Final Report

Progressing tenancy management reform on remote Indigenous communities

authored by

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ACRONYMS

ACT	Australian Capital Territory
ADKAR	Awareness, Desire, Knowledge, Ability and Reinforcement
ALRA	*Aboriginal Land Rights (Northern Territory) Act* 1976
ALT	Aboriginal Land Trust
ANAO	Australian National Audit Office
APY	Anangu Pitjantjatjara Yankunytjatjara
ARIA	Accessibility/Remoteness Index of Australia
ARHP	Aboriginal Rental Housing Program
ATSI	Aboriginal and Torres Strait Islander
ATSIC	Aboriginal and Torres Strait Islander Commission
ARIAP	Australian Remote Indigenous Accommodation Program
CEO	Chief Executive Officer
CHIP	Community Housing and Infrastructure Program
CHO	Community Housing Organisation
COAG	Council of Australian Governments
CSHA	Commonwealth State Housing Agreement
DHLGRS	Department of Housing, Local Government and Regional Services (NT)
DHPW	Department of Housing and Public Works (QLD)
DIDO	Drive-In Drive-Out
DOGIT	Deed of Grant in Trust
DoH	Department of Housing (WA)
PMC	(Department of) the Prime Minister and Cabinet
FaHCSIA	Department of Families, Housing, Community Services and Indigenous Affairs
FIFO	Fly In Fly Out
HMA	Housing Management Agreement
HUD	United States Department of Housing and Urban Development
ICHO	Indigenous Community Housing Organisation
ICO	Indigenous Community Organisation
KPI	Key Performance Indicator
MOU	Memorandum of Understanding
NAHA	National Affordable Housing Agreement
NAHASDA	*Native American Housing Assistance and Self-Determination Act of 1996*
NAIHC	National American Indian Housing Council

NGO	Non-Government Organisation
NPARIH	National Partnership Agreement on Remote Indigenous Housing
NPARSD	National Partnership Agreement on Remote Service Delivery
NSW	New South Wales
NT	Northern Territory
NTER	Northern Territory Emergency Response
ONAP	Office of Native American Programs
OSHS	One Social Housing System
QLD	Queensland
RSD	Remote Service Delivery
RSP	Regional [Housing] Service Providers
RTA	Residential Tenancies Act
SA	South Australia
SHA	State Housing Authority
SHPIP	Social Housing Practice Implementation Project
SIHIP	Strategic Indigenous Housing and Infrastructure Program
TAS	Tasmania
USA	United States of America
VIC	Victoria
WA	Western Australia

EXECUTIVE SUMMARY

This project is positioned in the context of reforms to remote Indigenous housing that aim to improve housing conditions and expand housing options. The study is especially concerned with reforms to property and tenancy management and asks what forms tenancy management arrangements are taking in different jurisdictions and what factors have influenced these decisions.

The policy framework for housing reforms in remote Indigenous communities is the National Partnership Agreement on Remote Indigenous Housing (NPARIH) and the National Partnership Agreement on Remote Service Delivery (NPARSD). The NPARIH establishes a 10-year (2008–2018) housing strategy in which the Australian Government has provided funding to the states and the Northern Territory for the construction of new housing, refurbishment of existing homes and management of housing on remote Indigenous communities. The NPARIH building and refurbishment program is scheduled to deliver up to 4200 new houses and rebuild or refurbish around 4876 existing houses by the end of 2018 (see Table 1) (COAG 2010).

Research methods

The methodology employed for this investigation combined desktop analysis with an Investigative Panel and site visits. The Investigative Panel was designed to bring together Indigenous and non-Indigenous experts from the research and policy communities and practitioners to inform and guide the study. Two Investigative Panel meetings were held with site visits in-between to provide in-depth contextualised analysis of how the reforms were being implemented. The study focused on the Northern Territory, Queensland, South Australia and Western Australia as the four jurisdictions comprising the bulk of remote communities. Site visits to State Housing Authority (SHA) head offices and remote communities in each jurisdiction aimed to provide deeper understanding of arrangements and to establish the locations, methods and feasibility of the second stage of the study.

To capture the diversity of arrangements and contexts for the delivery of tenancy management services, site visits occurred in four remote Indigenous communities: Katherine and Ngukurr, NT; Cooktown and Wujal Wujal, Qld; APY Lands, SA; and Fitzroy Crossing and outlying communities, WA. These visits were undertaken with housing staff in South Australia and the Northern Territory and in all cases combined individual interviews with informal meetings and observation.

International and Australian policy and service delivery context

The International policy review examined housing policies directed to remote Aboriginal communities in New Zealand, USA and Canada. Policies in these countries differ from the Australian policy environment in their articulation of principles of cultural recognition and self-determination which are underpinned by treaties, legislation or constitutional rights and appear to take for granted Indigenous community control of housing. Although they have different approaches to funding, regulation and capacity building, characteristics shared with Australia include limited investment in housing, targeting subsidised rental housing to people on low incomes, encouraging home ownership and private finance, incentives to increase rental revenue, and an emphasis on strengthening regulatory requirements and accountability.

Australian research has established that there are substantial differences between Aboriginal and non-Aboriginal tenancies which are more pronounced in remote settings (Memmott et al. 2003; Habibis 2013; Milligan et al. 2011). They include large

households, high levels of crowding and population mobility, low skills and educational attainment and high levels of disability. Until recently, Indigenous Community Housing Organisations (ICHOs) were the main service providers of remote Indigenous housing. They were often small kin-based organisations whose housing management practices were very different from the standardised, bureaucratic practices of SHAs. This, together with Aboriginal land ownership and the high costs of food and other consumables, means the expectations of tenancy managers that tenants conform to mainstream housing management practices in areas such as rental payments, allocations and housing succession require tenants to make substantial behavioural change.

Practical challenges for service delivery include the availability of skilled housing management and maintenance workforces, distances to regional centres and between remote settlements, access to facilities providing safe workplaces and adequate information technology equipment and infrastructure. Language barriers and cultural differences in the meanings of concepts such as house, land, home or tenant make communication around leasing and tenancy agreements difficult. The low rent base, extreme weather events, costly contractor services and difficulties in regulating suppliers working remotely make effective maintenance delivery difficult.

Tenancy management approaches

In the initial stages of the NPARIH program the emphasis was on meeting capital works targets. Legislative reform was required to establish the legal foundation necessary for state and territory housing agencies to manage property on Indigenous land. The states were often building these programs from scratch and in the absence of any blueprint for how public housing policy and operational procedures were to be applied.

As capital works targets were achieved, attention shifted towards the development and review of arrangements to ensure that services were delivered as effectively and sustainably as possible given the substantial investment of public funds in these communities. There has been considerable variation in the way that reforms have been implemented within and between jurisdictions in respect to leasing arrangements and the extent of SHA direct involvement in the landlord role. Factors shaping this include arrangements for Aboriginal land tenure and the size and capacity of the ICHO sector and its relationship with respective state and territory governments. Queensland and South Australia have been managing social housing assets directly, while the Northern Territory and Western Australia have combined direct management in some locations and third party arrangements in others. These third parties are either Indigenous Community Organisations (ICOs) or, in the case of the Northern Territory, shire councils. A mainstream community housing provider manages the process in one region of Western Australia.

There are a number of reasons for the predominance of direct state provision, including the background of mainstreaming over the previous decade that informed the broader policy context. Concerns about reported failings in past housing management practices within the ICO sector had been a critical factor in the Australian Government's decision to transfer funding from them to the states and the Northern Territory, which gave rise to an assumption that being under NPARIH management meant direct management by SHAs. At the same time a number of respondents pointed out that the NPARIH provides for the involvement of Indigenous people in the provision and management of their housing leaving scope for ICOs to maintain a service delivery role.

State respondents identified the pressure to deliver a substantial program within tight timeframes as a further pressure towards direct service delivery. The location and context of discrete Indigenous communities meant that in many locations it would have been difficult for external Indigenous or mainstream community housing organisations to take on housing management without an explicit strategy, extensive negotiations, time for relationship building and considerable government resourcing. There was also a sense of caution within some state agencies about moving too quickly towards working with Indigenous community organisations as partners because of the complexity this would add to an already fluid and politicised environment and the need to first ensure that good governance practices were in place.

Achievements to date

The findings suggest the NPARIH reforms have achieved some success in a complex and demanding service environment. At the halfway mark there has been some success in establishing formal tenancies agreements, applying needs-based allocation decisions, improving rent collection and implementing maintenance systems. But there remains much to be done to achieve quality housing services that are sustainable and appropriate for the range of remote Indigenous contexts. Policies and service delivery models are still developing across many critical areas of service delivery, including tenant education, rent setting and collection and recruitment and retention of a workforce with the appropriate skills and experience for working in Indigenous communities. There is some way to go in establishing facilities and operations that will ensure assets are protected over the medium- to long-term. Tenant support is in the early stages of development and there is considerable scope to leverage housing service delivery to improve levels of local employment.

Policy lessons and future planning

A number of strategic issues fundamental to achieving the intended NPARIH goals require further research and policy consideration. One is *the importance of the connection between capital works and tenancy management*. There were a number of areas where the capital works outcomes had not lived up to expectations which created difficulties in managing tenancies. The key policy lessons here are: the need for improvements in stakeholder communication; greater upfront consideration of the longer term impacts of capital works decisions; and closer involvement of housing managers and communities at all stages from planning and design to construction.

A common thread across jurisdictions was *recognition that incremental development and action learning have been essential*. The mainstreaming of Aboriginal housing that took place in the decade prior to NPARIH saw expertise dispersed and diluted across agencies such that many of the personnel responsible for negotiating with communities, establishing the policy settings and implementing the programs had limited experience or understanding of the distinctive legal, political, economic, historical, spatial, social and cultural context of Indigenous communities. This, together with the pressure to deliver against tight targets set by NPARIH implementation plans, meant that policy settings and service delivery arrangements were not always well developed before tenancy reforms commenced.

In all jurisdictions, state housing respondents indicated that *there was still much to be done in establishing robust tenancy management*. This co-existed with the view that the initial, intensive stage of negotiating leasing and management agreements and establishing tenancies, rent collection and maintenance systems was well advanced. Several respondents spoke of transitioning to a new stage in implementation that required different skills in frontline workers and new partnerships.

Positive relationships with local communities were identified in all jurisdictions as essential, whether SHAs directly managed tenancies or engaged local service providers. This was considered especially important in remote communities where SHAs lacked a full-time presence. Local partners could be engaged as tenancy and maintenance service providers, provide local knowledge, were a means of communicating with tenants and communities and could enable access to scarce resources such as office, meeting and overnight accommodation facilities. Importantly, positive local relationships and partnerships could assist in establishing and maintaining trust and legitimacy within the community. Ongoing investment in these relationships will continue to be a critical success factor.

Governance across the non-government organisation (NGO) and government sectors was seen as a crucial area for improvement. For the NGO sector, governance capacity is central to empowering remote communities and enabling Indigenous organisations to play a larger role in the future of housing provision. For governments, the challenge is to improve capacity to support new governance processes and to engage all stakeholders in sharing responsibility and decision-making for improving housing outcomes. Governance is critical because whatever service delivery models emerge over the long term, government will continue to hold ultimate responsibility for systems, accountability and outcomes.

Understanding the costs and cost drivers of managing housing in remote communities will be essential to inform cost-effective service delivery and sustainable funding models in the second half of NPARIH and beyond. As capital works budgets are expended and maintenance budgets put under pressure, the reality of unmet housing need and the ongoing challenge of repairs and maintenance demand is becoming more obvious. The post NPARIH funding source for tenancy management costs is a matter of concern as rent revenue cannot be expected to cover tenancy management fully or maintenance and replacement costs.

Government policy and the aspirations of some communities continue to focus on *diversifying tenure and increasing homeownership*. Social housing tenancy management policies need to consider opportunities for greater housing choices including homeownership and affordable rental. A key question is whether the application of 'public housing like' policies may impede the development and take-up of alternatives in communities that almost exclusively consist of social housing.

One of the most critical future planning issues is *whether in the future SHAs or third party providers are the primary service providers*. Respondents acknowledged the challenges faced by SHAs in directly managing remote tenancies but also questioned the potential for an increased role for alternative providers. Further consideration of possible future roles for Indigenous and mainstream community housing providers needs to occur.

Conclusions

This outline of what is known about the progress of the NPARIH reforms has highlighted the complexity of the remote Indigenous housing management endeavour and the challenges in achieving the NPARIH objectives. It has pointed to the achievements to date and the amount of work that still needs to be done in order to achieve acceptable standards and appropriate management of housing in remote communities. Critical to this endeavour is the need to strengthen partnerships with Indigenous people to plan for a future that can secure sustainable housing outcomes that will improve their lives and living conditions.

In addressing this challenge the research has identified a high level of commitment from all stakeholders. A shared concern is to ensure that the substantial investment of human and financial resources which has underpinned NPARIH should not be compromised in the way that previous efforts have seen hard-won gains dissipated as political commitment has waned or new policy directions have undermined achievements. Critical concerns are whether national and state and territory governments will maintain a long-term policy focus and commitment, and whether and how the public investment in remote Indigenous housing will be protected if responsibility is transferred to a third sector provider, or to individual owners, as has been suggested recently by the federal Minister for Indigenous Affairs (Karvelas 2013). It is vital that these debates and decisions are informed by robust and objective evidence on the achievements of NPARIH and the possibilities for improving service delivery efficiencies.

1 INTRODUCTION

This project is positioned in the context of reforms to remote Indigenous housing that involve the provision of resources by the Australian Government to state and territory governments to improve housing conditions and expand housing options. The study is especially concerned with reforms to property and tenancy management aimed at achieving long-term benefits for tenants and extending the life of dwellings. The purpose of the project is to examine the forms of tenancy management arrangements adopted in different jurisdictions and locations, and the factors that have influenced these decisions. This analysis provides the foundation for a proposed further study that will provide information on tenant and community outcomes and consider how property and tenancy management can be configured to ensure value for money in particular locations. It will identify and disseminate policy lessons to inform practice and planning to ensure that the benefits of federal and state and territory investments in housing on remote Indigenous communities are maintained beyond the current funding arrangements.

1.1 Background and research aims

The policy framework for housing reforms in remote Indigenous communities is the National Partnership Agreement on Remote Service Delivery (NPARSD) and the National Partnership Agreement on Remote Indigenous Housing (NPARIH). The NPARSD aims to improve access to services, and the standard and range of services, available to Indigenous families living in remote communities, with 29 communities identified as priority communities for investment (COAG 2009b) The NPARIH establishes a 10-year (2008–2018) housing strategy in which the Australian Government has provided funding to the states and the Northern Territory for the construction of new housing, refurbishment of existing homes and management of housing on remote Indigenous communities. Initially established in the Northern Territory as the Strategic Indigenous Housing and Infrastructure Program (SIHIP), this program was later subsumed within the NPARIH. The building and refurbishment program is scheduled to deliver more than 4200 new houses and rebuilding or refurbishment of more than 4876 existing houses by the end of 2018 (see Table 1) (COAG 2010). These improvements to housing infrastructure are expected to address issues of crowding, homelessness, poor housing conditions and severe housing shortages.

Table 1: NPARIH 2008–2018 budget: targets and completions as at 31 March 2013

	Budget 2008–2018	New houses		Rebuilds and refurbishments	
	$ million	2018 target	Completed March 2013	2018 target	Completed March 2013
NT	1,700	1,456	821	2,915	2,693
WA	1,200	1,012	295	1,288	884
QLD	1,200	1,141	190	1,216	1026
SA	292	241	119	206	177

Source: ANAO (2011), Hawgood (2013). Accessed 28 May 2013: http://www.fahcsia.gov.au/our-responsibilities/indigenous-australians/programs-services/housing/national-partnership-agreement-on-remote-indigenous-housing Accessed 7 October 2013:

Department of Social Services, (2014). Accessed 7 May 2014: http://www.dss.gov.au/our-responsibilities/indigenous-australians/programs-services/housing/national-partnership-agreement-on-remote-indigenous-housing.

Tenancy management is a critical component of these reforms in order to ensure that this substantial capital investment is protected over the medium to long term. A core output of NPARIH is therefore:

> … robust and standardised tenancy management of all remote Indigenous housing that ensures rent collection, asset protection and governance arrangements consistent with public housing standards. (COAG 2010, p.5)

Other outputs include a program for ongoing maintenance and repair of houses, support structures for sustaining tenancies, rent reforms, increased employment opportunities for local Aboriginal residents, improved data collection capacity and the progressive resolution of land tenure on remote community titled land to facilitate both government and commercial investments and opportunities (COAG 2010). These are intended to contribute to broader outcomes under the NPARSD that emphasise community engagement, social inclusion, service integration and community capacity building (COAG 2008).

Across jurisdictions, a variety of tenancy management models have emerged comprising a mix of roles for state housing authorities, mainstream and Indigenous community housing providers and the private sector. There is limited documentation or analysis of these and it is timely to review how the reforms are being implemented as a preliminary to assessing their effectiveness to inform development of policy settings and service delivery nationally. This study focuses on the four jurisdictions with the highest Aboriginal populations living in remote, discrete Indigenous communities: the Northern Territory, Western Australia, Queensland and South Australia.

1.2   Research methods

This project aims to identify how tenancy management has been implemented across the four jurisdictions, the reasons for the model adopted in each jurisdiction. and whether data is available for further investigation of the effectiveness of arrangements for tenancy management in remote Indigenous communities.

The methodology combines desktop analysis with an Investigative Panel and site visits. A literature review was undertaken to identify what is known about:

1. How state/territory housing authorities are implementing tenancy management on discrete and remote Aboriginal communities.

2. Progress towards achieving policy goals.

3. The impact of these changes on community members and Aboriginal community organisations.

For Canada, the USA and New Zealand, the aim of the review was to identify the policy and service delivery directions for housing on remote Indigenous communities and arrangements for tenancy management. The research involved an international literature review using electronic databases and internet searches of key government, policy, research and lobby group websites, and contact with state and territory housing policy personnel to provide details of policy implementation that could not be found through the literature searches. Around 400 citations were identified through the search strategy. From this around 90 documents were finally obtained for more in-depth reading and inclusion in the final review.

Investigative Panels are designed to bring together and draw on the experience and expertise of experts from the research and policy communities and practitioners. Two Investigative Panel meetings were held with site visits in-between to provide in-depth

contextualised analysis of how the reforms were being implemented in particular jurisdictions and communities.

1.2.1 Investigative Panel meetings

The Investigative Panel comprised 15 members from the federal government and state/territory governments in Queensland, South Australia, the Northern Territory and Western Australia, and representatives from Indigenous and mainstream community housing and non-government peak organisations. Members were selected on the basis of their knowledge of areas including the housing needs of Indigenous people living in remote communities, changes to tenancy management associated with the NPARIH and the NPARSD and/or their strategic location within state and federal agencies and Indigenous and non-Indigenous organisations and services (see Appendix 1).

The terms of reference for the Investigative Panel involved consideration of four key issues:

1. The management of tenancies in remote Indigenous communities and different arrangements which influence housing outcomes.

2. The implementation of tenancy management services in remote Aboriginal communities and factors which influence decision-making.

3. Forms of tenancy management services and differences in the mix of government, community and private sector services.

4. Ways in which a comparative analysis of the cost-effectiveness and housing outcomes of different types of tenancy management arrangements might be organised.

The first meeting of the Investigative Panel was in Adelaide on 16 July 2013. It focused on identifying the arrangements for tenancy management in each jurisdiction early policy lessons emerging from the service delivery changes, the availability and robustness of data sources for the housing outcomes and cost analysis and possible locations of site visits.

The second meeting was held in Sydney on 14 October 2013. It focused on developing a shared understanding of how policies had been implemented in different locations and on subsequent policy lessons arising. It also established whether administrative data in combination with primary data collection strategies (interviews, focus groups and surveys) would be available and appropriate to the second stage of the study.

1.2.2 Site visits

Site visits to SHA head offices and remote communities aimed to provide deeper understanding of arrangements and to establish the locations, methods and feasibility of the second stage of the study (see Table 2). To capture the diversity of arrangements and contexts for the delivery of tenancy management services to remote Indigenous communities the following criteria were applied to the selection of the fieldwork sites:

→ Geographical diversity in relation to remoteness (remote and very remote); proximity to regional centre; discrete and other.

→ Differences in population size, including communities of less than 100 and communities of more than 1000.

→ Differences in the mix of services provided by different providers.

→ Differences in the type and condition of housing.

Table 2: Site visits: aims and methods

	Objective	Methods	Location
1.	Identify what administrative datasets are available, whether these include the variables necessary for the cost-effectiveness analysis, whether they are accessible and how robust they are.	Meetings with SHA database and budget managers	Capital cities as required
2.	Obtain a deeper understanding of the range of arrangements for tenancy management within each of the selected states/territories and the reasons for the different models.	Meetings with SHA policy and operational staff	Regional and capital cities
3.	Extend understanding of what arrangements look like on the ground in relation to: → how contractual arrangements are being managed → how services are interacting → how tenants and the broader community are experiencing the services.	Meetings with local SHA, community and mainstream housing and other (education, employment and training, health, police) service providers	Remote communities
4.	Determine what sites will be available for the next stage of the study and the methods for qualitative data collection: respondent groups; respondent numbers; survey instrument areas and questions; processes and timing of data collection.	Meetings with relevant SHA and service provider senior managers	Capital cities and remote communities

Consultations with community leaders and SHAs and discussions at the first Investigative Panel meeting identified a number of possible locations with further negotiations resulting in the selection of four sites which met the selection criteria as identified in Table 3.

Table 3: Site locations and selection criteria

Location	Diversity	Population	Provider mix	Service mix	Housing
Katherine and Ngukurr, *NT*	Regional centre, remote and very remote	100–1000	SHA, Indigenous community	DIDO, RSPs	New, upgraded, existing
Cooktown & Wujal Wujal, *Qld*	Remote	300–2000	Direct SHA	FIFO, Local government	New, upgraded, existing
APY Lands, *SA*	Very remote	100–350	Direct SHA	Regional office DIDO	New, upgraded, existing
Fitzroy Crossing and outlying communities, *WA*	Very remote	100–1000	SHA, ICO	DIDO, RSP	New, upgraded, existing

Data collection was undertaken in September 2013 following ethics clearance. Interview respondents included personnel at every level in the government and non-government sectors, as well as some service providers who were also tenants.

Indigenous community respondents included CEOs of Indigenous Land Councils, chairs and councillors of community councils and staff and board members of Indigenous resource agencies providing tenancy management and repair and maintenance services. SHA respondents included senior policy, strategy, operational and database managers, project officers, regional managers and housing officers. Other respondents included senior and frontline staff of Indigenous and non-Indigenous organisations and government and community organisations providing services to Indigenous communities (see Table 4).

Meetings with senior policy, strategic and operational staff at head office and regional locations were conducted in the course of site visits to obtain a statewide understanding of tenancy management arrangements and to discuss with database managers the feasibility of a cost analysis of the programs. Visits to communities were undertaken in conjunction with housing staff for South Australia and the Northern Territory; individual interviews were combined with informal meetings and observation at all sites. Interview numbers for site visits (locations) ranged from 14 to 23 with a total of 71 interviews (Table 4). Most of the formal interviews were audio recorded or simultaneously transcribed, although some respondents preferred not to be audio recorded. Notes were taken in conjunction with interviews and informal discussions and observations and recorded in a fieldwork journal.

Table 4: Site visit interviews: number and type

Location	Total	SHA			Other Services		
		Policy	Opera-tional	Front-line	Govt	ICO	NGOs
APY Lands	*17*	3	7	2	1	3	1
Cairns, Cooktown, Wujal, QLD	*17*	2	2	2	4	3	7
Darwin, Katherine, Ngukurr, NT	*14*	2	3	2	2	1	5
Fitzroy Crossing, WA	*23*	4	5	5	2	3	4
Total Interviews	*71*	11	17	11	9	10	17

1.2.3 Ethical considerations

University ethics approval was sought and received for the Investigative Panel and fieldwork components of the study. Guidelines for the ethical conduct of research with Aboriginal and Torres Strait Islander communities were also consulted (e.g. AHURI 2009; AIATSIS 2011). The researchers acknowledge their status as non-Indigenous Australians and the necessity to abide by culturally appropriate and ethical principles when undertaking research concerned with Indigenous peoples and their communities (see Denzin et al. 2008 and Walker et al. 2003 for a discussion of relevant issues).

Key Indigenous stakeholders, including Investigative Panel members, were contacted in the planning stage to ensure that the design and methods were appropriate and respectful, and to establish relationships between the researchers and local organisations and community members. Indigenous informants facilitated local engagement and assisted in identifying the fieldwork implications for respecting local cultural norms and expectations. The researchers aimed to ensure that the research benefited from, and provided a voice to, Indigenous knowledge and expertise in understanding the housing experiences of Indigenous people in remote Australia.

1.3   Report structure

This chapter introduces the study and details the research aims and methods. Chapter 2 sets the scene for the study by examining the policy and service context for the study. It begins with a summary of remote Indigenous housing policies in Canada, the USA and New Zealand before outlining policy directions in Australia. Changes to tenancy management from the Indigenous community sector to SHAs are located in the broader context of the major public investment in remote Indigenous housing infrastructure under the NPARIH and NPARSD. This discussion is followed by an analysis of the implications of this shift for tenancy management arrangements on the ground.

