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Towards a hybrid model of public housing in Northern Territory remote Aboriginal communities?

Rae Porter

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Centre for Appropriate Technology
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Abstract

The Northern Territory Government is developing and implementing a new housing model in remote Aboriginal communities. This paper describes the NT Remote Indigenous Housing Approach and investigates where the housing model has the potential to improve service delivery and other areas where policy adjustments may be required to provide a better 'fit' between the model and remote and diverse Aboriginal communities.

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List of shortened forms

ALRA	*Aboriginal Land Rights (Northern Territory) Act 1976*
CARO	Communications and Relations Organisation
CHO	Community Housing Officer
COAG	Council of Australian Governments
CP	Core Project
DEET	Department of Education and Training (NT)
DEEWR	Department of Education, Employment and Workforce Relations
DKCRC	Desert Knowledge Cooperative Research Centre
DLGH	Northern Territory Department of Local Government and Housing
EWD	Employment and Workforce Development
FaHCSIA	Australian Government Department of Families and Housing, Community Services and Indigenous Affairs
ICHO	Indigenous Community Housing Organisation
HRG	Housing Reference Group
JSC	Joint Steering Committee
MoU	Memorandum of Understanding
NTER	Northern Territory Emergency Response
NT	Northern Territory
RPHMF	Remote Public Housing Management Framework
RTA	*Residential Tenancies Act* (NT)
SALT	Strategic Alliance Leadership Team
SIHIP	Strategic Indigenous Housing and Infrastructure Program

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Introduction

This working paper is part of initial research for Desert Knowledge Cooperative Research Centre (DKCRC) Core Project (CP) 5: 'Desert Services that Work: Demand Responsive Services for Desert Settlements'. An aspect of CP5 research in the Northern Territory (NT) is: 'the implementation of new NT models of housing tenancy and asset management and their interface with tenant demand'.[1] Field research is being conducted in two Aboriginal communities (Lajamanu and Ali Curung) to explore the fit of the NT Government's remote public housing model with capacities and conditions in the two communities.

This working paper examines NT Government progress on implementing the NT remote Aboriginal housing program.[2] The principles of the 'new housing system for the bush' were laid out in the *Memorandum of Understanding between the Commonwealth and the Northern Territory Governments in respect of Indigenous Housing, Accommodation and Related Services of September 2007* (MoU 2007) and include that:

- all new remote Aboriginal housing will be publicly owned by Territory Housing
- leases will be able to be established over properties
- existing housing will transfer to publicly owned Territory Housing when it meets the remote public housing framework standard
- the *Northern Territory Residential Tenancies Act* (RTA) will apply to tenancy agreements and will govern the rights and responsibilities of both landlords and tenants.

The MoU 2007 marked the end of a policy change process that started in 2006 with the Ministers' for Housing and Indigenous Affairs Conference announcing a radical shift away from support for community rental housing to centralisation of Aboriginal housing services to state housing agencies. Prior to this change all Aboriginal-specific housing funds in the NT were channelled into housing stock that was managed by Indigenous Community Housing Organisations (ICHO) – a stock of approximately 6000 housing units in remote locations (CoA 2007, p. 72).

A separate DKCRC working paper, WP44 '*From community housing to public housing in Northern Territory remote Aboriginal communities: the policy context*' (Porter 2009), examines the context and motivations for the policy change from a community rental housing model to a public housing model. Dillon and Westbury (2007, pp. 152–3) argue that public housing provision is the most effective means to address the substantial housing shortages in remote communities and that public housing offers subsidised provision of housing, improved economies of scale, established and independent tenancy management systems, and cost-effective maintenance programs. Whilst these points are arguably true in certain urban jurisdictions they have not been proved in remote locations or with culturally and linguistically diverse groups.

The purpose of this paper is to investigate areas where the public housing model has the potential to improve service delivery and other areas where policy adjustments may be required to provide a better 'fit' between the public housing model and remote and diverse Aboriginal communities. The paper adapts the notion of a 'recognition, or translation space' to underscore the importance of a two-way educational/engagement process that recognises 'difference' whilst seeking common ground between Territory Housing and Aboriginal housing tenants. If Territory Housing is willing and able to respond to 'difference' in a positive way it will require sustained engagement, the development of partnerships, and negotiated rules of tenancy. This is referred to in the working paper as moving towards a 'hybrid

[1] Centre for Appropriate Technology 2008, Desert Knowledge CRC CP5 Northern Territory Research Plan 2008–2009.

[2] This paper does not address housing on the approximately 500 outstation communities. The CHIP moratorium (which was in place until 30 June 2008) on the funding of new houses and infrastructure on outstations has been surpassed by the statement that 'no Australian Government funding will be provided to construct housing on outstations/homelands' (2007 MoU, para. 17).

model' (a combination of two or more different things) of public housing. The specifications of a hybrid NT housing model are unknown as these must emerge from bargaining and compromise between Territory Housing and community residents and/or their representatives. However, a hybrid model is likely to capture those aspects of community rental housing and public housing that best fit the remote environment and heterogenous Aboriginal community contexts and deliver housing services that have meaning for community residents.

In some respects the NT public housing model has already been 'hybridised' by its engagement of shire local governments and a handful of remaining ICHOs[3] for housing repairs and maintenance and/or tenancy management. Under the mainstream public housing model, Territory Housing would provide these services. Nonetheless, there is scope for further hybridisation, in particular, with tenancy management. The extent to which tenancy management rules are hybridised will depend on the quality of the engagement with communities to identify culturally specific behaviours (and solutions) that require nuanced, rather than standardised, tenancy management answers.

The paper describes the NT Remote Indigenous Housing Approach through the use of a schematic diagram (Figure 3) identifying the roles of Territory Housing, the Strategic Indigenous Housing and Infrastructure Program (SIHIP), shires, traditional owners and residents and Housing Reference Groups (HRG) in housing delivery. It attempts to identify areas where Aboriginal values and practices must be 'recognised/translated' and outcomes negotiated for the approach to be demand-responsive: where people are active participants and housing services are hybridised to contribute to longer-term sustainable outcomes.

[3] Seventy-five percent of ICHOs (those attached to community local governments) were abolished on 1 July 2008 when the *Local Government Act* was implemented. Five independent ICHOs are still operating in conjunction with Territory Housing or a shire local government.

1. Theoretical perspectives

This paper is guided by two complementary theoretical approaches. The first is the analytical framework developed for Core Project 5 and the second is the idea of a 'recognition or translation space'. They are complementary as both service providers and service users need to give proper attention to the interactions in the 'recognition space' if housing services are to appropriate and sustainable.

1.1 Analytical framework for CP 5

Figure 1 (below) clarifies what is implied by the terms 'supply' and 'demand' for services in the context of CP5 research: where supply implies service providers and demand implies service users/consumers.[4] The interface between supply and demand is where services have meaning for people.

