

Indigenous Home Ownership on Communal Title Lands

authored by

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ACRONYMS

ABS	Australian Bureau of Statistics
ACT	Australian Capital Territory
AHURI	Australian Housing and Urban Research Institute Ltd
AIHW	Australian Institute of Health and Welfare
ANU	Australian National University, Canberra
ATSIC	Aboriginal and Torres Strait Islander Commission
ATSISJC	Aboriginal and Torres Strait Islander Social Justice Commissioner
CAEPR	Centre for Aboriginal Economic Policy Research
HOP	Home Ownership Program (IBA)
IBA	Indigenous Business Australia
ICGP	Indigenous Community Government Project
ICHOS	Indigenous Community Housing Organizations
LGANT	Local Government Association of the Northern Territory
RMR	Roy Morgan Research
SCRGSP	Steering Committee for the Review of Government Service Provision
SOMIHNHSH	State Owned and Managed Indigenous Housing National Social Housing Survey
US	United States
USA	United States of America
WADHW	Western Australia Department of Housing and Works

1 INTRODUCTION

1.1 The Research Themes

A central theme in this research is the meaning of home ownership to Indigenous people living on communal title lands as opposed to those living on non-communal title lands. Communal title lands are popularly perceived to occur in remote Indigenous settlements, where lands are jointly held in some form of a trust to the broader 'community'. While less common, there are also communal title lands within the boundaries of a number of regional towns and metropolitan cities throughout Australia, which in some cases consist of conglomerates of freehold title blocks that are held collectively through a community housing organisation. We must therefore enquire about the possible geographical differences between urban and remote communities in regard to Indigenous home ownership needs on community title lands and how particular home ownership programs might impact in these varying circumstances.

A second theme in this research is whether there is any contrast between the experience and expectations of those living on communal title land and those on non-communal title land; that is, in public rental, private rental, or existing home ownership. Tenure type is an important determinant of the ways in which individuals understand their rights and responsibilities regarding their homes.

The third research theme is the need to address policy. This is with regard to existing policy, the ongoing development of existing policy, and the development of future policy directions.

These themes will be addressed using the following methodological strategy:

1. the research team will select Indigenous households to obtain a balanced mix of interviewees on both communal and non-communal land, as well as across a variety of jurisdictions (state and territory) and settlement patterns (remote, urban, metropolitan);
2. interviews will elicit householders' meanings and understandings that they attach to home ownership;
3. interviews will also elicit understandings of householders' perceived rights and responsibilities regarding their homes according to tenure type;
4. the relevant available policy literature will be reviewed according to these themes; and
5. the positioning paper will analytically review research already conducted into matters reflected in the research questions and use the results of this research as the foundation of the planned field research.

This methodological strategy will be designed to collect data to address eight Research Questions stipulated for this project by AHURI.

1.2 The Research Questions

The Research Questions prescribed by AHURI for this project are as follows:

1. What are the meanings of home ownership, and understandings of its rights and responsibilities, among Indigenous individuals, households, families, and communities living on communal title land?

2. How do these meanings of home ownership compare with views about the advantages and disadvantages of renting in these communities?
3. What, if any, are the differences in the meanings of home ownership and understandings of its rights and responsibilities at the individual, household, family and community levels?
4. How do the meanings of home ownership and understandings of its rights and responsibilities relate to the aspiration for home ownership among Indigenous individuals, households, families and communities living on communal title land?
5. What are the differences in the meanings of home ownership and understandings of its rights and responsibilities between Indigenous people living on communal title land and Indigenous people living on non-communal title land?
6. What are the differences in the aspiration for home ownership between Indigenous people living on communal title land and Indigenous people living on non-communal title land?
7. What are the implications of the meanings of and aspirations for home ownership among Indigenous people living on communal title land for increasing the rate of home ownership and for the implementation of government programs that seek to increase the rate of home ownership?
8. What are the implications of the policy and practice experience in the USA, Canada and New Zealand of supporting home ownership on communal title land for the implementation of policies and programs with similar goals in Australia?

1.3 The Research Method

The research method for this project will consist of a survey questionnaire, supplemented by the literature analysis. In the course of the research, around 90 structured interviews will be conducted across five interview sites. Around two-thirds of these will be conducted with householders on communal title land and the remainder with householders on non-communal title land.