Chapter 3 examines the progress of the National Partnership Agreement reforms in remote Indigenous communities, focusing on how the new arrangements for tenancy management under the NPARIH have been implemented in each of the four jurisdictions included in this study. Data from the case study sites provide a more detailed analysis of the progress of the reforms and what implementation looks like on the ground.

Chapter 4 provides a cautious assessment of the reforms' success in achieving policy goals. This analysis is tentative because the primary objective of the study was to examine how tenancy management reforms have been implemented, and to identify the reasons behind the configuration of service delivery in different locations, rather than to provide an evaluation of their effectiveness.

Chapter 5, the final chapter, provides a summary analysis of the findings. It identifies the policy issues and lessons that emerged from the research and discusses areas where further policy and planning consideration is needed to ensure sustainable benefits over the longer term.

2 THE POLICY AND SERVICE CONTEXT

This chapter examines the international and Australian context within which the tenancy management reforms are occurring. The brief review of directions in international Indigenous housing policy aims to highlight the demography, history and socio-political factors that influence policy similarities and differences. An overview is then provided of the pre-NPARIH Indigenous housing policy environment followed by discussion of broader national housing policy issues that impact on remote Indigenous housing.

2.1 International policy directions

Research on Indigenous housing suggests similarities between Australia, Canada, the USA and New Zealand. Corresponding experiences with these countries include a young Indigenous population, high birth rates, housing exclusion, population mobility and an enduring attachment and association with rural and reserve communities, partly because of their role in maintaining Indigenous cultural identity (Housing New Zealand Corporation 2008, p.44; Peters 2004, p.5; Taylor & Bell 2004, p.3). Provision of housing in remote, communally owned and reserve lands faces similar challenges to those faced in Australia to greater or lesser degrees. These include: high building costs; limited access to private finance; low rental revenue; limited housing life due to poor workmanship, climatic impacts, overcrowding and inadequate asset management; high maintenance costs; inadequate governance; and limited housing management expertise.

In the USA and Canada, the federal structure also creates problems of responsibility and accountability. The comparisons highlight similarities in the complex and intractable nature of some of the issues shaping this field, but also substantial differences in policy directions in Australia compared with the USA, Canada and New Zealand in regard to recognition of aspirations for self-determination.

2.1.1 New Zealand

In 2012 the Māori population in New Zealand was 682 200, or 15.4 per cent of the total population (Statistics NZ 2014). The majority of Māori people live in urban and regional areas on the North Island, with less than 2 per cent living in 'highly rural/remote' areas (predominantly on the North Island), with numbers declining as Māori people move towards urbanised areas such as Auckland (NZ Ministry of Health 2012). Māori family sizes are slightly larger than the general population and, combined with cultural practices of receiving and accommodating visiting and permanent whānau (immediate and extended family), Māori families tend to require larger houses. In 2006 almost 13 per cent of Māori households were overcrowded. There is a high dependence on social housing with 38 per cent of all people living in New Zealand Corporation properties in 2006 being Māori (Flynn et al. 2010).

Māori housing is mainstreamed, although recent housing reforms have sought funding provisions to afford Māori and community housing organisations greater flexibility to expand support to more Māori tenants (NZDBIE 2013a). The recently created Social Housing Unit is designed to develop, diversify and enlarge programs for Māori through facilitating appropriate community and private housing providers. Enabling investment on Māori land is also a priority (NZDBIE 2013b). 'Putea Māori' constitutes a distinct portion of the Capital Grant funding program available for Māori housing providers. It encompasses an allocation of $13.8 million over three years, plus $.5 million in a revolving fund for project development. Funding preference is given to social and rental housing on multiple-owned Māori land for predominantly low/moderate income Māori households (NZSHU 2013). In addition, infrastructure grants to support

development on multiple-owned Māori lands and home loans to enable individuals to build on these lands are also being provided with the aim of encouraging economic development and a diversity of housing options.

2.1.2 United States of America

In 2010, 5.2 million people, or 1.7 per cent of the total population of the United States, identified as American Indian or Alaska Native or both (Norris et al. 2012, pp.2–4). Of these, 22 per cent lived in American Indian and Alaska Native communities (Norris et al. 2012, pp.5–6), especially 'on or near Native American reservations and trust lands in the Midwest plains, the Southwest, and Alaska' (HAC 2012, p.17). Crowding in reservation homes affects nearly 9 per cent of households.

The principle agency for American Indian and Alaska Native housing is the Office of Native American Programs (ONAP) within the U.S. Department of Housing and Urban Development (HUD). The governing statute of the ONAP is the *Native American Housing Assistance and Self Determination Act of 1996* (NAHASDA). 'NAHASDA gave tribal governments greater control over the housing program by consolidating a number of federal housing programs that provided funding primarily to low-income Native Americans, into a single, formula-driven recurring block grant program.' Its intent is 'to provide federal assistance for Indian tribes in a manner that recognizes the right of tribal self-governance', which underscores the recognition given to tribes as sovereign nations in the United States.

The U.S. Department of Housing and Urban Development manages the Indian Housing Block Grant program that channels funding provided through the NAHASDA to Indian tribes or their tribally designated housing entity for housing in Indian areas. Under the Indian Housing Block Grant, tribes self-determine the planning, design, construction and maintenance of affordable housing on Indian reservations and Native communities. The entity designated by the tribe to receive HUD funds must comply with the rules and requirements of the program. Compliance is managed through an Indian Housing Plan which Indian housing organisations are required to submit every year (US DHUD 2013a).

Regulations for NAHASDA are negotiated with tribes. HUD's Office of Public and Indian Housing (PIH) issues Notices to articulate regulations in more detail. The ONAP issues Program Guidance, which are less formal interpretations of a regulation. These regulations and the annual housing plans do not specifically focus on housing management because this is considered the responsibility of the tribes. Rather they emphasise accountability for the use of funds as well as construction and asset management outcomes (US DHUD 2013a, 2013b).

The National American Indian Housing Council (NAIHC) was founded in 1974 and represents the housing interests of Native Americans living 'in Indian communities, Alaska Native Villages, and on native Hawaiian Home Lands. The NAIHC is composed of 271 members representing 463 tribes and housing organizations. … NAIHC promotes and supports Native housing entities', through advocacy, training, technical assistance and research and information, 'in their efforts to provide culturally relevant and quality affordable housing on behalf of Native people' (NAIHC http://www.naihc.net/index.php/about/).

2.1.3 Canada

In 2011, 1.4 million people identified as Aboriginal in the Canadian National Household Survey, comprising 4.3 per cent of the total population (Statistics Canada 2013). Of this population 851 560 identified as First Nations peoples only, 451 795 as Métis only and 59 445 as Inuit only (Statistics Canada 2013). Three quarters of First

Nations peoples were registered under the Indian Act of Canada as 'Indian status' with nearly half of these living on Indian settlements or reserves. The Métis population lives predominantly in urban areas while three-quarters of Inuit live in Inuit homelands of Inuit Nunangat, which stretches from Labrador to the Northwest Territories (Statistics Canada 2013).

Indian reserve land is an area of land, the legal title to which is held by the Crown, set apart for the use and benefit of an Indian band. In 2012 there were 2267 Indian reserves, comprising 2.6 million hectares or 0.02 per cent of Canada's total land area. The largest reserves are in Ontario, Alberta and Saskawetchan (AANDC 2013b). Reserve land is regulated by the federal government under the *Indian Act* 1985 which limits any alienation of lands, including their use as security.

Canada's *Constitution Act* of 1982 acknowledges the right of Aboriginal people to self-management with land rights treaties negotiated under the Inherent Right of Self-Government Policy 1995. The *First Nations Land Management Act* 1999 replaces sections of the Indian Act dealing with land, resources and environment, increasing First Nations authority and responsibility for land management. Amendments in 2012 clarified the codes and removed barriers to development. Further changes under the Economic Action Plan 2013 provide more opportunities for First Nations to enact their own laws for economic development, conservation, use and possession of reserve lands.

Self-government agreements provide a framework for intergovernmental relationships between the First Nation and federal governments and establish Aboriginal governments as primarily responsible for their citizens within the constraints of federal policy and legislation. Thirty-seven First Nations have opted-in under this legislation, meaning that their band councils now have broad powers including responsibility for housing provision.

These developments extend the directions established since 1996 through on-reserve housing policy that emphasises First Nations control, expertise, shared responsibility and increased access to private finance. This program allocates an average annual investment of $155 million for housing on on-reserve communities. However, this funding is inadequate to maintain housing or to address housing shortages on reserves. First Nations and their residents are expected to secure funding to address this shortfall from other sources, including shelter charges and private sector loans (AANDC 2013).

The Canadian policies promote a self-management approach on First Nation reserves that is accompanied by reduced government responsibility for, and investment in, housing and requires band councils and residents to pursue greater economic independence and commercial approaches to housing provision.

2.1.4 Summary

Housing policies directed to remote Aboriginal communities in New Zealand, the United States and Canada articulate recognition and self-determination that appear to take for granted community control of housing and responsibility for housing management. In each country the policies are underpinned by variations of treaties, legislation or constitutional rights. Each has different approaches to funding, regulation and capacity building. In spite of these differences, housing policies for remote and discrete Indigenous in comparable western democracies also include many features common to the Australian experience. These include: limited investment in housing; targeting subsidised rental housing to those on low incomes; encouraging home ownership and private finance; incentives to increase rental revenue; and strengthening regulatory requirements and accountability.

2.2 Australian policy context

Responsibility for policy and funding for housing to Australian Indigenous communities prior to and during the Aboriginal and Torres Strait Islander Commission (ATSIC) era was split between the federal government, and state and territory governments. Service delivery was achieved through a complex mix of public, semi-government, non-government and market providers. At the national level funding was channelled through ATSIC regions to Indigenous Community Housing Organisations (ICHOs), including community corporations and remote Indigenous local authorities. The Community Housing and Infrastructure Program (CHIP) provided funding for housing-related infrastructure, construction, property and tenancy management, environmental health infrastructure, essential services and municipal services. In addition to CHIP, targeted and tied Aboriginal Rental Housing Program (ARHP) funding went to the states and territories under the Commonwealth State Housing Agreement (CSHA). The application of these funds varied between jurisdictions and this, together with the dual funding arrangements, led to a 'mishmash of roles and responsibilities resulting in multiple and often inconsistent policies and a plethora of programs that often functioned with little or no co-ordination within single jurisdictions or even local areas' (Milligan et al. 2010, p.16).

Following the abolition of ATSIC in 2004, responsibility for CHIP transferred to the federal Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA). A 2007 review of CHIP found the program was failing to provide adequate housing for Aboriginal people resident on remote communities and recommended its abolition and replacement with a program managed by state housing authorities with the goal of establishing housing management standards equivalent to those in public housing programs in comparable locations elsewhere. These recommendations were implemented in the ensuing years, with CHIP being replaced by the Australian Remote Indigenous Accommodation Program (ARIAP) and eventually forming national policy through the NPARIH and the NPARSD.

A summary of the evolution of remote Indigenous housing programs is provided in Table 5.

Table 5: Evolution of remote Indigenous housing programs 2004–13

2004	July	Abolition of ATSIC
		Transfer of CHIP to FaHCSIA
2005	Dec	Indigenous Housing and Infrastructure Agreements negotiated (signed by each state/territory government by May 2006)
2007	Feb	Review of CHIP
	June	Northern Territory Emergency Response (NTER) announced
	Sept	MOU on Indigenous Housing, Accommodation and Related Services signed by Australian and NT governments
	Oct	Funding for NT housing reforms allocated under Indigenous Housing, Accommodation and Related Services program
2008	April	SIHIP announced
	July	ARIA replaces CHIP
	Dec	NPARSD signed
2009	Jan	NPARIH signed
		NAHA commenced to replace CSHA – ARHP funding moved to NPARIH
	Aug	SIHIP reviewed
	Dec	Renegotiation of NPARIH
2013	Sep	Restructuring of the FaHCSIA to become the Australian Government Department of Social Services (DSS). Indigenous Affairs moved to the Department of Prime Minister and Cabinet (PM&C).

Source: Modified from ANAO (2011) and Milligan et al. 2011

2.2.1 Impact on the ICHO sector

The NPARIH reforms have accelerated the decline of the ICHO sector due to the loss of dedicated national funding, especially in remote Indigenous communities. The ICHO sector is comprised predominantly of localised, kin-based, community organisations managing housing portfolios of less than 100 dwellings, with the majority managing less than 50 (PWC 2007). Many provide housing as a component of a broader range of social and economic development services including employment, training and social enterprises.

The removal of funding attached to delivery of housing services has meant that many ICHOs have become unviable. Although their decline in numbers is due partly to mergers, Table 6 shows, between 2001 and 2011 the number of ICHOs declined from 616 to 328. Of these, only 214 were reported by the SHAs to be funded. Between 2004 and 2011 the number of dwellings managed by ICHOs declined from 21 717 to 17 543 (AIHW 2012, p.23). The impact has been greatest in remote locations, but in non-remote locations ICHOs are increasingly subject to mainstreaming. The exception is NSW where adaptive policies, and changes to funding and regulation have maintained the prominence of the sector (Milligan et al. 2010).

Table 6: Indigenous Community Housing Organisations (ICHOs) by state/territory: 2001, 2006 and 2011

State or Territory	All ICHOs		All ICHOs	Funded ICHOs
	2001	2006	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; ABS 2007, Table 2.2; and AIHW 2012 p.63

Under the NPARIH there is great variation in the treatment of the ICHO sector by state housing agencies. It is possible for them to maintain some role in the delivery of housing services if they can meet mainstream community housing funding, policy and regulatory conditions. However, even if state housing agencies are willing to enter partnerships, there are many barriers to the integration of ICHOs as registered providers within state systems. These include:

→ Their small size, which affects their financial and organisational capacity due to poor economies of scale.

→ Resourcing negotiation of regulatory hurdles.

→ The varied extent of their legal frameworks, including complications of funding sources and ICHO type (e.g. housing specialist or multiple service provider).

→ Remoteness factors, such as ICT capacity and access.

→ Variation in availability of qualified personnel for financial, management and administrative tasks.

→ Limited training opportunities for staff.

→ The difficulty of adapting wrap-around, flexible models of housing management to mainstream ones.

(Eringa et al. 2008)

The jurisdictions that have seen the greatest reduction in the ICHO sector are the Northern Territory, Queensland and Western Australia. In the Northern Territory only a handful of ICHOs remain. Most of the 60 community councils that previously managed housing in remote Indigenous communities were amalgamated in 2008 to form eight shire councils. Some of these shire councils are contracted to Territory Housing to undertake tenancy management.

In Queensland, ICHOs in locations not designated as Deed of Grant in Trust (DOGIT) communities have limited access to alternative funding sources and are dependent on mainstream community housing funding streams for their survival. Where they have opted to transfer their housing to the state, it has been absorbed into the mainstream public housing management system. Of approximately 80 ICHOs that existed pre-

2005, at least 25 have elected to register under mainstream community housing regulation, at least five have wound up or transferred housing to the state and the remainder are still negotiating with, or have opted to remain outside, the state system. The latter are not included in official state housing data collection and reporting.

Western Australia had the second largest number of ICHOs in Australia after NSW, and the largest number of remote ICHOs, with 34 service providers managing 2261 houses in 121 communities (Solonec 2010). Initially housing management was voluntarily handed over to Aboriginal Regional Resource Centres to facilitate improved housing management. These evolved into Regional [Housing] Service Providers (RSPs), which were contracted and funded by the WA DoH to manage housing. However, only some of these were able to meet their contractual obligations and the WA DoH stepped in to provide direct housing management services. At the time of writing there were five Indigenous RSPs providing housing to regional centres and surrounding remote communities. These are being encouraged toward registration as Community Housing Service Providers to ensure they operate in line with the WA Community Housing regulatory framework and become subject to compliance monitoring.

The increased emphasis on adherence to mainstream housing policy regimes and strengthened regulation has been driven by concerns about housing standards and accountability for the use of public funds. Very limited attention has been paid in most jurisdictions to the impact on Indigenous organisations struggling to adapt to the speed and radical nature not only of housing reforms, but also dramatic changes in associated areas such as land tenure, local government governance and employment and training programs. The demise of the Community Development Employment program (CDEP) has particularly impacted on many ICHOs that were reliant on the voluntary work of participants in maintaining houses.

Discussion of the broader implications of the loss of Indigenous organisations in housing and other service provision have been largely absent from the public policy discourse. This is in spite of considerable evidence about the important role of these organisations in identifying and responding to specific local needs and contexts, engaging people who are reluctant to deal with mainstream (especially government) services, facilitating inclusion of Indigenous people in advocacy and policy processes, delivering and modelling culturally appropriate service delivery approaches and combatting racism (Neutze et al. 2000; Sanders 2002; DHS 2008; Lumby & Farrelly 2009).[1]

2.2.2 Mainstream national housing policy directions

Increased direct intervention by the state in social housing management and the decline of the Indigenous community sector in remote housing provision runs counter to national trends of an increase in the role of the community housing sector in social housing (Pisarski et al. 2010; Milligan et al. 2010). National policy and policy in the larger state and territory jurisdictions is directed to transferring a significant proportion of public housing to management by community housing providers, but the opposite is occurring in remote Indigenous housing where the reforms under NPARIH have meant the states and territories have increased their direct management.

A new national regulatory system for community housing providers with tiered registration was implemented from January 2014. It is expected that community housing providers, including ICHOs will be required to be registered in order to manage remote tenancies. The regulatory requirements present particular challenges

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[1] See Miiligan et al. (2010) for further discussion of the benefits of Indigenous Housing organisations.

for Indigenous councils which may need to meet requirements for incorporation as a company or Indigenous corporation if they wish to undertake social housing management. The specifics of how individual states and territories will apply the national regulatory provisions are unclear but this will be a critical consideration in developing alternative service delivery models.

These are critical and imminent policy concerns in jurisdictions such as Queensland where government policy is to exit from direct housing management and progressively transfer all social housing management, including in remote communities, to community housing.

2.3   Australian service delivery context

The remote and very remote Indigenous population of Australia comprises 142 900 people, or 21 per cent of the total Indigenous population in Australia (ABS 2013). The Indigenous population in remote areas comprises 15 per cent of the total remote population, rising to almost half of the very remote total population (Baxter et al. 2011). The Northern Territory includes the highest percentage of Aboriginal and Torres Strait Islander (ATSI) people in any jurisdiction (see Table 7) and the highest number of discrete Indigenous communities (see Figure 1). Of the four jurisdictions included in this study, Queensland has the numerically highest Indigenous population.

Table 7: Australia's estimated ATSI population by state and territory

ATSI population	NT		WA		Qld		SA	
	%	N	%	N	%	N	%	N
Proportion of state/territory jurisdiction	29.8	68,901	3.8	88,277	4.2	188,892	2.3	37,392
Proportion of Australian ATSI population	10.3		13.2		28.2		5.6	

The concept of 'remote Indigenous housing' is complex. The accepted standard for categorising remoteness in Australia is the Accessibility/Remoteness Index of Australia (ARIA). This index is the basis for defining 'remote Indigenous communities' for the NPARIH, with communities classified under ARIA as 'remote' or 'very remote' included in that definition. The concept of 'discrete Indigenous communities' is often conflated with 'remote Indigenous communities', which is understandable given that discrete communities are overwhelmingly, but not exclusively, located in remote and very remote locations. However, discrete communities are generally defined on the basis of having Indigenous specific land tenure, usually associated with Indigenous specific governance structures rather than remoteness. An added complexity is that Indigenous specific housing in remote and very remote locations may be situated in discrete Indigenous communities or mainstream towns and cities with varying land tenure status. Overlapping state and federal Indigenous housing funding, administration and governance arrangements prior to 2008 add further definitional complexity. For the purposes of this study, 'remote Indigenous housing' refers generally, but not exclusively, to rental housing that is located in remote and very remote discrete Indigenous communities. These communities include designated reserves, town camps and community lands established for the benefit of, or governed by, Aboriginal and/or Torres Strait Islander local government authorities, land councils or corporations. Specifically, the study is concerned with housing that SHAs have taken responsibility for since 2008 under the provisions of the NPARIH.

Figure 1: Distribution of discrete Indigenous communities and remoteness locations, 2006
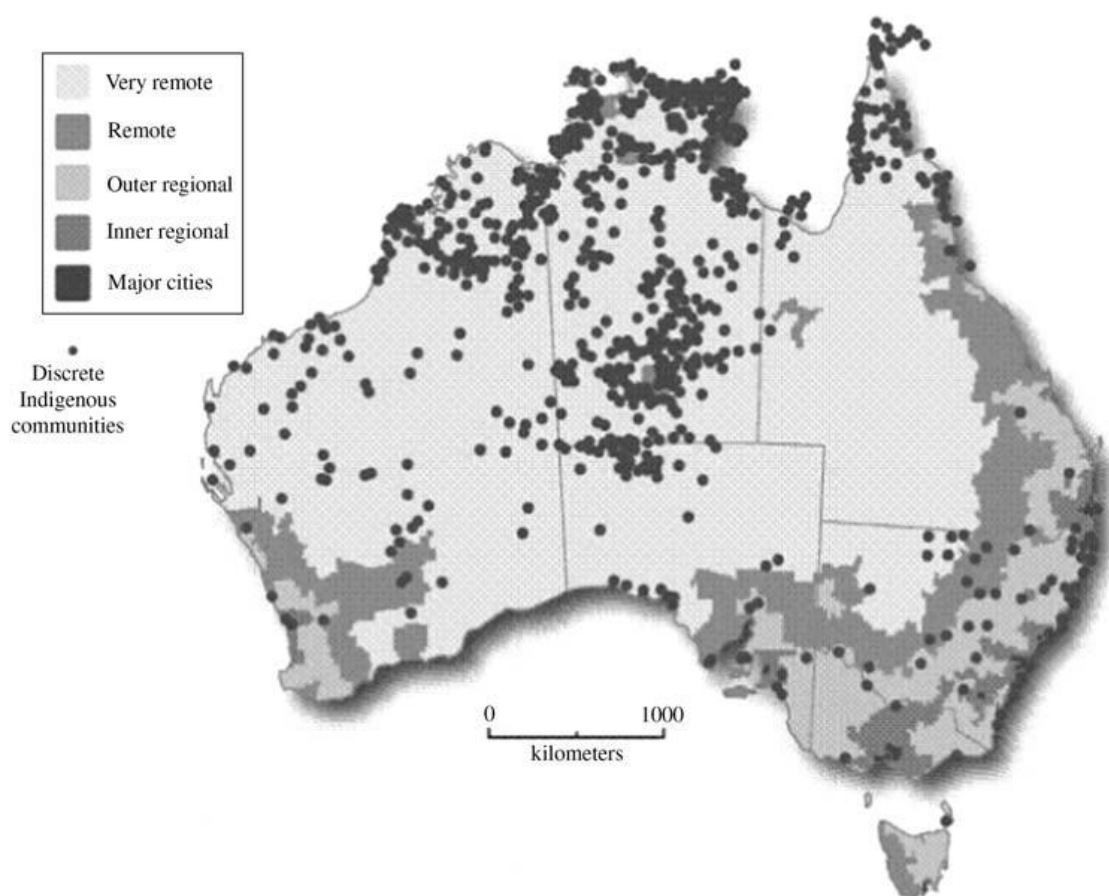
Source: ABS 2007

It has been well established that there are substantial differences between Aboriginal and non-Aboriginal tenancies (Memmott et al. 2003; Habibis 2013; Milligan et al. 2011), and that these differences are more pronounced in remote settings. Key differences include:

→ *A shortage of housing on remote communities.* This is due to a number of factors including the absence of a housing market, the larger size of Indigenous households, and geographical mobility of Aboriginal populations. A 2006 estimate suggested a need for more than 6000 new houses in remote and very remote areas, with an anticipated increase in future housing need due to population growth and shifts in household formations (AIHW 2011). Even with the NPARIH investment of 3850 new houses, the shortfall remains significant.

→ *High levels of overcrowding.* In 2008, 25 per cent of all Aboriginal and Torres Strait Islander people aged 15 years and over were living in overcrowded housing, with rates increasing by remoteness. This equates to 48 per cent of housing in remote areas being overcrowded (AIHW 2008). Crowding creates high levels of wear and tear which adds to maintenance expenses and makes it difficult for families to manage their households. It is implicated in poor health, low school attendance, family and community violence and other behaviours that are detrimental to individual and community well-being (Memmott et al. 2011).

→ *Strong cultural norms of mutual reciprocity which create obligations to relatives and community members.* This, together with practices of seasonal and cultural geographical mobility between communities and to and from regional centres,

means that Aboriginal households can be quite unstable in composition. This has implications for tenancy management in areas including extended absences, empty properties, over-crowding due to visitors, and challenges in identifying household members and rent-payers.

→ *Communication barriers*. Many Indigenous people speak English as a second or third language. This creates communication barriers that compound those caused by distances between communities and regional centres, poor mobile phone coverage and an absence of postal services. Many communities also have a high percentage of individuals with high and complex needs.

→ *ICHOs are predominantly small, local kin-based organisations*. This means that regulation of tenancies is often individualised with decision-making based on local, customary arrangements through face-to-face consultations. Decisions on issues including rent-setting, occupancy numbers and management of property damage tend to be personalised, flexible and poorly enforced (PWC 2007). Allocations and other decisions are usually made through local community structures, such as community councils, and are often between individuals related by family or tribal ties with personal knowledge of applicants and tenants.