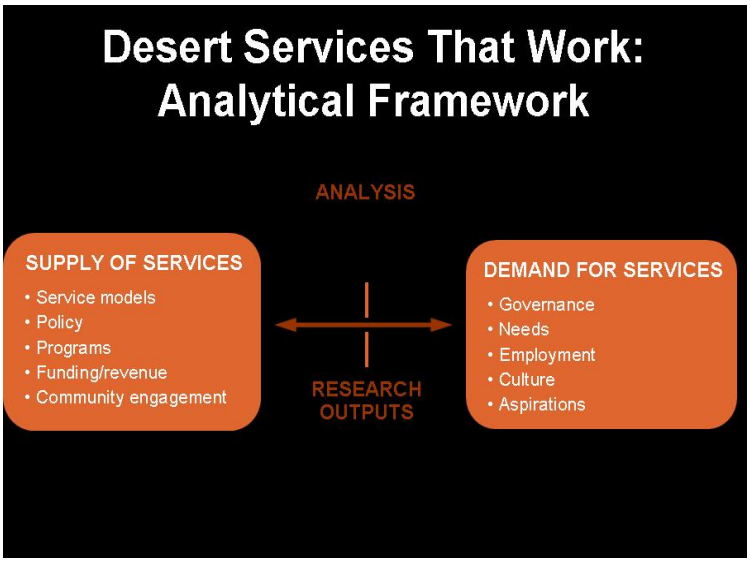

Figure 1: Analytical framework for CP5[5]

For CP5 research, 'demand' has been defined as 'an informed expression of need for a particular service in a context of limited resources, considering the trade-offs that consumers are prepared to make to receive the service, and where opportunity costs are weighed against benefits (Moran 2006). 'Demand responsiveness' then is the extent to which service users are involved in the process of defining key issues and understandings; selecting options, trade-offs and methods; contributing to the type of service and the nature of the delivery of the service; and service providers build meaningful processes of engagement and seek to understand alternative conceptions and meanings, cultural practices and Aboriginal aspirations, in order to provide *services that have meaning for people.*

1.2 The recognition or translation space

One mechanism for thinking about how to provide services that have meaning for people is to adapt the 'recognition, or translation space' that was proposed by Mantziaris and Martin (2000) to represent the area where traditional Indigenous law and custom and Australian property law intersect. In relation

[4] There are limitations to the 'demand driven' approach in respect of government monopolies on supply and assumptions about people knowing their situation and what will meet their needs (Seemann et al. 2008, p.103). Nevertheless, research at the interface of demand and supply where services do have meaning for people is an important area of research particularly in relation to the 'recognition space'.

[5] Figure 1 was authored by Steve Fisher, DKCRC Project leader for CP 5: Desert Services that Work.

to law, the recognition space is where the two spheres overlap and represents the 'ability or extent to which one system of law and custom is capable of recognising the existence of another system of law and custom' (Wensing 2002, p. 3).

More recently, Taylor has used the Mantziaris and Martin 'recognition space' to illustrate the important aspects of Indigenous culture, such as world views, kinship rights and obligations; broadly, different ways of life that are 'not brought to the level of public discourse (the intersect) and therefore not easily amenable to measurement' (2008, p.116) when he examined government reporting frameworks to measure Indigenous disadvantage.

This paper will adapt Taylor's diagram in relation to the NT Government's remote Aboriginal housing approach. It is an approach that sits firmly within the COAG 2007 agenda of 'closing the gap on Indigenous disadvantage' through the mainstreaming of services previously provided by Aboriginal organisations. The mainstreaming 'values' of consistent level of service, minimum standards, transparency in decision-making on the government side and reciprocal obligation on the customer/demand side is captured in one sphere of Figure 2. In the other sphere are the 'values' of Aboriginal culture that operate differently to the norms of town/city Australia. These include, for example, social identities, kinship systems, high levels of reciprocal obligation and a holistic understanding of the relationship between land and people (Keen 2004; Burgess et al. 2005 in Stafford Smith 2008). The area of intersect is the 'recognition space' and represents the extent to which Territory Housing and Aboriginal communities are able to discuss, negotiate and agree on rules and procedures; that is, the extent to which they are able and willing to recognise the existence and validity of each other's core values and find solutions that give housing services[6] meaning for both partners. What policies emerge from this engagement will over time create a hybrid NT model of remote Aboriginal public housing.

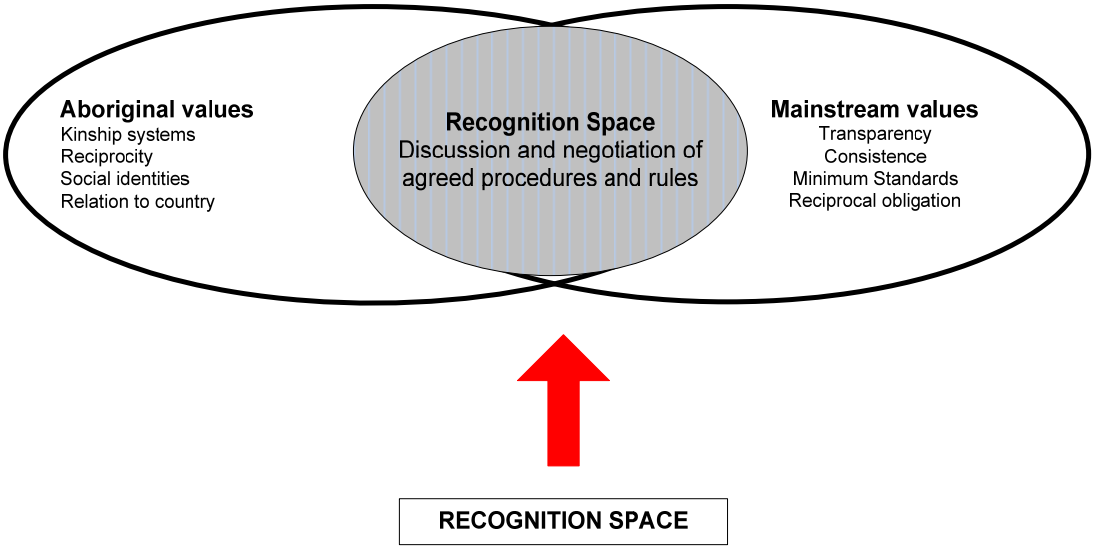

Figure 2: The recognition space for demand responsiveness in housing

The idea of a recognition space, where two-way communication leads to a negotiated and nuanced hybrid system that better fits remote Aboriginal communities, is a working construct – a way of conveying why open and sustained engagement is critical to both good outcomes for tenants, extended

[6] Housing Services – understanding housing means more than knowing about the tenancy management and asset maintenance service model arrangements. In addition, housing is the point of delivery for other essential services such as water and power, landscaping, waste management etc. Neglect or unhealthy functioning of the housing asset leads to a decline in access to other services and an unhealthy living environment. For these reasons, and more, the house in remote communities is the space where cultural and economic impact changes are most evident in the lives of people.

the housing lifecycle for Territory Housing, and closing the gap on Aboriginal disadvantage goals. However, adopting this working construct does not presume that the ‘recognition space’ lies between an Aboriginal domain and an Australian mainstream domain that are each unique and untainted by exposure to the other. Rather, these constructed domains are illustrative and the result of exposure, transformation and mutual engagement with each other and other influences (Smith 2008, pp. 154–8). Each sphere is to some degree an ‘inter-cultural’ field, but with enough ‘difference’ to justify the need to promote engagement in the ‘recognition space’ for demand responsiveness and sustainable housing services.

2. The NT remote Indigenous housing approach

Figure 3 (next page) is a schematic representation of the funding and implementation arrangements for the NT Indigenous Housing Program. It identifies the key elements (boxes) in order to (i) discuss approaches and processes; and (ii) identify areas where Territory Housing might consider the relevance of Aboriginal cultural practices and imperatives in order to improve the fit between the public housing model and housing services appropriate to NT remote Aboriginal communities. In other words, the areas where Territory Housing should undertake an extended demand side process with residents of Aboriginal communities to find common ground.

