The Aboriginal Coordinating Council was the statutory peak body for the Aboriginal DOGIT communities. Established in 1984, the Council comprised representatives from 15 DOGIT communities, but had also a number of affiliate member communities including two Aboriginal Shire Councils and eight other ICHOs located within remote Queensland mainstream townships and falling within the ATSIC funding structure. Through the ACC, these 25 communities had participated in both state and Commonwealth ATSI housing strategic planning processes since 1992, and had developed their own strategic housing plan, which promoted ACC program activity within housing management, settlement planning, house design, house construction and housing-related infrastructure (Qld ACC 1997, p.2). The ACC housing program was directed by a sub-committee of five of the ACC Full Council from 1995.

During 1995, reported difficulties in managing housing encountered by Councils and the introduction of the *Queensland Residential Tenancies Act 1994* resulted in a round of policy workshops during 1996 by the ACC. Their purpose was to assist participants to produce draft policies for housing management in their home communities in the areas of rent setting and collection, repairs and maintenance, house allocations and dealing with rental arrears (Qld ACC 1997, p.3). All policies had to be developed within the dual constraints of established community processes and practices, including culturally specific customs, and the *Queensland Residential Tenancies Act,* with its standardised forms and processes. The workshops were well attended and the ensuing report was comprehensive in its coverage of housing management issues. They included the development of the levy approach to rent collection considered in the next section. Individual member councils of the ACC had to adapt and synthesise their existing local policies that dealt with their particular community housing-related problems with the new policies, including incorporating the 16 procedural forms of the *Residential Tenancies Act 1994* (including condition report, bond lodgement form, entry notice, dispute notice and mediation notice). Examples include:

→ The Mornington Shire Council developed allocation criteria that included whether an applicant had a cluster of extended kin living in the vicinity (Qld ACC 1997, p.129). These socio-spatial structures of extended family territories had persisted since the traditional pre-Mission camps (Memmott 1979; Dalley 2012).

→ The Napranum Aboriginal Council developed a policy that 'all tenants must pay rent, irrespective of status in the community and whether they are local traditional owners', to counter the argument made by traditional owners that 'it's our land so we don't have to pay rent' (Qld ACC 1997, p.65).

→ The Napranum Council considered whether a proportion of levy funds could be used for costs of community members to attend funerals of kin in other Cape York communities (Qld ACC 1997, p.66).

→ The Islander Coordinating Council (ICC), considered how eviction policies could respond to tenants who had their ancestors buried in their yards with prominent tombstones (Memmott 1998).

A more amplified account of the introduction of the house levy payment system innovated at Kowanyama is provided in Box 5 below. This example illustrates how community consultation was used to overcome the resistance of tenants to meet their rental obligations in a situation where the housing provider was unable to meet its own obligations to provide appropriate housing.

Box 5: The introduction of the levy system by Kowanyama Council

Kowanyama is a discrete Indigenous community located in the Gulf of Carpentaria. In the mid-1990s, Kowanyama Aboriginal Council owned and managed 300 houses (Qld ACC 1997) but had difficulty maintaining them. In 1997, the Kowanyama Aboriginal Council took the radical step of wiping off all rental arrears, and introducing a levy system to restore maximum revenue for the management of its housing stock. Introduction of the levy aimed to redistribute the burden of rent to be more equitable according to Indigenous values, and to implement a more economically viable approach to housing management. The scheme targeted CDEP workers and council employees and its introduction involved writing off $500 0000 in rental arrears. Social security recipients were exempted from paying. The levy collection system drew in $480 000 per year of which $400,000 was allocated to repairs and maintenance, and $80 000 into community services (especially rubbish collection and disposal).[5] The levy was set according to income: $10 for Jobsearch workers, $20 for full CDEP workers and $60 for wage earners. Wilful damage was still subject to recovery from tenants with the local Justice/Elders Group mediating if necessary. A number of elders were also Justices of the Peace, who could decide on Council by-law breaches with housing tenancy, through either a Community Court or a Justice of the Peace Magistrate Court (Qld ACC 1997, pp.70–71). Criticisms of the scheme came from Council staff rather than from permanent residents.

The advantages of the scheme were that arrears which were difficult to recoup were eliminated as all transfers were automatically deducted from salary and pension payments. Council income increased, resulting in improved repairs and maintenance and housing lifecycles. The Council was better able to forward plan expenditure of the house levy funds, which permitted reliable asset management. Funds were sufficient to bulk buy and stockpile high-use components. Repair and maintenance turnaround times were shortened, especially during the wet season when deliveries were not possible. The system was also more in keeping with the Indigenous ethic of communal 'chuck-in' money and was easy for tenants to understand. Whereas under the old rental scheme those tenants who paid rent regularly had to bear the burden for paying for the repair and maintenance in those houses whose tenants were in arrears—the levy system shared the contributions more evenly across the community and was therefore fairer.

However, there were also some disadvantages of the levy system. Households with a lot of workers or income recipients could pay more than under the old rental system. Those who had maintained their rental payments under the old system were treated unfairly compared with those who had not paid them and had their debt written off.

Key issues to be considered in converting to the levy system included whether to write off rental arrears or continue to pursue them, once the changeover occurred, ensuring that Commonwealth Rent Assistance was passed to Council as a levy donation and ensuring levy funds were reinvested in house-related services and improved repairs and maintenance. This system brought financial stability to the ICHO enabling preventative asset management, permitting bulk stock of fittings, and recruitment of full-time tradespersons. This development led to the amendment of the *Community Services Act* in 1999 to permit Councils to raise revenue through a levy or poll tax and other communities successfully adopted it as policy (Limerick et al. 2012, p.42).

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[5] Over the 2001–02 financial year, the amount collected by the levy had risen to $760 000, through a flat rate charge of $30 per capita (Moran 2006, p.540). By 2008–09, the charge had increased to $40 per capita, but the total raised had declined to $624 000 (Limerick et al. 2012, p.42).

5.2 Public housing tenancy management in north-west Queensland

This case study describes how the application of housing conditionalities associated with mainstream tenancy management were adapted to fit the cultural contexts of Indigenous tenants covered by the Queensland Department of Housing's North West Area Office in Mt Isa, a major regional centre in north-west Queensland. It is based on interviews conducted between November 2007 and November 2008 with area office staff and addresses the history of access and support programs or responses; the reasons the program or response was established; the modifications made to the program both for services working with Indigenous people and for services which were not Indigenous specific, but which worked with Indigenous clients; and the approach taken by the Department of Housing towards funded services. Interviews were semi-structured allowing people to outline what they considered relevant to the overall aims of the project (Flatau et al. 2009, p.79).

5.2.1 Background and context

Mt Isa was settled in 1924 upon the discovery of silver-lead and the establishment of a mine on the banks of the Leichhardt River. Indigenous housing was first provided in 1969 through the Commonwealth State Housing Agreement (CSHA), administered by the Queensland Department of Aboriginal Islander Affairs (DAIA) as an instrument of their assimilation policy. Houses were purchased to create a 'scatterisation' effect, aimed at co-location of Indigenous and non-Indigenous residents in order to prevent the establishment of Indigenous enclaves and reduce non-Indigenous resistance to the presence of Indigenous neighbours. However, the local town camp remained popular. It was originally comprised of self-constructed humpies, but in the early 1970s, these were replaced by second-hand, fibro-clad bungalows donated by Mt Isa Mines (Flatau et al. 2009, pp.80–81).

In 2006, the population of Mt Isa was estimated at 19 660, of which 3268 were Indigenous. The Indigenous population was nearly 17 per cent of the town's population, a proportion more than five times the national figure. Initiatives targeting homelessness in Mt Isa were enhanced in 2005 and included a service hub, brokerage, responses to public space issues, an increase/enhancement of crisis and transitional housing, and proactive tenancy management practices within the Department of Housing (Flatau et al. 2009, p.82). Indigenous tenancies in Mt Isa across general public housing and SOMIH properties comprised 63 per cent of all tenancies (ABS 2006a).

Table 4: The Mt Isa population, 1976 to 2011

	1976	1986	1991	1996	2001	2006	2011
Non-Indigenous	22,674	21,431	22,021	19,714	18,371	16,395	21,237
Indigenous	1,544	2,496	2,714	3,025	3,265	3,268	3205
Not stated	2,278	-	-	-	-	-	-

Source: Australian Bureau of Statistics (ABS) censuses 1976, 1986, 1991, 1996, 2001, 2006. Census QuickStats, Mt Isa Statistical Local Area. See www.abs.gov.au

The Department of Housing's North West Area Office in Mt Isa serviced a geographical area that extended south-west to Birdsville, west to Camooweal, east to Hughenden and Blackall, north to Normanton, Burketown and Karumba, and within this area also included the further centres of Cloncurry, Dajarra, Boulia, Bedourie,

Winton, Longreach, Aramac, Barcaldine and Doomadgee. There were five teams in the Area Office, each with its own manager and under the overall leadership of the Area Manager. The Mt Isa Area Office operated from a baseline of Departmental mainstream public housing policy within the constructs of the *Queensland Residential Tenancies Act*. However, its staff recognised that to stabilise Indigenous tenancies in the city, services needed to be adaptive. Indigenous households in Mt Isa varied greatly in their retention of traditional domiciliary practices with strong patterns of circular mobility retained within the region. These impacted on household size, composition and harmony when people from the outer parts of the region visited the city. The city was characterised by the presence of many different Indigenous family groups, and coming from different tribal areas, contributing to the challenges of sustaining Indigenous tenancies. Area Office staff frequently dealt with high levels of alcohol consumption and related disputes as part of their work. The Department of Housing local staff team had developed a number of strategic approaches to manage these tenancies in ways that took account of these factors (Flatau et al. 2009, pp.85–99). The outcome of these approaches was that rent arrears statistics for the area were well below the state average of four per cent (a key performance indicator).

The approach taken by the Area Office was designed to sustain tenancies to benefit both tenants and staff and involved the development of a suite of strategies that were proactive, highly sensitive and responsive to Indigenous lifeworlds. The Area Office used a number of strategies and resources to support at risk tenancies (both before the start of a tenancy and during the tenancy), to respond to early signs that a tenancy was at risk, and to take into consideration local events and family/group dynamics. These included:

→ Tenancy entry case management.

→ Tenancy support.

→ The Early Rent Arrears Strategy.

→ Integrated case management.

→ The Targeted Risk Period Strategy.

→ Partnerships with police.

→ The Yallambee Town Camp.

→ The Jimaylya (Topsy Harry) Centre for the homeless.

5.2.2   Tenant entry case management

Team 2 of the Department of Housing Area Office serviced the Department's front counter in its Mt Isa office and handled any enquiry from potential or actual tenancy applicants. Available services are outlined in some detail, as it is a tenancy entry program that involves aspects of tenancy support (advanced entry case management) that play out into the actual tenancy period. At the time of interviewing, the Team Manager sat on the Public Intoxication and Homelessness Committee for Mt Isa. This Committee included the Riverbed Action Group, which held Riverbed Support Days for rough sleepers. On these days, the Area Office team participated and met with applicants for public housing on alternate town sites. Breakfasts for housing applicants were held once a month and were followed by applicants' meetings. The meetings were often held at the Jamaylya (Topsy Harry) Centre (see Box 6 below), and attended by Centrelink and representatives from other government departments.