Rent setting arrangements by ICHOs have been diverse with some communities operating a 'chuck-in' system to address low revenue rent streams. This can involve a poll tax system whereby all residents in a property pay what they can afford (see Habibis et al. 2013) and others pay little or nothing for rent and utilities. Some efforts were made in the 1990s in Queensland to educate remote Indigenous housing providers and their tenants about their rights and responsibilities under residential tenancies law and to adapt the legislation to recognise rent setting and collection practices. However, although tenancies in most jurisdictions were captured by the legislation compliance was rarely enforced.

2.4   Implications for tenancy management

Differences between Indigenous and non-Indigenous understandings of tenancy obligations, practices and management have profound implications. Large households, low skills and education, high levels of disability, expensive food and other consumables and a lack of consumer choice, mean that achieving public housing like standards requires substantial behavioural change from tenants. The requirement to pay rent when absent and having less control over housing allocations are other areas of difference. Conventional tenancy management is challenged also by cultural practices such as vacating dwellings for extended periods following a death in the household or the belief that particular houses are cursed (see Table 8).

Table 8: Policy Implications of remote Indigenous tenancies

Context	Policy Issue
Mixed housing stock including housing that does not meet public housing standards	Rent setting
	Housing maintenance
Frequent travel within and between communities	Identifying tenants
	Establishing principal residence
	Crowding and provision of visitor accommodation
	Notification of absence
	Termination and abandonment
Customary obligations	Enforcing policies on head tenants
	Allocations
	Occupancy
	Tenancy transfer
	Tenant participation
	Property damage
High and complex needs	Tenant support
Language barriers	Tenant communication

Practical challenges for service delivery include the availability of skilled housing management and maintenance workforces, distances to regional centres and between remote settlements, access to facilities providing safe workplaces and adequate information technology equipment and infrastructure. Distance and poor communication services make consulting with communities, meeting tenants and arranging inspections difficult. Many communities are located at a distance from Centrelink[2] offices and financial institutions, so establishing direct debit arrangements for rent and debt collection is time consuming and costly. Language barriers and cultural differences in the meanings of concepts such as house, land, home or tenant make communication around leasing and tenancy agreements difficult. Conventional tenancy management is challenged by cultural practices such as vacating dwellings or extended leave for bereavement.

A well run repairs and maintenance system is a cornerstone of any housing program but the low rent base, extreme weather events, isolation, cost of contractor services and difficulties in regulating suppliers working remotely make effective service delivery difficult. Language and cultural barriers may compromise accurate identification of repair and maintenance needs, especially if communication is not face-to-face. If funding allocations are set too low only responsive maintenance, addressing urgent health and safety requirements will be possible, leading to deteriorated housing stock and unsatisfied tenants.

This forms the context in which the NPARIH's goal of achieving 'public housing like standards' is located. But, as the next chapter explains, before these challenges could be tackled, the first requirement for state housing agencies was to negotiate with

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[2] Centrelink is the Australian Government agency responsible for administering income social security welfare payments including unemployment benefits (e.g. Newstart and Rent Assistant), family support payments (e.g. Parenting Payment and Carer Allowance), education and training allowances (e.g. Austudy and Abstudy) and other pensions (e.g. Disability Support Pension and Age Pension).

communities on leasing arrangements and where houses were to be located, and to establish the required regulatory frameworks, including any changes in legislation.

3   TENANCY MANAGEMENT APPROACHES

This chapter describes the implementation of NPARIH in each of the four study jurisdictions and the tenancy and property management approaches operating in the three states and the Northern Territory. It considers some of the reasons for the way the states and the Northern Territory have configured their tenancy and property management services to remote communities including the role of third party providers, and how state housing managers viewed the role of Indigenous community organisations. The key features of the tenancy management policies and service delivery arrangements for each of the states and the Northern Territory, are provided with a more detailed analysis provided for the site visit locations.

As in other areas of service delivery some contextual factors apply across all sites, but there are also important differences that inform policy and service delivery approaches.

3.1   NPARIH Implementation: national overview

Under the NPAs, the Commonwealth has retained some policy and funding responsibility for housing in remote Indigenous communities with implementation, including housing procurement, some municipal and essential services provision, asset and tenancy management the responsibility of state and territory, and/or local governments. Payments to States and the Northern Territory by the Australian Government under these agreements are made on the basis of achievements against performance milestones identified in bi-lateral implementation plans.

Under the NPARIH the states and territories are required to provide:

→ Progressive resolution of land tenure on remote-community titled land to secure government and commercial investment, clarify legal responsibility and authority over fixed investments and ensure access for repairs and maintenance.

→ 'Robust and standardised tenancy management' for all tenants.

→ Tenancy management services (including tenancy support, fair rent system, asset protection, tenant and community participation, allocations based on need and governance arrangements) consistent with the public housing model.

→ Employment and workforce development.

→ Improved processes for repairs & maintenance.

→ Improved data collection.

Joint steering committees comprising senior officials from the Commonwealth, state and territory governments have been established to monitor the progress of the reforms, with unresolved issues forwarded to relevant ministers in each jurisdiction (Hawgood 2013). Specific implementation governance arrangements also have been effected. The arrangements for each jurisdiction are as follows:

→ In the Northern Territory state and federal governments share a joint role in the oversight of many processes and decisions with property and tenancy management delivered by the NT DHLGRS but monitored by a Joint Steering Committee drawn from both DHLGRS and PMC (ANAO 2011).

→ In Western Australia amendments to the *Housing Act* 1980 (*Aboriginal Housing Legislation Amendment Act* 2010) established a new framework for housing reform enabling the SHA to manage housing on Aboriginal land through negotiated Housing Management Agreements (HMAs).

→ In Queensland the Remote Indigenous Land and Infrastructure Program Office, which sits within the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs, was established in 2009 to fast-track the negotiation of state leases and housing investment in Indigenous communities (COAG 2009a). Tenancy and property management are the responsibility of the Department of Housing and Public Works (DHPW).

→ In South Australia implementation of the NPARIH reforms was undertaken through the Strategy, Policy and Aboriginal Outcomes directorate within the Department of Families and Communities.

Implementing tenancy management in remote communities includes managing the political and practical complexity of negotiating with communities on tenure and management arrangements, establishing service delivery arrangements that meet their NPARIH commitments, and adapting public housing like tenancy management policies and practices to maintain consistency with public housing standards while ensuring appropriateness in remote contexts.

In the initial stages of the NPARIH program the emphasis was on meeting capital works targets. These were tied to financial incentives with states that underperformed subject to financial penalties. Because funds could only be expended where investment and access were secured through leasing arrangements, the immediate requirement was to negotiate with communities on land tenure arrangements. This required negotiations with relevant Aboriginal entities and communities who varied widely in their willingness and capacity to engage with governments. State housing informants described them as often cautious and concerned about being required to grant state or territory governments leasehold over their land in return for improved housing. One senior policy adviser describes their experience:

> We had huge AGMs … They associated the land tenure [as] being a way to get mining in here and lose their rights over the land. There was a whole lot of gossip and stories about it. It was extremely difficult. (SP22)

Legislative reform was required to establish the legal foundation necessary for state and territory housing agencies to manage property on Indigenous land. Many locations were not covered by residential tenancy or planning legislation and tenure arrangements were often highly complex. For example, multiple land tenure arrangements sometimes applied to a single community, creating legal barriers to the establishment of leasing arrangements.

Native title arrangements also could be (and remain) complex and ambiguous. It was often unclear whether Native Title existed over an area where a community was located and whether the provision of housing and infrastructure would trigger the need to comply with Native Title processes. The Australian Government's Native Title Amendment Bill 2009 aims to address some of these issues by giving the Federal Court a central role in managing all native title claims and introducing a new process for facilitating public housing and infrastructure developments in remote Indigenous communities (DSS 2013).

Both Indigenous and state government informants noted that communities which agreed to lease their land often had high and sometimes unrealistic expectations about the new and improved housing they would receive, adding to the necessity for careful engagement and negotiation with communities to ensure that housing was provided where the need was greatest. Complications and delays could arise if there were changes in the membership of governing bodies, such as community councils, during this period.

The establishment of service delivery arrangements often involved building programs from scratch and in the absence of any blueprint for how public housing policy and operational procedures were to be applied. In most locations initial operations were undertaken with little or no infrastructure. Local offices had to be established and staff employed and trained to deliver services in an environment in which policy settings and operational procedures for everything from rent settings and collection to repairs and maintenance were only beginning to be formulated.

A priority was to collect and confirm information about the number and condition of properties on communities, and household occupants, and to identify where investment should be expended. In some cases these decisions were constrained by whether leasing arrangements had been achieved. These tasks were undertaken when IT systems were inadequate or non-existent and required substantial development. In most locations data entry was manual so accuracy and efficiency of data entry was problematic. Considerable work was required to establish monitoring and compliance mechanisms and to change administrative systems.

Table 9: Policy, legislative and land holding arrangements for state and territory management of housing in discrete Indigenous communities

	Northern Territory	*Western Australia*	*Queensland*	*South Australia*
Key Legislation	*Residential Tenancy Act* 1999 (NT) *Housing Act* 1982 (NT) *Aboriginal Land Rights (Northern Territory) Act* 1976 (Cwth) (ALRA) *Northern Territory National Emergency Response Act* 2007 (Cwth)	*Housing Act* 1980 (WA) *Residential Tenancies Act* 1987 (WA) *Land Administration Act* 1997 (WA) *Aboriginal Affairs Planning Authority Act* 1972 (WA) *Aboriginal Housing Legislation Amendment Act* 2010	*Residential Tenancies & Rooming Accommodation Act* 2008 (Qld) *Housing Regulation Act* (2003) (Qld) *Aboriginal Land Act* 1991 (Qld) *Torres Strait Islander Land Act* 1991 (Qld) *Aurukun and Mornington Shire Leases Act* 1978 (Qld)	*Residential Tenancy Act* 1995 (SA) *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act* 1981 (SA) *Aboriginal Lands Trust Act* (SA) 1966
Policy frameworks & instruments	Remote Public Housing Management Framework Contracts with shire councils and Indigenous housing providers	→ Housing Management Agreement (HMA) between WA HA and RSP → Agreement to construct between WA HA and Aboriginal entity → Service Level Agreements between WA HA and contractors for property maintenance → WA HA and RSP—Service Level Agreement to manage and maintain housing → Remote Area Essential Services Program (repairs and maintenance) → Contract for Services Indigenous Land Use Agreements → Ascertaining the Wishes of Aboriginal Inhabitants Protocol	→ Building a Tenancy Management System Framework for Discrete Indigenous Communities → Deeds of Agreement with Aboriginal and Torres Strait Islander Councils	→ MOU with APY → MOU with ALT → Housing SA Operational Policies for Aboriginal communities → Working Together Agreements with communities → Local Operating Procedures
Land Holding Arrangements	→ 40–99-year head leases with subleases for individual tenants at Wurrumiyanga & Groote Eylandt communities → 20–40-year housing precinct leases in 10 communities → Voluntary leasing arrangements under negotiation for remaining prescribed communities → Negotiations continue at Yuendumu & Yirrkala. → Legacy housing managed under occupancy agreements.	→ Housing Management Agreements over crown and freehold land, including Aboriginal Lands Trust & Aboriginal Affairs Planning Authority for 40 years	→ 40-year leases with 14 Aboriginal and Torres Strait Island Councils (34 discrete Indigenous communities) → Deeds of Agreement where 40-year leases are not yet in place	→ 50-year ground lease with APY → 40-year under leases with ALT communities

As capital works targets have been achieved attention has shifted towards the development and review of the arrangements to ensure services are delivered as effectively as possible and that the substantial investment that has been made in these communities can be sustained. One respondent observed:

> We're now at the point where it is very important to evaluate not just the cost effectiveness but the service effectiveness of the model. I think there are a number of other ways we could be delivering. (SP2)

In fact there is considerable variation in the way the reforms have been implemented with leasing arrangements and the extent of SHA direct involvement in the landlord role varying both within and between jurisdictions. Factors shaping this include arrangements for Aboriginal land tenure and the size and capacity of the ICHO sector and its relationship with the relevant state government. Queensland and South Australia are directly managing social housing assets on remote Indigenous communities, while the Northern Territory and Western Australia are contracting out some functions to mainstream or Indigenous community organisation providers. Legislative changes have been required to ensure that Indigenous communities fall within the jurisdiction of relevant acts (e.g. residential tenancy and housing acts) and to provide for the role of states and territories as managers of public assets on Indigenous land.

The following sections review how each of the states and the Northern Territory implemented the NPARIH in their respective jurisdictions. Central to this was the establishment of legal frameworks, leasing and service delivery arrangements and the establishment of the broader policy setting (see Tables 10 and 11).

3.2   Northern Territory

Prior to the reforms, remote Aboriginal housing in the Northern Territory was mostly managed by community councils in more remote communities and by ICHOs in towns and cities, including town camps. The establishment of the NTER in 2007 signalled the beginning of changes in responsibilities for remote housing in the Northern Territory that anticipated those rolled out in other jurisdictions under NPARIH. At the same time that Territory Housing assumed housing management responsibility, local government reforms also saw community councils replaced with larger shires. The Northern Territory is now well advanced in its NPARIH capital works program, in large part because of the preparatory work achieved under SIHIP.

Territory Housing had an enormous task in taking on responsibility for approximately 5000 remote Indigenous tenancies, effectively doubling their tenancies under management. Initial concerns to establish relationships and tenancy agreements, implement new rental systems and undertake regular property inspections were impeded by rudimentary policies, inadequate IT systems and a degree of community resistance. Significant effort has been expended on developing a new tenancy management system which went live in April 2012.

3.2.1 Establishing leasing arrangements

A key feature of the NTER and associated SIHIP was compulsorily acquisition of five-year leases by the Australian Government over remote communities to enable housing constructions and refurbishments as well as transfer of tenancy management responsibilities to the NT Government. Subsequently leasing arrangements have taken three forms:

1. Whole-of-township leases of between 40 and 99 years negotiated for Wurrumiyanga (Nguiu) in the Tiwi Islands and the Groote Eylandt region, covering Angurugu, Umbakumba and Milyakburra with subleases issued to all residents of

the town. The arrangement is administered by the Executive Director Township Leasing on behalf of the Australian Government. The NT Government manages tenancies through a sub-lease. All houses in the lease area must sign a tenancy agreement with Territory Housing.

2. Housing precinct leases of between 20 and 40 years negotiated at Gunbalanya (Oenpelli), Wadeye, Maningrida, Galiwin'ku, Gapuwiyak, Milingimbi, Ngukurr, Ntaria (Hermannsburg), Lajamanu and Numbulwar. It is also possible for the Executive Director Township Leasing to hold these housing precinct leases. The NT Government is the landlord under a housing precinct lease and is responsible for property and tenancy management. Tenants of SIHIP/NPARIH houses in the lease area must sign a tenancy agreement. Tenants of existing houses and houses outside the lease area must sign an occupancy agreement.

3. The five-year leases over the remaining communities prescribed under the NTER ended in August 2012 and negotiations are currently under way to replace these with voluntary, longer term lease arrangements.

'Legacy dwellings' that are considered too deteriorated to meet acceptable community standards are managed under agreements to occupy rather than tenancy agreements. The plan is to keep the properties habitable. One respondent (SP42) observed that under the NT Residential Tenancies Act (2013) landlords cannot rent a property to an individual if it is not safe or comfortable but that the act does not specify acceptable standards. Consequently, excising these properties from standard tenancy management practices is a policy decision rather than one dictated by the legislation.

3.2.2 Tenancy management approaches

The Northern Territory has a mixed housing management model with Territory Housing maintaining overall responsibility for housing management but contracting out discrete tenancy and maintenance functions. The aim is to strike a balance between locally responsive service provision and meeting state responsibilities including high levels of performance, quality and accountability in both tenancy and property management. Its rationale is rooted in the highly politicised context of the NTER that saw the NT and federal governments dramatically increase their service delivery presence in remote communities and town camps. Concerns about the past housing management performance of community councils and local government reforms also played a part.

Policy considerations and pragmatic factors influenced also the contracting back of some functions to shires and ICOs. A significant consideration was the difficulty Territory Housing faced in gearing up to provide and sustain the necessary presence in the large number of dispersed, small-scale communities in very remote locations. The benefits of working with shires and ICOs that had established relationships and service delivery infrastructure in communities were obvious. Contracting them to deliver services had the added advantage of maintaining local staff and contributing to employment goals.

Remote Housing NT is a dedicated unit based in Darwin that has statewide responsibility for remote Indigenous housing policy, capital works and tenancy management service delivery. Service provision is based in five regional centres that are responsible for tenancy and asset management, primarily through a drive-In drive-Out (DIDO) mode of delivery. ICHOs are contracted to provide some tenancy and property functions for town camps in rural towns and urban settings. Outside the towns, shires play a significant role in providing a local tenancy management presence as well as maintenance and capital works services. These tenancy and maintenance services are in the process of being re-tendered under longer term

contracts with more explicit and strict conditions. This reflects some concerns that the current arrangements do not provide optimum clarity about the respective roles and responsibilities of Territory Housing and third party contractors.

The remote Indigenous tenancies are managed through remote teams comprising Indigenous and non-Indigenous housing support officers based in each of the five regional offices who drive into communities on a regular basis. They are assisted by shire employed community housing officers who undertake a range of customer service, tenant engagement and administrative tasks. The current tenancy management tender is for the employment of Community Housing Officers in each community to provide frontline tenancy management services under direction from Territory Housing. This includes: tenant sign-ups; housing inspections; tenant information and education; tenant support; management of tenant and community consultations (including Housing Reference Groups); provision of liaison services between tenants and maintenance services; and collection and reporting of housing data (required by Territory Housing).

Policy settings are based on those operating in Territory Housing's metropolitan locations but considerable and ongoing efforts are focused on adapting these to the diverse and unique conditions and on-the-ground realities of remote communities. Articulated policy priorities for Remote Housing NT include maintaining the quality and life of housing assets, delivering better tenancy services and increasing opportunities for employment and training for local residents. Managing and maintaining housing is underpinned by Northern Territory legislation, specifically: the *Housing Act* 1982 and *Residential Tenancies Act* 1999.

Housing Reference Groups in each community have been established to provide advice and represent the interests of the community. These are being reconfigured and integrated with new, elected community councils that are being established under further local government reforms.

According to Territory Housing, key features of the tenancy management framework include:

→ The involvement of community people so decisions are appropriate to each community and their social, economic and cultural needs.

→ An improved process for repairs and maintenance keeping houses safe, secure and extending their life expectancy.

→ Formalised tenancy agreements so both landlord and tenant understand their rights and responsibilities.

→ Allocation of housing based on need and determined collaboratively by communities and government.

→ A fair rent system for tenants.

→ Support services for tenants on how to maintain successful tenancies.

→ Sustainable local employment and training opportunities.

→ Working with Housing Reference Groups to ensure an informed common sense approach to housing management at the regional and community level.

(NT Department of Housing 2012)

Eligibility and allocations decisions are determined by the SHA, which also manages the waiting list. No income threshold is applied but the advice of housing reference groups is sought to confirm eligibility according to community criteria. Rent is calculated on household income with a rent ceiling for each house type (e.g. one-,

two-, three-, four-bedroom) that is relatively low and most households pay the capped rent. Maximum dwelling rent is $120–$200 per week for refurbished houses and $150–$250 per week for new and rebuilt houses. The preferred approach is for a head tenant or co-tenants to sign tenancy agreements and accept responsibility for rent, although other residents can elect to contribute through direct debit payments.

Maintenance is managed regionally. Tenant initiated requests are directed to the regional team, often through the local housing worker. In remote areas, shires are contracted to do much of the maintenance work, supplemented by external contractors where qualified tradespersons are not available locally. The tenancy agreement stipulates a minimum of four inspections each year to determine whether houses are being looked after and to identify maintenance and repair needs. Housing officers also work locally to ensure tenants understand their rights and responsibilities and are able to maintain successful tenancies (Allen Consulting Group 2013).

Box 1: Case study of Ngukurr, Big Rivers Region, Northern Territory

Ngukurrr is an Aboriginal community of between 1200 and 1500 people located approximately 320 kilometres by road south-east of Katherine. The community is isolated for considerable periods of time during the wet season. Other than essential government services, the main service providers are Roper Gulf Shire, which provides municipal services, and Yugul Mangi Corporation. Yugul Mangi was incorporated to replace (and took over some assets of) the previous Community Council when the councils were abolished at the time of establishing regional shires. Ngukurr has approximately 125 social housing dwellings. It is identified by the Territory Government as a growth community under the NPARSD and has received investment of approximately 60 new constructions or rebuilds with most existing houses refurbished or 'touched' under SIHIP and NPARIH (NT DoH 2012; SP40).

Tenancy management for the Big Rivers region is the responsibility of the remote housing team based in Katherine. This comprises five tenancy and five asset staff as well as management and administrative support. Each housing support officer is responsible for approximately 200 tenancies across a number of clustered communities. Until recently one worker was based full time in Ngukurr. The current worker is based in Katherine and visits Ngukurr and nearby communities in alternate weeks, staying over for several days as required. A house is available for staff to sleep over and use as a base while in the community. The Shire is also funded to employ two community housing support officers who take enquiries and maintenance requests from tenants and provide information and advice to Territory Housing about local issues and how to contact tenants. This is especially important in the wet season when access is only possible by air or barge from Roper River Bar.

The Ngukurr Housing Reference Group meets regularly and was viewed by Territory Housing staff and community members interviewed as representative, well-functioning and effective in articulating community views. It appears to have an important role in providing advice on allocation decisions, with informants reporting that it is rare for Territory Housing not to follow its advice. The Reference Group is consulted about policy changes and advocates for issues of community concern such as delays in maintenance and repairs.

Ngukurr informants almost unanimously reported that community leaders and tenants generally believe rent levels are reasonable while also reporting that many households have trouble maintaining rent payments and that arrears are high. At the time of the site visits informants advised that because rent statements are not available, head tenants must obtain information on the status of their rent from housing officers to ensure they are not in arrears.

The shire undertakes most of the general maintenance with trade-qualified and licensed contractors sourced from Katherine. Property inspections are quarterly and respondents reported that tenancy and asset staff share information about property condition and support each other in managing assets and tenancies. Tenancy support officers emphasised the priority attached to protecting and sustaining housing assets. Respondents raised concerns that, due to budget constraints, only high priority (health and safety) maintenance can be undertaken, resulting in some work that is important for tenant amenity and asset protection being delayed. Some informants questioned the way maintenance was prioritised, pointing to examples where decisions made in Katherine did not reflect an understanding of local conditions and the health and safety risks of delaying critical repairs and maintenance. A related problem was the difficulty for tenants in repairing damage they were responsible for because Territory Housing work was prioritised and tradesmen were concerned about the capacity of the tenants to pay for the work. Tenants do not have the option of arranging for repairs through Territory Housing and making repayments over time.

Figure 2: Northern Territory remote Aboriginal community locations

Nauiyu – 230kms south of Darwin
Nganmarriyanga – 375kms south west of Darwin
Peppimenarti – 320kms south west of Darwin
Pine Creek – 84kms north west of Katherine (HMO & panel only)

Nama – 390kms west of Darwin

Wadeye – 417kms west of Darwin

Wudapulli – 350kms west of Darwin

Daguragu – 480kms south west of Katherine
Kalkarindji – 480kms south west of Katherine
Pigeon Hole – 300kms south west of Katherine
Yarralin – 380kms south west of Katherine
Lajamanu – 560kms south west of Katherine

Beswick – 118kms south east of Katherine
Barunga – 80kms south east of Katherine
Weemol – 300kms north east of Katherine
Bulman – 312kms north east of Katherine
Eva Valley/Manyallaluk – 100kms north east of Katherine
Binjari – 20kms south of Katherine
Cutta Cutta Caves – 30kms south of Katherine (HMO & panel only).

Jilkminggan – 140kms south east of Katherine
Minyerri – 270kms south east of Katherine
Ngukurr – 320kms south east of Katherine
Numbulwar – 400kms east of Katherine
Rittarangu – 250kms east of Katherine
Limmen – 305kms east of Katherine
Mataranka – 110kms south east of Katherine (HMO & panels only).

Borroloola – 850kms south east of Darwin
Garawa 1 – 850kms south east of Darwin
Garawa 2 – 850kms south east of Darwin
Mara – 850kms south east of Darwin
Yanyula – 850kms south east of Darwin

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3.3 Queensland

Investment of NPARIH funds and associated tenancy management reforms in Queensland are limited to remote Deed of Grant in Trust (DOGIT) discrete Indigenous communities. These discrete Indigenous communities are governed by councils established under mainstream local government statute. These councils assume local government responsibilities and also act, in most communities, as the Trustees for community lands that are administered under a DOGIT. Following withdrawal of the state as administrator for these 'mission' or 'reserve' communities in the late 1980s, community councils became the owners and managers of state and federally funded rental housing situated on DOGIT lands. The councils had broad responsibilities and limited support in managing their housing and by the early 2000s housing condition, maintenance regimes and rent collection remained quite poor in most communities.

Pre-empting the NPARIH, Queensland commenced a more interventionist approach to regulation and management of Indigenous housing in the early- to mid-2000s in an effort to improve housing management. This included councils being subject to the same registration and regulation requirements as mainstream community housing providers under the *Queensland Housing Act* 2001, implementation of rent policies for discrete communities, property inspections by the state and requirements for state control of maintenance services. In some communities, the state had negotiated for public housing area offices to take over some tenancy management functions from councils. These reforms were driven by a strong ministerial push for policy consistency across all social housing programs as embodied in the One Social Housing System (OSHS) policy adopted in 2005.