2.1 Government agendas (grey boxes)

Soon after the Northern Territory Emergency Response (NTER, or the 'Intervention') came the announcement of the Strategic Indigenous Housing and Infrastructure Program (SIHIP) that would refurbish existing houses in 57 communities and construct new houses in 16 communities. The Australian Government committed $414.2 million and the NT Government $100 million over four years for new construction, repairs and upgrades.[7] It is estimated that this sum will deliver around 750 new houses, including new subdivisions; over 230 new houses to replace houses to be demolished; over 2500 housing upgrades; and essential infrastructure to support new houses.[8] Reduced overcrowding was the main criteria for the allocation of SIHIP funds to new housing stock in 16 communities.

In September 2007 a *Memorandum of Understanding between the Australian Government and the Northern Territory Government on Indigenous Housing, Accommodation and Related Services* (MoU 2007) was signed by representatives of the two governments. The MoU related to the application of $793 million[9] in program funding to the NT for the financial years 2007/08 through to 2010/11. The money was made available to the NT Government on the basis that the 'Australian Government will have no further responsibility for the delivery of Indigenous housing, municipal, essential and infrastructure services in the Northern Territory from 1 July 2008' (MoU 2007, para. 6).

The MoU set out the principles that would underpin a new 'housing system for the bush'. This new housing system does not extend to outstation/homeland communities. As MoU paragraph 17 makes quite clear: 'No Australian Government funding will be provided to construct housing on outstation/homelands.'

[7] Total funding from the Australian Government was $793 million but out of this sum was deducted existing commitments of $279.2 million and new commitments of $99.6 million, leaving $414.2 million for new construction, repairs and upgrades (MoU 2007, paras 2–3)

[8] A separate project called the Southern Shires Housing Project will receive $20 million of upgrades outside of SIHIP. The communities are: Willowra, Yuelamu, Imanapa, Kaltukatjara, Papunya and Santa Teresa.

[9] See endnote 7.

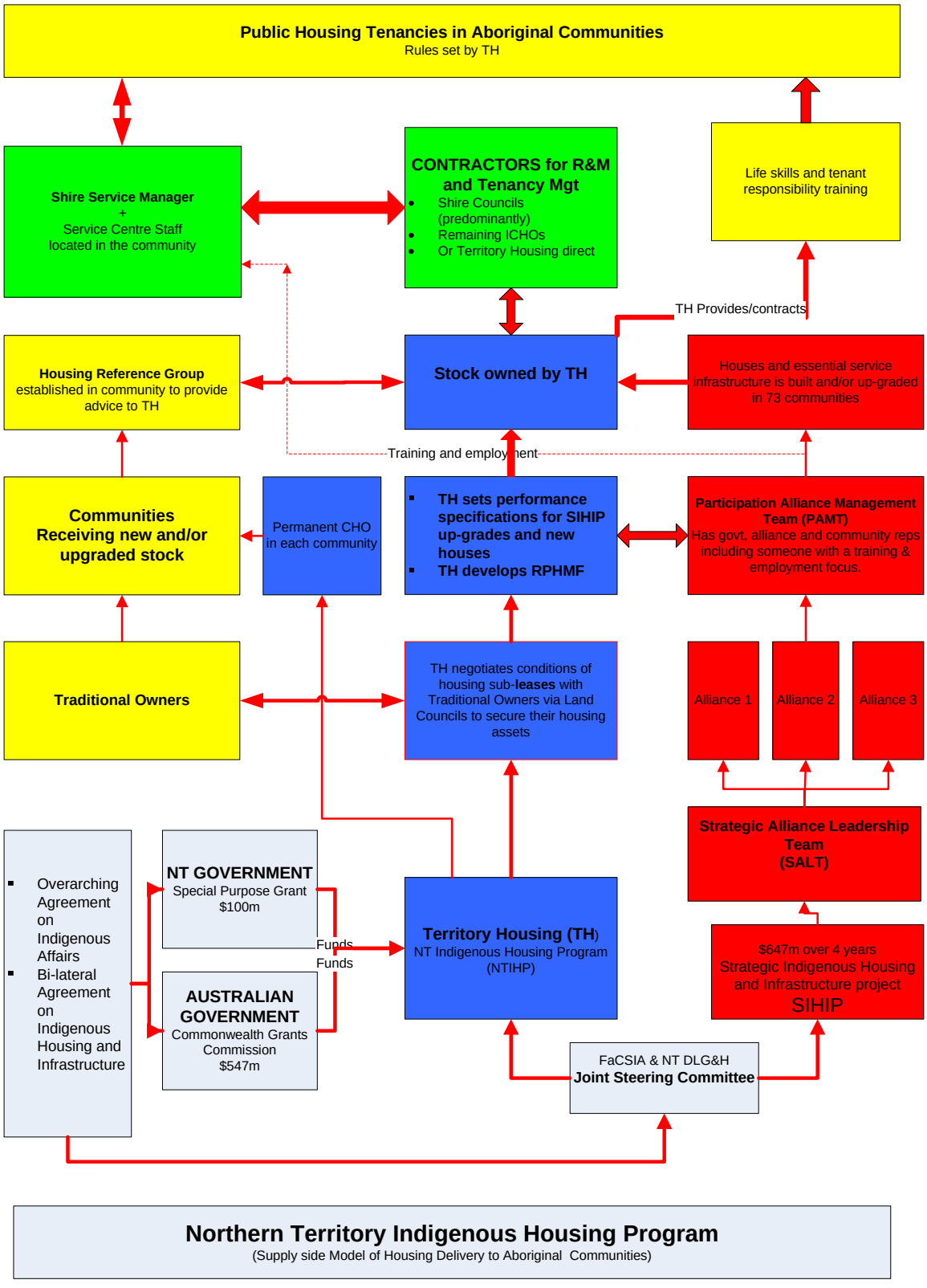

Figure 3: The NT remote Aboriginal housing schematic

The principles agreed between the two governments with regard to 'A new housing system for the bush' (MoU 2007, para. 13) include:

- All new remote Aboriginal housing will be publicly owned by Territory Housing.
- Leases will be able to be established over properties.
- Existing housing will transfer to publicly owned Territory Housing when it meets the remote public housing framework standard.
- The Northern Territory *Residential Tenancies Act* will apply to tenancy agreements and will govern the rights and responsibilities of both landlords and tenants.
- Best practice housing management approach covering tenancy management, property management and client support.
- A strong government framework that embeds local regional housing advisory bodies.
- Strategic asset management, including planned maintenance, regular inspections and audits and appropriate urgent responses.
- The application of an affordable rent structure.
- Independent, fair and equitable housing allocation policies that take account of focal family structures and location needs.
- Priority waiting list for Aboriginal community residents who are employed.
- A strategic assets repairs and maintenance plan.
- The ability for residents to move to home ownership.
- Access to the Territory Housing Appeals Mechanism.

2.2 Strategic Indigenous Housing Infrastructure Program (red boxes)

Reflecting bilateral arrangements, the NT Indigenous Housing Program is governed by a Joint Steering Committee (JSC) of the Australian Government Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) and the NT Department of Local Government and Housing (DLGH). The JSC oversees the coordination of remote housing reform, property and tenancy management, municipal and essential services, outstations, and SIHIP (as the major works program). Employment and Workforce Development (EWD) is a subcommittee of the JSC.