This survey will be informed by the previous research in this field conducted by the researchers (Birdsall-Jones & Corunna 2008; Memmott, Moran, Stacy, Long & Holt 2001; Moran, Memmott, Stacy, Long & Holt 2001; Svaza & Moran 2008). Three surveys have been carried out which represent the principal empirical contributions to what is known about perceptions of Indigenous 'home ownership' in Australia.

We refer to the first study as the 'Queensland DOGIT Survey' (Moran et al 2001, 2002) as it studied experiences and attitudes concerning home ownership on four DOGIT (Deed of Grant in Trust) communities in Queensland for the Queensland Department of Housing. The results of the Moran et al survey revealed complex understandings of the ownership of housing in the Queensland research sites. In particular, it demonstrated that the experience of each community, while specific to place, demonstrated features of home ownership schemes that are relevant to the formulation and conduct of any future home ownership schemes. This will be discussed further in the next section. With regard to the design of the survey instrument used in Moran et al's study, this was limited because it was predicated on the purchase of a house similar to mainstream housing markets. In seeking to learn about Indigenous values and knowledge of home ownership, the survey must be kept as value free as possible. Therefore, a secondary objective of the field process will be to expose, verify or challenge normative assumptions and hypotheses.

The second study, by Svaza and Moran (2008) we shall refer to as the 'IBA Survey' as it was carried out for Indigenous Business Australia as client. Svaza and Moran's (2008) research successfully included participants from a variety of rural township and regional centres across Queensland and the Northern Territory with freehold title land. The research revealed ways in which participants sought to manipulate their involvement in the mainstream and the Indigenous economies in order to maintain their dual status as home owners and members of their own cultural groups. However, it was limited to Indigenous Business Australia home loan clients and did not take in the experience of Indigenous clients of other home loan institutions. It was also limited to freehold title land.

The third study by Birdsall-Jones and Corunna (2008), we refer to as the 'AHURI WA Survey', once again because the client was AHURI, and the study sites were restricted to WA. Birdsall-Jones and Corunna's study, because it was designed to capture the entire scope of the participant's housing career through their lifetime, was broad and explorative in its interviewing technique and included home ownership only as one of a number of other topics. As well, it was designed to elicit participants' own understandings of the course of their housing careers and therefore structured, specific questioning was avoided. This method was successful in its objective. The understandings of home ownership generated by this study will be utilised in the compilation of the interview schedule for the planned research. However, the broad, unstructured scope of the interviewing technique results in data of a similarly broad nature. The planned research for the current study requires more specific detail on the particular subject of home ownership.

The three studies are different but complementary. Moran et al's (2002) study examined meanings of home ownership on communal title land at four remote settlements in Queensland. Since home ownership is currently not an option in these places, it was limited by the degree of abstraction that the informants were required to make. Svaza and Moran (2008) examined meanings of home ownership on freehold title with existing home owners, so involved no abstraction, but the stark socio-economic differences limited the making of any generalisations from the findings to home ownership on communal title land. Birdsall-Jones and Corunna's (2008) study examined meanings of home ownership relative to other types of housing tenures, and introduced a longitudinal perspective of prior housing careers, but did not focus on meanings of home ownership per se.

In all three of the previous studies, the majority of participants were women. This reflects the division of social, economic and cultural life along the lines of gender which is a common feature of Indigenous social organisation. By and large, women accrue power and authority in Indigenous culture by retaining responsibility for anything to do with home and child-rearing. Women within a kin group will operate cooperatively both economically and politically in ways that serve to bolster their authority both individually and collectively. Their responsibilities can therefore extend to a surprisingly wide collectivity of social, economic and political aspects of everyday life. It is likely therefore that a common feature of future studies of Indigenous housing will be the predominance of women as participants, but also differences in gender-specific views on home ownership.

1.4 The Proposed Research Sites

The survey instrument for the planned research will utilise the relevant techniques from each of the three previous studies outlined above. By taking a broad geographic sample across both communal and non-communal title land, across a metropolitan

city, a regional centre, a rural town and three remote settlements, and by introducing a heightened level of historical enquiry to the survey questions, the intention is for the current survey to integrate and build on this prior research. Also, the survey will permit comparisons to be drawn between communal and non-communal land, which has not been previously possible due to the limitations of the research briefs in the earlier studies.