3.3.1 Establishing leasing arrangements

In order to implement the NPARIH requirements, the Queensland Government introduced legislation to allow it to hold long-term and renewable leases of up to 40 years over DOGIT land for public infrastructure purposes or for purposes under the *Housing Act* 2003. This occurred simultaneously with changes to land tenure arrangements to allow for 99-year home ownership leases.

Under NPARIH, the Remote Indigenous Land and Infrastructure Program Office was established in Cairns to manage land development and capital works with involvement in 40-year lease negotiations and associated issues such as town planning and surveying for 16 remote Aboriginal and Torres Strait Island local government areas including 34 communities. The state is managing most or all of the housing in 11 Aboriginal communities and the Northern Peninsula Area. Technical legal and surveying issues are delaying 40-year leases for some sites but affected housing in these communities is mostly managed by the SHA under MOUs. The Aboriginal communities of Cherbourg and Yarrabah are not considered 'remote' under NPARIH and manage their own housing, while Kowanyama has at this stage refused to enter into 40-year leases other than for a small number of new NPARIH funded houses. Negotiations are continuing in the Torres Strait where land tenure is extremely complex owing to the amalgamation of 17 island Councils into the Torres Strait Island Regional Council and consequential splitting of local government and native title prescribed body corporate responsibilities into separate entities.

Leases provide for a commitment by the State to annual payments to the councils. The leasing fees were originally set at $2000 per property plus $600 in lieu of rates and were presented as an incentive for cash-strapped councils to sign up to 40-year leases. However, these fees are also paid to communities that have transferred housing management to the State but have not signed leases. This situation is under

reconsideration as it provides no incentive for those councils with some or all their housing still under management arrangements to finalise leases.

3.3.2 Tenancy management approaches

In Queensland the rationale for the direct delivery arrangements seems to have been based on policy directions and service delivery arrangements in place in 2008 that have subsequently altered considerably with the election of a new government in early 2012. Original considerations include a strong commitment at the time to mainstreaming and concerns about the past housing management performance and capacity of councils previously managing housing on discrete communities. An associated consideration was Queensland's policy at the time to drive Indigenous councils to concentrate on core local government roles and to move out of activities that were seen as a diversion including social service delivery and housing.

The policy context has changed considerably since the election of the Newman government in 2012. Current policy is to identify alternative tenancy and property management options for remote Indigenous housing post NPARIH. This is in line with broader housing policy intentions of transferring public housing management to community housing organisations in order to achieve 90 per cent social housing management in the non-government sector by 2020. No detail is available to date on the preferred options for remote Indigenous housing, although it appears that changes to the current management arrangements are unlikely to occur until the mainstream transfers are substantially progressed.

The situation in Queensland differs somewhat from the other jurisdictions because remote Indigenous housing generally is in better physical condition and Queensland has fewer very small remote communities other than in the Torres Strait Outer Islands, and a relatively small number of outstations and reserves. As a result it has been possible to establish tenancy management services even where 40-year leases are not in place or communities are not prioritised for capital works. Communities that are excluded from capital works or state management include discrete communities that are not considered 'remote' under NPARIH (Yarrabah and Cherbourg) and small remote towns that have high Indigenous populations, although these may have ICHOs that are operating outside the regulatory environment.

The Queensland tenancy management model is largely direct provision utilising a fly-in fly put (FIFO)/DIDO workforce supported by local housing workers. The SHA has developed a *Building a Tenancy Management System Framework for Discrete Indigenous Communities* to underpin arrangements for housing management on remote Indigenous communities that are aligned to commitments under the NPARIH.

Implementation was staged in Queensland with strong inducements since 2008 for councils to hand over management of housing under formal agreements while 40-year lease negotiations are occurring. A specialist Remote Indigenous Service Centre was established in Cairns to manage tenancies on communities in Cape York and Torres Strait where the majority of discrete communities are located. In Mt Isa, Rockhampton and Townsville local public housing offices took responsibility for Aboriginal communities in their boundaries and have established dedicated remote tenancy management teams. In addition a property management team was established in Cairns with responsibility for overseeing property inspections, upgrades and maintenance. Thus, at the time of the fieldwork, government relationships with remote Cape York Indigenous communities occur through three teams based in Cairns reporting separately through Indigenous Affairs (capital works), Housing (tenancy management) and Public Works (property management) agencies. Community and

government informants reported challenges in achieving coordination across these teams and agencies.

Housing officers were originally recruited from existing experienced public housing staff as well as external recruitment. Several have experience working in various roles in remote Indigenous communities or with Indigenous housing in urban areas. The initial tenancy management focus was on developing relationships with tenants, collecting property and household information, signing up tenancy agreements, assessing and collecting rents and allocating new properties. While initially mainstream policies were largely applied, these have been modified over time based on experience.

In most communities tenancy agreements have been established, tenant and resident details collected and rent setting and collection are in place. Planned enhancements include progressive SHA employment of community based housing workers to replace council employed positions and planned establishment over coming months of sub-regional service delivery hubs in Weipa, Cooktown and Thursday Island.

Eligibility is determined by the SHA but permission or eligibility to live in the community is a pre-condition. No income threshold is applied. Waiting lists are managed and allocation decisions are made by the SHA based on information provided by the applicant. Councils may be consulted about whether there is a cultural reason that makes the proposed allocation inappropriate. Councils are provided with minimal tenant information and do not know who else is on the waitlist.

Maintenance is coordinated through the centralised statewide public housing system. Tenant initiated maintenance is reported via blue phones located on the community to the central call centre, which generates a work order to Asset Services who contract the work. According to a number of respondents, tenants often have trouble using the phones and communicating with the call centre due to technology and language difficulties as well as the difficulties tenants encounter in explaining the problem to call centre staff who are unfamiliar with the remote Indigenous community context.

Quarterly property inspections are supposed to occur but have been restricted and were reported to have been less often over the past year due to travel budget constraints for the property team. Alternatives are limited due to a separation of duties where tenancy officers do not undertake property inspection roles. The councils undertake much of the general maintenance work apart from specific trades that are not available within their workforce. Larger planned maintenance and upgrade jobs go to competitive tender but are often won by councils.

Tenancy support is being developed through the Housing Support Program. Targeted fact sheets have been developed for remote communities that explain key policies, tenancy rights and responsibilities. Tenancy officers are responsible for explaining these to tenants. Community engagement is usually through communication by departmental officers with local councils.

The Queensland Government has indicated an intention to exit from direct housing management post NPARIH and advised that options are under consideration for the transfer of tenancy and property management to non-government providers (personal communication). This highlights the need for evidence on which to base decisions about the nature of future approaches.

Box 2: Case study of Wujal Wujal, Queensland

The Wujal Wujal Aboriginal Shire lies 60 kilometres south of town of Cooktown (Figure 3). In 2011 it had a usual resident population of 270 and approximately 75 dwellings (ABS 2012). Previously a mission community it became a DOGIT community in 1984. The main language group is Kuku Yalanji and the 2011 Census reported that 120 people spoke a language other than English at home.

The SHA assumed and has progressively increased its role in tenancy management In Wujal Wujal since 2006. Forty-year leases are now in place for all social housing except a handful where technical issues have impeded finalising the leases. A small number of dwellings owned by the Council are situated on freehold land in a nearby township. The State manages these dwellings under agency arrangements with the Council.

DHPW tenancy management services are provided to the Wujal Wujal community and to nearby Hopevale by a team of two tenancy management staff who are based in Cairns but spend four days every second week in Cooktown, with one worker commuting by 4WD daily from Cooktown to each community. Local informants observed that the actual presence of the government housing workers in Wujal Wujal was less than intended because of frequent absences associated with travel time, bad weather conditions, staff leave and illnesses, staff vacancies and a requirement for both workers to attend the larger community of Hopevale where tenancy management issues were more pressing. They noted that travel between Cairns and Cooktown had originally been by air, but had changed with the provision of a departmental four wheel drive vehicle to the workers.

The DHPW workers have access to a rudimentary office on the community which is shared with the Council housing worker. A considerable amount of their time is spent on home visits and attempting to locate and communicate with tenants. Mobile ICT facilities allow access to central tenancy management systems although connections can be slow and unreliable. The extensive travel, unsealed roads and the requirement to spend periods away from home each fortnight are challenging and add to staff recruitment and retention difficulties despite the flexibility and autonomy of the work and generous travel allowances. Local informants reported high levels of staff turnover and associated losses in efficiency.

As new systems have been embedded staffing in Wujal Wujal and Hopevale has been reduced from four to two workers. Most tenants are now either on EasyPay or employer deductions, although these can be and sometimes are cancelled by tenants. Regular changes in household income levels and sources resulting from changing family structures and people moving between houses and between welfare payments and temporary employment add to the workload by requiring staff to confirm household membership, obtain documentation from tenants, re-calculate rents and explain the reasons for changes with tenants. Low levels of rent arrears in Wujal Wujal (5% compared to 40% or more in some communities) are attributed by informants to: the longer time the State has been managing tenancies; the smaller size and relative stability of the community; and the experience of some tenants as renters in other rural towns and regional centres.

Mobility of tenants is an ongoing issue with the regular movement of residents to and from Cooktown, Mossman and other locations resulting in constant changes in housing occupant details and rent calculations. Mobility leads to overcrowding due to visitors and succession of tenancy requests, and also to vacant houses when tenants are away from the community. These situations are often complex and require sensitive handling. One Wujal Wujal community respondent reported that community members don't understand how allocation decisions are made and some community concern was expressed about allocations to people not residing in the community and whether they would stay in the community and look after their properties.

The use of Creole is widespread in the community and communication between tenants and workers is often a challenge. The Council housing officer plays a key role in translating or organising local interpreters and assisting DHPW staff to understand the nuances of family and local cultural norms that impact on housing decisions. The local housing officers undertake some tenancy management related to administrative functions, including: attending to tenant queries; assisting with applications and forms; receiving completed forms; and assisting tenants to log maintenance requests. As Council employees local housing officers do not have a formal relationship with DHPW, which means they have no delegations or access to tenancy management IT systems. Council has retained the housing officer, paid from its own resources, in anticipation of DHPW recruiting a local housing worker to negotiate and manage maintenance issues with residents.

State Housing Authority officers take responsibility for all tenancy management decisions and deal with all sensitive tenancy matters that may compromise the local housing officer, such as allocations, rent setting and arrears. Local informants suggested it is difficult and often inappropriate for local housing officers to address these areas. Their close family and other ties, the small size of the communities and the high value attributed to housing make them vulnerable to allegations of favouritism and the risk of retribution. These problems are ameliorated by the Council housing officers having administrative and relationship management roles where they are seen as assisting community members to access information and communicate effectively with DHPW.

Figure 3: Wujal Wujal Aboriginal Shire
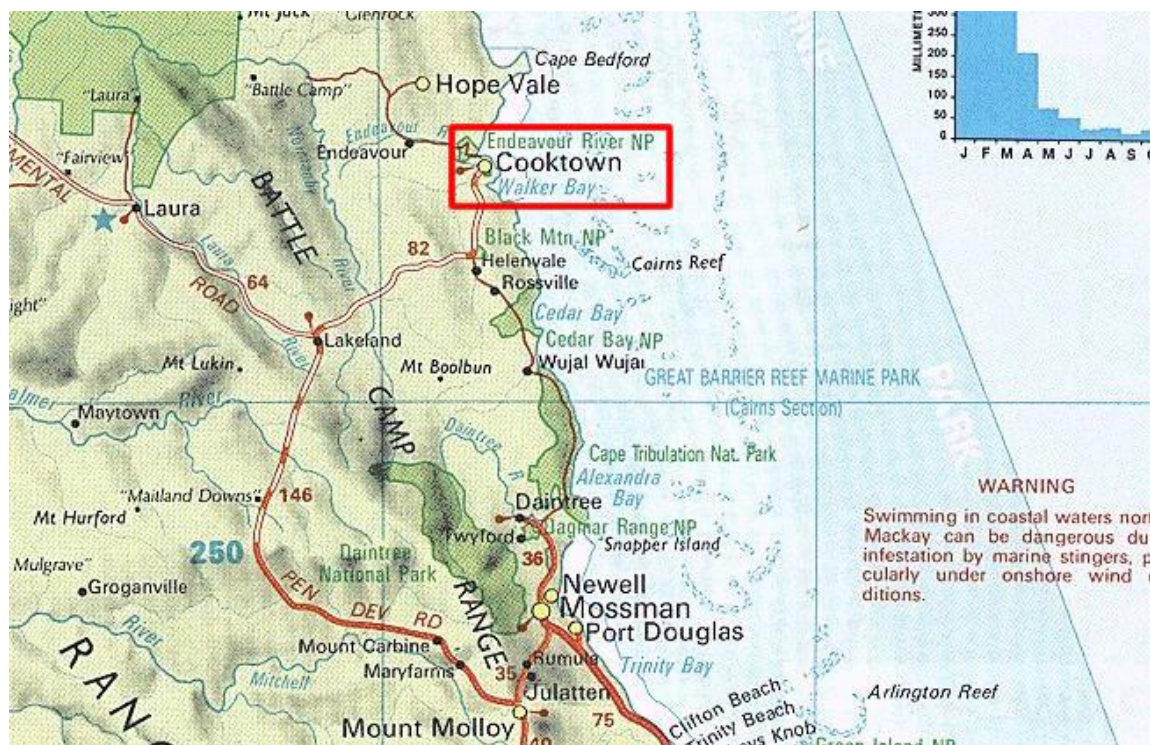
3.4   South Australia

Aboriginal people living in South Australia include: the Adnyamthanha people, who hold native title over much of the Northern Flinders Ranges; the Arabana people, who are the traditional owners of Lake Eyre; the Kaurna people, who are located in Adelaide and the Eyre Peninsula; the Ngarrindjeri people, who are based in the Lower Murray and Coorong area; and the Pitjantjatjara people, who live mostly on the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands in the far north-west of the state.

Aboriginal land tenure is a mixture of Aboriginal Land Trust (ALT) land, Indigenous Land Corporation purchased land and freehold land subject to caveats. Population numbers in communities range from less than 5 to 366.

Under NPARIH the SA Government was provided with $292 million for improvements to remote Aboriginal housing including 241 new houses and 206 refurbishments. Implementation was undertaken through the Strategy, Policy and Aboriginal Outcomes directorate of Housing SA within the SA Department for Families and Communities. For administrative purposes Aboriginal communities are divided into six regions comprising: the Far North; the West Coast; Murray Bridge; the APY Lands; Port Augusta and the Eyre Peninsula. Communities are categorised as major communities, communities and homeland communities (see Figure 4), with homeland communities defined as having less than 12 properties. The APY Lands have been given priority under NPARIH, especially in relation to increasing the supply and quality of housing and establishment of a public housing service. After protracted negotiations in 2008, a 50-year ground lease was negotiated with the APY corporate body. Individual lease arrangements were then negotiated with each community, covering vacant land parcels and existing community housing. This arrangement means that whenever capital works are undertaken, the ground lease is varied. Upgrades in the APY Lands were undertaken community by community commencing with Amata and Mimili, the two Remote Service Delivery (RSD) sites. In 2013, 99 new community houses had been built with a further 17 under construction; 111 upgrades were delivered with a further 20 under way.

In other areas, SA DFC has been negotiating lease arrangements with ALT communities where an under-lease or a Deed of Agreement is agreed between the community, the ALT, the Minister for Social Housing and the Minister for Aboriginal Affairs and Reconciliation. The capital works program is negotiated as part of the lease and land parcels identified, so there is no requirement to renegotiate them. The tenancy management structure and maintenance contract is also in place, so when residents sign tenancy agreements the housing officers are able to explain what this means for them and how the property and tenancy will be managed. Lease negotiations include rent settings and commencement dates.

By mid-2013, Housing SA had established leases over almost all of the 400 APY Lands properties with a total of 1030 houses now managed by Housing SA in regional and remote Indigenous communities (SA Housing Strategy 2011, p.40).

Communities outside NPARIH arrangements include:

→ About 86 to 120 properties on homeland communities in the APY Lands.

→ Gerard and Carlton in the Murray Riverland area.

→ Umoona in the far mid-north.

→ Nepabunna (Nipapanha) in the Northern Flinders Ranges.

→ Oak Valley on Maralinga Tjarutja lands in the far west.

No rents are charged on these properties and service provision is limited to emergency repair services with a federal funding allocation of $2350 p.a. per property. The state government is considering how to address its responsibilities to these communities. With no commitment from the Australian Government to maintain funding the question of maintaining even this minimal service may become pressing. Some communities may be able to self-fund but for others this may be unlikely. There is was some discussion of undertaking an asset assessment to determine capital investment needs for each community. The view of policy managers was that the

communities' options were either to become a registered community housing provider under state regulation or to partner with other organisations to build capacity by pooling resources. The West Coast communities were a particular concern because many were very small, very remote homelands of no more than 15 properties, and lacked essential infrastructure.

Figure 4: Aboriginal communities and Homelands in South Australia
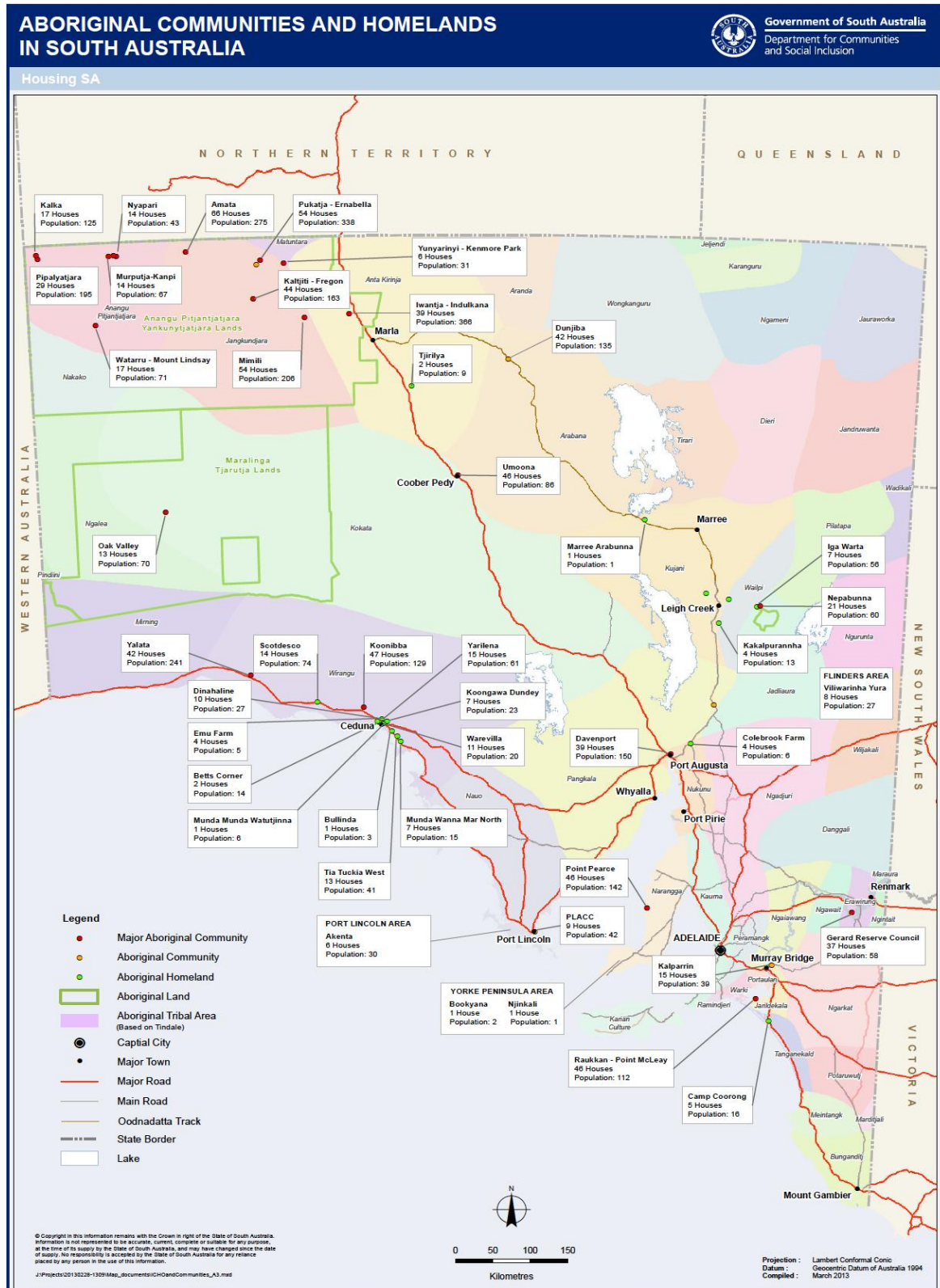
3.4.1 Tenancy management approaches

Housing SA directly manages South Australia's remote Aboriginal tenancies. The small size and extreme remoteness of communities, the absence of viable alternatives and the history of housing in the APY Lands were critical factors in this decision. Funding constraints were identified as playing a role. Housing programs for Aboriginal people across South Australia receive no additional provision from the state government so remote services are funded entirely through NPARIH money, resulting in limits on the capacity of the state government to supervise and build the capacity of third party providers. Informants also suggested that at the time of the introduction of NPARIH, working with Indigenous community organisations, or other contractors as partners would have added to an already complex, highly fluid and politicised environment so there was a sense of caution about moving to quickly towards these arrangements.

However, the possibility of developing a mixed model remains on the table. One informant suggested there were 'lots of conversations around devolved housing and how far do we go with that'. They observed that 'Communities are quite small so housing is often the biggest presence' (SP22). The policy framework aims to build capacity within the ICHO sector so that communities that want to can manage their own housing. For ICOs this was seen as most likely to occur if they were large, providing a range of services and in close proximity to a regional centre. Another possible model was to develop a cluster arrangement whereby small communities could combine to form an association that could manage their housing. This would only be possible if communities were willing to form partnerships. Others spoke of a place-based approach where the possibilities for bringing in third parties would depend on their availability, capacity and the robustness of their governance arrangements. Policy objectives also included strategies for facilitating home ownership options on Indigenous land.

In South Australia tenancy management is provided through a regional office model with six offices staffed where possible by experienced managers and local Aboriginal staff. Policy development was described as an ongoing process to identify how mainstream procedures should be applied. Consistency is provided through the mainstream policy framework with flexibility provided through local operating procedures developed in consultation and in collaboration with housing committees formed on the advice of community councils. These provide advice on eligibility, waiting list management, allocations, evictions and debt management, including whether and how escalation points should be applied.

Housing SA informants explained that it took time to establish local operating procedures through the development of an agreed set of practices. Operational and strategic direction was provided by a centrally located Policy and Practice team that establishes the Key Performance Indicators (KPIs) for implementation and adaptation to local operating procedures. The agency works in partnership with the policy unit and an Aboriginal Programs team. The latter covers local operating procedures, employment and workforce development for the regions, interim funding for Homelands communities, home living skills, rent communications and implementation. Project staff also worked across communities with local housing officers and housing committees.

Eligibility for housing is treated as a matter for local Indigenous governance organisations because the properties are on Indigenous land and the criteria relate to kin and language. For this reason there are no caps on income eligibility. Tenant education includes a Home Living Skills program that focuses on nine healthy living practices with progressive incentives for tenants who achieve milestones within the

program. The intention is for the program to be delivered by local staff employed within the community. However, the recruitment and retention of local staff has been a challenge. Housing SA has a target of 20 per cent employment of Aboriginal people in housing construction and management in remote communities, and significant outcomes have been seen in the housing construction component. There is an ongoing effort to recruit locally for property and tenancy management service delivery.

In most communities there was a backlog in rent arrears which, together with non existent or inadequate IT systems, meant that transferring tenants to the state housing system was a complex process completed finally in 2010. The introduction of a market-based household rent with a safety net which approached the public housing setting was occurring incrementally. Rent settings were initially established on a *per capita* basis and applied to all household residents over 18 years. They started at $20 per week per household member for the first 12 months, transitioning to 15 per cent of base Centrelink income and then 20 per cent of income after a further 12 months. This became problematic for a number of reasons including the difficulty in identifying who met occupancy criteria because of population movement. There were also perceived inequities resulting in part from high occupancy numbers, which meant that some households were paying more rent than others for equivalent sized properties, and also because a deemed component designed to operate as an employment incentive meant that individuals earning wages sometimes paid less than those on disability pensions.

A new market-based rental system based on property size (number of bedrooms) has been developed with the advice of regional managers and community councils and phased in since July 2013. Rents are determined by property assessments by the SA Valuer-General with the head tenant responsible for meeting rental payments. Properties scheduled for demolition, or where tenants are unavoidably absent, may be subject to reduced rents. In remote communities if the house rent is more than 20 per cent of combined household income, tenants can apply for a safety net rent. In non-remote communities the safety net can be applied where house rent is more than 25 per cent of combined household income.

Asset management is centrally managed with reporting of repair needs via telephones that are being installed progressively in communities. In the APY Lands the notification process is facilitated by community council employees employed on a goodwill basis. The tenant advises the community officer of the requirement and the community officer completes a Housing SA pro forma that is faxed through to the regional office where it is entered into the management system for execution by a subcontractor. Properties on APY Lands are also subject to a programmed maintenance regime, which includes electrical safety, plumbing and air-conditioning checks.