Below the JSC is the Strategic Alliance Leadership Team (SALT) that will oversee the three alliance teams. SALT is headed by a program director from Territory Housing and a program manager from the private sector firm engaged by the NT Government, Parsons Brinckerhoff, along with other key consultants and stakeholders.

Objectives of SIHIP[10] and potential key results areas:

- **1. Housing Outcomes**: Housing that meets residents' needs and effectively reduces overcrowding in selected communities.
- **2. Quality**: New and existing houses constructed and refurbished to a high standard.
- **3. Social and Economic Outcomes**: Employment supported by training of Aboriginal people to achieve a sustainable workforce in each community for the ongoing construction, maintenance and management of housing.
- **4. Time**: The program is expected to be completed by 2013.
- **5. Cost**: The whole-of-life cost of delivering and managing houses is reduced, through innovation and economies of scale.
- **6. Management Best Practices**: Achieve a step-change improvement in the delivery of major housing programs and use this as a basis for the delivery of a range of future housing programs and schemes.
- **7. Relationships**: Achieve benefits for all parties involved in the delivery of the program, including the communities, through the fostering of positive interrelationships.

[10] This information is taken from NT Government materials prepared for publicity purposes and Industry Information Sessions. It can be found on the NT Government website <http://www.nt.gov.au/>.

2.2.1 Alliance contracting

SIHIP is introducing a new type of contract delivery called 'alliancing' or 'alliance contracting'. Three alliance partnerships were successful in October 2008 following a process of announcement, request for proposals, interviews and workshops that began in April 2008. Alliance contracting is where the parties to the alliance establish an integrated team for the delivery of the project, which includes the project client/owner. The alliance approach is underpinned by a 'no blame' framework in which the actual costs of the project to the non-owners (non-government) are met (compensated), and profit is made through a performance incentive against agreed key performance indicators. Therefore 'pain or gain' is shared depending on the performance of the alliance partnership.

The SIHIP alliance approach aims to benefit from collective innovation in design, construction methodology, achieving social outcomes and supply chain logistics. The move from annual budgets and a salt-and-pepper spread of construction across communities to a five-year planning horizon, economies of scale in procurement, and geographically concentrated work programs are expected to produce cost savings without compromising goals. Each alliance will receive 'packages' (there are 12 packages in total) of work that are geographically grouped and include new houses, house replacements and house refurbishments.

Performance requirements have been prepared with assistance from Julian and Barbara Wigley, long-time proponents of appropriate housing designs for remote settlement environments. They include:

- Housing design guidelines for remote public housing in the Northern Territory
- SIHIP performance specification for upgrades to existing remote public housing
- SIHIP performance specification for new remote public housing
- SIHIP infrastructure design guidelines.

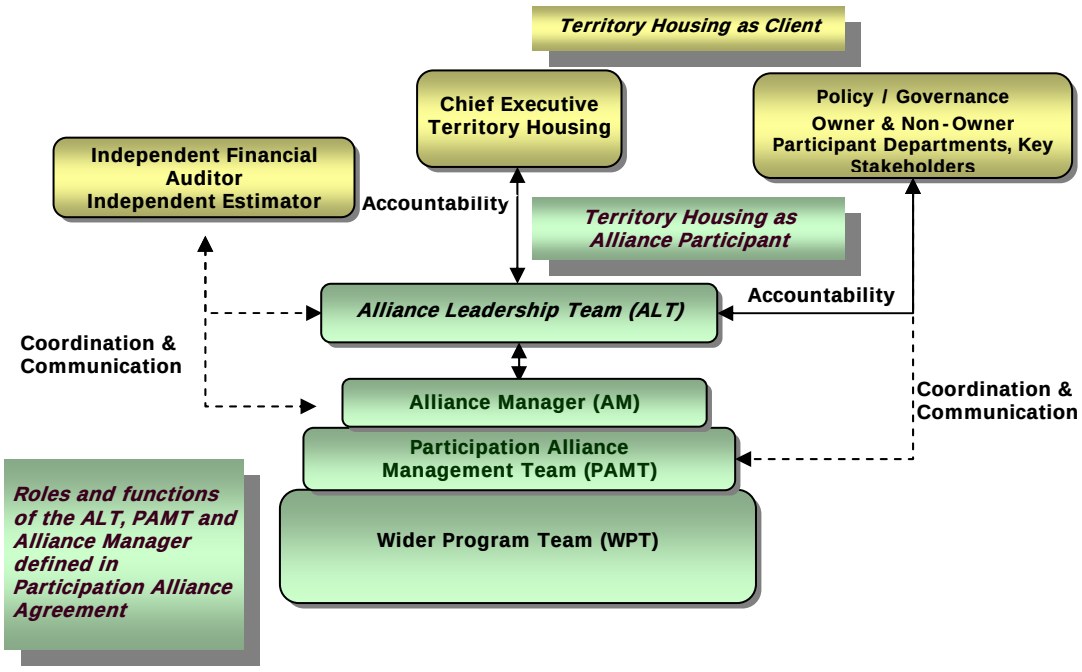

Figure 4: Alliance team structure (Diagram from SIHIP Industry Information Session April 2008)

2.2.2 Aboriginal employment and workforce development

Aboriginal employment and workforce development has been promoted as a key component of the SIHIP by both Australian and Northern Territory governments; for example, 'Specific targets for employment and training Indigenous people will be negotiated with performance related financial incentives and penalties' (joint Macklin and Knight Media Release 9 October 2008).

The Australian Government Department of Education, Employment and Workforce Relations (DEEWR) and the NT Department of Education and Training (DEET) have officers in SIHIP, and together with the Community Engagement Team of Territory Housing are undertaking consultations in the communities first in line for upgrades, replacements and new stock. Their scoping work is aimed at:

- understanding the capacity and potential in targeted communities
- detailed community surveys to identify people who may be interested and/or willing to participate in the program: opportunities include construction activity; transport of materials; services to support the construction camps; light industry support; and plant maintenance and vehicle servicing
- opportunities to link in repairs and maintenance of all community infrastructure to support employment outcomes
- early identification of existing government and non-government programs to support alliance partners.

It is intended that this preparatory planning work will be handed over to the appropriate alliance team in the form of a scoping report, when the team is ready to begin engaging with the community.

A Training Employment Development Officer will be employed for each alliance package to liaise with the community on EWD mobilisation and logistics. The resultant program for EWD will have to be approved at the program (SIHIP) level before proceeding. Territory Housing has referred to the engagement of Training and Development Organisations and a Communications and Relations Organisation for each alliance package. These organisations would not be part of alliance contracting but would support the process on the part of Territory Housing.

2.2.3. SIHIP in the 'recognition space'

Pholeros (2008, pp. 74–5) refers to the Indigenous 'standard housing cycle' that has been repeated three times in the last 25 years, as follows:

- Great need: lack of housing and overcrowding is measured and considered unacceptable.
- Cheaper houses: national funds to provide Indigenous houses remains fixed (or reducing in real terms), so the way to build more houses is to reduce the cost of houses.
- New ideas to reduce cost: this will be achieved by the introduction of new ideas, as the old ideas were unacceptably expensive. Existing design standards or guidelines are labelled excessive and inflationary. Capital cost will be the focus of the new idea, not running costs or maintenance costs.
- House failure: housing design, material quality and construction supervision are all reduced and housing fails.
- Improve standards: reviews of housing projects are commissioned to find ways to ensure the quality of housing is improved. The establishment of standards and regulations are recommended, which increase the cost of housing.
- And the cycle begins again.