The research sites for this project were selected by the User Group with the advice of the Chief Investigator. They were selected in order to represent the variety of Indigenous home ownership experience and aspiration over the range of metropolitan, urban regional centres, rural towns and discrete, remote settlements. They are:

Table 1: Proposed research sites

<i>Metropolitan</i>	Selected suburbs of Sydney, NSW (including Redfern, Waterloo, Glebe, Punchbowl, Marrickville)
<i>Regional centre (Urban)</i>	Carnarvon, WA
<i>Rural town</i>	Dajarra, QLD
<i>Discrete settlements (Remote)</i>	Nguiu, Bathurst Island, NT Cherbourg, QLD

These communities have already been approached through their appropriate local organisations and invited to participate in the project, with favourable responses. Note that the Nguiu sample of interviewees will include a number of individuals who are to be in the first intake of applicants for 99-year leases over blocks of land on which to build new houses with housing loans under the first scheme of this sort as implemented by the previous Federal Government in 2007.

2 KEY RESEARCH TO DATE

2.1 The research in policy context

It is the case that supply has never matched the need for Indigenous housing (Moran et al 2002, Long et al 2007:25,76,93). An indication of this is to be found in the (now disbanded) Aboriginal and Torres Strait Islander Commission (ATSIC) estimates of funding shortfalls in Indigenous housing of \$2.3 billion in 1999 and \$3.5 billion in 2002. In 2002, ATSIC also estimated that it would take more than 20 years to clear the housing backlog (Garden 2007). These figures clearly indicate a situation that for some time has required the consideration of innovative approaches. Home ownership on communal title lands is one approach being strongly advanced as a means of achieving improvements in the Indigenous housing situation, and one that may counter the growing backlog.

Although commonly expressed in terms of the need for new units, the housing shortage situation in remote communal title land is exacerbated by the short lifecycle of existing housing stock, with one study estimating the average lifecycle in the Northern Territory at between four and eight years (Seemann & Parnell 2006). If home ownership could increase housing lifecycles, it could contribute positively to this house shortage. As Moran et al point out:

Home ownership programs offer one opportunity to radically change the socio-economic environment of housing on community title land (Moran et al 2002:357-358).

Since the time of Moran et al's research, Queensland had for some time been working on the diversification of the contemporary Indigenous tenure landscape. The record demonstrates a similar effort in Western Australia (WADHW 2004, 2005a, 2005b, 2007). While it is not yet possible to suggest a direct causal relationship between home ownership programs and improved Indigenous home ownership rates, the following figures at least correlate the promotion of Indigenous home ownership with improvement in the rates thereof, particularly in Western Australia.

Table 2: Home ownership rates, Queensland and Western Australia, 2002, 2006.

	2002	2006
Queensland	30.3%	31%
Western Australia	23.4%	30%

Source: ABS 2006 and AIHW 2005

Through the national census and the National Aboriginal and Torres Strait Islander Social Survey, the Australian Bureau of Statistics (ABS) has been charting Indigenous home ownership rates since 1994. Over this period, Indigenous home ownership rates for Indigenous households have risen from 25.5 per cent to 34 per cent nationally (ABS 2006:1). This increase can be largely associated with the progress of the Home Ownership Program of Indigenous Business Australia (IBA) and its predecessor ATSIC, which is a targeted home loan scheme for Indigenous people living on freehold title in urban areas. It is also possibly affected by the increased number of people living in urban areas who are identifying as being Indigenous, and who are more likely to be employed in the mainstream economy.

Other than by ABS and AIHW, Indigenous home ownership was not specifically approached in a research context prior to 2000. Long et al (2007:73) note that, of the entire corpus of research literature in Australian Indigenous housing, a mere 7 per cent of the post-2000 literature dealt with home ownership. This is therefore a

relatively new field of research enquiry, despite the fact that there have been Indigenous home ownership schemes on freehold title since 1975 (Australia, SCRGSP 2007; Birdsall-Jones & Corunna 2008). As outlined earlier, only three studies have been carried out that deal with the empirical investigation of local Indigenous understandings of home ownership. These studies concern research sites in Queensland, the Northern Territory and Western Australia and all utilise qualitative research methods. The impetus for the recent increase in research activity has been partly generated by the interest of the previous (Howard-led) Federal Government in developing ways to establish private home ownership on remote communal-title land. The complex nature of this process has become evident as the development of government policy in this area has proceeded.