Box 3: Case study of APY Lands, South Australia

The APY Lands cover an area of 102 000 square kilometres, an area slightly larger than the state of Victoria, with the distance between its eastern and western borders up to 400 kilometres. Title is held by the APY Lands Council as inalienable freehold under the *Anangu Pitjantjatjara Yankunytajatjara Land Rights Act* 1981 (SA). The population is approximately 2800 people, of which over 86 per cent identify as Aboriginal or Torres Strait Islander. First contact with European settlers did not occur until the 1920s and the missionaries in the region held to a philosophy of 'minimal interference' (Edwards 2004 cited in Jordan 2011, p.3) so traditional culture is strong. 82.2 per cent of the APY Lands Aboriginal population speak a language other than English at home (ABS 2013).

Prior to the NPARIH, housing on the Lands was managed by APY Aboriginal Corporation, with funding provided by the South Australian Housing Trust. Rent collection and repairs and maintenance were subcontracted to their subsidiary AP Services. The low rent base and other funding demands meant the service had little money to maintain the properties, resulting in deteriorating housing conditions. This led to the establishment of an MOU between APY Lands and the SA Government for Housing SA to undertake property management.

Tenancy management under NPARIH commenced with the establishment of a regional office at Umuwa, which is located 480 kilometres south-west of Alice Springs and is the administrative centre for the Lands. Staffing comprises a regional housing manager, a housing officer, two housing support program officers, a maintenance services co-ordinator and administrative support (1.5 FTE). The regional manager has extensive experience in Aboriginal service delivery and most of the staff are Aboriginal, including the housing support officers who speak local languages.

Communities are managed on a DIDO basis, with communities within a day's return journey visited weekly and more distant ones less frequently but for longer periods. For safety reasons, and due to travel distances, visits are often made in pairs. There is a commitment to face-to-face communication because of the belief that it is culturally appropriate and that a shopfront arrangement would be ineffective. An annual tenancy audit is undertaken to identify and provide details of occupants, the condition of houses and to confirm that the head tenant is still there.

Policies are applied flexibly and in consultation with the community council. Community members have been told that if problems persist despite the efforts of housing staff to persuade tenants to address them, they will be required to attend a community council meeting. If they are shown to be in breach of their tenancy agreement they may then be excluded from the community for a period.

Prior to housing management by Housing SA rents were collected by AP Services and set at $15 per week per tenant. The initial *per capita* based rent setting systems proved administratively challenging and costly to implement and also generated housing debts for those community members who did not inform Housing SA when they had left a property. A new property-based rental system was just being introduced at the time of data collection and initial reports suggest some acceptance by community members. However, it was suggested that there was some resentment within communities of rents being set the same regardless of whether or not the houses were new.

Tenant support is in development with the immediate focus on living skills programs. Mainstream support programs such as the Family Safety Framework, which aims to ensure an appropriate response to cases of high-risk family violence, are also being introduced.

Reports of how well the repairs and maintenance system was working varied. Reports that the informal arrangement whereby community council employees acted as intermediaries between tenants and Housing SA staff located at Umuwa was working well were qualified by concerns expressed by other informants that the withdrawal of funding to community organisations meant there was a lack of administrative structures in communities. This, together with communication barriers between tenants and Housing SA staff, meant that repairs and maintenance needs were not always met with an appropriate and timely response. One informant also suggested that the funding allocation for repairs and maintenance was not adequate to maintain the housing.

3.5   Western Australia

Western Australia has the third largest Indigenous population among all Australian states and territories, with 17 522 individuals living in remote and very remote areas. This represents 40 per cent of WA's total Indigenous population, a much higher figure than the national average of 21 per cent (ABS 2013). There are about 200 permanent remote Aboriginal communities in Western Australia, with most located in very remote areas including: Yamatji (Geraldon), Ngarda Ngarli Yarndu (South Headland), Wunan (Kununurra), Malarabah (Derby), Kullari (Broome), Mulga Mallee (Kalgoorlie) and the Western Desert (Warburton).

Legislative changes have provided for Housing Management Agreements (HMAs) as the legal framework to enable the WA DoH to manage housing on Aboriginal land and to apply the *Residential Tenancies Act* 1987. These operate on the principle that the State provides tenancy management services at the request and with the agreement of the Aboriginal community. The HMA identifies the extent of the community council's role in decision-making, which may range from endorsement to consultation or notification. Negotiations between the WA DoH and the community identify which houses and community planning lots are to be included in a HMA, which is operational for 40 years and subject to the agency meeting public housing-like standards (WA DoH 2013). By 30 June 2012 the WA DoH had negotiated HMAs with 36 communities (WA DoH Annual Report 2011/12).

Service Level Agreements are developed between WA DoH and regional housing service providers where the Department does not directly manage housing. For ALT title, where there is no lease to the community, negotiations are with the community incorporated body and signed by the ALT. ALT or Crown land leased to a community organisation is negotiated and signed directly with that organisation.

Native title has been an important part of negotiations with the State with approximately 85 per cent of Western Australia subject to native title claims. Since 2011 the WA Government has taken a whole-of-government approach to native title management and is moving towards establishing an Indigenous Land Use Agreement (ILUA) between the State and native title partners. The intention is to build a streamlined post-determination relationship about future land use, management and development. In some cases this will include an agreement about the use of land for public housing and infrastructure development as well as home ownership schemes. Areas where this is progressing include the Kimberley region, Geraldton, Pilbara, Goldfields and Central Desert.

There were 129 communities that the WA DoH has no contractual relationship with and limited information regarding the state of housing and/or related services. The large majority of these are very small with less than six houses. To preserve the achievements gained to date the WA DoH is no longer accepting requests to manage properties without additional federal funding. One informant noted:

> The communities outside of the HMAs are a mixture. Some are doing very well, some want to maintain their independence at all costs, some are very unstable and we won't commit to them if they're not permanent residents. They might be very small outstations and we wouldn't seek to service them because they are almost operating as private residencies. (SP16)

3.5.1   Tenancy management approaches

In Western Australia the new arrangements commenced with legislative amendments to the Housing Act and *Aboriginal Affairs Planning Authority Act* 1972 (WA). Performance management frameworks and KPIs for Regional [Housing] Service

Providers (RSPs) were established with the focus in operations on allocations, rental subsidies and debt recovery. The next stage was managing the applications and waiting list, complaints and appeals. The final stage was property maintenance, other tenancy issues, abandoned properties and illegal occupancy.

A change management framework—Awareness, Desire, Knowledge, Ability and Reinforcement (ADKAR)—was used which included as 'change champions' local housing officers with some knowledge of what implementation looked like on the ground to work on policy and implementation processes. Post-contract they were also the first point of contact for implementation.

Policy staff identified five elements that formed the foundation of their tenancy management program.

1. *A Housing Management Agreement (HMA)* negotiated with the relevant Aboriginal entity must be in place before the WA DoH can manage properties.

2. *An Ascertaining the Wishes of Aboriginal People protocol* sets out how the state housing agency will enter into the relationship with the Aboriginal community.

   Negotiations were described as progressing slowly and methodically and in a culturally appropriate way to allow communities time to understand and discuss the proposals. These negotiations start with the broader and higher agencies and then move down to the communities and include all key stakeholders, such as community councils and bodies as well as community members. Arrangements for areas including eligibility, allocation, rent transition (new and refurbished only) and eviction are negotiated separately with each community.

3. *The Social Housing Practice Implementation Project (SHPIP)* aims to provide statewide consistency of service delivery. It provides a policy and operations framework, a performance management framework and protocols for agreeing to new service agreements for regional service providers and updating requirements for IT systems in order that regional service providers can identify good practice.

   WA DoH informants explained that SHPIP pays a lot of attention to frontline staff, including gaining input from the field and training. Changes were phased in to allow regional staff and service providers time to understand each change before the next one was phased in. At each point face-to-face training was provided to over 70 staff.

4. *A Tenant Matrix Management Support Package* was developed in recognition that tenancy agreements were unfriendly in their length and legalistic language.

   The package uses a story-telling approach to inform tenants of their rights and obligations and has been translated into three Aboriginal languages. It is designed as a place mat and a copy is given to every household member so it can be used as a communication tool for housing officers with tenants and within families (see Appendix 2).

5. *A professional practice website* is available to WA DoH employees and third party providers.

   The website is designed to provide all service providers, from frontline staff to regional managers, with consistent guidance on how programs are to be delivered. It sets out policies and provides management tools including a quality assurance toolkit.

Tenancy and property management arrangements under the new framework are a mix of direct management and contracts with third party providers. Nine regional offices provide tenancy and property management services: three provide direct

property and tenancy management services; six are provided by RSPs. Of the latter, five are operated by Indigenous community organisations and one is operated by a mainstream community housing organisation (see Table 10). Levels of Indigenous employment exceed the goal of 20 per cent in areas including construction, maintenance, tenancy management, planning negotiation and service delivery.

In Broome and Derby services are provided directly by Aboriginal housing officers recruited from and employed to work within their community and nearby outstations, who are supported by the regional team leader and Head Office staff. In Broome, the local team comprises four staff plus the regional manager and two administrative staff. In Halls Creek and the mid-west Gascoyne region staff are located in the regional office and travel out to communities, with the frequency depending on proximity to the regional office. For remote communities visits might be for periods of a week or two. Details of communities, houses and providers are provided in Table 10.

Most rents were initially set at $50/house or $35 per person. Ministerial approval was given to commence transitioning the rent to public housing-like settings from 1 July 2013 (mostly) over a two-year period. For more recently negotiated HMAs the rent transitioning arrangements are included in the HMA. The new rents are capped at 25 per cent of household income for all tenants in remote communities over the age of 16. To establish the status of household occupants in the context of high levels of movement between houses and communities, a concentric model of household status was developed in consultation with housing officers. This identifies an inner circle of individuals who have signed the tenancy agreement, a middle circle of those who live permanently in the house and an outer circle of visitors.

Rents were described by WA DoH informants as being introduced in a consultative process with communities. Communities are informed that rental income is reinvested in the community where it is collected for repairs and maintenance with no administrative fee applied. The formal policy is that after eight weeks visitors are considered tenants, though with some flexibility in implementation. Different income types have different assessable rates. The maximum rental level is the same as for public housing tenancies. In remote communities (i.e. not town based communities) rent setting takes into account the cost of constructing the dwelling over a 25-year period.

Rents were introduced in four phases involving an initial process of stakeholder engagement and then, successively with community councils, whole communities and individual tenants. The HMA requires a whole of community meeting before the HMA can be varied. Dissemination strategies to inform communities of changes include posters and local radio services. For tenants, the housing office meets them, obtains details of household members and puts them on the first step. To implement the policy RSPs and regional staff were provided with a three-day training program. Locally based informants suggested that rent setting was of major concern for communities although the perspective of policy managers, regional managers and the HMA negotiating team was that it was progressing well.

As in South Australia, eligibility is decided by community councils with the exception of the exclusion of applicants who have an existing public housing tenancy. Allocations are based on recommendations from the WA DoH based on priority wait lists and presented to the community council for approval with rejection only possible on the basis of cultural reasons or disputes.
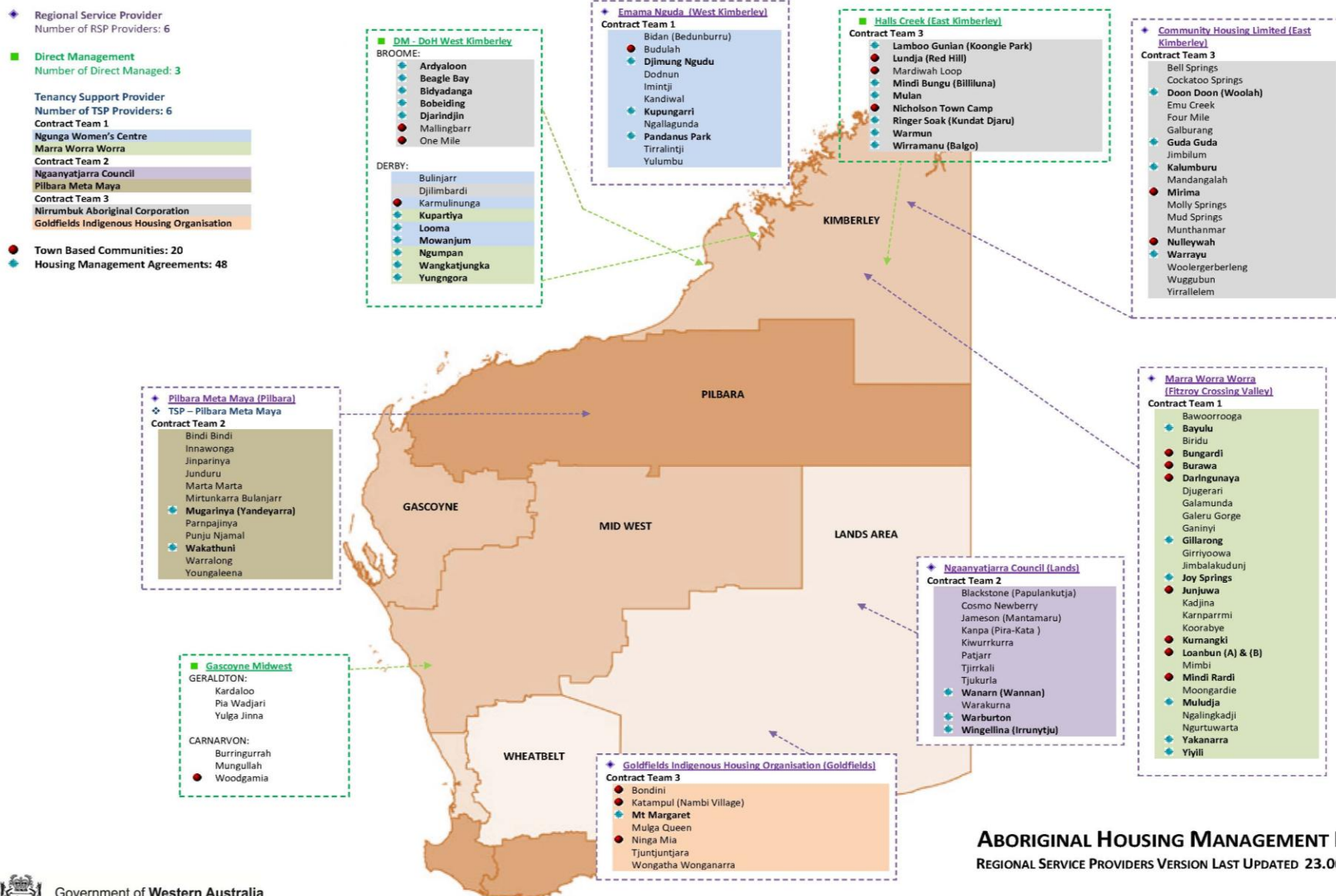
Table 10: Direct and regional service providers, Western Australia

Region	Organisation	Regional Office	Houses
Direct Management			
West Kimberley	DoH	Broome/Derby	611 houses
Mid-West Gascoyne	DoH	Geraldton, Carnarvon	115 houses
Halls Creek	Direct Management	Halls Creek	378 houses
Regional Service Provider			
East Kimberley	Community Housing Ltd	Kununurra	338 houses
Derby	Emama Nguda Aboriginal Corporation	Derby	101 houses
Fitzroy Crossing	Marra Worra Worra Aboriginal Corporation	Fitzroy Crossing	423 houses
Pilbara	Meta Maya	South Hedland	143 houses
Goldfields	Goldfields Indigenous Housing Organisation	Kalgoorlie	116 houses
Ngaanyatjarra Lands	Ngaanyatjarra Council	Alice Springs/Perth	338 houses

Tenant support is in development with tenders currently out to the NGO sector. Providers are expected to be regionally based and predominantly Aboriginal or to have demonstrated expertise in servicing Aboriginal clients. There is likely to be a strong focus on case management and early intervention in relation to flags such as rental subsidy. The tools to implement this are in development. In a number of locations it is a different arm of the Aboriginal RSP. This is partly because they are well placed to provide the service and partly because there are no other providers. The aim will be to have six-weekly meetings with case managers, and for the housing officer and contracts officer to review the progress of the tenant action plan. The level of involvement will vary from provider to provider. The tenant matrix is used to support this by providing a benchmark, identifying levels of improvement and with the provision of scores. The distribution of housing management responsibilities is indicated in Figure 5.

Arrangements for repairs and maintenance are being reviewed. The budget for each house is the same as for urban areas, at $4000 plus rent. The RSPs manage maintenance directly or through subcontract arrangements. The agency undertakes site monitoring using its centralised monitoring data system. There is a list of scheduled items across every trade code at an allocated price and they have to test the market to see how that compares with their region. Elsewhere the centralised, head-contracting system applies.

Figure 5: Aboriginal housing management map, Western Australia

Legend:
- ◆ Regional Service Provider
  Number of RSP Providers: 6
- ■ Direct Management
  Number of Direct Managed: 3
- Tenancy Support Provider
  Number of TSP Providers: 6
  Contract Team 1
  Ngunga Women's Centre
  Marra Worra Worra
  Contract Team 2
  Ngaanyatjarra Council
  Pilbara Meta Maya
  Contract Team 3
  Nirrumbuk Aboriginal Corporation
  Goldfields Indigenous Housing Organisation
- ● Town Based Communities: 20
- ◆ Housing Management Agreements: 48

■ DM - DoH West Kimberley
BROOME:
- ◆ Ardyaloon
- ◆ Beagle Bay
- ◆ Bidyadanga
- ◆ Bobeiding
- ◆ Djarindjin
- ● Mallingbarr
- ● One Mile

DERBY:
- Bulinjarr
- Djilimbardi
- ● Karmulinunga
- ◆ Kupartiya
- ◆ Looma
- ◆ Mowanjum
- ◆ Ngumpan
- ◆ Wangkatjungka
- ◆ Yungngora

◆ Emama Nguda (West Kimberley)
Contract Team 1
- Bidan (Bedunburru)
- ● Budulah
- Djimung Ngudu
- Dodnun
- Imintji
- Kandiwal
- ◆ Kupungarri
- Ngallagunda
- ◆ Pandanus Park
- Tirralintji
- Yulumbu

■ Halls Creek (East Kimberley)
Contract Team 3
- Lamboo Gunian (Koongie Park)
- ● Lundja (Red Hill)
- ● Mardiwah Loop
- ◆ Mindi Bungu (Billiluna)
- ◆ Mulan
- ● Nicholson Town Camp
- ● Ringer Soak (Kundat Djaru)
- ◆ Warmun
- ◆ Wirramanu (Balgo)

◆ Community Housing Limited (East Kimberley)
Contract Team 3
- Bell Springs
- Cockatoo Springs
- ◆ Doon Doon (Woolah)
- Emu Creek
- Four Mile
- Galburang
- ◆ Guda Guda
- Jimbilum
- ◆ Kalumburu
- Mandangalah
- ● Mirima
- Molly Springs
- Mud Springs
- Munthanmar
- ● Nulleywah
- ● Warrayu
- Woolergerberleng
- Wuggubun
- Yirrallelem

◆ Pilbara Meta Maya (Pilbara)
❖ TSP – Pilbara Meta Maya
Contract Team 2
- Bindi Bindi
- Innawonga
- Jinparinya
- Junduru
- Marta Marta
- Mirtunkarra Bulanjarr
- ◆ Mugarinya (Yandeyarra)
- Parnpajinya
- Punju Njamal
- ◆ Wakathuni
- Warralong
- Youngaleena

◆ Marra Worra Worra (Fitzroy Crossing Valley)
Contract Team 1
- Bawoorrooga
- ◆ Bayulu
- Biridu
- ● Bungardi
- ● Burawa
- ● Daringunaya
- Djugerari
- Galamunda
- Galeru Gorge
- Ganinyi
- ◆ Gillarong
- Girriyoowa
- Jimbalakudunj
- ◆ Joy Springs
- ● Junjuwa
- Kadjina
- Karnparrmi
- Koorabye
- ● Kurnangki
- ● Loanbun (A) & (B)
- Mimbi
- ● Mindi Rardi
- Moongardie
- ◆ Muludja
- Ngalingkadji
- Ngurtuwarta
- ◆ Yakanarra
- ◆ Yiyili

◆ Ngaanyatjarra Council (Lands)
Contract Team 2
- Blackstone (Papulankutja)
- Cosmo Newberry
- Jameson (Mantamaru)
- Kanpa (Pira-Kata)
- Kiwurrkurra
- Patjarr
- Tjirrkali
- Tjukurla
- ◆ Wanarn (Wannan)
- Warakurna
- ◆ Warburton
- ◆ Wingellina (Irrunytju)

■ Gascoyne Midwest
GERALDTON:
- Kardaloo
- Pia Wadjari
- Yulga Jinna

CARNARVON:
- Burringurrah
- Mungullah
- ● Woodgamia

◆ Goldfields Indigenous Housing Organisation (Goldfields)
Contract Team 3
- ● Bondini
- ● Katampul (Nambi Village)
- Mt Margaret
- Mulga Queen
- ● Ninga Mia
- Tjuntjuntjara
- Wongatha Wonganarra

Map regions: KIMBERLEY, PILBARA, GASCOYNE, MID WEST, LANDS AREA, WHEATBELT

ABORIGINAL HOUSING MANAGEMENT MAP
REGIONAL SERVICE PROVIDERS VERSION LAST UPDATED 23.06.2014

Government of Western Australia
Department of Housing

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Box 4: Case study of Fitzroy Valley, Western Australia

Fitzroy Crossing is located in the Kimberley region of Western Australia, nearly 500 kilometres east of the coastal town of Broome. It is a growth community under the NPARSD and is located in Bunuba country alongside Walmarjarri, Gooniyandi and communities in the Fitzroy Valley. The region experiences regular inundation from the Fitzroy and Margaret rivers with part of the town and surrounding areas becoming inaccessible or uninhabitable during the wet season. Land tenure is either ALT excised from non-Aboriginal pastoral leases or on station and outstation settlements on Aboriginal-owned pastoral leases, known locally as 'blocks'.

Marra Worra Worra is the largest Aboriginal resource agency in the Kimberley region and provides housing management and employment and training services. It is a regional service provider for 13 communities that have an HMA with the WA DoH and services the 15 communities which have not signed up. There are currently 423 properties under its management in various states of repair. Staffing comprises a housing manager, four housing officers and three administrative staff located in Fitzroy Crossing, as well as six housing officers based on communities. Administrative staff include a quality assurance officer whose duties include wait list management, appeals and complaints. There is a capacity building approach to the employment of Aboriginal staff with minimum Aboriginal employment set at 70 per cent.

Marra Worra Worra was one of the first ICOs to undertake tenancy management services for the WA DoH. Although it took time, communities that have HMAs are now managed according to the Residential Tenancies Act 1987 (WA) and its amendments, with strict guidelines on policies and procedures set out by the WA DoH. One informant explained: 'There's a tool provided for every application within the process of housing management' (SP1). The organisation also operates the repairs and maintenance service with wait times of one to two weeks, depending on the priority.

The tenancy management model is described as flexible within the parameters of clear and transparent policies and staff who have the skills and support to be able to judge how best to handle particular situations. Tenants are kept informed if they are falling behind in their rent arrears and are supported to address this.

A tenancy support program was initially provided by another Aboriginal provider but has recently been transferred to Marra Worra Worra. The manager has been seconded from her position in the WA DoH and is employed directly by Marra Worra Worra. She is familiar with the broad policy and operational framework of the tenancy management program and is experienced in service delivery to Aboriginal people. Once positions have been filled staffing for the program will comprise the manager, four case managers and six 0.5 (FTE) case managers residing in communities who will be members of that community or language group. The practice model being developed was described as holistic and inclusive. There are plans to build relationships with other services to deliver new programs into communities using local networks that also promote community ownership and empowerment. Staff were optimistic that it would succeed, in part because of high levels of local Aboriginal employment. As one staff member noted:

> I feel what we're doing has potential to make significant change. It's only early days. But I think if we continue in the line we're heading in and can grow the team to be able to deal with the caseloads we really will be able to bring the services together to support these communities and I think it will work. It's local people with a vested interest. Everyone on the team excluding myself has a vested interest in the community which impacts on the communities around them because everyone has a family member impacted by housing. (SP1)

Community councils were regarded as a critical element of the tenancy support model with a considerable investment by Marra Worra Worra staff to support them in this role.

> We visit communities three times a week delivering community education programs, and tenants on an individual referral basis on a fortnightly schedule, or as required. We're a referrals based service. Referrals are made through housing officers. They identify the issue that requires more support than they can provide. Or tenants themselves can request that the HO refer them. They sign a consent form and that comes to us. (SP5)

3.6   Summary

Despite common goals and core policies, there are substantial differences in tenancy management models between jurisdictions, with a key point of distinction being the use of third party providers (see Table 11 below). In Western Australia and the Northern Territory a mixed model prevails which combines direct management in some locations and third party arrangements in others. These third parties are either ICOs or, in the case of the Northern Territory, shire councils. In South Australia and Queensland tenancy management and asset maintenance are provided directly by the state housing agency.

There are a number of reasons for the predominance of direct state provision including the background of mainstreaming over the previous decade that informed the broader policy context. A key factor was concerns about reported failings in past housing management practices that were a critical factor in the Australian Government's decision to provide funding to the states and the Northern Territory to manage housing in remote communities. This gave rise to an initial assumption that being under NPARIH management meant direct management by SHAs. At the same time a number of respondents pointed out that this need not have been a given as NPARIH makes provision for the involvement of Indigenous people in the provision and management of their housing and thus provides some scope for Western Australia and the Northern Territory to contract third party providers in housing service delivery.