Seemann et al (2008, p. 8) are also critics of what they call the 'conveyor belt scenario' whereby houses produced at the lowest cost crash off the end of the belt into communities.

The SIHIP has features that *potentially* break the negative housing cycle of past years. The aim is to reduce costs through the alliance-contracting model but ensure that standards are maintained as per the

design guidelines and performance specifications. To competently design appropriate residential housing for Aboriginal people living in remote communities the designers must understand the nature of the household's lifestyle and culturally driven behaviours. A large body of work has been done over the past 30 years defined, by three broad categories: cultural design; environmental health design; and housing as process. There are consultants in the SIHIP integrated project team that are well versed in this body of work and with extensive practical experience. However, the challenge will be to ensure that good performance objectives and design criteria are retained in the final construction specifications as cost and time pressures inevitably increase over the preparation period.

There is a new incentive for improved performance at the front end of the 'conveyor belt' where in the past little attention was given to local climatic and social requirements, maintenance and recurrent costs. The incentive is that the houses will remain the assets of Territory Housing, not relatively powerless ICHOs. It will be Territory Housing that will pay for poor construction outcomes through increased maintenance and repair costs, and for this reason there is an added incentive for Territory Housing to address appropriate planning and design and to ensure performance specifications are adhered to.

While these changes may break the housing cycle described by Pholeros on shelter and health, another challenge is to design a housing system that both lasts longer and creates sustainable livelihoods. As Seemann et al. point out, 'Presently, the biggest capital investment in communities is through housing – so how can it be made to work better in terms of providing livelihoods?' (2008, p. 5).

SIHIP does have the ambition to link training and employment to construction activity; transport of materials; services to support the construction camps; light industry support; plant maintenance and vehicle servicing; and to repairs and maintenance of all community infrastructure. Each alliance has a member company that specialises in recruitment and employment.

Inevitably there will be a tension between construction time constraints and ensuring long-term employment and workforce development. There will be pressures to fall back into training and employment for the immediate needs of SIHIP construction and to forego the workforce development aspect of EWD.

As Walker has noted 'attaching training and employment opportunities to new capital has not been successful in the past in achieving sustained jobs or a skills base for maintenance and management of housing' (2007, p. 6). For example, the National Aboriginal Health Strategy projects generated 35 000 days of training/employment but failed to provide a pathway into regional economic activity.

This reflects the tendency to view capacity building as a one-way transfer process where Aborigines are made to fit the training others determine they need rather than strengthening the capacities that are already there and allowing them to work.

This was the key conclusion in research done into Aboriginal training pathways (Rea et al. 2008, p. 1) that found 'that the most appropriate training pathway toward employment/ livelihoods is one where training is embedded in practice'. They found that the key factors for successful training include that it fits into the meaning and purpose of community life, is community directed and relevant to current and future needs. This supports the 'both ways' model of community capacity that ensures cultural control in the short term and in the long term leads to the development of skilled literate adults who have maintained their Aboriginal law and culture and who can manage change and sustain community development (Rea et al. 2008, pp. 1–2).

2.3 Territory Housing (blue boxes)

The NT Government has nominated Territory Housing as the key agency in the reform of Aboriginal housing (MoU 2007, para. 9). It is responsible for contracting SIHIP management services, it must prepare the ground for the alliances to begin their work in communities and it must rollout the Remote

Public Housing Management Framework (RPHMF) – meaning that across the NT there will be a single housing management framework to replace the myriad arrangements that existed under the community housing model. Implementation to achieve coordinated on the ground delivery of housing services will rely heavily on the management and staff in the regional offices of Alice Springs, Darwin, East Arnhem, Barkly and Katherine. Territory Housing is effectively at both ends of the 'conveyor belt' and as such has a financial interest in extending the lifecycle of a dwelling unit through quality new construction and upgrades, an effective repairs and maintenance program, and sound tenancy management.

Territory Housing may struggle with its greatly expanded role. As a provider of public housing in the main Territory urban areas, Territory Housing has financial viability difficulties (see Hall & Berry 2004, 2006 and 2007) more serious that other state housing agencies. Against the National Housing Data Agreement set of indicators that aim at achieving nationally consistent performance, Territory Housing is frequently the worst performer (CoA 2007, pp. 23–38). Territory Housing has not been involved in remote Aboriginal housing but is now responsible for the management of the approximately 6000 existing housing units in remote communities[11], substantial repairs to housing units in 57 communities, and the new houses to be built in 16 communities.

The pressure to get 'houses on the ground' increased with the February 2009 'score-cards' on 'closing the gap' showing little achievement in the past 12–18 months. SIHIP construction was scheduled to begin in October 2008 but now looks likely to begin at the end of the wet season. However, the alliance teams can't begin construction until Territory Housing completes the preliminary work required in each community. One of these tasks is to secure leases over the land where housing upgrades and new stock will occur.

2.3.1 Land use planning and leases

Under the *Northern Territory Emergency Response Act 2007* the Australian Government compulsorily acquired statutory five-year leases over all prescribed townships. Most of these communities are on land granted to land trusts as inalienable freehold title under the *Aboriginal Land Rights (Northern Territory) Act 1976* (ALRA). The ALRA already allowed for long-term leasing of land subject to traditional owner consent and ministerial approval through Section 19; however, the ALRA was amended in 2006 to provide for township leasing for a 99-year period (see Dalrymple 2007 and Dodson & McCarthy 2006 for in-depth discussion of these issues).

The NTER five-year leases were a precursor to the Australian Government[12] negotiating long-term leases under the new Section 19A to support their vision of communities becoming 'townships' with businesses, services, accommodation, shops, no permits, home ownership etc. Another objective of the NTER acquisition of compulsory leases was to make future funds for Aboriginal housing dependent on the grant of a long-term lease by the Aboriginal owners to the NT Government (MoU 2007).

In communities where a long-term head-lease has not been agreed with the Australian Government but the community is one of the 16 prioritised for major capital works under SIHIP, Territory Housing will acquire a 'precinct lease' or housing sublease over the area of land on which new housing will be built. Compensation/rent will not be paid to traditional owners for housing subleases as 'the Government is fundamentally opposed to paying rent to Aborigines just so it can build them houses' (Toohey 2009, p. 17). Where a community is scheduled to get upgrades to existing housing stock the current five-year Australian Government compulsory lease is considered sufficient protection until such time as a longer-term lease is negotiated.

[11] Existing houses that are not subject to upgrade or replacement will remain in the long-term ownership of traditional owners through their land trusts.

[12] The NTER Law gave the Australian Government five-year leases over NT Aboriginal communities. Therefore, it is the Australian Government that controls the housing assets. However, the Australian Government has engaged Territory Housing to manage repairs and maintenance and tenancy management.

In December 2008, three 80-year township leases were signed between the Anindilyakwa Land Council (Angurugu and Umbakumba communities on Groote Eylandt and Milyakburra on Bickerton Island) and an *Australian Government* entity called the Office of Township Leasing under Section 19a of the ALRA. (Knight & Snowdon joint media release 16 December 2008). In January 2009, Nguiu – the biggest town on the Tiwi Islands – also signed up.[13] The traditional owners can negotiate the terms of the head-lease with the government, but once the lease is signed it is the Office of Township Leasing that will decide on the grant of subleases. Leases are for 40 years, but with a government option to renew for another 40 years; so in effect an 80-year lease. Traditional owners will be compensated/paid rent for the head-lease.