This outreach service assisted Indigenous town campers to lodge housing applications and work through their other needs. People attending were able to access advice and information from the network of Non-government Organisations

(NGOs) and government officers. Attendees were able to have a free shower, breakfast, and then talk. One of the services worked to provide connections so that people could get back to their homelands, especially those from the Northern Territory (Flatau et al. 2009, p.86).

The river campers had been mostly Northern Territory people over the previous few years. The impact of the 2007–08 Northern Territory Intervention had been obvious to service providers in Mt Isa who have inherited a range of social problems arising from the increased mobility and displacement of people, particularly from the central eastern territory (Barkly/Sandover/Plenty region). However, some of these visitors took up residency in the Leichhardt River by choice and were not seeking any housing (Flatau et al. 2009, p.87).

Those Northern Territory people who were homeless and did apply for housing were having difficulty transiting into conventional rental housing. Being housed also meant coming to terms with rental payment agreements, furniture acquisition and use, and local Queensland tenancy and town laws. By comparison, Northern Territory remote community housing was viewed as basic, with relatively unsophisticated housing management practices. Indigenous people from remote settlements also had different lifestyles. Some lived in the riverbed for months and were not interested in seeking support from services. Others had come to Mt Isa for medical services. Most riverbed dwellers were single, with only a few being families with children.

The Team Manager explained that before a tenancy commenced, her staff undertook a search of an applicant's tenancy history. They often found that the tenant was cycling back after previous intermittent tenancy failures. They may also have had outstanding tenancy debts. In the case of an applicant with significant debts, a repayment scheme was set up, which was linked to Centrecare services and included budget training.

The Mt Isa Area Office required an applicant with a previous debt to remain for six months on the repayment scheme while in emergency or crisis accommodation. If the tenant managed the repayments, they were then approved for a standard public housing rental property. These applicants were encouraged to pay a little more than necessary, in order to establish a credit account for themselves of seven weeks rent advance before obtaining their rental property. They were effectively case managed—in conjunction with other services—before being housed. These tenants come into their new property still supported, experienced in managing rental payments and household responsibility, and free of debt. These applicants called into the Area Office every three months, when a statement of their debt repayment progress was printed out, and staff discussed their progress with them. If they ceased to attend counselling, housing staff received feedback from Centrecare. These two were usually linked together as conditional in their agreements (Flatau et al. 2009, p.87).

5.2.3 Tenancy support teams

Team 3, led by the Client Services Manager, acted as the 'landlord' for all public housing tenants. This team handled rent assessment and property management complaints, monitored repairs, maintenance and upgrade budgets. This team provided or coordinated tenancy support programs during the actual tenancy. In August 2008, rent arrears were low for this region at under 1 per cent, compared to other Queensland regions. The public housing population in Mt Isa was about 80 per cent Indigenous. This level of arrears was an outstanding achievement especially for the Pioneer area (a suburb of Mt Isa with a high density of Indigenous people in public housing) (Flatau et al. 2009, p.87).

Despite entry case management of various incoming tenants, there were always some tenancy failures. Heavy substance abuse was a key factor. Significant problems also resulted from visitors from the large remote Gulf communities of Mornington Island (Gununa) and Doomadgee damaging the house. Tenancies were often placed at risk when a visiting family was staying, and in some cases neighbourhood disputes could start up (Flatau et al. 2009, pp.87, 88). A tenant's previous housing was not always a good predictor of future tenancy problems. Tenants at-risk of homelessness may have been quite good renters in the past. They typically fell into arrears because of a major life crisis, usually coupled with having to leave town for a period (Flatau et al. 2009, p.88).

Another little-recognised problem leading to a need for tenancy support was that, in remote country areas, Indigenous tenants (especially older people) did not like using telephones. For this reason, they could be reluctant to telephone the Area Office if they had a problem, for example, if they needed repairs and maintenance. For this reason, the Area Office had a free phone at the front counter known as 'the QBuild phone'. This was seen as a way of encouraging clients to ring for a service, or to have Area Office staff ring on their behalf, and then once connected, put the tenant on to speak. The aim was to empower the tenant (Flatau et al. 2009, p.88).

5.2.4 The early rent arrears strategy

The approach of the Client Services Team hinged on monitoring and moving at-risk people onto automatic debit agreements via Centrelink and life skills training in the early stages of their instability period. An early intervention officer engaged with a tenant when he or she was only one or two weeks in arrears (Flatau et al. 2009, p.88). The Mt Isa Area Office staff used an integrated case management approach, linking tenants to other services to assist in resolving their problems. The tenancy problems of tenants were raised with other town agencies, including Jimaylya Topsy Harry Centre, Centrecare, Arthur Peterson [diversionary] Centre, and Kalkadoon Aboriginal Sobriety House.

Typically, staff talked to tenants needing support exploring various options. A good behaviour agreement was negotiated, often in Statutory Declaration form. Sometimes the Neighbourhood Centre [group] was used because it offered loans, budgeting skills, and life skills advice (Flatau et al. 2009, p.88). For example, a very intoxicated woman presented at the Department of Housing with her grandchild to report her house maintenance problems. The child was a very active infant and the grandmother had no control over the infant, especially as she (the grandmother) was intoxicated. The child's parents had left the child with her three days earlier. When the housing officer drove them home, the client explained that she had little food, did not know where the child's parents were, and was feeling 'dumped on'. She wanted to be taken to meet with the regular drinking group at the hospital lawn to enquire about the whereabouts of her daughter and son-in-law. The housing officer persuaded her to rest in her house and then arranged for the Kalkadoon Aboriginal Sobriety House worker to consult the drinkers' group, look for the child's parents, and take food back to the tenant. This example highlights the proactive and welfare-oriented approach of the Housing staff to Indigenous clients in Mt Isa, who went beyond the expected call of duty as practiced in metropolitan centres (Flatau et al. 2009, pp.88, 89).

5.2.5 The targeted risk period strategy

Department of Housing staff identified five critical times to provide targeted support when Indigenous tenancies were most likely to be vulnerable: the end of school holidays in January; Easter in April; the Mt Isa show in June; the Mt Isa Rodeo in

August and Christmas in December. At these times, tenants were encouraged to visit the office to check their rental credit and agreements (Flatau et al. 2009, p.89).

Box 6: Inter-service cooperation: Mt Isa Area Housing Office and the Jimaylya (Topsy Harry) Centre

> The Topsy Harry Centre is a residential facility for homeless people over the age of 18 operated by the Queensland Department of Communities with Aboriginal staff. Clients stay at the centre free of charge and many are regular users of alcohol. It is one of the few facilities in the region for people with alcohol problems and maintains a policy of moderation combined with a range of life skill training to facilitate the transition of residents into independent rental housing in Mt Isa. Facilities include single men's quarters, single women's quarters, quarters for couples, a classroom/TV/video room, communal kitchen, a 'wet area', and an administration area (Flatau et al. 2009, p.81). The 'wet area' is an external living area with shade and windbreak structures where clients are permitted to consume alcohol between 10 am and 8 pm. Alcohol brought back to the Centre is stored in a room where it is under the care of staff. The Centre runs activities and has rules designed to assist clients to gain independent accommodation. Technical and Further Education (TAFE) classes are run daily between 8am and 12 pm. Clients are encouraged to spend their money on food and personal items before purchasing alcohol. They are also encouraged to find employment. Staff case management roles include assisting clients with things such as medical appointments.
>
> One of the Housing Officers instigated a meeting with the Jimaylya Manager regarding an ex-tenant with high needs who no landlord wanted to house. This tenant and her family had been moving around from house to house in Mt Isa destabilising other tenancies. The tenant had a disabled member in her household and received many heavy drinking visitors. A transitional house was offered at the Topsy Harry centre. The tenant was located there for twelve months until she could maintain her own tenancy (Memmott & Nash 2013).

Client services staff implemented a pre-show and pre-rodeo preventative campaign for households. All at-risk tenants were warned: 'don't miss rent, and visitors must be quiet and no damage or abuse'. During these events, geographical mobility was high and departmental staff were aware that it was likely the number of visiting relatives in certain households would exceed tenancy agreements. Tenants were advised that if they controlled the visitors and kept them quiet they would not have visits from police. During the August 2008 Rodeo, only one street 'blew up' in a brawl. There is also much intra-regional travel for royal shows due to kinship linkages between families in different towns. Thus, kinship linkages mean that certain Mt Isa tenants will go to the Cloncurry and Normanton shows, and vice versa. All of these movements could exacerbate visitor problems. The housing services team also became proactive before Christmas. Tenants were encouraged to build up rental credit before Christmas but to maintain their automatic rental debits. The Department also had a moratorium at Christmas when staff did not take immediate action over arrears (Flatau et al. 2009, p.89).

5.2.6 *Partnerships with the police*

Housing staff, especially the Area Manager, worked closely with the Mt Isa Police and had an understanding with them with respect to dealing with Indigenous family violence and other anti-social behaviour that affected tenancy stability and housing stock (Flatau et al. 2009, p.88). For example, if a tenant was reported for anti-social behaviour, the police phoned the Area Manager who would go with the police to assist in resolving the problem, even if it was late at night. Area Office staff waited while the police dealt with the problem; then they talked to the tenant. Staff found that often tenants could not stand up to their visitors, and appreciated the Area Manager and the

police evicting them. They would tell the officer: 'We can't get rid of our relatives'. Sometimes clients even admitted having had a party in their house the night before, so that visitors could be removed. The tenant was also warned that their 'tenancy was in jeopardy' (Flatau et al. 2009, pp.89–90).

The police were also informed of vacant properties so they could be patrolled more regularly and any illegal occupants moved on or charged. At times, Area Office staff took drinkers to Jimaylya to drink in order to alleviate the threat of house damage and tenancy disruption. Transporting illegal occupants to an alternate destination was an irregular, beyond-the-call-of-duty service, which supported the tenancy and minimised the potential for damage to housing stock and neighbourhood disputes (Flatau et al. 2009, p.90).

5.3   Policy lessons: the achievements of adaptive tenancy management

The two case studies outlined above illustrate good practice examples in tenancy management and demonstrate the positive outcomes that can be achieved when approaches are tailored to specific local contexts. In both cases housing conditions in areas including allocations, rent collection and good house order, were applied respectfully in ways that were culturally appropriate. By engaging through partnerships with Indigenous governance agencies and tenants, housing authorities developed a recognition space that had demonstrated success in sustaining tenancies and meeting housing agency requirements for rent collection and improved property condition.

The period 1995–2004 represents a short window when a recognition space developed in the management of housing on discrete Indigenous communities in Queensland in which the Queensland Government and DOGIT Councils worked cooperatively and respectfully to improve housing outcomes. Conditionality was applied through strengthened funding contracts and policy expectations for improved housing management. This was accompanied by strategies such as the Community Housing Management Strategy that resourced communities in their leadership and service delivery roles, to develop and implement policies and practices that aligned with and reinforced community values.