Table 11: Tenancy management arrangements for remote Indigenous communities, by state and territory, 2013

Service Area	Northern Territory	Queensland	South Australia	Western Australia
Tenancy Service Model	Mixed RSP and direct 5 regional centres DIDO	Direct RIS (Cairns) & existing regional offices Planned sub-regional service delivery hubs FIFO/DIDO	Direct 6 regional offices FIFO/DIDO	Mixed RSP and direct Local housing officers FIFO/DIDO
Policy Settings	Mainstream with some adaptation to communities	Mainstream adapted to communities	Mainstream Local operating procedures	Mainstream with some adaptation to communities
Third Party Providers	ICO (regional centres, town camps) Shire councils (remote)	None	None	5 ICO 1 CHO
Tenant support	In development	In development	In development	Tenders awarded to range of NGO agencies
Repair and Maintenance	ICO (regional centres, town camps) Shire councils (remote)	Direct Cairns office	Mainstream with local notification system through regional office	Mixed RSP and direct
Community consultation	Housing Reference Groups	Indigenous shire councils	Housing committees Community councils	Community councils and community

RSP = Regional Service Provider; ICO = Indigenous Community Organisation; FIFO = Fly-in, Fly-out; DIDO = Drive-in, Drive-out; RIS = Remote Indigenous Service Centre; CHO = Community Housing Organisation

State respondents identified the pressure to deliver a substantial program within tight timeframes as a further pressure towards direct service delivery. The location and context of discrete Indigenous communities meant it would have been difficult for external Indigenous or mainstream community housing organisations to take on housing management in these communities without an explicit strategy, extensive negotiations, time for relationship building and considerable resourcing from the State. There was also a sense of caution about moving too quickly towards working with Indigenous community organisations as partners because of the complexities this would add to an already fluid and politicised environment and the need to first ensure that good governance was in place.

The nature and diversity of models can therefore be seen to arise from some common drivers as well as quite distinct state and local contexts. This raises a range of questions:

→ Which models are most appropriate for what contexts?

→ How effective are the models in terms of tenant and broader community outcomes, and financial and organisational sustainability?

→ What are the issues that are most difficult to resolve and what can be learned from progress in other jurisdictions?

→ Where arrangements are working well and can these achievements be built on and protected from rapidly changing political contexts?

→ Is there a place for a 'national' understanding when there is such diversity between the states in relation to public and community housing property and tenancy management?

Tentative responses to some of these questions are provided in the next two chapters. Further evidence and understanding of the answers will be sought through the second stage of the study.

4   ACHIEVEMENTS TO DATE

The aim of this investigation was to provide a comprehensive account of how the NPARIH tenancy management reforms are being implemented in remote Indigenous communities as a preliminary to a proposed second study phase that will take a more evaluative stance. Although the primary aim of this stage was descriptive, the Investigative Panels and site visits provided insights into the progress of the reforms and their success to date in achieving the NPARIH goals. Consequently, the findings presented in this report include some tentative evaluative assessments.

We begin with a review of what is known about the progress of the reforms through the small number of existing reports before considering what our findings suggest in relation to achievements to date. Our analysis commences with a short overview of the impact of the capital works on issues such as crowding and tenant amenity and the implications this has for tenancy management reforms. The substantive component of the chapter comprises a review of tenancy management achievements in seven main areas: allocations; rent setting and collection; housing maintenance and repairs; tenant education and support; tenant responsibilities; workforce capacity; and Indigenous employment.

4.1   Previous evaluation findings

Independent accessible research on housing management practices under the NPARIH is limited, underscoring the importance of this study. While their focus on tenancy management aspects of the NPARIH is partial or indirect, there have been five NPARIH-related investigations that provide some insights into their progress:

→ The Allen Consulting Group's evaluation of tenants' experiences of the NPARIH and tenancy management reforms in the Northern Territory, commissioned by FaHCSIA (Allen Consulting Group 2013).

→ The Commonwealth Ombudsman's report on remote housing reforms in the Northern Territory (Larkins 2012).

→ National Shelter's report of the Aboriginal and Torres Strait Islander housing roundtable held in 2012 (National Shelter 2012).

→ Centre for Appropriate Technology's (CAT) post-occupancy evaluation of the new, rebuilt and refurbished housing works in Alice Springs town camps between 2008 and 2011 (CAT 2012a, 2012b).

→ Hawgood's progress review of NPARIH (2008–2013) (Hawgood 2013).

Three of these reports are concerned with the Northern Territory, including one focused on the Alice Springs town camps. The Hawgood review (2013) published by FaHCSIA is the only report to provide a comprehensive, national picture of the NPARIH implementation, but provides limited coverage of tenancy management issues.

The CAT review provides evidence that aspects of the new housing management regime overseen by Territory Housing and subcontracted through Indigenous housing agencies have been positively endorsed by some Indigenous tenants in the Alice Springs town camps. This suggests some successes arising from subcontracting housing management functions to local NGOs and ICHOs with established relationships and knowledge of local communities (CAT 2012a). However, the imposition onto tenants of stringent obligations has also been reported as contributing to resident stress and affecting resident well-being, in some instances (CAT 2012a).

The National Shelter report (2012) covers urban, regional, rural and remote Indigenous housing, and is principally concerned with what place there will be for the ICHO sector in the context of an increased role for community housing in social housing provision. It stresses the need for capacity building for ICHOs and for flexible regulatory regimes if ICHOs are to play a greater role in the future.

The Allen Consulting Group, Commonwealth Ombudsman and Hawgood reports recognise the challenges inherent in remote locations of achieving standards of housing delivery and tenancy management comparable to those in urban areas and acknowledge some achievements. The Allen Consulting Group report found high levels of tenant understanding of the new arrangements in relation to rental payments, housing maintenance and responsibilities for repairs and maintenance. The Northern Territory reports acknowledge the efforts of Territory Housing to explain the requirements of tenancy agreements.

The Hawgood report acknowledges some progress in implementing tenancy management reforms but points to variable performance across jurisdictions. Hawgood emphasises the importance of tenant engagement and support to assist tenants to understand their rights and responsibilities under the new arrangements. The report recommends improved benchmarks and reporting regimes for tenancy management under the NPARIH and the need for greater emphasis on building ICHO capacity and employing and training more local Indigenous housing workers.

Other areas identified for improvement in these reports include:

Oversight of third party service providers

The Ombudsman report (Larkins 2012) and the Allen Consulting Group report (2013) suggest there is a need to improve oversight, management and support of the role of shires and other third party service providers. This is a concern given national policy directions to increase the role of the community sector in social housing provision.

Rent setting and collection

Difficulties with rent setting and collection were identified by Hawgood (2013), Larkins (2012) and the CAT evaluation (2012a). According to the Ombudsman:

→ Some communities were operating outside rental policy settings with difficulties in ensuring that rental payments are correctly set for legacy dwellings, and reports of people paying rent for improvised dwellings. Tenants may have little understanding of rent setting policies or awareness of rent review processes. Territory Housing may also have difficulty maintaining an accurate record of housing occupants due to frequent occupant turnover and low compliance with reporting requirements. (Larkins 2012, p.20)

→ Tenants risking falling into arrears because IT limitations have meant that automatic debit arrangements were not renewed following the transfer of rental payments from Centrelink to Territory Housing. (Larkins 2012, pp.23–24)

However, the Allen Consulting Group (2013) report found that maintaining rental payments was not identified as a major concern in the Northern Territory, which it suggested was because of direct debit arrangements for rent collection with Centrelink. Table 12 provides more detail on the findings, methods and scope of these reports.

Table 12: Evaluations of tenancy management arrangements

Report	Scope	Methods	Findings
National Shelter 2012	Roundtable on role of ICHO sector within new policy and regulatory regime of community housing	One-day discussion attended by delegates from Australian and state/territory governments, Aboriginal organisations and national and state Shelter offices	→ Uncertainty about the place of the ICHO sector within the emerging system of community housing regulation and a corresponding need for capacity building measures → Need for united national voice on housing for ATSI peoples.
Commonwealth Ombudsman (Larkins) 2012	Report on remote housing reforms in NT	Complaints received and engagement with FaHCSIA and Territory Housing	Suggest improvements needed in: → Collaboration with shires, housing associations and third party providers. → Tenant communication. → IT systems support → Accountability and complaints processes.
Centre for Appropriate Technology 2012	Post-occupancy evaluation on new, rebuilt and refurbished housing works in Alice Springs town camps 2008–2011	Interview with 53 households in stage 1 and 39 households in Stage 2 from six town camps	→ Tenants of new builds positive about rent payment and visitor policies. → Some concern about responsibility of head tenant for visitor damage. → Some confusion about responsibility for repairs and maintenance and how requests are prioritised.
Allen Consulting Group 2013	Evaluation of tenants' experiences of NPARIH and tenancy management reforms in NT	→ Survey interviews with 100 tenants in 7 remote NT communities → Interviews with Australian and NT government informants → Service provider discussions	Good understanding of tenant responsibilities in some tenancy areas. Improvements needed in: → Tenancy support, including follow up life skills training. → Tenant communication in relation to expectations of housing provision. → Mechanisms for tenant participation. → Processes for notification of repairs and maintenance and follow-up of requests. → Implementation of visitor policies so they are better adjusted to cultural practices.
Hawgood 2013	Progress Review (2008–2013) of the NPARIH for FaHCSIA	Consultation with government stakeholders, small number of others, site visits, document review	→ Considerable progress although rent setting and tenant support reforms lagging → Need for ongoing tenant support and engagement → Needs focus to achieve 2015 deadline for full implementation → Greater transparency and clearer benchmarks required.

Tenant communication, participation and support, visitors and occupancy numbers, repairs and maintenance

→ All the reports point to the need to improve tenant communication, support and participation and identify some confusion about tenant and landlord rights and responsibilities and unrealistic expectations about levels of housing service. The Allen Consulting Group (2013) report found almost one-third of respondents reported they did not understand the information in the tenancy agreement. This included how rental payments were calculated, payments for repairs and maintenance and policies on allocations and tenant absence. The Ombudsman report (Larkins 2012) also identified poor understanding of housing allocation processes.

→ Both the Allen Consulting Group and Ombudsman reports recommend improvements in communication. These include: providing information more slowly and in smaller amounts; and more regular community meetings and information sessions using interpreters to inform tenants of their rights and what they can expect from Territory Housing and other service providers in relation to areas such as repairs, accessing rental records and support and advocacy services.

→ Despite the existence of tenancy support and life skills programs there was a perception that these were not 'overly effective' or adequately culturally appropriate (Allen Consulting Group 2013, p.40). Although the Allen Consulting Group report found that 50 per cent of respondents reported their tenancy agreement helped them to manage visitors, 40 per cent reported that cultural obligations made this difficult. Similar observations about the need to implement tenant support services were made by Hawgood (2013).

→ Head tenants were identified as carrying a heavy burden of responsibility in ensuring co-tenants and other residents and visitors complied with tenancy obligations in relation to rent payments. This included notification of changes in income, visitor and tenant numbers, property damage and risk accruing rent arrears and liabilities (Larkins 2012, p.21). More generally, tenants had difficulty meeting requirements for occupancy numbers which conform to the requirements of the NT *Residential Tenancies Act* 1999 that bedrooms should not be occupied by more than three people.

→ Housing reference groups have been identified as poorly used and poorly understood in many locations with low dissemination of information to the community and a lack of transparency of allocations decisions (Allen Consulting Group 2013, pp.55–60). Three years of Remote Housing NT eNews publications provides negligible insight into the level of community involvement in housing (AG&NTG 2011, 2012). Both the Allen Consulting Group and Ombudsman reports recommend building the capacity of housing reference groups through ongoing support and training.

→ The Northern Territory reports identified problems with high wait times for repairs and maintenance requests, especially in smaller communities, and poor understanding of complaints processes to address this.

4.2 Progress to date: indications from the current study

Although the NPARIH is now past the halfway mark, tenancy management reforms have been slow to get off the ground due to the early concentration on capital works and the need to build community relationships and establish leases and other legal frameworks. Policy informants reported an initial lack of understanding of the remote

housing management challenges and the time required to develop appropriate systems and expertise to support service delivery.

> It's been a painful journey. Probably for the first couple of years no one really understood what we were being asked to deliver. (SP9)

Together with the fluid and rapidly changing policy environment such factors make any analysis a preliminary one at this stage. Comparisons between jurisdictions must also be made cautiously given the variety of approaches and differences in starting points and in the nature of the challenges faced by the different jurisdictions. With these provisos, our analysis broadly supports the findings of the earlier studies but provides a more detailed report on the underlying policy and operational context and future directions.

4.2.1 Capital works impacts

The core components of NPARIH are twofold and include investment in capital works and reforms to housing management. Investments involve construction of new housing and refurbishment of existing housing with the aim of reducing overcrowding and improving housing amenity. The reforms involve standardised tenancy management that aim to engender tenant responsibility and ensure houses are maintained. The overarching policy objectives are to improve the health and well-being of residents and to protect public investment in housing assets. It is therefore impossible to analyse the tenancy management component of the NPARIH without reference to the capital works. This section does not aim to present a comprehensive assessment of capital works achievements, but to set the context for reviewing tenancy management progress.

When asked about whether the housing investment is improving the lives of residents of Indigenous communities, respondents in all jurisdictions welcomed the new housing and spoke of how the capital works program had reduced crowding in some locations and was improving living conditions in the home.

> A lot of new houses built so a lot housed. In most communities we are looking pretty good. (SP3)

Despite evidence of improvements, crowding remains a significant concern in many communities. This qualitative evidence is confirmed by national research that shows that although crowding in Indigenous households reduced by 13 per cent between the 2006 and 2011 ABS Census of Population and Housing, nearly 12 per cent of all Indigenous households were still crowded, reaching 66 per cent of households in some Indigenous regions (Biddle 2012, p.6). Improvements in crowding varied between study sites, and in all jurisdictions respondents identified places where crowding remained a concern and was impacting on living conditions, wear and tear, household safety and the responsibilities of lead tenants.

A number of factors were identified by respondents as contributing to continued high levels of overcrowding. Demand side factors included continuing high birth rates, increasing household formation and people returning to communities when more housing was available. In many communities the construction of new houses has had only a modest impact on housing supply because of the demolition of improvised and substandard dwellings and provision of fewer bedrooms in some new houses. In addition, expenditure on refurbishments contributes to improving amenity but does not reduce crowding.

In Fitzroy Crossing community respondents believed that crowding had been reduced in some but not all areas. In the APY Lands crowding remained a primary concern partly because people were moving into communities in the hope that they would be

provided with improved housing. In Ngukurr community members pointed out that improvised dwellings were demolished and replaced with houses that had fewer bedrooms, meaning that the net increase in housing capacity was less than expected.

> Good thing about it was that we got new houses. Bad thing about it is that … although talk about overcrowded when the house got built the same mob moving back in. To reduce the number they need to sit down and go through it carefully from house to house. (SP5)

The continuing crowding problem was summed up by a respondent in one community who said: 'It's about not enough housing.'

A commonly cited concern was the discrepancy in standards between new and refurbished houses where, in some cases, only health and safety issues were addressed. The discrepancy in standards led to conflict in some communities where tenants felt unfairly treated by the amount of improvement their property had received. Limited refurbishments also made it difficult for tenancy managers to address condition issues with tenants. In one community a service provider pointed to the refurbishments where kitchens were upgraded with stainless steel fittings but windows were not fixed and walls were not painted. They noted:

> Like you can't really talk to tenants about new graffiti on the walls they hadn't been painted in the first place. (SP52)

Respondents also identified the ways in which the design, siting and quality of construction impacted on tenancy and asset management over the longer term. While overall community respondents welcomed the new homes, they and housing provider respondents drew attention to examples of: poor siting of new houses, including locations subject to flooding; design and orientation that did not take account of local climatic conditions or failed to provide outdoor and storage facilities consistent with tenant lifestyles; and defects, inappropriate materials and poor workmanship. This meant that many houses were not suitable for the needs of residents and were proving expensive to maintain. An additional concern was that in many cases targets for Indigenous employment were not achieved or did not lead to meaningful work, involve adequate training or last long enough to enable workers to achieve trade qualifications.

These findings are consistent with other NPARIH reviews so despite significant benefits being achieved from the NPARIH investment in new and refurbished housing, remote communities continue to experience high occupancy rates and housing that is not always appropriate for the climate or for the number and lifestyle of residents. These factors impact negatively on communities and influence attempts to improve remote housing service delivery.

4.2.2 Tenancy management achievements

Informants reported that new tenancy arrangements were making progress in achieving fairer allocations, increased rent collection, improved repairs and maintenance, better monitoring of third party service providers and greater tenant understanding of their rights and responsibilities. These informants were cautious about claiming successes beyond this as the program involved radical change and was still in development. They were also aware of the challenges in implementing the new tenancy management regimes and the enormous changes expected of residents and communities:

> We're coming into people's homes and we're expecting that they will change to what we want them to change to and we need to allow them time to make

that change. They've absorbed a lot of information in a very short period of time and I think they feel overwhelmed … It's early days. (SP1)

Allocations

Housing allocations was one of the most contentious and demanding areas of service delivery, with managing expectations of communities for improved housing a particular concern. A community service provider explained:

> They don't understand the concept of the waiting list. Everyone on that list that's on the board next door thinks that they're going to get a house soon. They don't understand that all the houses have now been allocated and no more new houses are planned. (SP35)

Many respondents spoke of tensions arising in communities because the application of principles of need was different from the way allocations had operated in previous housing regimes, ideas of 'fairness' differed and concerns about the extent of influence that community advisory bodies could exert remained. Although both SHA and community respondents stressed that allocations were now fairer, respondents from three different jurisdictions believed that practices of favouring particular family members were still occurring, with one expressing concerns about a lack of transparency in allocation policies. A number also questioned whether houses should be provided to individuals and families whose housing history was not as strong as others who had demonstrated they were likely to be able to manage their homes well.

> The new houses were all disability modified … sometimes these really good tenants over here in the less pretty homes didn't get rewarded and that caused some jealousies. (SP49)

In one state, concerns were raised about whether the SHA had accurate information about tenants on which to base allocation decisions.

> Council doesn't know how many people are listed on the application, only the name of the applicant. They would know whether maybe the kids are now with the aunty or that another 5–6 people will move in that the Department don't know about. This causes overcrowding and child safety issues … Council would know these things so maybe they need to see the whole of who's on the list. (C15)

The co-location of individuals or families with a history of conflict was a further concern.

Allocation decisions were less contentious where processes were in place for the community to have meaningful involvement in allocation decisions.

Rent setting and collection

Rent setting and collection were identified by many respondents in all jurisdictions as one of the most challenging areas of tenancy management. One Fitzroy Crossing community member explained:

> It's a new system to them and they're socked about it. (C12)

Income-based rents with a market-based ceiling are well established as the norm for mainstream social housing and were the dominant approach being implemented across remote Indigenous communities in the four jurisdictions involved in this study. Adaptations to mainstream policies included altering the percentage of income payable and applying administratively determined rent caps in the absence of market rent comparisons. The experience to date of the complexity and administrative costs

of market-based rents does raises questions about whether this is the most appropriate model for remote communities.

Alternative rent setting approaches, including housing levies and property based rents have a long history in the Indigenous housing sector and were prevalent within the ICHO sector prior to the NPARIH reforms. NSW currently differs from other jurisdictions in allowing a choice of household-based and property-based rent setting for ICHOs, and encouraging tenants to access federal rent assistance.

An analysis of the main three rent setting approaches is provided in Table 13 to illustrate the complexity in designing rent setting policy for remote Indigenous housing.

Table 13: Typology of rent approaches

	Individual housing levy	**Income based**	**Property or household based**
Description	Levy applied to all or categories of community residents in receipt of income. Usually collected through automatic deduction from wages or social security payments.	Rent assessed as % of household income. Generally involves a capped maximum rent. Some income may be excluded or applied at a concessional rate. Head tenant responsible for rent but other residents may agree to contribute through direct debit.	Rent based on size or amenity of house or household composition. These rents may be determined through government policy, arbitrarily set by landlord or linked to market or other benchmarks. Head tenant may be responsible or other residents may agree to contribute through direct debits.
Pros	All residents contribute to housing costs regardless of where they live on the community. Simple, efficient collection.	Affordability for tenants is maintained where income or household composition reduces. Larger households mean most pay the capped maximum.	Easy for tenants to understand, efficient to administer and provides predictable rental income stream.
Cons	Difficult to enforce payment. May require amendment of residential tenancy legislation.	Difficult for tenants to understand, administratively resource intensive, liable to lead to underreporting of income and resident numbers, imposes heavy burden on head tenant.	Affordability may be a problem where household income is low. Imposes burden on head tenant.
Other issues	Works best in smaller and discrete communities and where most people work for one employer (e.g. Community Council that also administers CDEP).	In many remote communities, most households pay maximum rents which are relatively low compared to urban market rents.	Rent affordability cap could be applied so that property rent is applicable unless tenants request a reduction based on their income.

Social housing rent setting policy is generally underpinned by a number of objectives that are in potential conflict. Decisions need to be made about the relative priority attached to each and how inconsistencies should be managed. These objectives may include: affordability for tenants; adequacy and predictability of income for housing

providers; simplicity; fairness; efficiency; and transparency. The application of income-based rents can have affordability benefits for tenants but also presents considerable implementation challenges for tenants and housing providers in remote Indigenous contexts due to its complexity and high rates of resident mobility and changes in household income. In the context of large households and low capped maximum rents, further consideration of whether income-based rent setting is warranted, and whether an adaptation of property based rents with a safety net for small households on very low incomes would collect similar income and be as affordable and fair while being more efficient and transparent.

Rent collection has been severely impacted by the legacy of previous problems with direct debiting and inadequate IT systems, which took a long time to resolve. In the Northern Territory respondents reported that rent collection systems were now greatly improved but legacy data remained problematic. In South Australia many tenants accumulated high levels of debt because of failures to advise of residency changes and because any changes to Centrelink or automatically debited employment payments through breaching or casual employment annulled Easypay rental arrangements. (It can take six weeks for the Centrelink arrangement to be reinstated so tenants accumulate significant debt.) This problem was especially severe where rents were charged or collected on a per tenant basis, and was identified as accounting for 20 per cent of rent arrears in the APY Lands. In most cases regular rent statements were not provided to tenants and this placed considerable responsibility on head tenants to ensure that the rent was up-to-date and that other household members were not incurring arrears.

Although rent arrears generally remained very high by public housing standards, all jurisdictions reported that rent collection and arrears rates were slowly improving. However, rent collection and arrears levels differed greatly between communities with one case study site reporting exceptionally high (93%) collection rates (IP6).

Property maintenance and repairs

Excluding issues of the quality of construction building materials and workmanship, maintaining houses relies on two core factors. These are: tenants caring for their homes; and the maintenance and repair regimes delivered by housing providers. The NPARIH tenancy management reforms attempt to address both these issues.

Policies requiring regular inspection and maintenance regimes are in place in all jurisdictions. However, budgetary constraints and the cost and practical barriers to accessing many communities were reported as limiting the ability of SHAs to apply mainstream maintenance approaches and to maintain assets to the standard to which SHAs and tenants aspire. Responsive maintenance was restricted to urgent health and safety matters in some jurisdictions due to budget constraints. In one case, repairs considered tenant responsibility were not arranged by the SHA, leaving tenants in remote communities to contend with shortages of contractors and high costs. In response to the high cost and lack of availability of contractors, the Northern Territory has restructured maintenance contracts to better identify work that does not require trades-qualified contractors (estimated as 80% of all work) and to allow that work to be done through local general maintenance contracts. This is just one example of ongoing efforts to improve the timeliness, quality and cost of delivering maintenance services in remote communities.

Supporting tenants to care for their houses and avoiding tenant damage remains a critical tenancy management challenge. Tenancy officers in all jurisdictions spend time at sign up explaining to tenants their responsibilities, including caring for their property, reporting repairs and maintenance and fixing tenant damage. Some

jurisdictions have developed resources and programs to support tenants to meet these obligations and respondents reported some positive outcomes in this area, especially for tenants of new or substantially upgraded houses.

> There's a whole lot of effort that individuals are doing to attempt to maintain houses, and there's pride … In terms of our achievements around health outcomes there must be no doubt that there is a reduction in infectious diseases and … all those sorts of things. (bb)

Respondents pointed to continuing high levels of property damage and some argued for the need to engender a sense of community ownership of housing and noted that damaging houses was a sign that the housing was not meeting householder needs. For other respondents, housing neglect and damage was seen as high wear and tear due to crowding, poor construction standards and inadequate maintenance.

Difficulties in distinguishing between wilful damage and wear and tear, given the context of crowding, was identified as a concern across the jurisdictions. In Western Australia and South Australia policies on charging tenants for property damage were in development for this reason, and because charges could fall unfairly on head tenants who were vulnerable and unable to control visitors and other residents. Respondents reported differing views about whether the dominant focus of SHAs was on asset management or on the needs of tenants and communities. This was linked to concern that SHA regional and central decision-making about maintenance and repair priorities was not informed by an adequate understanding of the local community context, lifestyle of cultural norms.

Other respondents expressed concern that tenants were not clear about how to report damage and request maintenance, or that the processes were complex and responses slow. Community based housing workers and local advisory bodies played a key role in facilitating communication between tenants and housing providers regarding maintenance issues, particularly delays and the quality of repairs.

Concerns were expressed by informants from the range of stakeholder groups about the effectiveness and take up by tenants of 'tenancy training/living skills' and intensive tenancy support. This was considered by one government respondent to be the 'jewel in the crown' as it 'will have long-term impact on the sustainability of tenancies and houses'. This respondent emphasised the role of tenants in looking after houses and reporting maintenance in a timely way because of the increased damage and cost of repairs likely with delays. This issue is discussed further below.