In February 2009 it was announced that 40-year *housing* subleases had been granted to the *NT Government* in the Top End communities of Galiwin'ku, Gunbalanya, Maningrida and Wadeye. The four communities will receive around $159 million of housing and infrastructure work that will provide approximately 300 new houses and 250 existing houses refurbished (Knight & Snowdon joint media release 12 January 2009).

The 2007 NT Planning Scheme provides a framework for town planning across the NT. The Indigenous Community Land Use Planning section of Strategic Planning is now preparing area plans for townships on Aboriginal land with work being prioritised according to those identified to receive major capital works under SIHIP. The plans are to be scheduled in the *Northern Territory Planning Scheme (12.2 Towns on Aboriginal Land).*

To date, the Australian Government has negotiated four townships leases and the NT Government four housing subleases. Eight leases out of 73 communities in the approximately 18 months since the SIHIP funds were announced indicates the magnitude of the remote housing reform undertaking and that Territory Housing is tasked to lead.

2.3.2 Remote Public Housing Management Framework

Territory Housing has developed a draft Remote Public Housing Management Framework (RPHMF). The rules are largely consistent with those set for mainstream public housing tenants, for example (Territory Housing, undated, p. 5):

> *Tenants breach their agreement by conducting themselves, or allowing others to conduct themselves, outside of the guidelines set out in various legislation and Territory Housing's tenancy rules.*

But there are some signs of flexibility (ibid., p. 2):

> *Consideration will be given to cultural obligations of families, however due consideration will also be given to the impact of increased numbers on the asset.*

The application of the rules will vary according to category of dwelling. When the SIHIP construction program is underway there will be three categories of dwellings in remote communities:

- 1. new and replaced dwellings (in 16 communities)
- 2. upgraded dwellings
- 3. legacy dwellings (existing dwellings that have not been upgraded but may have had repairs).

The head tenant(s) in category one and two dwellings that meet the standards of urban public housing stock will be required to sign the RTA 12-month lease agreement and to pay a higher rent than those in legacy dwellings. Households that are allocated the new and upgraded houses will be 'normalised' regarding the number of occupants; that is, a nuclear family concept of 'mum, dad and children' will

[13] Toohey (2009, p. 16) reports that 'Brough went to work on Nguiu and Groote because these islands were controlled by the two smallest land councils and would be easier to deal with.'

prevail. These households will be given intensive support from Territory Housing staff to understand their obligation regarding the lease agreement, to control the number and length of stay of visitors, and to maintain the property as per the lease agreement rules. The aim is to reduce the duress on the dwelling and thereby extend its lifecycle.

The head tenant(s) of legacy dwellings and upgraded dwellings that don't meet urban public housing standards will sign an occupancy agreement that lists all those living in the house. Obligations under the occupancy agreement will be fewer than in the RTA lease agreement and rents will be lower. Occupancy rates of legacy dwellings will be higher but are expected to reduce overtime as some household members become tenants of new dwellings.

Territory Housing will employ (predominantly through the shires) at least one community housing officer (CHO) for each community to deliver remote housing tenancy outcomes at the community level. The CHO will be tasked with improving tenancy management, education and support to tenants, coordination with the Housing Reference Group, and assisting the Remote Facility Manager with housing inspections. CHOs will be supported by NT Regional Managers and Remote Housing Development Officers.

The Remote Facility Managers will provide high-level advice on construction, replacement, upgrades, minor new works and maintenance of remote housing assets, maintain Territory Housing's compliance with relevant statutory regulations, conduct quarterly dwelling inspections and develop scope of work project briefs.

A waiting list for new housing will record all those in a community who have a housing need against such criteria as household size (one to four bedroom dwellings) and location of dwelling (where houses are built in different locations according to clan or language agreements).

The aim of Territory Housing is to mould good tenants (defined by small family size, reduced mobility, controlled visiting, regular rent payments and an understood obligation for property damage) through intensive one-on-one support. The intention of Territory Housing is to reduce duress on the dwelling and therefore an extension of its lifecycle beyond that achieved in remote communities under the community housing model.[14] However, should asset management be the only measure of the success of housing reform? Where are the measures that connect housing outcomes to social development issues such as children's health, education and wellbeing and to functioning communities? These were the outcomes identified in the NTER review report (CoA 2008) to justify public housing investment in the major communities rather than the smaller outstation/homeland communities.

It could be argued that extending the length of the lifecycle of a dwelling will mean that new capital funds are available for new dwellings rather than being used in the maintenance and upgrades of existing dwellings. In other words, in the longer term there is a better opportunity to seriously reduce overcrowding and housing need in remote communities. That assumes, however, that there will be a long-term commitment to increasing remote housing stock and capital funds will be forthcoming. As neither can be presumed, social development outcomes should be considered immediate goals, not secondary to improved asset management.

2.3.3 Housing Reference Groups

Territory Housing intends setting up Housing Reference Groups (HRG) to be their link or interface with the community and their focal point for community participation in housing. As one slide in the (former) NT Department of Local Government, Housing and Sport presentation 'Engagement and Communications: A new housing system for remote communities' (undated) states:

[14] Interview with Territory Housing Officers in February 2009.

HOW CAN WE (TH) CONNECT WITH ONE OF OUR MOST CRITICAL TARGET AUDIENCES TO AVOID THE BARRIERS and BRING ABOUT 'REAL' HOUSING OUTCOMES?

HOUSING REFERENCE GROUP

This group has the potential to become the major change agent for housing in remote communities!

Draft Territory Housing operations policy materials recommend that membership of HRGs be determined through a process of consultation that identifies people with a mix of skills, including those with social and cultural responsibilities for the area. They envisage that a list will be generated in the community from which the Territory Housing regional general managers will appoint approximately 15 people to form the HRG. All members are to have equal voice and will be obliged to sign confidentiality agreements regarding information they have on application and allocation decisions. The operation of the HRG will be supported by Territory Housing and be reviewed for effectiveness after 12 months.

The decision whether to remunerate HRGs has been a stumbling block for the NT Government. Whether this would set a precedent for other advisory groups, such as local government boards, is of key concern. On the other hand it is unrealistic to expect a voluntary body to come to terms with the range and complexity of issues that are listed for the HRG.

Territory Housing working papers describe the role of the HRG to include:

- Advice on cultural matters relating to waiting lists, housing allocation and the sites of future housing development
- Advice on traditional family or social group living arrangements.
- Provide advice to Territory Housing on engagement and communication strategies.
- Provide information and feedback to assist Territory Housing meet Aboriginal employment and training objectives during the construction and ongoing management of remote housing.
- Advise on regional land use and infrastructure planning.
- Advise on regional housing issues.
- Advise on housing design for new homes and inform future planning and refurbishments.
- Participate in infrastructure development planning.
- Participate in community social planning.

Over time, it is anticipated that the HRG role may include:

- Advising on the effectiveness of Territory Housing's tenancy management, repair and maintenance and construction programs.
- Peer modelling with traditional family or social groups, and language groups on housing issues at a community or regional level.
- Participating in housing research and policy development by Territory Housing.
- Providing expert individuals to present on remote housing issues at housing forums.
- Assist in the development of models for tenancy support services.
- Providing linkages to other community services.
- Providing linkages to local shire councils and government agencies.