The engagement of Indigenous tenants included their assessment of whether rent was being applied fairly so that when ICHOs were unable to maintain properties appropriately they ceased their rental payments. Kowanyama Council, especially the Chief Executive Officer used local knowledge to assess how to respond to this situation, developing a system that was appropriately adjusted to this context. The community levy at Kowanyama arose from a process that engaged all parties in a negotiated solution in which the conditions of housing supply were matched with tenant capabilities and expectations. The CEO of Kowanyama Council then successfully brokered the levy system with the Queensland Government via the ACC so that it became formal policy.

With the change in the policy environment after 2004, these gains were ultimately lost as tighter, less flexible forms of conditionality were introduced and arenas for Indigenous voices to be heard in the housing policy-making process were reduced. This highlighted the important role of Indigenous governance bodies such as the Community Councils, the JMAC and the ACC in creating recognition spaces where Indigenous needs and values could be taken on board to some degree in housing policy. Of particular note is the role played by the Kowanyama Council CEO in representing community interests through the ACC, JMAC and in the policy workshops. His advocating for levies as an alternative to household, income-based

rents and skilled negotiating for this to be implemented in tenancy legislation is a powerful example of the role of strategically located outsiders. The CEO position as an Indigenous man who was not originally from Kowanyama enabled him to take on a broker role, moving between the various Indigenous and non-Indigenous stakeholders and identifying a solution that was palatable to all. His leadership role through the ACC permitted a local innovation to become encapsulated in both policy and legislation.

The recognition space occurred at a time when self-determination policies afforded a comparatively high degree of devolved authority. Through the ACC and other peak body advisory groups, the Queensland Government was compelled to negotiate with a range of Indigenous interests and to accommodate differences between places. Under current normalisation policies, it is now free to just behave 'normally'. Due to a unique combination of cultural and historical factors, the situation in Kowanyama and other Indigenous communities gave rise to problems requiring unique solutions. These solutions lie neither in the Indigenous nor non-Indigenous domain, but rather in the intercultural space between them. The institutional and communal nature of land ownership and low socio-economic base of most Indigenous households prevented private markets and a rate base to underpin the financial viability of mainstream local government councils. The levy was a pragmatic accommodation of the unique economic contexts of the DOGIT communities, and this innovation led to the modification of the *Community Services Act*. There was nothing normal about it—it was an extraordinary innovation that arose from a recognition space.

The Mt Isa case study provides an illustration of good practice in the implementation of the conditionalities associated with tenancy management. Principles of early intervention, risk assessment, integrated service delivery through partnerships with key agencies and case management strategies supported tenancies at critical moments, resulting in low rent arrears. The Mt Isa housing office identified key periods in the calendar year when rent arrears were historically more prevalent and built in strategies to respond during these periods. By applying conditionalities flexibly, the Mt Isa Area Office staff balanced their awareness of cultural sensitivities with their need to produce competitive outcomes. Indigenous tenants were able to influence tenancy outcomes though their participation in a recognition space that accepted and acknowledged their social and cultural responsibilities to the wider Indigenous community.

Regular meetings and cooperation between Mt Isa Area Office staff, Indigenous organisations, Indigenous citizens (and other stakeholders such as the Police) to support tenancy were critical factors in achieving this as well as the degree of personal commitment and involvement of Mt Isa Area Office staff towards their tenants. This provided relations of mutual respect with positive outcomes for all parties. The approach adopted by the Mt Isa office demonstrates the positive outcomes that can be achieved in terms of reducing rental arrears, costly evictions, property damage and neighbour complaints when conditionality is applied flexibly and in a supportive respectful environment. The sustainability of these approaches in changing policy contexts remains a separate question that at this stage cannot be answered.

6 IMPROVING INDIGENOUS HOUSING IN THE NORTHERN TERRITORY: KATHERINE 1990S AND SIHIP 2000–12

This chapter examines two Northern Territory case studies, one set in the regional town of Katherine in the 1990s and the other in remote communities subject to the Australian Government's implementation of the Strategic Indigenous Housing and Infrastructure Program (SIHIP) in 2007 to the present. The Katherine case focuses on the positive intercultural relations that were established for a brief time as a result of attempts to improve living conditions in the local town camps. This period saw close collaboration between town camp residents, Indigenous governance organisations and the Northern Territory and Australian Governments, to address Indigenous housing needs while also addressing concerns of non-Indigenous residents about problems of good order. The SIHIP case study examines how government investment in management and infrastructure improvements to remote Indigenous housing combined with efforts to strengthen Indigenous capacity and labour market productivity.

The Northern Territory contains over 50 per cent of Australia's discrete Indigenous settlements including many discrete urban settlements (Long et al. 2007, pp.26–27) where many residents maintain traditional cultural beliefs and behaviours, presenting distinct design and management challenges. For example, in north-east Arnhem Land practices of avoidance behaviour, sorcery and visual surveillance of social environments are maintained (Fantin 2003a, pp.73–76; 2003b, pp.iv, 5); and at Yuendumu, the Warlpiri of Central Australia maintain distinctive family structures and patterns of micro-mobility that make it difficult to define Indigenous households due to their fluidity and multiple kin-based occupancy of houses (Keys 1999, p.119; Musharbash 2003, pp.118–28). Other culturally sanctioned behaviours that impact on housing include responses to the death of a householder, kinship sharing obligations, externally-oriented lifestyles and use of external fires (Memmott 2003, pp.28–33). But cultural behaviours are not static and Indigenous lifestyles in remote areas of the Northern Territory have undergone changes. In the late 1980s, Alice Springs town camp socio-spatial patterns based on kin and language group divisions were changing due to intermarriage and weakening camp leadership. Harmful substance abuse patterns have also caused social disruption and a disintegration of some customary behaviours that Indigenous residents have had difficulty in managing (Memmott 1994).

6.1 Town camp projects—Katherine in the 1990s

This case study draws on Lester Thompson's doctoral study of Katherine in the 1990s (2004) and focuses on the establishment of a Memorandum of Understanding (MoU) between state and Indigenous governance organisations which linked the Territory Government's commitment to improving town camp housing with the local Indigenous community's commitment to improve social order. Strong relationships of trust between the various stakeholders were a critical component.

Indigenous people of the Katherine region first came into contact with non-Indigenous explorers in the 1870s with the establishment of the Overland Telegraph Line and the Springvale pastoral settlement. As land and water access diminished, Indigenous people gathered around the developing rail line and along the river. From 1918, Indigenous people were legally excluded from the town of Katherine with access permitted only during the day if they were engaged in 'legitimate business of an employer' (Merlan 1998, pp.3, 5). This remained the situation until the late 1960s

when the establishment of a minimum pastoral wage resulted in the breakdown of Indigenous encampments on pastoral properties and many Indigenous people moved into the town. In 1985 the population was estimated at between 350 and 400 people (Loveday & Lea 1985, p.xvi) who were located at Kalano, the meatworkers camp, the Corroborree Motel and the transient camp (Merlan 1998, p.7). There was some government regulation and service provision, but housing was severely sub-standard (Lea 1987, pp.58–68).

6.1.1 A moment of recognition in Katherine, 1994–96

It was not until 1994 that the living conditions in Katherine town camps became a matter of public attention. The Indigenous population's claim to be in Katherine on the grounds of their long-standing attachment to the area was not shared by the local non-Indigenous population, which was reluctant to acknowledge the need to provide services to the camps. This was partly justified on the grounds of the mobility of the population, the legality of their settlement, concerns about good order and the location of many of the camps in flood prone areas (Loveday & Lea 1985, pp.xxix, 125; Loveday 1987; Thompson 2004, pp.15, 16). This changed with the visit of the then Commonwealth Minister for Health, Graham Richardson, in 1994, with his account of the appalling, third world living conditions in the camps generating national media coverage. The result was the establishment of the Katherine Aboriginal Living Area Working Party (KALA) whose purpose was to develop cooperative strategies to address the issues. Changes that followed included the provision of government funding to the Kalano Aboriginal Corporation to improve services at the camps and the commissioning of a report by KALA on how to improve the living conditions of Katherine's Indigenous population (Thompson 2004).

The consultant recommended the establishment of Indigenous living areas at Wallaby Camp, Red Gum and two other sites with an estimated immediate need for 71 houses and a further 45 by 2004. Meetings were held between Katherine's Indigenous organisations and KALA with the objective of establishing an MoU that would identify how these recommendations should be addressed. In developing the MoU it became clear that there existed a divergence of views between Indigenous representatives, the local council, and the Northern Territory Government. Members of Katherine's Town Council saw the Wallaby and Red Gum town camps as drinking camps and a source of persistent behavioural problems. These concerns were acknowledged by the Northern Territory Minister for Lands, Housing, Local Government and Aboriginal Development, Steve Hatton, who was aware of social behaviour problems experienced in more formally established town camps in Tennant Creek and Alice Springs (Thompson 2004, p.17).

The camping areas were not gazetted for residence and the Indigenous occupants could be considered illegal campers. As the legal owner of public land, the Minister was empowered to move the campers on and clear the land. Despite this, a planned and cooperative strategy was developed to address the rights of Indigenous people to live 'decently' while also conceding the rights of the non-Indigenous population for acceptable behaviour in the area. The housing needs of Indigenous people were to be addressed on condition that they demonstrated good neighbourly behaviour, established hygienic and safe camping areas and maintained public order. This compromise formed the basis of the MoU in which Red Gum and Wallaby town camps were provided with a water supply, a waste removal service and portable toilets and a social behaviour strategy which was developed to control the drinking behaviour associated with the camps (Thompson 2004, pp.15–16). The emphasis on the effort to balance divergent interests was specifically acknowledged in the MoU, which stated:

That an improved quality of life for all members of the community [was] best achieved through a cooperative approach by all parties concerned. (Thompson 2004, p.13)

The difficulties of achieving this were noted by Thompson who wrote:

Minutes of the KALA indicate that this may have been a difficult process considering the differing views, the strength of the views and the weight of Katherine Combined Aboriginal Organisations' representatives (2004, p.18).

6.1.2 The collapse of the recognition space

The achievements of the MoU were short-lived. In 1996, one of its key architects, Minister Hatton, was removed from the town camps project due to a Northern Territory Cabinet reshuffle. The new Minister, Mike Reed, had a different approach and after a few meetings, KALA was disbanded and replaced by the Katherine anti-social behaviour committee which had no Indigenous representation and increased ministerial control over its composition and proceedings. With the cessation of the KALA working party, commitment to the MoU and a tri-partisan approach to Indigenous living conditions in Katherine waned (Thompson 2004, pp.18–19).

There is a lack of information about whether the new anti-social behaviour committee was effective in achieving its goals, and what effect this development had on Indigenous housing at Katherine. But in early 1998, a catastrophic flood forced many Katherine residents to leave their homes. Indigenous people from the town camps who were affected moved into the homes of relatives or friends or lived in alternative makeshift accommodation. To address the damage caused by the flood the Australian and Northern Territory Governments provided financial support to Katherine residents. But concerns about the potential for water-borne disease led to the town camps being assessed as a hygiene and health risk by the Northern Territory Environmental Health Authority and the Wallaby and Red Gum camps were forcibly cleared, destroying the earlier efforts to legitimise the residential rights of town campers. All infrastructure, swags and personal effects of up to 40 Indigenous residents were removed and dumped, followed by scraping, grading and furrowing of the land and the posting of signage prohibiting camping. No compensation or alternative arrangements were provided to the residents who were permanently prevented from returning to these camps (Thompson 2004, pp.13–20).