Tenant education and support

Tenant education about the rights and responsibilities that accompanied their housing tenure was a critical area of activity and integral to signing up tenancy agreements in the early years of the tenancy management reforms. All respondents agreed that achieving full understanding of this by tenants and communities took time. One informant pointed out that the remote location meant that:

> … you have a finite opportunity in communities. You're there for a day or two days but then you're out again. You're not in that community. In order to change, to facilitate and change awareness, you need an ongoing conversation. The conversations start and then stop and you need to go back to the beginning every time you go. (SP22)

'Living skills' programs designed to support tenants in maintaining their homes to appropriate standards were identified as problematic by a number of service provider respondents. Frontline workers appeared to be particularly resistant to delivering such

programs and saw them as conflicting with their housing management role. Commenting on one living skills program, a respondent said:

> I think this is one of the hardest jobs I've ever done to tell you the truth. It's around the tenancy management stuff. I think I've found it hard. I've never had a clear understanding of the role. I just go in there and help people around the hygiene, keeping the house clean.

Another service provider described the complex nature of delivering such programs:

> When you go into homes people have complex needs, finance, family, home. When you work with a person you've got to work with all the issues they've got. You can't just work on one. (SP36)

These difficulties prompted one respondent to argue that there was a need to re-think tenant education and to move from an individual approach at the time of allocation to a proactive and ongoing community development approach that engages tenants prior to and after allocation. Front line housing workers particularly felt that such programs should be delivered by services other than the tenancy management workers. An example that applied both these principles was the 'women and technology' programs which operate in the Alice Springs town camps and help tenants to understand things like how the power supply works and the reasons it can go wrong.

Several respondents argued that extra resources needed to be applied to tenant education and support. There were also suggestions that SHAs could do more to coordinate with other government agencies and service providers and leverage other programs and attract different funding sources if 'they worked outside the square and didn't hold everything in house'.

This is a contentious issue given that NPARIH requires all tenants to be offered tenant education and providing these programs is an allowable use of NPARIH funds. Concerns seemed to focus on the scope of tenant education and support programs, who should deliver them, whether the tenancy management funding under NPARIH was sufficient to fully cover the costs of what was needed and whether other policy areas such as health, child protection and community services should contribute additional funds.

Tenant responsibilities

The NPARIH reforms place a strong emphasis on tenant responsibility in the areas of paying rent, caring for homes, reporting damage, allowing visitors and managing the behaviour of residents and visitors. Respondents raised concerns about the burden this placed on head tenants, especially in the areas of rent arrears as well as unacceptable behaviour and property damage by occupants and visitors. The capacity of head tenants to enforce compliance by other residents varied considerably and was a major consideration for housing workers in addressing tenancy breaches and other problems.

One area of particular concern related to rent arrears and housing debt more generally. Head tenants have considerable responsibility to regularly check that rent payments are being made and to avoid arrears. Respondents proposed a range of ways to deal with these problems such as individual residents remaining responsible for unpaid rent even when they leave the house. Such approaches are difficult to enforce and would require amendments to the Residential Tenancies legislation.

Although there were many examples cited of head tenants making extreme efforts to ensure regular rent payments and to control behaviour in the home, respondents explained that some tenants lacked the cultural authority or other means to control

other household members and visitors. Their authority could also be undermined if other household members were party to tenancy agreements or contributed to rent and property damage bills and believed they also had rights and authority in the house.

This issue will require ongoing consideration of the ways in which policies can be amended and head tenants supported to ensure that their obligations are met while reducing their burden of responsibility.

Workforce capacity

Finding and retaining appropriately qualified frontline staff and matching their skills and approach with the characteristics of communities was identified by many SHA informants as critical for success and also one of the most challenging objectives to achieve. Queensland informants reported reasonably good recruitment and retention of experienced staff, but in Western Australia most frontline workers were reported as having less than two years' experience. In the Northern Territory respondents reported that staff skills and turnover varied considerably between regions. Respondents in all jurisdictions reported that having frontline workers who understood the context and had, or could develop, relationships with communities was vital to achieving positive tenant relationships and achieving desired outcomes. One respondent observed:

> It's about attitude. If you haven't got the right mob out there to start with, working alongside and understanding that partnership, and leaving no footprint, if you like, that sharing relationship, things fall apart. We've got things where it's been really successful—two-thirds of people understand their tenancy agreement. Then we've got others where they are struggling and it comes down to the frontline people. You've got to put the time and investment in that. (C5)

In many locations the demands on frontline staff were intense because of long distance travel and the importance of face-to-face contact for working with Indigenous populations. In some jurisdictions frontline workers were rotated to avoid stress associated with becoming too involved in community issues and conflicts. Peer support and regular supervision and training were all identified as important but were not always achieved due to the demands of travel and time away from the office. One respondent questioned the availability of training for SHA and NGO frontline housing workers and the difficulties for staff in accessing training that was available.

Indigenous employment

The employment of local Indigenous staff in the delivery of tenancy and property management services was raised as a critical issue by service providers and Indigenous community respondents from all jurisdictions. A number spoke of barriers to the employment of Indigenous people, particularly in property roles due to occupational health and safety requirements, ticketing and licensing systems. They believed there was a need for greater flexibility for SHA credential requirements so that local Indigenous men and women could be given opportunities to work.

Another concern was that limited employment opportunities and the need to spread these across communities meant that paid work was usually casual and short term. In Queensland and the Northern Territory community based housing workers were most often employed at basic administrative support levels by local councils and their role was to support the FIFO/DIDO SHA tenancy managers. This led to concerns that community members missed out on career development opportunities.

There were also concerns that building contractors made little attempt to employ local Aboriginal people despite their contractual obligations to do so. The pull of communities was also identified as an impediment to maintaining employment with suggestions that if young people travelled away for training the majority returned once it was completed. To improve rates of employment one provider suggested:

> [There is a] need to improve support for young people to stay here, including for other family members to move with them and for the community to advocate for the young people to stay and finish their training and education and to keep the long-term goal in mind. (SP23)

In Western Australia and the Northern Territory, the employment of Indigenous tenancy officers and maintenance personnel was regarded as invaluable. Reasons given included their commitment to improving their communities, knowledge of local dynamics, sensitivity to cultural norms, ability to communicate effectively and the positive message that it sent to the communities.

> Because it's local people improving their own lives, having a say in how that process happens. They know what their issues are so much better than what I can understand and they have a vested interest in the outcome. If this was me and five other people from [city] that tried to do this the doors wouldn't open, they wouldn't let them come into their lives. It's because the message is coming from people who are actually in the communities themselves. (SP1)

The potential for local, Indigenous staff to act as mediators between state housing managers and tenants because of their knowledge of language and commitment to improving housing outcomes for their community members was understood by both Indigenous and non-Indigenous informants. One informant put this succinctly:

> I'm a worker but it's really personal to me because it's my people. (SP36)

In areas where use of local languages was widespread the importance of employing local people to explain tenancy rights and obligations was especially important:

> They can get a letter but they don't always understand the letter. [Name] and I speak language, we explain it to them. We end up translating most of the stuff. The position we have in the organisation means we are really helping these people and it's also helping us develop our professionalism. (SP27)

A housing manager explained:

> When we talk, we're coming from a really different frame of reference. To get through that means you just have to have this long-term relationship and an ongoing conversation and a deep level of trust and getting over that as a government employee and being white and a woman is very challenging. (SPXX)

Community informants also spoke of their belief that ICOs were the best placed to achieve Indigenous employment targets:

> What we want is Aboriginal participation. We're not going to get that from a non-Aboriginal organisation … Under the NPs participation at all levels has been inadequate …. Aboriginal people don't have the qualifications. They're willing to work but they are not eligible. (C6)

Many respondents stressed the challenges local employees faced and the need to provide support:

> These people are just starting out working as well you have to mentor them. They need a mentor, someone based in the community to work with them. It's really hard to work on your own. (SP36)

Cultural security was a concern because of the difficulties in separating personal and professional roles and the incompatibility of some professional requirements and relational norms, such as the cultural inappropriateness of a young woman telling an older man how to clean his home, and norms that disapproved of telling someone else how to behave:

> We know them people, like for us team it was like telling them what to do. They probably got sick of us … It doesn't feel right to go in with a tick box—is your toilet clean, telling them how to use the gas and stove. They might think you think that they're dumb and don't understand, but they do. And everything is in English. Telling old people how to use the facilities was ok but it was not for the younger people. (SP41)

These concerns were receiving some response from some SHAs. In Western Australia consideration was being given to the establishment of a mentoring or buddy system to support local housing officers. An important point made by a policy manager was the need to provide training to line managers to ensure they supported Indigenous employment strategies, understood the challenges they faced when working in communities and had access to mechanisms for addressing these. If this understanding was inadequate it could lead to difficulties in recruitment and retention.

4.2.3 Summary

This chapter has examined the progress to date in implementing the NPARIH goals regarding tenancy and asset management and has demonstrated the enormous efforts and modest progress that has occurred to date. At the halfway mark in the 10-year strategy, the evidence points to a mixed score card with some success in establishing formal tenancies agreements, applying needs-based allocation decisions, improving rent collection and implementing maintenance systems. There remains much to do in order to achieve quality housing services that are sustainable and appropriate for the range of remote Indigenous contexts. To date policies and service delivery models are still developing across many critical areas of service delivery. These include tenant education, rent setting and collection, recruitment and retention of a workforce with the appropriate skills and experience for working in Indigenous communities and establishing facilities and operations that will ensure assets are protected over the medium to long term. Tenant support is still in the very early stages of development and there remains considerable scope to leverage housing service delivery to improve levels of local employment. All stakeholders agree that this is an opportune time to stand back and review progress and the best approaches for the future.

5   POLICY LESSONS AND FUTURE PLANNING

5.1   Policy lessons

The analysis provided so far suggests that the NPARIH program has achieved some success in a complex and demanding service environment, with continuing efforts to develop and improve services. This section draws on the evidence to date to identify strategic issues that have ongoing implications for tenancy management policy and planning. It is acknowledged that these preliminary findings are based on limited fieldwork in a small number of sites. However, they reflect issues that were raised in a number of jurisdictions and communities and reflect concerns across stakeholder groups. They point to issues fundamental to achieving the intended NPARIH goals which require further research and policy consideration. They are presented for stakeholder consideration and will inform the second stage of this study.

5.1.1   The long-term impact of capital works decisions

The study findings emphasise the important connections between capital works and tenancy management. Under NPARIH improvements in housing assets and long-term tenancy and property management are crucial to sustainable improvement in living conditions and extending property life. The significant investment in new housing and refurbishments has been an important incentive for communities to agree to state intervention in the form of long-term leases and the transfer of tenancy management responsibility. Improved housing amenity and promises of regular maintenance have also contributed to tenant willingness to pay rent and their ability to maintain safe and healthy living environments.

The study has also identified areas where the capital works outcomes have not lived up to expectations and, in some cases, have created challenges for tenants and tenancy managers. One concern is the discrepancy in standards between new and refurbished houses. Another is where housing designs or siting does not suit the climate, resulting in ongoing maintenance costs. Poor siting and drainage result in houses flooding in the wet season and mould. These affect tenant relations and add to maintenance costs. Inappropriate design can also impact on household safety and well-being. One respondent explained: 'child sex abuse is as much about design as it is about space' (C53). Another noted that houses with more than one family group require separate, secure food storage space.

These problems arise from factors that include the location of the service infrastructure, limited budgets and pressures to meet targets. But they also arise because of the impact political pressures have on shifting the focus from the core goal of improvements in well-being to a more limited and immediate concern with improving housing supply. This tension was well understood by policy informants: 'it should all, at the end of the day, be about outcomes, sustainable tenancies, in whatever form that is' (SP42).

The key policy lessons here are the need for improvements in communication between state and federal governments; greater upfront consideration of the longer term impacts of how capital works programs are implemented on the ground; and closer involvement of housing managers and communities in all stages from planning and design to construction. This point is made in full understanding of the difficulties in achieving this and the possible resource implications, but there may be opportunities to learn from locations where these processes were most successful.

5.1.2 Incremental development and action learning

A common thread across jurisdictions has been that SHAs initially had limited institutional knowledge to support them in designing and implementing new tenancy management regimes. The mainstreaming of Aboriginal housing that took place in the decade prior to NPARIH saw expertise dispersed and diluted across agencies. This meant that many of the personnel responsible for negotiating with communities, establishing the policy settings and implementing the programs had limited experience or understanding of the distinctive legal, political, economic, historical, spatial, social and cultural context of Indigenous communities. This, together with the pressure to deliver against tight targets set by NPARIH Implementation Plans meant that policy settings and service delivery arrangements were not always well developed before tenancy reforms commenced. A theme from all state housing respondents was the importance of 'not rushing in'. One panel member observed:

> I don't think anyone understood at that point the complexity of working with Aboriginal communities. It's taken several years and now practitioners have really discovered the depth of complexity and challenges. Now we are having to rethink what we are doing and why we are doing it this way. (SP49)

All the senior policy-makers and strategic planning informants emphasised the need to undertake ongoing review and assessment of how well the arrangements were working. They noted that at the beginning it was very difficult to envisage what models would work or the skills and infrastructure that were needed. One observed, 'at every stage, we are learning, reflecting and changing' (SP52).

In all jurisdictions, state housing respondents indicated there was still much to be done in establishing robust tenancy management. This co-existed with the view that the initial, intensive stage of negotiating leasing and management agreements and establishing tenancies, rent collection and maintenance systems was well advanced. Several respondents spoke of transitioning to a new stage in implementation that requires different skills in frontline workers and new partnerships.

The priority now is to identify how best to consolidate achievements to date, review service delivery models and address long-term issues that focus on improving tenant outcomes and sustaining assets. Priorities for operational policy development identified by respondents include:

→ Reviewing tenancy policies in light of experience.

→ Identifying the best ways to support tenants in looking after their homes.

→ Options for achieving sustainable longer term maintenance and asset management.

→ Addressing tenancy issues other than rent collection.

→ Building relationships and coordination with other community service agencies (family support, health, justice).

→ Increasing local Indigenous employment.

Western Australia is undertaking a wide-ranging review and financial analysis of its property and tenancy management arrangements. This includes assessing costs, KPIs and quality assurance of the RSPs, as well as analysing the capacity of the not-for-profit sector, the agency and desired outcomes, and where these are being achieved. In Queensland the current model of SHA delivery is under review in light of broader state policies to withdraw from direct public housing management by 2020. In the Northern Territory tenancy and maintenance contracts are being re-tendered. The

South Australia DSI and SA Housing are considering whether there are locations where some housing services may be delivered by third parties, including ICOs.

These activities point to the imperative for the next stage of implementation to simultaneously consolidate achievements to date, improve the appropriateness, effectiveness and efficiency of service delivery and maintain a flexible approach to tenancy and property management arrangements so there is space for developments that provide for models of service delivery that are viable and sustainable over the long term and appropriate for particular contexts. Underlying these issues is the question of which service delivery models and housing providers are best placed to achieve the desired outcomes.

5.1.3 Establishing trust and legitimacy

Positive relationships with local communities were identified in all jurisdictions as essential, whether SHAs directly managed tenancies or engaged local service providers. Respondents emphasised the importance of establishing and nurturing respectful and trusting relationships through participatory decision-making and good communication. The nature of relationships varied across communities and key stakeholders that, in addition to tenants, included community councils and shires, local housing committees, land councils, native title entities and Indigenous housing, community and economic development agencies.

Community relationships and partnerships are especially important in remote communities where SHAs do not have a full-time presence. Partners with a local presence can be engaged as contracted tenancy and maintenance service providers as they can provide local knowledge, are a means of communicating with tenants and communities and enable access to scarce resources such as office, meeting and overnight accommodation facilities.

Importantly, positive local relationships and partnerships can assist in establishing and maintaining trust and legitimacy within the community. Ongoing investment in maintaining and further developing these relationships will continue to be a critical success factor.

5.1.4 Governance and community engagement

Governance across NGO and government sectors was identified as a crucial area for improvement. For the NGO sector, building governance capacity is seen as central to empowering remote communities and enabling Indigenous organisations to play a larger role in the future of housing provision. For governments, the challenge is to improve capacity to support new governance processes including policy vehicles that engage all stakeholders in sharing responsibility and decision-making for improving housing outcomes.

In Western Australia, South Australia and the Northern Territory the mechanisms to date for community consultation and decision-making over tenancy management arrangements have involved community councils, housing committees and housing reference groups respectively. The work of community members who participated in these governance models was unpaid. Respondents described their contribution as extremely valuable when the processes worked effectively, but there were also concerns at the commitments expected of them and the difficulties state providers sometimes had in maintaining engagement. In Western Australia difficulties included some community councils feeling over-consulted which had resulted in consideration being given to establishing protocols that provided for less intrusive consultation strategies.

The Northern Territory and Queensland are highly dependent on the shires and Indigenous shire councils for community engagement as well as for tenancy management and maintenance services. Councils and shires generally have limited resources and in both locations are subject to increasing expectations to focus on core local government responsibilities. For these reasons, and because housing decisions such as allocations are often highly contentious, some local government respondents indicated that they were pleased that the SHAs have taken overall responsibility for housing management. However, housing constitutes crucial social and economic infrastructure in communities and council and shire respondents, as well as Indigenous service providers, spoke of the importance of good community engagement in ensuring culturally appropriate practices and to maximise local employment opportunities.

While SHA informants and Indigenous community informants from all jurisdictions described the involvement of community consultative bodies, councils and shires as very successful when leadership and governance were strong. They also observed that there were communities where this was not the case. Changes in government personnel and in council membership meant consistency was also an issue.

This analysis highlights the need for greater attention to governance because whatever service delivery models emerge over the long term, government will continue to hold ultimate responsibility for systems, governance and outcomes. Adequate resourcing for capacity building within community organisations and representative bodies is needed to strengthen local governance and ensure that local entities can participate effectively in local housing service delivery, and to achieve opportunities for community engagement and participation in housing issues and decision-making.

5.2 Sustainability and future planning

The importance of avoiding past mistakes and establishing sustainable housing management arrangements is recognised by all stakeholders. Having past the halfway point in the 10-year NPARIH, the need to plan for the future is an increasingly important focus for policy-makers and program managers.

5.2.1 Financial considerations

As capital works budgets are expended and maintenance budgets put under severe pressure, the reality of unmet housing need and the ongoing challenge of repairs and maintenance demand is more starkly obvious. The post NPARIH funding source for tenancy management costs is a matter of concern as it becomes increasingly clear that rent revenue cannot be expected to fully cover tenancy management, maintenance and replacement costs. One respondent observed:

> If we don't continue to have an injection of funds to keep those properties, those communities where we've gone in and done major works and major builds, in eight years down the track, if there aren't specific monies identified for Indigenous housing, then that work can't be continued and once again my concern is we'll be back to where we were at the beginning of NPARIH with crowded houses, poor condition. We can't predict the future but there are those concerns that the investment won't be sustained. (SP22)

Some respondents spoke about the importance of transparency about the NPARIH funding and rent revenue and how it is spent. Concerns were particularly centred on maintenance and upgrade budgets and costs and a lack of attention to long-term asset management and maintenance plans. One informant raised concerns about

differences between jurisdictions in funding approaches for third party providers and financial arrangements for leases with landowners.

Understanding the costs and cost drivers of managing housing in remote communities will be essential to inform cost-effective service delivery and sustainable funding models in the second half of NPARIH and beyond. The second stage of this study is designed to contribute to that knowledge and share leading edge practice.

5.2.2 Communities and houses outside NPARIH arrangements

The NPARIH includes all remote Indigenous communities but the question of what will happen to smaller communities and those that have not signed tenancy agreements or agreed to lease their land to the state remains unresolved. The locations of these communities, and the policy positions of SHAs (which vary according to factors of size, location and funding), are described elsewhere. All jurisdictions have identified some locations where communities are too small or lacking adequate infrastructure to be considered viable for investment. From the perspective of residents there is a consistent narrative that attachments remain strong and that people choose to live there because it is healthier and more peaceful than some larger communities. Some communities also have legacy dwellings that are too rundown to be considered for upgrading, and because maintenance is often minimal they are at high risk of further deterioration. These communities and properties are usually managed outside the provisions of RTAs and, where management is being undertaken by an ICO, regulatory arrangements are limited.

Further consideration is required to identify longer term options for future sustainable management of these communities and houses that are currently outside existing NPARIH arrangements.

5.2.3 Possibilities for home ownership

Government policy and the aspirations of some communities continue to focus on diversifying tenure and increasing homeownership. Social housing tenancy management policies therefore need to consider opportunities to enable communities to have housing choices where they are achievable, including developing linkages between social housing and homeownership and affordable rental policies and programs. The absence of a housing market, together with community land tenure and the low income of most residents of remote Indigenous communities, means that in many locations home ownership and alternative rental models may be unviable. However, for residents in communities with reasonable proximity and access to employment markets, these options may be possible.

One successful example was reported by a respondent who referred to an initiative in a regional centre to transition social housing tenants into affordable market rentals and homeownership. Other respondents reported that tenancy management reform implementation has to date been insular with limited linkages to homeownership or affordable rental programs. It is even possible that the application of 'public housing like' policies may impede the development and take up of alternatives in communities that almost exclusively consist of social housing. To date there is no clear policy articulation to support the potential for social housing policy and tenancy management approaches to contribute to diversifying housing options in remote communities.

5.2.4 Determining the best service provision model

One of the most critical future planning issues is whether in the future SHAs or third party providers are the primary service providers. Respondents acknowledged the challenges faced by SHAs in directly managing remote tenancies but also questioned

the potential for an increased role for community housing providers, including Indigenous councils and Indigenous community organisations.

A central question is whether communities should be asked to manage their own housing or should at least have more say in determining the housing provider. In one state it was pointed out that in other locations communities were not asked to contribute to the management of their houses and they had found there were some communities that may not wish or have the capacity for this. It was also clear that there was a strong aspiration in some communities for greater involvement in housing to ensure service delivery was culturally appropriate and because housing was integrally linked to control over land and afforded critical opportunities for local Aboriginal employment and economic and social development.

For Indigenous organisations, the opportunity to partner with state governments in housing service delivery is not without risks. As elected local governments and grassroots organisations which have formed to meet the needs of community members their mission may at times be in conflict with their contractual obligations to SHAs. They walk a delicate line between meeting the expectations and needs of community members and maintaining legitimacy as an organisation that the SHA can trust will deliver its targets. Their close alignment with communities was understood by some community informants as a valuable point of differentiation between them and non-Aboriginal contractors, but their relationship with communities was also experienced as a source of tension with SHA providers:

> It's important to look after the party that pays you and who you're delivering the services to but … our organisation has been set up to look after our members …. We are the contractors knowing what's on the ground. What is actually valuable is perceived as a conflict of interest. (C6)

For South Australia, Western Australia and the Northern Territory where there was a commitment to forming service delivery partnerships with ICOs, the capacity of the ICO sector was a major barrier. There were relatively few large ICOs with many servicing a small number of communities at a distance from regional centres. Most operated from small funding bases so there was little foundation for establishing the necessary infrastructure and processes required. Even larger organisations with an independent income stream faced difficulties in meeting the requirements SHAs imposed on potential providers. One Indigenous community informant believed that many ICOs made no attempt to become third party providers because they believed they would be unable to meet these requirements:

> [ICOs] can provide a whole range of services. They provide heaps of other ancillary services or are the point of contact for them. They are never just a housing provider. A lot of them can't see that they can be part of the (state housing system). The policy isn't as restrictive as it's perceived to be … but the perception is that it's too narrow for them to operate within that system. So they're sitting outside it until they see how the national regulatory system rolls out on top of it and what that offers in terms of an opportunity for a system that might give them better policies that suit their practices. (C45)

To date only one mainstream community housing providers is managing remote Indigenous housing and there has been no systematic policy discussion or other efforts to engage this sector. While the viability of funding arrangements for mainstream providers is certainly a barrier there may be locations where these can be overcome and potential benefits for a greater role for mainstream CHOs in the delivery of services as contractors to SHAs or in partnerships with Indigenous landholder bodies.

The second phase of this research will explore these issues in greater detail and inform future planning by reviewing how different arrangements are working. One respondent commented: 'In a state as diverse as [ours] we probably need all the models' (SP16). While this is desirable, there remain many questions about what is required for particular arrangements to be successful and how this can be achieved. Issues of regulation, performance management, governance and capacity building are central if an increased role for alternative service providers is to be achieved. Regardless of who delivers the services the critical questions of appropriately calibrated policy frameworks, including rent setting, tenant education and support and workforce recruitment and retention, and the establishment of an efficient and responsive repairs and maintenance system have to be addressed.

5.3 Conclusion

This outline of what is known about the progress of the NPARIH reforms has highlighted the complexity of the remote Indigenous housing management endeavour and the challenges in achieving the NPARIH objectives. It has pointed to the achievements to date as well as the amount of work that has been, and still needs to be done, to achieve acceptable standards and appropriate management of housing in remote communities. It has taken time to negotiate the changes with the communities, to work through the legal issues and to pass legislation so that states and territories can improve infrastructure and facilities and enact their new responsibilities for housing on discrete Aboriginal communities. The process has been demanding for all stakeholders.