The HRG is an advisory body. It can make recommendations, but final decision-making resides with Territory Housing. The enthusiasm expressed for HRGs to become major change agents (see slide quoted previously) for housing in remote communities is ambiguous in its intent. Are HRGs

considered to be potential change agents working for Territory Housing in support of the 'normalising' agenda, or could they be agents of change for their communities in hybridising the public housing model to something that 'fits' remote Aboriginal communities? The answer lies in whether Territory Housing has the flexibility to diverge from the 'normalising' agenda and decide its own course of action through shared decision-making powers with HRGs. In other words, engaging in the 'recognition space' to jointly develop housing responses that fit remote communities.

Engaging in the recognition space requires a genuine partnership between Territory Housing and HRGs. What incentives are there for community residents to become members of the HRG? There was little consultation with communities over: the abolition of community government councils; the change from community rental housing to public housing; the idea of HRGs; the size and formation of the HRG; the scope of work of the HRG; the relationship between the HRG and the local government boards; or the question of remuneration.

What messages have been conveyed to communities that the HRG is anything but a mechanism for Territory Housing to legitimate and achieve its agenda? In developing the role of the HRG, what consideration has been given to issues such as:

- Who has the authority to make decisions in the community?
- Culturally, can everyone have an equal voice in the HRG?
- What process is needed to work out where everyone can live peacefully?
- Will there be 15 or so people in the community prepared to be on the HRG both for now and into the future?

Until such time as there are genuine opportunities for communities to engage in the housing reform process and influence government decisions the building of trust between the potential partners (HRG and Territory Housing) cannot begin. In addition to housing reform, the NTER and the decimation of community governance structures in 2008 (see section 2.4) have made it even more difficult to rebuild the trust needed for effective partnerships. As Hunt et al. (2008, pp. 41–2) point out from their study of governance:

> *The experience of the COAG trials demonstrates that for 'mainstreaming' and whole-of-government approaches to work, it has to be in partnership with Indigenous communities and their organisations. It requires effective and legitimate governance in Indigenous communities as well as improved governance by governments themselves. If weak or 'dysfunctional' Indigenous governance undermined outcomes in the self-determination era, the same problems are likely to frustrate success in whole-of-government mainstreaming as well, particularly as government are struggling within themselves to make these new approaches work.*

Early DKCRC CP5 fieldwork in two remote communities indicates the need to be particularly attentive to cultural factors in housing services. Some of the more obvious concerns that potential HRG members may raise in relation to tenancy management are discussed in the next section.

2.3.4 Cultural factors

The current policy context of bridging the gap on Aboriginal disadvantage and 'mainstreaming' service delivery, means that Aboriginal people are to being treated as individual citizens and 'normalised' to the dominant Australian way of life (Hunt et al. 2008, pp. 40–2). In the NT housing reform, this agenda is seen in both the broad mainstreaming of community housing to public housing and in the 'normalising' of Aboriginal households and social formations. Through the lens of mainstream categories, a normal household equals a 'nuclear' family arrangement, not an extended family.[15] Further 'normalising' occurs in the endeavour to make Aboriginal nuclear families that have

[15] DKCRC CP5 research conducted in December 2008 in Lajamanu and Ali Curung communities found an average of 3.8 usual adult occupants per household (range 2–7) and an average of 3.6 usual child occupants per household (range 0–9). Average number of persons per household is 7.4. In Lajamanu. 83 per cent of respondents felt that their house was big

a lease on a new dwelling become better tenants. For example, tenants will be 'supported' to move kin on through monitoring the number and length of stay of visitors. Having congruence between the understanding of public housing tenant and Aboriginal 'household' (extended kin household) will be important for the maintenance of tenancies.

Research evidence suggests that for some tenants, social capital (relationships and networks) may be more important than the risk of losing the tenancy. As Stafford Smith et al. (2008, p. 127) found in examining 'communities of livelihood':

> *By investing time and resources into family and kin, people effectively make deposits into social capital that they could later draw down … To the extent that mobility builds and sustains social capital, it [is] a sound strategy economically … Mobility is frustrating for service providers used to static populations, but people are exercising a discretionary socioeconomic response to the limited economic options in their home settlements.*

Mobility and social networks are important assets for Aboriginal people and rules that require fixed locality will be contested. The fixed locality of the housing investment demands a fixed population. It is not designed to deal with mobility for cultural reasons or in relation to regional settlement patterns (Moran et al. 2007).

Prout (2008, pp. 8–9) warns of the 'cycle of alienation': overcrowding; antisocial behaviour/ property damage; debt accumulation; eviction; preclusion from public housing; overcrowding, that can become endemic. The cycle of alienation is largely underwritten by mobility processes, and overcrowding is one of the impacts at the destination place. There are also impacts at the source place. These impacts include leaving the tenancy without giving proper notice or leaving the tenancy in the care of a relative, both of which are likely to incur debts and put the tenancy at risk.

Research on Indigenous housing careers (AHURI 2008, Birdsall-Jones & Shaw 2008) identified three kinds of overcrowding, these are:

- *Overcrowding that arises out of culturally legitimated activities, or mobility*: This form of overcrowding is associated with funerals, ceremonies and other culturally based activities which require the gathering of the family community and is accepted, short-term and planned for. The authors refer to this as 'mobility'.
- *Overcrowding that arises out of the system of kinship obligation (socially legitimated overcrowding)*: Changed economic circumstances may force households to find shelter with their relatives. This form of overcrowding is legitimated through kinship obligation but is accepted with some resignation as there is no foreseeable endpoint to the situation.
- *Overcrowding that arises out of activities that are neither culturally nor socially legitimated (dysfunctional itinerancy)*: In this form of overcrowding (typically) substance abusers take up residence rendering the household unsafe and quality of life to deteriorate. Even though regarded with disapproval by the family community they may be at a loss on how to remedy the situation.

Loss of housing can lead to itinerancy either by the host family or the guest kinfolk unable to abide the situation, or the landlord evicting the tenants for breaking the lease conditions.

What is generally referred to as 'sorry business' should be an important policy consideration for Territory Housing. Whilst the exact arrangements will vary between different groups and communities, 'sorry business' refers to the actions that must be carried out when a death occurs – here I refer to only those requirements that impact on housing. When a person dies the house that he/she lived in must be vacated by the extended family and all his/her possessions destroyed or distributed. All close relatives move to a sorry camp for a period of between two weeks and three months to mourn the deceased. The family will not return to the vacated house but the uncle of the deceased

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enough for the usual occupants. In Ali Curung only 17 per cent of respondents felt their house was bit enough for the usual number of occupants; the remainder said no, or did not state answer (Guenther 2009).

(mother's eldest brother or father's eldest brother) has the authority to decide who can reside in the house once it is cleansed. This is often a more distant relative. The immediate family that vacated the house must find other accommodation; usually with other relatives. The reorganisation of living arrangements may involve a number of different dwellings but is commonly worked out by the family of the deceased. In research conducted in Lajamanu and Ali Curung during December 2008 it was found that marginally more respondents reported obtaining their houses through sorry business than from the community council waiting list (Guenther 2009).

Housing administrators will need to recognise that culturally specific behaviours will impact housing management systems and any mismatch in this field may result in tenancy failures. One innovation for working with tenants with complex needs or demanding behaviours that has been developed by state housing agencies over a number of years is the 'sustainable tenancies' approach. This approach requires the public housing provider to put in place policies and practices that will support the tenant to remain in their tenancy. It requires active intervention and support to understand and deal with behaviours that would otherwise led to eviction and a repeat cycle of homelessness and itinerancy.