6.1.3 The policy lessons from the Katherine town camps

The two-year period of 1994–96 in the history of Katherine's town camps shows that despite considerable differences, it is possible to achieve a recognition space in which Indigenous and non-Indigenous communities and governance organisations work together to achieve their respective goals. In this period Indigenous people's right to camp was achieved and Indigenous people acknowledged the need to observe behaviours acceptable to the broader community. The case study highlights four principles for success in the establishment of a recognition space that supports conditionality:

→ Managing and responding to public accountability and media scrutiny.

→ Seeking balanced multi-party cooperation.

→ Ensuring the presence of strong leadership to motivate and stabilise the agreements.

→ Change resilience that protects achievements from internal or external factors which are under threat.

National media scrutiny highlighted the problem of sub-standard Indigenous housing and stimulated political action to address this. The formation of a bipartisan working party with strong Indigenous representation enabled movement towards a common goal and the establishment of the MoU, which addressed both improvements in Indigenous housing and the reduction of social disorder. But the study highlights the fragility of this achievement. A change in political climate led to changes in the champions of the intercultural space. This, together with an environmental disaster of the kind common to many remote Indigenous communities, resulted in a return to top-down policy interventions and 35 to 40 homeless individuals. The speed with which the recognition space broke down, points to the importance of risk assessment and attention to change resilience in the maintenance of recognition and its associated goals. Responses to Indigenous living conditions, especially those involving building and construction projects, take a time scale of several years, such that leadership change and environmental instability may be common occurrences. Successful recognition spaces will need to contain a capacity for change resilience so that hard won outcomes are not threatened by environmental and political change.

6.2 The Strategic Indigenous Housing and Infrastructure Program (SIHIP) and related housing reforms in the Northern Territory (2007–12)

This case study examines the Strategic Indigenous Housing and Infrastructure Program (SIHIP) in the context of Indigenous housing reforms and related areas of land tenure, housing procurement and tenancy management that have occurred in the Northern Territory over the past decade. It explores the changes sought through SIHIP and related interventions, paying special attention to the housing conditionalities associated with the program. In considering the evolving circumstances of shifting housing service delivery responsibilities for constructing new housing, refurbishments, maintenance and tenancy management from Indigenous Community Housing Organisations (ICHOs) to the Northern Territory Government, special attention is paid to the creation of recognition spaces.

Indigenous housing in the Northern Territory has been subject to major land, property, and tenancy management reforms over the past decade. These are summarised in Table 5 below. In addition to the abolition of the Aboriginal Torres Strait Islander Commission (ATSIC) and the Community Housing Infrastructure Program (CHIP), the implementation of the Northern Territory Emergency Response (NTER) and the National Partnership Agreements (NAHA, NPARIH … see Section 3.2), local government reforms also changed the Indigenous housing context, by amalgamating 59 community councils to create eight shire councils and five municipal shires, reducing the control and resources available to some Indigenous communities (Allen Consulting Group 2013, p.vii; Elvin 2009, p.16). The geographic scale of the Northern Territory and its legal status under the Australian Constitution is also distinctive with overriding, uninhibited Commonwealth Government powers over its jurisdiction than is the case for state governments (Greenwood 2009, pp.21–23). These were exemplified in its role in driving the NTER and its high level of engagement in the governance of SIHIP. The Northern Territory Government, however, had implementation responsibility for SIHIP, through the Department of Housing, Local Government and Regional Services (DHLGRS).

The SIHIP program was developed in the context of the *Ampe Akelyernemane Meke Makarle—Little Children are Sacred* Report (NT Govt 2007) that linked crowded households to child sexual abuse. These findings added justification for major policy reform across multiple sectors, targeting reductions in crowded households and other

well-being measures including life expectancy, employment and education (NTG 2007, pp.31, 65, 195–98). SIHIP espoused ambitious socio-economic goals centring on a normalising agenda with agencies required to ensure a high level of consistency in programs across vastly different delivery sites. This created a complex environment for Indigenous and non-Indigenous decision-makers to negotiate (Porter 2009b, p.16).

Table 5: Summary of key national and NT housing policy changes 2000–12

National policy context	NT policy context	NT housing context
2000–03 → COAG reaffirmed reconciliation framework (2000). → Building a Better Future: Indigenous housing to 2010 (BBF) endorsed (2001).	→ NT Government participates in Council of Australian Governments (COAG).	Community Housing Infrastructure Program (CHIP) and Aboriginal Rental Housing Program funds administered since 1995 by Indigenous Housing Authority of the Northern Territory (IHANT). All housing funding allocated to Indigenous Community Housing Organisations (ICHOs). NT Government does not provide funds to State Owned & Managed Indigenous Housing (SOMIH).
2004–06 → Abolition of ATSIC (2004) & programs transferred to Cw'th Govt Depts. → National Framework Principles for Service Delivery to Indigenous Australians agreed by COAG (2004).	Local Government reforms announced.	→ NT Indigenous Housing Advisory Board replaces IHANT. CHIP transferred to FaHCSIA. → Strategic Intervention Housing Program (SIHIP) conceptualised with key components incorporated into bilateral Housing Memorandum of Understanding (MOU).
2007 → Australian Remote Indigenous Accommodation Program (ARIA) replaces CHIP. → Northern Territory Emergency Response initiated. → Major reforms to CDEP.	→ *Little Children are Sacred* Report released. → Suspension of the *Racial Discrimination Act* 1975. → Local Govt reforms commenced.	→ Australian & NT Government MoU—Housing, Accommodation and Related Services. → Territory Housing (TH) commences remote housing management responsibility with some functions sub-contracted to local councils and Indigenous Community Housing Organisations. → Compulsory acquisition of township and community head or housing sub-leases.
2008–10 → 'Closing the Gap' agreed by COAG. → National Partnership Agreement on Remote Indigenous Housing signed (2008). → National Affordable Housing Agreement replaces CSHA (2008).	Local Government reforms implemented— 59 community councils amalgamated into eight shire councils and five municipal shires (2008)	→ SIHIP implemented. Funding conditional on communities signing township head-leases or housing sub-leases. → In the absence of township head lease with the Commonwealth, TH acquires Precinct Leases or housing sub-lease over areas designated for new housing. → First voluntary township head-leases signed with Aboriginal communities (2008). → Local government reforms result in abolition of most ICHOs.
2011–12 → Stronger Futures replaces NTER (2012).	Reinstatement of *Racial Discrimination Act* 1975 (2010).	→ Compulsory five-year head-leases replaced with voluntary arrangements. → Voluntary whole-of-township leases operating in four communities.

Source: Adapted from Porter (2009a, pp.3–10, 13, 15), Central Land Council (2007 n.d.), Australian Government (2008, 2010, 2011), Commonwealth of Australia (2008)

6.2.1 Employment and training outcomes for small to medium enterprises

The SIHIP program included employment and training goals in construction and housing management for small to medium enterprises delivering its programs (Wigley 2008, p.34, Davidson et al. 2010, pp.93–94). The broad aim of community economic engagement was implemented in the form of Local Industry Participation Plans (LIPPs) and/or Local Service Agreements (LSAs) (Connell Wagner 2007, pp.62, 65; Council of Territory Cooperation 2012. p.40). Three Alliance partners were established by the Territory Government, which then sub-contracted services to local community shires and local contractors to provide services of construction, repairs and maintenance. As well as local firms, the policy targeted Indigenous organisations with the goal of improving Indigenous employment and training. A minimum goal was for Indigenous participants to complete training to Certificate III in building and construction and business administration with potential candidates to be appointed as apprentices for trade certificate qualifications, and provided with support networks (Davidson et al. 2010, pp.86–87, 96; Fien et al. 2012, p.3).

This goal was ambitious because the workforce was largely drawn from a pool of chronically or intermittently unemployed people with low educational attainment. At least seven small to medium Indigenous enterprises provided employment and labour hire services under the SIHIP program, providing housing management and housing construction services, with tenders negotiated in communities at Tiwi Island, Groote Eylandt, Bickerton Island, Bathurst Island, Alice Springs, Wadeye and Tennant Creek. Service level agreements were also developed with shires for property management and maintenance services with the stipulation of 40 to 50 per cent Indigenous employment (CTC 2012, pp.39–40; Fien et al. 2012, pp.7–8; Davidson et al. 2010, pp.95–96).

The Alliance teams (at first three, then reducing to two) were the principal planning and construction agents that were responsive to the cultural practices and socio-economic realities of their employees and trainees. For example, Memmott's summary of SIHIP workforce development in the community of Nguiu, on Bathurst Island noted that Tiwi people were employed as cooks, drivers, cleaners, safety officers and construction workers. The project manager and site manager acknowledged cultural reasons that prevented attendance including cultural avoidance and peer group pressure (shame), as well as unavoidable commitments such as court attendance or community service hours. Flexible arrangements were established that allowed employees and trainees to meet both their work and cultural or other obligations (Memmott in Davidson et al. 2010, p.95). This approach was associated with positive employment outcomes, with evaluations showing employment and training improvements of up to 50 per cent, although this achievement is qualified by some disagreement about how terms such as program and employment were defined (Davidson et al. 2010, p.95). These reservations are confirmed by a 2012 inquiry (CTC 2012), which found that across both Alliance teams, 23 individuals had achieved Certificate III qualifications across the NT; also 13 employees had found long-term employment in building companies in Alice Springs (see Table 6 below). Despite this achievement, SIHIP employment goals fell short of the targets set by the Australian and Territory governments (CTC 2012, p.41) with Fien et al. (2012, pp.7, 24–25) explaining that low levels of literacy and High School completion excluded many Indigenous participants from being eligible or able to demonstrate the capacity to complete a Certificate III. Also two Alliance partners lacked the capacity to meet the administrative requirements for completion of Certificate III within the timeframe of the package contract.

Table 6: SIHIP employed and training results at March 2012

Number	Territory alliance	New Future alliance
Indigenous employed since start	758	616
Indigenous retained >13 weeks	456	141
Indigenous retained >26 weeks	318	74
Completed Certificate 1	47	18
Completed Certificate 2	39	87
Completed Certificate 3	2	21

Source: Extracted from Council for Territory Cooperation (CTC 2012, p.40)

Results for small to medium Indigenous enterprises were, however, more encouraging. In Alice Springs, Tennant Creek, Wadeye, Groote Eylandt and the Tiwi Islands various contracts were let to Aboriginal companies for employment, labour hire, training, payroll services and/or construction and renovations. Some of these were former Indigenous Community Housing Organisations (ICHOs). Two of these used modular housing systems: Thamurrur Aboriginal Corporation at Wadeye developed a tilt-up pre-fab concrete house, while Bathurst Island Housing Association adapted the Ritek building system (Memmott in Davidson et al. 2010, pp.95–96).