The complexity and challenges reflect the diversity of communities involved, their remoteness and the challenging socio-economic environments and cultural context in which remote Indigenous housing is delivered. Given that context, significant progress has been made over the past five years in delivering the capital works program, establishing the service delivery infrastructure and laying the foundations for improving allocations, rent collection, asset maintenance and tenant education and support. The challenge is to strengthen and consolidate these achievements. Critical to this endeavour is the need to strengthen partnerships with Indigenous people to plan for a future that can secure sustainable housing outcomes which will improve their lives and living conditions.

In addressing this challenge the research has identified a high level of commitment from all stakeholders to achieving this goal. Despite differences in how improvements should be achieved and who should control policy directions, informants from all sectors expressed the shared objective of building Indigenous capacity and developing strategies that increase opportunity and well-being. This included a concern to ensure that the substantial investment of human and financial resources that has underpinned the achievement of NPARIH objectives should not follow the path of previous efforts, which have seen hard-won gains dissipated as political commitment has waned or new policy directions have undermined achievements.

A critical concern is therefore whether national and state governments will maintain the long-term policy focus and their commitment to addressing the housing needs of remote Indigenous communities, regardless of the service provision model. A related concern is whether and how the public investment in remote Indigenous housing will be protected if responsibility is transferred to a third sector provider or to individual owners, as has recently been suggested by the federal Minister for Indigenous Affairs (Karvelas 2013). It is vital that these debates and decisions are informed by robust and objective evidence on the achievements of NPARIH and the possibilities that exist for improving service delivery efficiencies in remote Indigenous communities.

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APPENDICES

Appendix 1: Investigative Panel members

AHURI	
Andrew Hollows	Facilitator, Deputy Executive Director, AHURI
Alan Dick	Director, Alan Dick Consulting
Daphne Habibis	Director, Housing and Community Research Unit, University of Tasmania
Peter Phibbs	Professor, Faculty of Architecture, Design and Planning, University of Sydney
Rhonda Phillips	Senior Research Fellow, University of Queensland

FaHCSIA/PMC	
Belinda Campbell	Manager, Remote Housing Branch
Melissa Clode	Section Manager, NPARIH Policy
Amalia Matheson	Acting Senior Advisor, NPARIH

Northern Territory	
Jan Berriman	Former CEO, Central Australian Affordable Housing Company, Alice Springs
Noelene Swanson	Manager, Remote Housing, NT Housing
Lauren Walker	Senior Solicitor, North Australian Aboriginal Justice Agency

Queensland	
Alan Neilan	CEO Wujal Wujal Aboriginal Shire Council, Wujal Wujal
Greg Whittaker	Business Manager, Gungarde Community Centre Aboriginal Corporation, Cooktown
Kylie Phipps	Director, Housing Practice Improvement, Department of Housing and Public Works

Western Australia	
Dickie Bedford	CEO, Marra Worra Worra Aboriginal Corporation, Fitzroy Crossing, former ATSIC Commissioner, Kimberley zone
Monique Berkhout	Manager, Aboriginal Housing Policy, WA Department of Health
Steve Bevington	CEO, Community Housing Ltd

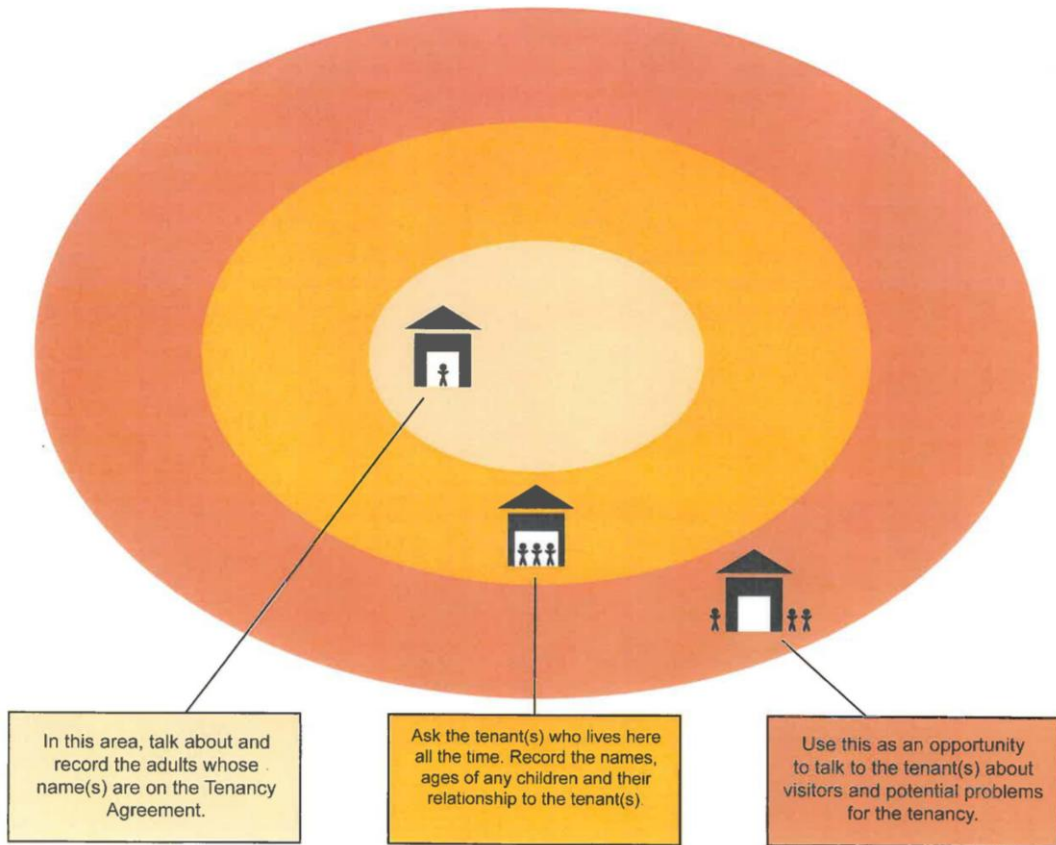| South Australia	
Jude Allen	Manager, Strategy, Policy and Aboriginal Outcomes, Housing SA, Department for Communities and Social Inclusion
Helen MacPherson	Executive Officer National Partnerships on Remote Indigenous Housing Department for Communities and Social Inclusion
Brian Butler	Chair, National Congress of Australia's First Peoples, Chair, Shelter SA
Rex Tjami	Chair, APY Lands Council

Appendix 2: Western Australia Department of Housing tenancy matrix management support package

Figure 6: Household map

Government of **Western Australia**
Department of **Housing**

HOUSEHOLD MAP

In this area, talk about and record the adults whose name(s) are on the Tenancy Agreement.

Ask the tenant(s) who lives here all the time. Record the names, ages of any children and their relationship to the tenant(s).

Use this as an opportunity to talk to the tenant(s) about visitors and potential problems for the tenancy.

Name of Tenant(s)

Address of Tenant(s)

Lot / House No:

Community:

Contact number of tenant:

Name of Housing Officer

Rent Calculated

Income Evidence Attached Y/N

Tenant Delegate (who can speak for you if you are not around)

- Relationship to tenant

- Address of delegate

- Contact number of delegate

Tenant(s) Signature

Date: _____

Figure 7: My tenancy matrix—Kimberley

Government of **Western Australia**
Department of **Housing**

My Tenancy · **My Home**

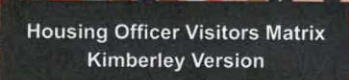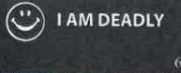|	RESPECTING MY TENANCY		RESPECTING MY HOME		RESPECTING MY NEIGHBOURS	
	$ RENT	**GOING AWAY**	**HOME**	**YARD**	**TENANT AND HOUSEHOLD**	**VISITORS**
☺ **I AM DEADLY** (6)	I *always* pay my rent on time.	I *always* tell my Housing Officer when I go away for longer than 8 weeks. I never let anyone else move into my home while I'm away.	I *always* keep my home clean, safe and secure and I *always* look after my yard. I *always* tell my Housing Officer as soon as something needs fixing.		Everyone living in my home *always* treats my home and the neighbours with respect.	My visitors *always* treat my home and the neighbours with respect.
I SHOULD TALK TO MY HOUSING OFFICER (5)	I'm behind with my rent. I need to pay extra to pay back the money I owe. *When this is done, I'll be deadly again.*	I should let my Housing Officer know I'll be away longer than 8 weeks. I should make sure no one else moves into my home. *When this is done, I'll be deadly again.*	I should talk to my Housing Officer because something needs fixing. OR I got a **Work Order** because my home or yard isn't clean, safe or secure. *When I clean up, I'll be deadly again.* The Housing Officer will be back to check.		The people living in my home are making humbug and there has been a complaint. I should sort this out and talk to my Housing Officer. *When this is sorted out, I'll be deadly again.*	The visitors are making humbug and there has been a complaint or my home is getting damaged. I should talk to my Housing Officer about this. *When this is sorted out, I'll be deadly again.*
I NEED TO TALK TO MY HOUSING OFFICER (4)	I got a **Breach Notice** because I haven't paid the money I owe. *I'll be deadly again if I talk to my Housing Officer within 2 weeks to make an Arrears Payment Plan to pay back the money I owe.*	I need to let my Housing Officer know things have changed and I'll be away for longer. I hear I got a **Breach Notice** because I didn't let my Housing Officer know about this. I need to make sure no one else moves in to my home. *I'll be deadly again if I contact my Housing Officer today.*	I need to talk to my Housing Officer because something still needs fixing or I told them but it still hasn't been fixed or fixed properly. *I'll be deadly again if I contact my Housing Officer today.* I got a **Breach Notice** because my home or yard isn't clean, safe or secure. I can sort this out myself or ask someone for help. *I'll be deadly again if I do the work I said I would.*		I got a **Breach Notice** because people living in my home are still making humbug and there have been more complaints. I need to talk to my Housing Officer about this as soon as possible. *I'll be deadly again when I sort this out.*	I got a **Breach Notice** because my visitors are still making humbug and there have been more complaints. The damage to my home is getting worse. I need to talk to my Housing Officer about this as soon as possible. *I'll be deadly again when I sort this out.*
I MUST TALK TO MY HOUSING OFFICER (3)	I got a **Notice of Termination** because I still haven't paid the money I owe. I am getting help from my Housing Officer and other agencies. *I can get back on track by sticking to my Arrears Payment Plan.*	I hear a **Notice of Termination** has been served. *I can get back on track by sending a letter to my Housing Officer to explain why I have been away so long, so my home can be kept for me or I need to go home.*	I got a **Notice of Termination** because my home or yard still isn't clean, safe or secure. *I can get back on track by doing the work to make my home clean, safe and secure again.*		I got a **Notice of Termination** because of all the complaints about the humbug. I must talk to my Housing Officer straightaway. *I will be back on track when I have sorted out my family.*	I got a **Notice of Termination** because of all the complaints. I must talk to my Housing Officer straightaway. *I will be back on track when I have sorted out my visitors.*
I MIGHT LOSE MY HOME (2)	I got a **Notice** to attend the Magistrate's Court because I still haven't paid any of the money I owe. *There are things I can still do to avoid eviction. My Housing Officer can tell me more.*	I got a **Notice** to attend the Magistrate's Court. If I don't go back home or contact a legal service, I might lose my home.	I got a **Notice** to attend the Magistrate's Court because I still haven't made my home or yard clean, safe or secure. *There are things I can still do to avoid eviction. My Housing Officer can tell me more.*		I got a **Notice** to attend the Magistrate's Court because I still haven't sorted out the humbug. *There are things I can still do to avoid eviction. My Housing Officer can tell me more.*	I got a **Notice** to attend the Magistrate's Court because I still haven't sorted out my visitors. *There are things I can still do to avoid eviction. My Housing Officer can tell me more.*
NO HOUSE (1)	A **Court Order To Evict** has been made and I have **lost my house**.	A **Court Order To Evict** has been made and I have **lost my house**.	A **Court Order To Evict** has been made and I have **lost my house**.		A **Court Order To Evict** has been made and I have **lost my house**.	A **Court Order To Evict** has been made and I have **lost my house**.

Figure 8: My tenancy matrix—Ngaanyatjarra Version

Government of Western Australia
Department of Housing

Tenant Matrix Ngaanyatjarra Version

My Tenancy · My Home

	RESPECTING MY TENANCY		RESPECTING MY HOME		RESPECTING MY NEIGHBOURS	
	💲 RENT	👣 GOING AWAY	🏠 HOME	🌳 YARD	TENANT AND HOUSEHOLD	VISITORS
☺ **I AM PALYA** (6)	I *always* pay my rent on time.	I *always* tell my Housing Officer when I go away for longer than 8 weeks. I never let anyone else move into my home while I'm away.	I *always* keep my home clean, safe and secure and I *always* look after my yard. I *always* tell my Housing Officer as soon as something needs fixing.		Everyone living in my home *always* treats my home and the neighbours with respect.	My visitors always treat my home and the neighbours with respect.
I SHOULD TALK TO MY HOUSING OFFICER (5)	I'm behind with my rent. I need to pay extra to pay back the money I owe. *When this is done, I'll be palya again.*	I should let my Housing Officer know I'll be away longer than 8 weeks. I should make sure no one else moves into my home. *When this is done, I'll be palya again.*	I should talk to my Housing Officer because something needs fixing. OR I got a **Work Order** because my home or yard isn't clean, safe or secure. *When I clean up, I'll be palya again. The Housing Officer will be back to check.*		The people living in my home are making humbug and there has been a complaint. I should sort this out and talk to my Housing Officer. *When this is sorted out, I'll be palya again.*	The visitors are making humbug and there has been a complaint or my home is getting damaged. I should talk to my Housing Officer about this. *When this is sorted out, I'll be palya again.*
I NEED TO TALK TO MY HOUSING OFFICER (4)	I got a **Breach Notice** because I haven't paid the money I owe. *I'll be palya again if I talk to my Housing Officer within 2 weeks to make an Arrears Payment Plan to pay back the money I owe.*	I need to let my Housing Officer know things have changed and I'll be away for longer. I hear I got a **Breach Notice** because I didn't let my Housing Officer know about this. I need to make sure no one else moves in to my home. *I'll be palya again if I contact my Housing Officer today.*	I need to talk to my Housing Officer because something still needs fixing or I told them but it still hasn't been fixed or fixed properly. *I'll be palya again if I contact my Housing Officer today.* I got a **Breach Notice** because my home or yard isn't clean, safe or secure. I can sort this out myself or ask someone for help. *I'll be palya again if I do the work I said I would.*		I got a **Breach Notice** because people living in my home are still making humbug and there have been more complaints. I need to talk to my Housing Officer about this as soon as possible. *I'll be palya again when I sort this out.*	I got a **Breach Notice** because my visitors are still making humbug and there have been more complaints. The damage to my home is getting worse. I need to talk to my Housing Officer about this as soon as possible. *I'll be palya again when I sort this out.*
I MUST TALK TO MY HOUSING OFFICER (3)	I got a **Notice of Termination** because I still haven't paid the money I owe. I am getting help from my Housing Officer and other agencies. *I can get back on track by sticking to my Arrears Payment Plan.*	I hear a **Notice of Termination** has been served. *I can get back on track by sending a letter to my Housing Officer to explain why I have been away so long, so my home can be kept for me or I need to go home.*	I got a **Notice of Termination** because my home or yard still isn't clean, safe or secure. *I can get back on track by doing the work to make my home clean, safe and secure again.*		I got a **Notice of Termination** because of all the complaints about the humbug. I must talk to my Housing Officer straightaway. *I will be back on track when I have sorted out my family.*	I got a **Notice of Termination** because of all the complaints. I must talk to my Housing Officer straightaway. *I will be back on track when I have sorted out my visitors.*
I MIGHT LOSE MY HOME (2)	I got a *Notice* to attend the Magistrate's Court because I still haven't paid any of the money I owe. *There are things I can still do to avoid eviction. My Housing Officer can tell me more.*	I got a *Notice* to attend the Magistrate's Court. If I don't go back home or contact a legal service, I might lose my home.	I got a *Notice* to attend the Magistrate's Court because I still haven't made my home or yard clean, safe or secure. *There are things I can still do to avoid eviction. My Housing Officer can tell me more.*		I got a *Notice* to attend the Magistrate's Court because I still haven't sorted out the humbug. *There are things I can still do to avoid eviction. My Housing Officer can tell me more.*	I got a *Notice* to attend the Magistrate's Court because I still haven't sorted out my visitors. *There are things I can still do to avoid eviction. My Housing Officer can tell me more.*
🚫 **NO HOUSE** (1)	A *Court Order To Evict* has been made and I have *lost my house*.	A *Court Order To Evict* has been made and I have *lost my house*.	A *Court Order To Evict* has been made and I have *lost my house*.		A *Court Order To Evict* has been made and I have *lost my house*.	A *Court Order To Evict* has been made and I have *lost my house*.

Figure 9: Kimberley housing officers visitors matrix

VISITORS	TENANT *The name(s) on the Tenancy Agreement*	HOUSING OFFICER *Refer to the relevant HMA to confirm the role of Community Council, the Community Bylaws and the Practice Manual*	ANY HMA OR COMMUNITY SPECIFICS	*Actions for breach/s of the Tenancy Agreement must follow departmental procedures and be in accordance with the Residential Tenancies Act 1987*
☺ I AM DEADLY	My visitors *always* treat my home and the neighbours with respect.	**I never receive any complaints about this tenancy.** » Send Letter of Congratulations after 6 months/recommend for Good Tenancy Reward.		**ACKNOWLEDGE**
I *SHOULD* TALK TO MY HOUSING OFFICER	The visitors are making humbug and there has been a complaint or my home is getting damaged. I should talk to my Housing Officer about this. *When this is sorted out, I'll be deadly again.*	**I have received a complaint from a neighbour/Community Council/third party that needs to be investigated.** • Talk with the tenant and all relevant parties to get all sides of the story. (If you do a home visit to one of the affected parties, then meet with the other party in your office.) • Take into account cultural context, Sorry Business, drug and alcohol issues and/or mental health concerns. • If the complaint is substantiated, talk with tenant to identify potential solutions. • Use the **Tenant Matrix**, the **Tenant Obligation** and Responsibilities document and the **Community Bylaws** to explain how this could impact on the tenancy. • Offer mediation and/or provide information about local support services available.		**GATHER INFORMATION**
I *NEED* TO TALK TO MY HOUSING OFFICER	I got a **Breach Notice** because my visitors are still making humbug and there have been more complaints. The damage to my home is getting worse. I need to talk to my Housing Officer about this as soon as possible. *I'll be deadly again when I sort this out.*	**I am keeping an eye on the situation and am making every attempt to secure a positive outcome.** If the humbug is resolved, compliment the tenant and advise the complainant in writing that no further action is required. If humbug is NOT resolved and continues to get worse: • Consult the Community Council before issuing a **Breach Notice**. • Visit the tenant, with a Community Council representative (where possible), and use the **Tenant Matrix, Tenant Obligation and Responsibilities** document and **Bylaws** to explain what could happen if the humbug doesn't get sorted out. • Issue the tenant with a Breach Notice, ideally in person or by mail. • Talk with the tenant to identify their support networks. • Refer the tenant, or with the tenant's written consent, make a referral to a support service.		**BREACH NOTICE**
I *MUST* TALK TO MY HOUSING OFFICER	I got a **Notice of Termination** because of all the complaints. I must talk to my Housing Officer straightaway. *I will be back on track when I have sorted out my visitors.*	**I am monitoring the situation closely and continue to make every attempt to secure a positive outcome. Other agencies may be involved.** • Consult the Community Council before issuing a **Notice of Termination**. • Visit the tenant, with a Community Council representative (where possible), and use the **Tenant Matrix, Tenant Obligation and Responsibilities** document and **Bylaws** to explain what may happen next if the humbug keeps going. • If there are children at risk of homelessness, tell the tenant that you are required to notify the Department for Child Protection (DCP). • If the tenant engages with support services, is taking positive action and commits to improving behaviour, tell them the eviction action may not proceed.		**NOTICE OF TERMINATION**
I *MIGHT* LOSE MY HOME	I got a **Notice** to attend the Magistrate's Court because I still haven't sorted out my visitors. *There are things I can still do to avoid eviction. My Housing Officer can tell me more.*	**I have tried everything but the tenant has failed to engage and has made no attempt to rectify the problem** within 7 days from the date the Notice of Termination was served: • Seek Departmental approval and consult the Community Council before **Applying for a Court Hearing**. • Visit the tenant with a Community Council representative (where possible) and use the **Tenant Matrix** to explain what may happen at the Court Hearing. • Continue to strongly encourage tenant to engage with support services as this may be their last chance to keep their house. • Notify tenant of the Court Hearing date and ensure tenant has the information to engage an advocate to represent them. • Where there are children in the home, tell the tenant that you have notified the DCP, as required.		**APPLICATION FOR COURT HEARING**
NO HOUSE	A **Court Order To Evict** has been made and I have **lost my house**.	**A Court Order has been granted.** • Make an application to the bailiff to evict the tenant. • Complete outgoing property condition report and follow the abandoned goods process. • Finalise the account.		**COURT ORDER TO EVICT**

Note: In keeping with the HMA, discretion may be applied where there are exceptionally strong mitigating circumstances.

Appendix 3: Australian websites

Research and policy

Australian Bureau of Statistics

http://www.abs.gov.au/

Australian Institute for Aboriginal and Torres Strait Islander Studies

http://www.aiatsis.gov.au

Australian Homelessness Clearinghouse

http://homelessnessclearinghouse.govspace.gov.au

Australian Housing and Urban Research Institute

http://www.ahuri.edu.au/publications/

Australian Indigenous Health InfoNet

http://www.healthinfonet.ecu.edu.au/population-groups/rural-remote

Australian Institute of Health and Welfare

http://www.aihw.gov.au/indigenous-housing-publications/

Centre for Aboriginal Economic Policy Research

http://caepr.anu.edu.au/publications.php

NintiOne

http://www.nintione.com.au/publications

State and federal government

Australian Bureau of Statistics

http://www.abs.gov.au/

Australian Institute of Health and Welfare

http://www.aihw.gov.au/

Council of Australian Governments

http://www.coag.gov.au/

Department of Aboriginal and Torres Strait Islander and Multicultural Affairs (Queensland)

http://www.datsima.qld.gov.au/

Department for Communities and Social Inclusion (South Australia)

http://www.dcsi.sa.gov.au/home

Department of Housing (Western Australia)

http://www.dhw.wa.gov.au/Pages/default.aspx

Department of Communities, Child Safety and Disability Services (Queensland)

http://www.communities.qld.gov.au

Department of Social Services

http://www.dss.gov.au

Office of the Coordinator General for Remote Indigenous Services

http://www.cgris.gov.au/site/home.asp

Productivity Commission

http://www.pc.gov.au

NT Department of Housing

http://www.housing.nt.gov.au

Lobby groups

Aboriginal Legal Service of Western Australia (ALSWA).

http://www.als.org.au/

National Shelter

http://www.shelter.org.au

NT Shelter

http://www.ntshelter.org.au

The Anangu Lands Papertracker

http://www.papertracker.com.au

Queensland Shelter

http://www.qshelter.asn.au

Shelter SA

http://www.sheltersa.asn.au/

Stand for Freedom

http://standforfreedom.org.au/about/

WA Shelter

http://www.shelterwa.org.au

Women for Wik

http://www.whatsworking.com.au/WomenforWik/

Indigenous organisations

Anangu Pitjantjatjara Yankunytjatjara

http://www.anangu.com.au/about-us.html

Family Responsibilities Commission, Cape York (most recent annual report)

http://www.frcq.org.au/content/annual-reports

Central Australian Affordable Housing Company

http://www.affordablehousingcompany.com.au

Marra Worra Worra ICHO (housing and news tabs)

http://www.marraworraworra.com.au

Tangentyere Council

http://www.tangentyere.org.au

Queensland Aboriginal and Torres Strait Islander Human Services Coalition

http://www.qatsihsc.org.au/

International government and NGO organisation websites

Aboriginal Affairs and Northern Development Canada

http://www.aadnc-aandc.gc.ca/

Aboriginal Housing Management Association, Vancouver

http://www.ahma-bc.org

US Department of Interior Indian Affairs

http://www.bia.gov

Canada Mortgage and Housing Company

http://www.cmhc-schl.gc.ca/en/index.cfm

Centre for Housing Research Aotearoa New Zealand

http://www.chranz.co.nz

Community Housing of Aotearoa

http://communityhousing.org.nz

Enterprise Community

http://www.enterprisecommunity.com/about/mission-and-strategic-plan

First Perspective (Canada)

http://www.firstperspective.ca

Harvard Project on American Indian Economic Development

http://hpaied.org

Housing Assistance Council (HAC)

http://www.ruralhome.org/about-hac

Indigenous Housing Gateway

http://www.indigenoushousing.org

National American Indian Housing Council

http://www.naihc.net

NZ Ministry of Business, Innovation and Employment

http://dbh.govt.nz/social-housing-nz

Statistics New Zealand

http://www.stats.govt.nz/

US Department of Housing and Urban Development

http://portal.hud.gov/

US Senate Committee on Indian Affairs

http://www.indian.senate.gov

AHURI Research Centres

AHURI Research Centre—Curtin University

AHURI Research Centre—RMIT University

AHURI Research Centre—Swinburne University of Technology

AHURI Research Centre—The University of Adelaide

AHURI Research Centre—The University of New South Wales

AHURI Research Centre—The University of Sydney

AHURI Research Centre—The University of Tasmania

AHURI Research Centre—The University of Western Australia

AHURI Research Centre—The University of Western Sydney