Territory Housing does intend providing intensive support in particular to tenants in dwellings that match urban public housing building standards. However, the challenge will be to know when tenants need support to have visitors stay (e.g. for 'socially and culturally legitimate overcrowding') and when they need support to remedy a situation; for example, 'dysfunctional itinerancy'. Where the authority lies for such decisions will need to be determined and specified, particularly, as tenancy management may be contracted to either shire councils, one of the remaining ICHOs[16], or be done directly by Territory Housing. The consistency of approach that 'mainstreaming' of housing services aims for, and the need for flexible responses to avoid cycles of homelessness, may be difficult for Territory Housing to reconcile. Reconciling these incongruent agendas requires decision-makers from both spheres/domains to sustain a complex dialogue in the recognition space to formulate solutions that they are committed to trialling and evaluating.

2.4 Local government (green boxes)

The restructure of local government in the NT was announced in October 2006, and was formally implemented on 1 July 2008 when the *Local Government Act 2008* centralised local government from community councils to regional shire governments. The key feature is the amalgamation of 60 primarily Aboriginal community councils into eight large shire councils. Three smaller shires and five municipalities supplement this arrangement. The local government reform provides for three tiers: a regional tier (e.g. Barkly, Central Desert and McDonnell Shires form a region) that will provide for regional planning and management; a shire council tier; and service centres located on a number of Aboriginal communities and managed by shire service managers with maintenance and essential services staff.

Shire councillors were elected in October 2008 through a ward system. Each councillor will be provided with a modest allowance to attend local board meetings held in the communities of his/her ward. Each community will have a local board (unpaid positions with no financial delegation) constituted on the recommendation of the community.

The impact of the restructure of local government on housing is twofold. In the first instance, around 75 per cent of ICHOs were constituted by or closely intertwined with Aboriginal community councils. The abolition of the community councils simultaneously abolished the majority of ICHOs. In the second instance, the majority of the new shire local governments are being funded by Territory Housing to undertake repairs and maintenance and/or tenancy management of housing in Aboriginal communities. Around eight ICHOs that were constituted independently of local community councils are funded by Territory Housing to provide housing services. One ICHO is engaged by a shire council.

[16] A small number (seven or eight) of ICHOs that were independent of community government councils are still funded as ICHOs.

Commercial contracting arrangements are planned but cannot be implemented until Territory Housing has fully developed the repairs and maintenance and tenancy management models, and how they sustain Aboriginal employment, that they can then put out to tender. In the meantime, the housing conditions and rules experienced by the communities are largely the same as they were under the ICHO regime.

The future role of shire councils in housing repairs and maintenance and/or tenancy management functions will be made on a case-by-case basis according to their capacity and preparedness to provide commercial services outside of their local government core functions. These decisions should be made by shire councillors newly asserting their decision-making powers, not the shire chief executive officers who, prior to the election of councillors, had the run on decision-making. If a shire council decides not to contract the housing functions then Territory Housing will manage them directly or contract other housing service providers.

Cost efficiencies form the basis of NT Government support for shire contracting of public housing repairs and maintenance management: centralised purchasing of equipment for repairs and asset maintenance and use of council-employed repairs and maintenance teams rather than private contractors. Other players believe that the enforcement of Territory Housing allocation and tenancy rules and procedures will take the ‘politics’ out of housing management. What they mean is that there will be no room for cultural imperatives (variously called ‘cronyism’, ‘lack of transparency’ and ‘patrimonalism’) to play a part in the decisions of the tenancy managers as there was under community housing arrangements. Certainly the opportunities for decision-making according to context and circumstance have been reduced under the public housing arrangements but it remains to be seen whether this works for households, or creates a disjuncture between housing provider and housing user.

3. Conclusion

The NT Government is committed to a substantial reform agenda in bringing Aboriginal remote housing in the major communities under the management of Territory Housing and simultaneously rolling out a major construction program that will build, replace, and upgrade housing stock in the communities over the next five years.

This paper identified areas where the new housing approach has the potential to address long-standing problems of remote Aboriginal housing (high construction costs, poor quality work, lack of maintenance and short housing lifecycles) by reducing complexity and duplication and improving accountability. In short, the fact that NT Government through its housing agency signs off on design and building specifications and has responsibility for short- and long-term asset maintenance puts it at 'both ends of the conveyor belt'. For the first time there is potentially a feedback loop on data/costs and therefore the whole-of-life performance of housing assets.

The capacity of the NT Government to engage with major Aboriginal communities to secure housing subleases and to prepare for the entry of the SIHIP alliance partners into communities is being stretched to the limit. Public pressure to see tangible outcomes from the substantial housing dollars in SIHIP is increasing as 'score-cards' underscore the lack of progress in reaching the targets of the NT Government's *Closing the gap on Indigenous disadvantage: a generational plan of action*.

Beyond the immediate pressures to enable the alliances to begin construction and put visible (housing) outcomes on the ground is the need for Territory Housing to develop models for the asset management and tenancy management functions. Detailed delivery models and clear delegations of responsibility are a necessary part of being able to contract out repairs and maintenance and tenancy management to the shires and other potential housing managers. However, the principles that underpin the mainstreaming of Aboriginal services – consistency of rules and standards, transparent decision-making, etc. – that are reflected in the RPHMF, may be at odds with the cultural practices in remote communities. Recognising this potential disjunct, this paper adapted the idea of a 'recognition space' to promote engagement between the 'domain' of mainstream Australia and the domain of Aboriginal values and practices.

What is the incentive for Territory Housing to engage in policy development around customary values, practices and obligations when it is the monopoly housing supplier? Logically the answer is very little, as remote Aboriginal residents have no other option than to accept whatever Territory Housing chooses to deliver – whether it is in relation to design and siting of dwellings, building specifications, repairs and maintenance or tenancy management – there is no other supplier and the current policy environment is to mould Aboriginal people into mainstream service delivery frameworks. On the other hand, in remote communities there is only one client group so there is little purpose in the systematic eviction of people from public housing for meeting cultural obligations (e.g. avoidance relationships, sorry business, mobility practices, social and interpersonal tensions) overcrowding, debt accumulation or other reasons, just to see houses sit vacant whilst others become overcrowded with those family and kin that have been evicted. This course of action will not extend housing lifecycles nor produce improved housing outcomes for Aboriginal households.

The other side of the question is: what is the incentive for communities to take membership of the HRG and its scope of work seriously? To date they have had little say in the policy changes that in a short space of time moved from support of a community rental housing model for Aboriginal communities to a centralised public housing model (see Porter 2009). Over the same period of time, NT community residents have lived the NTER experience and had their community local councils (and the majority of associated ICHOs) abolished. This could be interpreted as a lack of confidence on the part of mainstream governments in Aboriginal decision-making and governance.

The role of the proposed HRGs as key interlocutors between Territory Housing and community residents is of key interest for working in the 'recognition space'; the space where Territory Housing decision-makers and community decision-makers recognise the existence and validity of each other's core values and are prepared to work together to find solutions that give housing services meaning for both partners. To date, the proposals for what the HRG will do and how it will work have come from the government/supply side. This does not bode well for creating the type of partnership between government and community that will be necessary for residents to see value in supporting the membership and role of the HRG. However, as this body is the only structure proposed in the RPHMF that could support a sustained dialogue, it has to be the starting point for policy re-engagement with remote residents. The participation of the HRG will need to be sufficiently supported, structured and valued for solutions to evolve from an extended demand-side process. Over time, such a process will hybridise rules and procedures in the interests of sustainable tenancies.

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