Some recognition of Indigenous lifeworlds through adaptive policies appears to have created economic and employment gains within participant communities for select enterprises. However, there are important qualifications about these achievements. While SIHIP facilitated the growth of house construction and renovation enterprises, future uncertainty and inevitable reductions in the value of work contracts risked losing the gains of increased economic participation after SIHIP finished (Davidson et al. 2010, pp.104–105), and the employment and training outcomes may not have been transferable to the competitive commercial market outside of SIHIP.[6]

6.2.2   Improving housing in Alice Springs town camps

In Alice Springs, the Alice Springs Transformation Plan was developed in 2009 by the Australian and Territory Governments, with the aim of improving Indigenous living conditions in the town camps, through initiatives including SIHIP projects, social support and homelessness strategies. Funding included $100 million for new and upgraded infrastructure in the town camps, $25 million towards managed, short-term accommodation to reduce homelessness, and $25 million for social support services in areas including life-skills and tenancy management support ('Overview', Aust. Govt & N.T. Govt n.d.).

The funding for improving infrastructure in the town camps was the result of prolonged negotiation between the Australian and Territory Governments and the Tangentyere Council. The Tangentyere Council is an Indigenous controlled incorporated association that has operated for 40 years and provides a wide range of services to 18 of Alice Springs' town camps. Originally known as 'Tunkatjira', it was established in the mid-1970s when the town camps were first created and there was a need to establish essential services and advocate for the rights of the expanding population of town camp residents. The town camps are now home to up to 2000 Indigenous residents with populations increasing to over 3000 at times, when visitors from remote

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[6] These outcomes remain to be documented and evaluated, however, see Fien et al. (2012) for a review of Education and Workforce Development programs under two SIHIP alliances, Territory Alliance and New Future Alliance.

communities travel to Alice Springs for cultural, social and sporting events. The residents are descended from the various language groups of Central Australia, with each town camp tending to have a socially distinct population based on particular language and kinship groups and with substantial mobility of residents between bush and town (Tangentyere Council, n.d.).

The initial proposal to improve housing in the town camps formed part of the Northern Territory Emergency Response (NTER). In its submission to the Review Board of the NTER in 2008, Tangentyere Council flagged the potential detrimental consequences of the NTER's radical measures. While the Council lent support for increased funding to improve health, housing, education and employment in the town camps, it was deeply concerned at the way this was being achieved with minimal consultation with affected Indigenous communities and conditions attached to potential government investments. The result was a prolonged period of negotiation with resistance by the Council to requirements that it sign 99-year unconditional sub-leases over its land in return for an investment of $50 million for upgrading of housing and infrastructure. Resolution was achieved in December 2009 when 14 of the 15 housing associations signed 40-year subleases of their land to the Australian Government in return for a commitment of $100 million over five years to upgrade housing and essential infrastructure. A statement on the Tangentyere Council website explains that:

> Tangentyere Council remains of the opinion that essential housing and services should not have come at the price of leasehold. Weighing up the extreme level of need of Town Camp residents, with the threat by the Commonwealth Government to compulsorily acquire the camps if they did not sign, the Housing Associations negotiated the best option available at the time, and agreed to sign the subleases. (*About Tangentyere Council*, para 8)

The site states that while the arrangements have improved conditions in the town camps, living standards remain unacceptably low. It also notes that, 'Town Camp residents have been tenacious in their determination to stay on their own place. However, the right to control their own lives is still one which town campers must constantly assert' (Tangentyere Council, n.d. *About Tangentyere Council*, para 10).

This tenaciousness and adaptive response to conditionality is evidenced by a decision by the Council and town camp communities to establish the Central Australian Affordable Housing Company Ltd (CAAHC). Its aim is to retain management of housing in the town camps and to increase supply of social and affordable rental and owner-occupied housing, both on town camps and elsewhere in and around Alice Springs. The establishment of the Company attracted financial support from the Australian Government and it has negotiated contracts to manage social housing properties in the town camps on behalf of Territory Housing (CAAHC, n.d. *Creating innovative affordable housing*).

Evaluation of Territory Housing's management of town camps' housing

The transfer of housing management from Tangentyere Council to Territory Housing represented a major shift in tenancy management models. Tangentyere Council had provided a wide range of services, which over its history included landscaping, architectural, after-schooling, aged care and training. It provided financial management services for its tenants based on direct communication and understanding of their life circumstances, as well as a voluntary food voucher system, issued through its community bank, a Westpac bank agency that operated out of the Tangentyere office site. Arrangements included direct rental deduction from income cheques and food voucher provision in lieu of cash. These were spent at an Indigenous-owned supermarket that ensured that change from vouchers was not

issued as cash and could not be used to purchase alcohol. Specialised services operating at the time of writing included youth and family services, social justice, financial counselling, employment, health and well-being and research (Memmott 1994, p.59; Tangentyere Council Inc 2005, pp.9–10, 28, Tangentyere Council, n.d.).

Prior to the housing reforms, Tangentyere's housing stock totalled 199 houses. Some 85 new SIHIP houses were added to the town camp housing stock. By 2012, tenancy management and repairs and maintenance had been subcontracted by the NT Government to the Central Australian Affordable Housing Company (CAAHC), an Aboriginal-controlled enterprise established by Tangentyere Council. A comprehensive evaluation of tenancy management of the new, rebuilt and refurbished housing in the Alice Springs town camps was commissioned by Tangentyere Council in 2011 (CAT 2012a, 2012b) and provides a useful insight into how Indigenous households have transitioned from ICHO to Territory Housing management regimes. The research, undertaken by the Centre for Appropriate Technology (CAT) was conducted in two stages in March and September 2012, with a third stage planned for 2013. A sample of 53 households was targeted with 39 households participating from six town camps. Research themes covered include housing allocations and tenancy management.

Housing allocations and tenant participation

Social development goals featured prominently under SIHIP and, to support these, Territory Housing established Housing Reference Groups in communities as a way of interfacing between the agency and the community and to include tenants in governance structures. The Housing Reference Groups are required to operate with mixed cultural and organisational competencies, including providing advice on culturally specific matters, contributing to regional and operational activities, supporting the development of linkages between local governance and state-wide agencies (Porter 2009b, pp.14–15). Their composition aims for a balanced representation of traditional owners, special interest groups and individuals from the different cultural and family groups from each particular community (Remote Housing NT eNews 2010).

One of the roles of Housing Reference Groups in the Northern Territory is to provide advice on tenant allocations. The culturally sensitive allocation system used by Tangentyere Council was responsive to kin dynamics and family connections, based on residents reporting that having family in close proximity contributed to feelings of safety (CAT 2012b, p.18). The CAT evaluation found that the needs-based allocations system introduced by Territory Housing had created tensions in all six town camps surveyed. Although the Housing Reference Groups provided advice, respondents were concerned that their advice was not always accepted by Territory Housing and ignoring local concerns had the potential to radically alter the future character and composition of the town camps. This finding was supported by another study which found that Territory Housing lacked transparency in relation to housing allocations (Christie & Campbell 2013, pp.4, 17).

Concerns expressed about the recommendations of housing allocations being ignored appear to be part of a broader concern about the operation of Housing Reference Groups. There is some information about the existence of Housing Reference Groups in Territory Housing's eNews publications, but this provides negligible insight into their operation. The CAT report points to a lack of transparency about how Housing Reference Group members are selected and how they have been progressing in meeting their goals (CAT 2012b, pp.26–28). There also appears to be confusion about whether the Housing Reference Groups are independent of Territory Housing and 'truly representative of the camp' and of resident views (CAT 2012b, pp.18–19,

27, Christie & Campbell 2013, p.5). Although the number of respondents expressing views on Housing Reference Groups is relatively small, both the CAT and the Christie and Campbell reports suggest that the objective of obtaining community input through the Housing Reference Groups has been impeded due to a lack of transparency and consistent engagement (CAT 2012b, p.28, Christie & Campbell 2013, p.5).

Visitor management

The management of visitors is a critical area of tenancy management because of the impact of crowding on health and well-being (Memmott et al. 2012a). The CAT (2012b, pp.13–14, 19, 26–28) report found that this was a major area of concern for tenants because of conditions in tenancy agreements about the need to control visitors. Kinship obligation and high rates of mobility between the town camps and surrounding remote Indigenous communities mean that the impacts of visitors are ubiquitous issues. From the landlord perspective these include:

→ Determining the point at which a visitor becomes a resident for the purposes of rent assessment.

→ Determining acceptable occupancy numbers and what constitutes unacceptable crowding.

→ Attributing responsibility for visitor damage.

→ Obtaining accurate information on visitor length of stay.

From a householder/tenant perspective, issues may include:

→ Difficulties in denying the requests of kin to visit.

→ Difficulties in asking visitors to leave.

→ Difficulties in controlling behaviour that may be unacceptable.

→ The financial burden of supporting visitors.

→ Problems in asking for and obtaining financial contributions for rent or damage.

Many householders reported that their well-being was affected by visitors, with 44 per cent of respondents experiencing increased stress due to visitor alcohol or drug-related behaviour. There was also a financial burden that accompanied receiving visitors (CAT 2012b, p.14). These findings were endorsed by CAAHC who reported that 60–70 per cent of damage is attributed to visitors (CAT 2012b, p.27).

Changes to policies on visitors, as part of the new tenancy management arrangements, included a limit of six weeks before visitors must be reported and a requirement for the head tenant to be held responsible for 'wilful damage' that was also notifiable to the police. Tenants reported that while they supported restrictions on visitors to six weeks because this empowered households and enhanced a sense of safety (CAT 2012b, p.29), it was also compromised by 'some visitors who leave and return one week later to start the six-week clock again' (CAT 2012b, p.29). There was also uncertainty about the distinction between 'tenant related damage' and 'wilful damage' (CAT 2012b, pp.24, 27). The Commonwealth Ombudsman noted that the requirement for the head tenant to accept responsibility for wilful damage was a form of conditionality that was new to community housing tenants and was a considerable expectation for people who had not previously been subjected to this practice (Commonwealth Ombudsman 2012. p.41). Another more culturally and economically complex conundrum that arose from this requirement, was reflected in the view of one tenant who reported that if a visitor perpetrated some house damage and paid for the repair, they may then perceive that they have an increased entitlement for longer residence (CAT 2012b, p.26). A further complication was thus, that although head

tenants were aware of the rules that visitors should pay for damages, and their right to enforce that rule, to do such had the potential of disempowering the 'house boss', or head tenant. Some reported that they accepted paying the damage and saw this was part of the role of being the house boss.

6.2.3 Policy lessons

The CAT review provides partial and emerging evidence that key conditions of the new housing management regime overseen by Territory Housing and sub-contracted Indigenous agencies have been positively endorsed by some Indigenous tenants, though in some instances, stringent requirements have been reported as contributing to resident stress and affecting resident well-being (CAT 2012b, p.31). The sub-contracting of housing management functions to local NGOs/ICHOs with established relationships and knowledge of local communities appears to have had some success. The Housing Reference Groups have the potential to draw on the social capital and cultural knowledge of respected community members, including elders and traditional owners, to inform housing management policy and practice as well as to act as intermediaries. However, not enough is known about how these groups are working and whether they are supportive of both tenant and organisational goals. There have also been moves to work cooperatively with head tenants in managing disruptive or damaging behaviours.

The SIHIP program also appears to have had some success in maximising employment and training, partly through building the capacity of Indigenous enterprises. These qualified achievements suggest that there has been some success in the establishment of a recognition space for productive engagement between Indigenous tenants and mainstream housing services. Other evidence highlights some of the negative impacts of new tenancy management regimes. At the same time, several reviews by various Commonwealth and Territory agencies about SIHIP, provide only limited insight into the views of all participants, and whether the policy aims of sustainable tenancies are being achieved. There is a considerable lack of independent, accessible research on the housing management practices under SIHIP, which limits a more in-depth examination of the impacts of this significant program and highlights the need for further study.

6.3 Conclusion

These two case studies have highlighted the complexity of the issues involved in applying forms of conditionality associated with the delivery and management of housing services to Indigenous people. In Katherine and in Alice Springs, tenant and visitor behavioural issues have been a key focus and in both cases these examples reveal the challenges of expanding and maintaining effective engagement as a foundation for development and change towards a recognition space. The willingness of Indigenous people and Indigenous community organisations to establish cooperative relationships is a common thread, as well as the capacity to circumvent attempts at control. The account of the SIHIP program's implementation is especially insightful given its distinctive set of changes in the application of conditionality as it applies to remote Indigenous housing with all parties subject to its operation. For Indigenous people, this has taken the form of administrative conditions imposed on Indigenous communities regarding land and property leases to the state and transfer of control over housing management; conditions imposed through contracting by Territory Housing of some housing management functions to ICHOs and Shire Councils, and the imposition of conditions on tenants regarding rent payments, visitors, behaviour and care of housing. Indigenous communities have not been passive in the context of these changes and have negotiated strenuously in order to

retain some control over their land, communities, housing and lifestyles and to maximise community benefits.

The findings of this analysis suggest that SIHIP did provide some efforts to engage in the 'recognition space' as it pertains to economic development and Indigenous employment. However, the management of housing through Service Level Agreements (SLAs) with Indigenous shires and agencies for tenancy and property management provides an insight into the gap between practice realities and conditionality policies (CTC 2012, p.40). The limited evidence available to date indicates mixed experiences for all parties involved and it is as yet unclear as to what extent recognition spaces have been established and how their existence has impacted on the reforms and their achievements in relation to improvement in tenancy sustainment.

7   CONCLUSION

In this paper we have argued that in Indigenous housing, conditionality is likely to be most effective when it operates within a recognition space in which the three elements of state governance, Indigenous governance and Indigenous lifeworlds are brought into some degree of balance. Achievement of such a recognition space requires the negotiation of differences in values and lifestyles that in the past have proved critical contributors to the poor housing outcomes of Indigenous people. The literature suggests that the absence of this adjustment is likely to compromise the achievement of policy goals. This occurs, firstly because of the difficulties tenants may have in adapting their behaviour to policies that take no account of their lifestyles and values. Secondly, as conditionality is inherently reciprocal, if this mutuality is not evidenced, the legitimacy of the contractual exchange is compromised. If the values and cultural obligations of Indigenous people are not acknowledged by housing services they may respond with low engagement, opposition and reduced cooperation.

The case studies of housing service provision have provided an opportunity to consider this thesis through an examination of how conditionality has operated in five different locations over different time periods in the history of Indigenous housing. These include periods in which conditionality has been imposed in a coercive policy environment, as well as periods in which it has been inclusive and adaptive to Indigenous lifeworlds, and forms of social organisation. At these times a recognition space has opened up which includes providing strategies for empowering communities so that they are participants in problem solving through positive partnerships with the state and its agents. This discussion of these findings commences with a review of the different forms that conditionality has taken and the emergence of principles of recognition from the 1970s onwards. The chapter then considers what the case studies suggest about some of the characteristics of the three constitutive elements of the recognition space and how interactions between them contribute to policy outcomes. It concludes by identifying the limitations of this desktop analysis and sets out a proposal for more detailed and comprehensive investigation through empirical field research.

7.1   Different forms of conditionality and the emergence of recognition as a policy principle

The case studies provide an opportunity to consider how housing contractualism has been used by the state as a tool of governance across different policy periods from the early 20th century to the present. These suggest that at least four forms of conditionality have operated in this period: authoritarian, assimilationist, normalising and adaptive.

The first, *authoritarianism*, which can be characterised as paternalistic, appears in the Katherine and Darling River Basin case studies in the first six decades of the 20th century, prior to 1972. At this time, Indigenous people were located outside of the social contract and deemed unready for citizenship. Conditionality in Katherine and the Darling River Basin was imposed coercively and unilaterally. Social exclusion was extreme with no expectation that Indigenous people should occupy the same physical or social spaces as the Anglo-Celtic population or maintain the same living standards. At Wilcannia, Bourke and Katherine, the idea of a reciprocal set of rights and obligations between Indigenous people and the state was largely absent with Indigenous people constructed as the object of the state's civilising project. Lacking rights, they were subject to the imposition of the state's will, with individuals, families and communities being located, relocated and broken up according to the state's

agenda. Reciprocity was minimal and Indigenous people had little choice or control, over their relationship with the state.

Nevertheless, throughout this phase of engagement, the Indigenous people located in these areas exercised their own forms of agency, asserting their internal cultural and economic arrangements, despite the state opposition and dislocation from their former existence. In the Darling River Basin they established their own settlement areas, building self-constructed homes from available second-hand materials and sourcing food from their environment. Even though these attempts were subject to state intrusion, Indigenous people were unwilling or unable to deny the legitimacy of their cultural coordinates, even when this came at considerable cost. At Menindee and Katherine, they returned to places of cultural, economic and social significance, despite the opposition of local white communities, threats of withdrawal of state welfare (Menindee), and conditions of extreme poverty.

By the mid-20th century, events at Wilcannia, Bourke and Katherine suggest that policies of assimilation led to the emergence of a new form of *assimilationist conditionality*, as a way of encouraging Indigenous people to absorb the lifestyles and values of white Australia. Although excluded from formal citizenship, the accounts of engagement between Indigenous communities and state authorities show that there was a form of reciprocity involved in the state's provision of housing, which, for the first time approached the standard comparable to that provided to the non-Indigenous population. Indigenous people who were fixed on the edges of white settlement, who were prepared to labour in the mainstream economy and accept surveillance were in return granted exemption from state Aboriginal Acts and given some of the entitlements of citizenship, including rental housing. Socio-economic assimilation was the ultimate good. The qualified nature of this extension of rights and the assumption of one-way cultural exchange is seen in the provision of transitional housing in isolated areas with the objective of training tenants in home management practices. There was no attempt to recognise the legitimacy of Indigenous culture or to provide Indigenous people with control over these arrangements.

From the early 1970s, policies of self-determination opened up a space for a new form of *adaptive conditionality* in which expectations of conformity to white models of citizenship were mediated by elements of cultural recognition at Wilcannia and Bourke. There was a new interest in the provision of culturally appropriate housing and in establishing mechanisms that provided some Indigenous ownership and control of housing projects. At Wilcannia, the self-help housing projects attempted to adapt Western models of housing to Indigenous lifestyles and behaviours, and to include Indigenous people in the design, construction and economy of housing procurement. For the first time the state introduced into housing conditionality, principles of cultural recognition and some transfer of governance responsibility to Indigenous people through cooperative relationships with Indigenous community organisations. But the conditionality was determined by the state's agenda which included appeasing white resistance to co-location with Indigenous people and ensuring a sound financial basis for housing provision. Housing was generally available only where employment opportunities existed, so Indigenous people had to relocate to unfamiliar urban environments. Scatterisation policies were applied so that Indigenous people were forced to choose between remaining close to kin or accessing improved housing.

From the 1970s, examples of adaptive conditionality appear in which conditionality is applied flexibly in ways that take some account of Indigenous lifeworlds. This includes the DOGITs in remote Queensland in the 1990s, tenancy management at Mt Isa and SIHIP's success in employing Indigenous workers. In these periods, state and

Indigenous governance organisations worked with community members to produce a shared terrain in which an adaptive and incremental approach to problem solving was applied. Negotiated relationships of mutual respect empowered and supported Indigenous people and communities to engage in constructive change in areas such as commitment to employment and managing visitors.

This adaptive conditionality contrasts with a fourth kind of conditionality, which can be characterised as *normalising* because of its requirement for Indigenous people to conform to a standardised model of self-responsible citizenship. Indigenous housing services are mainstreamed with little provision for Indigenous participation in service design and delivery or flexibility that adjusts to differences in lifestyle and behaviours. The early period of the Northern Territory Emergency Response (NTER) in Alice Springs, when radical changes to the way housing was provided were imposed on the town camps, and compulsory income management was introduced, provides examples of these. The case study material provides only limited insight into how Indigenous people engaged with these developments, but the tone of Tangentyere Council submissions to the NTER review boards and the concerns about involuntary income management expressed in the CTC report reveal resistance on the part of some Indigenous people and governance organisations.

Core characteristics of these different forms of conditionality in terms of the state's rationales, forms of recognition, and the theories, strategies and enablers for change are summarised in Table 7 below. The next sections consider what the case studies suggest about the three components of the recognition space—state governance, Indigenous governance organisations and Indigenous lifeworlds—and how they intersected to produce policy outcomes of success and failure.

Table 7: Characteristics of different types of conditionality

		Rationale	Theory of change	Recognition	Strategies	Enabling programs
Conditionality types	**Protectionist**	Indigenous people are dying out and the survivors require protection.	Meeting basic needs should result in compliance with social control regimes.	Exclusion from citizenship rights. No recognition of culture or Indigenous governance organisations.	Forced mobility and relocation on mission stations and reserves.	Not applicable
	Assimilationist	Indigenous people must conform to Anglo-Australian norms or live outside mainstream Australian society.	Housing benefits are only provided if Anglo-Australian cultural norms and lifestyles replace Indigenous ones.	Formal exclusion from citizenship rights but provision of some housing benefits. No recognition of culture or Indigenous governance organisations.	Housing provision on edges of, or spread thinly across, urban centres under scatterisation policies.	Life skills programs; financial management; some training in construction.
	Normalising	Welfare expenditure must be curtailed. Indigenous people must reduce welfare dependence and develop self-responsibility. The state must treat all groups the same.	Tough conditions will reduce welfare claims and encourage self-responsibility. Indigenous living standards will improve if they accept citizenship obligations to attend school and find employment in mainstream economy.	Formal recognition of citizenship rights subject to meeting mainstream behavioural standards. No recognition of culture or Indigenous governance organisations.	Mainstreaming of Indigenous services. Housing provision close to employment opportunities. Compulsory income management; Three-strikes policies.	Life skills programs; financial management training; mainstream tenancy support; ICHOs must meet HA standards.
	Adaptive	Indigenous aspirations to live differently are valid. This needs to be achieved without compromising Indigenous living standards or national goals of social inclusion.	Goals of social inclusion and improving Indigenous living standards are best met through flexible, enabling policies that have some alignment with Indigenous lifeworlds and which build Indigenous governance capacities.	Establishment of recognition space that pays equal attention to responsibilities attached to each of the three spheres of the state. Indigenous citizens and Indigenous governance arrangements.	Arrangements for housing delivery and management that provide for participation of Indigenous governance organisations while ensuring adequate resourcing and accountability; flexible policies that acknowledge core culturally sanctioned behaviours.	Specialised support services; capacity building approach to ICHOs; identification and support positive Indigenous social capitals; partnerships with local services for knowledge sharing, and support strategies.

7.2   Characteristics of state governance organisations

The case studies reveal contextual characteristics and factors integral to the state's engagement with Indigenous people that help to explain some of the forms adopted to apply conditionality to improve Indigenous lives. This includes the wide array of conditionalities that prevail over the state itself, operating internally, between its constituent elements and externally, between a diverse array of stakeholders.

→ Financial sustainability is an undisputed driver of the housing system. The state operates within expectations that it will operate to the highest standards of financial accountability and economic efficiency. This places constraints on its capacity to adjust to the perceived needs of its tenants with tightening fiscal contexts creating pressures for increasingly inflexible forms of conditionality.

→ Sensitivity to the political context generates a responsiveness to mainstream public opinion and a need to manage public relations and media reportage. In New South Wales in the 1950s and 1960s, public concerns about the presence of Indigenous people in cities and regional centres led to scatterisation policies that overrode Indigenous people's concerns to be close to kin. When Katherine was flooded in 1998, public concern about hygiene influenced the local government decision to bulldoze Wallaby and Redgum camps and the removal of residents and their possessions. Media scrutiny similarly dominated SIHIP in the Northern Territory.

→ This sensitivity, together with a three-year election cycle punctuated at times by changes of government, and tensions between different levels of government, is one of the factors that contributes to a further characteristic of state governance, that of rapid policy change. This sensitivity, especially in times of political insecurity and crisis, creates a tendency for the state to govern from the centre and to neglect or override local considerations and contexts. The introduction of the Northern Territory Emergency Response (NTER) is illustrative of this. Failures in financial management and slow program delivery resulted in political controversy and a media backlash in the early stages of the SIHIP program followed by an intervention by the Australian Government to narrow the negotiation space during 2009 (Davidson et al. 2010, pp.98–101). But these same dynamics can also be used to promote progressive policy initiatives as the examples of Federal intervention in Katherine and Wilcannia illustrate. Here the Australian Government used its power to override local government apathy and resistance to improving Indigenous living conditions and quickly implemented strategies for improving housing supply.

→ More generally, the tripartite structure of government, and the multiple layers and levels that comprise the state apparatus, are a critical feature that explain policy development and implementation. Each level is capable of subverting, redirecting, facilitating or rejecting the direction of policy change being pushed by other sectors. The Darling River case study illustrates the power of local councils to influence policy developments. The local council was a critical player in resisting the grassroots initiatives that established self-build housing projects at Wilcannia and Bourke in the 1970s. Insufficient attention to the local government's concerns about town planning, resourcing and maintenance contributed to the difficulties in implementing the proposal. The difficulties were compounded by the number of organisations involved, so that, despite Commonwealth support, the projects failed. Similar dynamics have shaped the implementation of the Cape York Welfare Reform trials where opposition from the Hope Vale Council have been associated with reduced achievements (Cape York Welfare Reform Trial Evaluation 2012, pp.1–2).

→ There are also the tensions created by a commitment to human rights that aims to address Indigenous disadvantage and improve living conditions but which is located within a largely unquestioned Anglo-Celtic model of citizenship. This includes assumptions about the meanings of 'home' (Mallett 2004) and 'community' (Bell & Newby 1974), the value of a sedentary lifestyle, conformity to middle class standards of behaviour, civility, patterns of consumption including home ownership, and participation in the mainstream economy. The Katherine case study shows that those who violate this by, for example, preferring to live in open spaces, or in large households of kin, or maintaining adherence to collective values and forms of association, are judged to be in need of remediation and control. In the SIHIP case study employment is a central objective, with housing used as a positive incentive to achieve this.

7.3   Characteristics of Indigenous governance organisations and Indigenous lifeworlds

The case studies provide limited insight into how characteristics of Indigenous governance organisations and Indigenous lifeworlds shaped conditionality and recognition. The account of Kowanyama confirms the findings of other studies (Moran 2010) that highlight the primacy of interpersonal transactions for ICHOs and the time it takes to build these. The DOGIT era shows that in remote Queensland where there was strong community recognition of the rights of traditional owners, leaders were assertive in exercising their rights and identifying their needs. At the same time, financial constraints meant that the ICHO sector in Queensland had limited capacity to influence the external environment, making it vulnerable to external interference so that sustaining positive developments was difficult.

Across the case studies, there is a consistent theme of resourcefulness as a feature of Indigenous lifeworlds that at times manifests in cooperative arrangements with the state. In Queensland, the introduction of the levy system involved working creatively with multiple partners to find solutions to policy problems. At Wilcannia in the early 1970s, Kamien found Indigenous people were eager to own their own homes and were willing to work to achieve this. In the Northern Territory, SIHIP building teams accepted the demands of employment, but negotiated flexible arrangements that allowed them to attend ceremonies and family business. Resourcefulness is also applied to evading or minimising the state's regulatory efforts, drawing on cultural norms of mutual reciprocity. In Wilcania, the impact of eviction was minimised by swapping houses among mission residents. This practice has parallels with accounts of practices of residents of Coober Pedy who managed excessively high energy bills by circulating housing tenancies (Habibis et al. 2007, p.91). In Bourke, scatterisation policies were resisted through shared residence. Indigenous determination to remain at Wilcannia, despite decades of attempts to exclude them, eventually resulted in state support of a building program there.

In these accounts, the centrality of kin is a repeated theme. This is also evident from Tangentyere Council's submission to FaHCSIA's, *Stronger Futures* policy which proposed a 'community hub' model of service provision based on considerations of geographic proximity, language group and kin. They describe their frustration at the failure of the Australian Government to recognise the need for this (Tangentyere Council 2012, p.7).

Kowanyama provides some insight into a more negative account of experiences of both state and Indigenous governance that explains low Indigenous participation in community developments. Narratives of trauma combined with enforced welfare dependence, experiences of broken state promises and disillusionment with

Indigenous governance arrangements are described as creating apathy and withdrawal.

Culturally based preferences for certain locations for residence are also apparent in these accounts. These include riverbank sites as illustrated by the determination of Indigenous people at Wilcannia to remain close to the Darling River because of natural shelter, access to resources of food, firewood and water, and places of historical and cultural attachment.

7.3.1 Bundles of conditionality and enablers

An important finding that emerges from the documentary analyses is the way that Indigenous people are subject to bundles of conditionality that impinge on them as multiple, sometimes contradictory demands and in contexts that often lack enablers for meeting these. Enablers are understood here as the factors necessary to meet the demands that come with social housing access including social and economic capital, such as financial management skills, the ability to control visitors, and an understanding of how to manage Western housing. An important argument about the effectiveness of housing conditionality is that where these enablers are not in place, it may be ineffective (Nixon et al. 2010, p.316). The example of the housing developments in Wilcannia in the 1950s showed that moving into mainstream housing required enablers that the first tenants did not have. They were required to make timely rental payments, manage visitor numbers and behaviour, maintain the physical infrastructure of the property, and send their children to the local Mission school. But the values, skills and knowledge, as well as housing infrastructure and servicing, necessary to support meeting these expectations were not present. The houses were inappropriately located and poorly designed for the climactic conditions. They were prone to damage from high winds, soil movement and flooding. The amenities for the homes were poor and servicing of repairs slow, with long wait times for maintenance crews, so tenants would have to make repairs using their own resources. Family and kin located in the Mission camps expected their housed relatives to support them and allow them access to the facilities provided by their new homes, but faced forcible removal by supervisors if tenants did not undertake this task themselves. For tenants it must have been very difficult to manage the multiple expectations:

→ To ensure children attended school when most other Indigenous children did not.

→ To maintain control over visitors they may have had no cultural authority over and who had expectations of their support.

→ To keep the house in good repair when the housing agency did not meet its responsibilities.

→ To maintain rental payments even if tenants made their own repairs and the housing conditions were sub-standard.

→ To face eviction if disability or retrenchment meant rental payments could not be maintained even when the house had been carefully maintained and cared for.

→ To maintain good relations with supervisors even if their actions seemed lacking in consideration and understanding.

It is not surprising that within four years, as weather conditions and the demands of large families and close community ties took their toll, only a proportion of homes were habitable and those remaining were in a shocking state of repair.

This account contrasts with the adaptive conditionality prevailing in Mt Isa where the housing agency developed extensive local knowledge about the periods of greatest risk to tenants' capacities to juggle these bundles of conditionality. A win-win outcome

was achieved by adjusting policies, developing well-targeted and effective strategies ('enablers') to manage these periods and situations. Tenants were supported to manage the expectations of their tenancy and the housing office achieved strong performance in key indicators.

7.4 Improving Indigenous housing through adaptive conditionality

This account of the successes and failures of efforts to improve Indigenous housing through the application of different forms of housing conditionality makes obvious the difficulty of bridging the cultural divide. Collective versus individualised understandings of responsibility and social obligation and in ideas of house and home are evident in the case studies compromising the capacity and willingness of Indigenous people to meet their housing obligations. The need to explain and justify rental payments to the first Indigenous occupants of western houses in Wilcania illustrates the importance of differences in understandings of what it means to be a responsible member of the community and what 'social obligation' involves. For state governance organisations it meant paying rent, maintaining a tidy home, and contributing to the mainstream economy. For the Indigenous residents and governance organisations at Wilcannia it meant looking after kin, sharing food and possessions, respecting Elders, and respecting and looking after country.

In Katherine, the failure of the housing projects was partly due to a lack of compassion and understanding within the non-Indigenous population about the factors shaping Indigenous substance use, and their resistance to the presence of Indigenous people in their neighbourhoods, while Indigenous people lacked understanding of the need to manage drinking and to recognise and respect mainstream expectations of what constitutes appropriate behaviour. The government defined the problem as one of quality of life, requiring intervention. Indigenous people defined it as one of community discontent about where they wanted to live. The Katherine town council saw the problem as one of public disorder. Similar disparities are evident in the Bakandji building project, where divergent understandings of policies and goals contributed to policy failure.

There are few winners in these situations. The state's past attempts to position Indigenous people according to its own norms and expectations left a disastrous legacy of enforced dependence, distrust and cynicism. In Bourke, Indigenous people moved to improve housing but scatterisation policies were associated with increased crowding and high levels of stress for Indigenous residents located alongside unfriendly neighbours. Policies that are ineffective and poorly targeted are associated with low uptake and wasted public expenditure. This can result in a vicious circle in which the complexity of problems makes them seem unresolvable, even when money is provided, so the problem is ignored, making it even more intractable. The tension between divergent goals also results in irrational decision-making as in the case of Wilcannia, Menindee and Lake Cargellico where funds were available to provide housing, but the scatterisation policy prevented this.

The case studies also provide accounts where housing conditionality is adaptive, providing some cultural fit and encouraging and supporting Indigenous engagement and ownership of issues. SIHIP Design Guidelines, for example, included seven objectives, one of which was 'cultural and social fit, elaborated to culturally distinctive aspects of everyday domestic behaviour' (Davidson et al. 2010, p.85). In Katherine, Wilcannia, Bourke and Mt Isa, a recognition space opened up with support and cooperation established between key stakeholders and a shared endeavour to achieve policy goals. These periods also saw attempts to build capacity among

Indigenous populations so that they were able to meet housing expectations. The DOGIT arrangements included funding for training and policy workshops for local housing workers, so they were able to negotiate relationships with Indigenous and non-Indigenous agents. This was managed within an overarching strategy for managing the new arrangements.

The empowerment of Indigenous governance structures is a feature of these arrangements. The DOGITs were managed by the Aboriginal Coordinating Council which brought in other Indigenous bodies to facilitate harnessing and developing Indigenous capacity and social capitals. It undertook its own process of consultation and training, developed adaptive policies framed by broader housing policy and legislation, and required tenants to adopt normative behaviours of public housing tenants despite their status as traditional owners. This, and the Mt Isa model of tenancy management, provide valuable examples of a mix of mainstream and Indigenous social and economic practices that enabled a housing service to be simultaneously respectful of Indigenous lifeworlds and meet mainstream requirements. The same principle could be seen in Kowanyama where the Aboriginal Council increased efficiencies by taking some of the administrative burden off smaller community organisations and acting as a gatekeeper for external incursions.

The Mt Isa case study is especially valuable in pointing to the development of a relational model of tenancy management that has parallels with the Intensive Family Support programs in the UK (Nixon et al. 2006b, 2010). The success of the housing program in achieving low rental arrears, high tenancy sustainment, and success in moving people out of rough sleeping into stable accommodation, is influenced by its social welfare model of tenancy management in which tenants' humanity and capabilities are acknowledged. Tenancy officers have a compassionate response to their tenants and go beyond their prescribed duties to support them.

7.5   The limits of recognition

Despite these accounts of positive housing outcomes, the case studies show that adaptive conditionality is challenging to achieve and to sustain. Moran describes how the negotiation space at Kowanyama in the early 2000s was associated with a proliferation of governance organisations resulting in inefficiencies, tensions and contradictions. The SIHIP program was criticised for inefficiencies and the DOGIT arrangements were relatively short-lived. Examples from earlier periods are also characterised by problems of sustainment, and difficulties in achieving tangible results. Despite the efforts of Kamien at Wilcannia in the 1970s and the support of Commonwealth and state governments, the housing projects foundered on logistical and financial complexities, insufficient attention to Indigenous capacity building and the impact of local government resistance and changing personnel.

The short-lived nature of recognition at Katherine indicates the challenge of managing the external political context especially in situations involving public order. The potential to improve Indigenous housing through a shared strategy was eliminated when senior players, such as Minister Hatton, were removed, and there was sustained opposition from the non-Indigenous public. Finding the right balance between (a) heavy-handed state control that reduces Indigenous cooperation and participation through excessive demands and regulation, and (b) the amount of attention to governance, accountability and the identification of gaps in Indigenous capacity, is critical to success but hard to achieve.

7.6   Implications for good policy and practice

This analysis has identified a number of good policy and practice principles that are intrinsically related to the establishment of a recognition space that supports adaptive conditionality. These include:

→ Developing strategies that acknowledge and strengthen Indigenous individual and community capacity so that there is shared ownership of goals as well as of the barriers to achieving these. The periods of policy progress are characterised by Indigenous cooperation and participation in initiatives aimed at improving their conditions with Indigenous community organisations playing a critical role. This is the story of Kowanyama in the early 2000s when the Kowanyama Aboriginal Council worked to harness the collective energy of Indigenous communities and local community organisations and to serve as the intermediary between them and local government and Queensland state agencies. Indigenous cooperation was greatest when state control and regulation was at a distance so that developments were facilitated without excessive government intrusion. This is part of a broader principle of respectful cultural engagement in the intercultural space as a foundation for strong, trusting relationships that can work towards reconciliation of competing priorities.

→ The other side of non-intrusive state governance is the need for strategies that provide mechanisms for early detection of problems. The self-build projects at Wilcannia and Bourke provide a powerful illustration of how significant investments are wasted if this is not provided.

→ The need to ensure an incremental approach to the resolution of challenging management issues such as policies on housing allocation in remote communities. The introduction of the levy system in Queensland was undertaken through a relatively slow process of consultation and implementation involving consideration of the priorities and contexts of each of the key players. Balancing this with community expectations for change is an enduring policy problem.

→ The need for mechanisms that support the contribution of external agents who have the trust of Indigenous communities and whose possession of valuable social, political and cultural capital enables them to negotiate across the different dimensions of the intercultural space. The contribution of key figures, such as Kamien at Wilcannia and Hatton at Katherine, also highlights the importance of personal relationships. This has parallels with the way Mt Isa tenancy officers operated as positive change agents in Mt Isa. Evidence of personal commitment by those involved in effecting change may be an important component of adaptive conditionality.

→ A holistic approach to policy development and implementation is suggested by the experiences of the Mt Isa tenancy management program and the DOGIT levy system. These strategies were developed to establish horizontal linkages across different sectors and worked to address potential challenges and barriers before they became difficult to resolve. The effectiveness of this approach is especially apparent in the case of Mt Isa where multiple mechanisms and partnerships were established to provide early risk detection and management.

→ In all these cases there is a powerful narrative of the benefits of cooperation between all three levels of government (local/state/federal) with Indigenous organisations, and conversely, the capacity of different arms of the state to circumvent progressive change. This aspect of how this cooperation can be established and managed, regardless of the broader prevailing local and political context is a critical question for further exploration. There is potential to learn from examples where this has been achieved.

→ Finally, there is a need for protective mechanisms to be developed and applied to ensure that the conditions underpinning adaptive conditionality are sustained over time. The case studies highlight the short-lived nature of periods of recognition and their vulnerability to changes in the political climate, in personnel, in funding arrangements and priorities as well as to changing conditions such as those that occur during times of significant environmental events (e.g. flooding, bushfires).

7.7 Further investigation

The analysis has provided qualified support for the thesis that where housing conditionality is sensitive to Indigenous capacities, cultural realities and local conditions it will be more likely to support positive housing outcomes. But this finding is qualified by the limitations of the source material, which provide only partial information about the three spheres of the recognition triangle. There is limited information about the kinship structures that facilitated or hindered efforts to improve housing on the Darling River, or about how local Indigenous governance organisations contributed to SIHIP employment outcomes (see Table 6 above). The Mt Isa study provides detailed insight into some of the practices developed to sustain Indigenous tenancies, but more information is required about how the recognition space was achieved. What strategies did the Mt Isa housing office use to develop inter-agency cooperation? How did they 'manage upwards' within the Queensland Department of Housing and Public Works so that they were able to develop flexible policies? Are there elements of these processes that can be applied in other contexts and places?

Table 8: Extent of data on negotiation parties in case studies

Case studies	Individual citizens	Indigenous governance bodies	The 'state' (C'th)	The 'state' (state)	The 'state' (LGA)
SIHIP (Tangentyere Council)	x	x	x	x	
Katherine		x		x	x
Darling River (Wilcannia/Bourke)		x	x	x	x
DOGIT, Qld (Kowanyama)		x	x	x	
Mount Isa	x			x	

To provide a deeper understanding of how housing conditionality can be used to improve housing for Indigenous people, more information is required about Indigenous citizens and governance organisations and about the conditions, processes and organisational arrangements that support recognition spaces. Specific questions include:

1. What are the views of Indigenous people, Indigenous governance organisations and housing staff on how Indigenous people's access to, and sustainment of, housing is being affected by tightening housing conditionality? What areas are identified as most difficult to meet?

2. What practices prevent Indigenous people from meeting housing conditions? Which of these practices are culturally sanctioned, and do these vary by urban, regional and remote contexts?

3. Are there specific processes that can be developed by housing authorities and Indigenous governance organisations to identify these practices? What policies can they develop to take account of them?

4. Are there sources of governance within families, communities and institutions that can support Indigenous people to develop the enablers needed to meet housing conditions? Are there policies and practices that can be developed by housing services to encourage and support these?

5. What processes can be established that provide for policy development that progresses incrementally towards policy solutions through effective engagement of key stakeholders while meeting expectations for timely improvements?

6. Are there strategies that can be developed to manage the political environment so that recognition spaces are sustained despite changing policy environments?

7.8 Methodology

A field case study approach will be employed with the aim of collecting primary data on how different forms of housing conditionality are being applied in specific areas of Indigenous housing, how successful they are in achieving their objectives and what contribution the existence of a recognition space makes to this. Key concepts that will be operationalised to examine these questions include:

→ Housing conditionality: the contractual behavioural and administrative requirements that accompany the distribution of housing benefits.

→ Normalising conditionality: forms of conditionality that require housing claimants to meet mainstream normative standards with minimal adjustment to their cultural contexts.

→ Adaptive conditionality: forms of conditionality in which adaptive policies and supportive strategies are developed through the establishment of a recognition space.

→ A recognition space: relationships and organisational arrangements that attempt to balance the competing demands of state, Indigenous lifeworlds and Indigenous governance entitlements and responsibilities.

→ A theory of change, being a set of assumptions about how behavioural changes are expected to happen in relation to a particular intervention and in specific contexts.

→ Forms of 'enablers': the social, cultural and economic capitals that support positive social change.

→ Enabling programs: programs and strategies designed to build Indigenous individual and community capacity and decrease state dependence.

The existence of a recognition space will be evidenced by characteristics including: mechanisms for meaningful consultation with Indigenous individuals and communities; the participation of Indigenous individuals, community leaders and officers of Indigenous community organisations in policy development and implementation; flexible policies that are adjusted to Indigenous lifeworlds and the learnings that emerge from practice; efforts by Indigenous individuals and leaders to be part of policy solutions, including using their governance arrangements to support positive change; efforts by housing authorities to address the underlying causes of breaches of conditional requirements and the existence of enabling programs that address these.

These questions will be examined in relation to the following housing areas:

→ Supported housing programs.

→ Tenancy management (including income management).

→ Housing procurement.

→ Forms of managed accommodation (homeless, post-correctional, substance abuse reform, women's refuge).

→ Home ownership programs.

→ Multi-agency service delivery (including sub-contractual arrangements with ICHOs and service integration).

Five field case studies will be selected for empirical research during 2013–14 that provide diversity in terms of:

1. Housing area, covering dimensions of housing that range from home ownership programs and initiatives to supported housing programs.

2. Coverage of remote, regional, urban and metropolitan contexts.

3. Different types of conditionality, including those that appear to be either adaptive or normalising.

4. Evidence of the existence of a housing recognition space.

Other considerations will be the depth of information that the field case studies may provide about the nature of the responsibilities of each of the three spheres of the recognition space and how a balance between these can be achieved. This could include examples of:

→ Kinship networks and relationships that support or impede individuals and families to meet their housing obligations in areas including management of unwanted visitors, controlling substance use, reducing property damage and meeting rental payments.

→ The loan instruments, land administration and governance arrangements developed by state and Indigenous governance organisations to support tenants to transition from social to homeowner housing.

→ Indigenous governance arrangements for the housing rental and maintenance, including 'homemaker' programs to improve tenant care of housing.

→ Routes and challenges of transitional housing, including clients returning to social housing from women's refuges, imprisonment, substance abuse reform, and homelessness.

→ The effects of income management on large households living in social housing in an urban location.

→ State housing authority arrangements for housing rental management, including arrangements to deal with household and neighbourhood crowding.

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