2.2 The Queensland DOGIT survey

The Queensland DOGIT survey by Moran et al (2002) focused on four remote Queensland community settlements: Palm Island, Cherbourg, Kowanyama and Lockhart River. These communities were chosen because of their contrasting histories and experiences of home ownership.

Kowanyama, at the time of the DOGIT research, was dealing with the fallout from a 1980s program of extending home ownership through the sale of perpetual leasehold land. Property of this nature was popularly referred to as the 'Katter leases' after the then Queensland Minister for Aboriginal and Islander Advancement, the Hon. Robert Katter, who was responsible for the scheme. This resulted in a variety of consequences among which were the complications arising from deceased estates. The negative experience of home ownership arising from this scheme is significant in understanding the low interest in conventional home ownership found at Kowanyama. In the technical report on which the 2002 publication is based, the authors pointed out salient features of the scheme which should be taken into consideration in the formulation of future Indigenous home ownership schemes. They noted that:

- the Kowanyama scheme was a government initiative pushed by the Community Manager rather than the community itself;
- the houses sold were already old and close to the end of their life cycle;
- people did not understand that maintenance was their responsibility;
- there was no education program or other support provided to home owner; and
- land dealings for deceased estates and/or transfer of the lease back to the Council were not resolved from the onset. (Moran et al 2001: 3.)

At the other three communities, the level of interest in home ownership was more influenced by features common to the rest of Indigenous Australia including high rates of overcrowding and low levels of home maintenance. It is important to note that, despite these commonalities at the research locations, contrasting understandings of home ownership were apparent at the various research settings which appeared to be influenced either by local culture, such as clan inheritance patterns and the outstation movement, or by the history of settlement patterns. For example, at Palm Island, strong interest in home ownership was influenced by the fact that there were more entrepreneurial initiatives there which provided a ready framework for conceptualising home ownership.

At Cherbourg, the interest in home ownership was not as strong as at Palm Island which was probably on account of the higher standard of housing at Cherbourg and the lower incidence of overcrowding. Also at Cherbourg, it was possible for tenants to

make a choice among a range of rental house designs and, importantly, the location of the house.

Lockhart River participants displayed the least interest in home purchase, except among young couples. In this community there was a higher degree of impact from traditional practices. For example, there was a correspondence between the locations of houses and former campsites associated with the early history of the community. The formation of outstation communities was also strong at Lockhart River, and a number of people were interested in home ownership only insofar as it correlated with housing development at their outstation.

In keeping with the diversity of situations and aspirations found across the four subject settlements, the Queensland DOGIT study concluded that home ownership would only be feasible for some communities in some settlements. It also demonstrated the need for a localised approach to any future surveys on home ownership.

2.3 The IBA survey in Queensland and the Northern Territory

Svaza and Moran (2008) conducted a survey of Indigenous Business Australia (IBA) home loan clients in freehold title in towns throughout Queensland and the Northern Territory, specifically Townsville, Normanton, Charters Towers, Mount Isa, Cloncurry, Darwin, Alice Springs, Tennant Creek and Katherine. The demographics of the clients interviewed were in some ways similar to those of mainstream Australia. All were nuclear families with a median house size of three people. There were few major health problems and little disability within the households. The household compositions had been relatively stable since the time of purchase. Almost half of the couples were of mixed ethnicity, which at the time was less than the national average but considerably more than that found on remote Indigenous settlements. One of the objects of the survey was to relate the findings from regional and rural locations to remote settlements with communal title land. The results of the IBA Survey are telling in this regard.

Home ownership constituted a 'life choice' (Svaza & Moran 2008:vi) for respondents in that they seemed to have had to forego some aspects of the communal nature of Indigenous Australian everyday life. They did not receive financial help from kinfolk in the process of home purchase, and they apparently had less engagement with the institution of mutual obligation which is known to be prevalent in many remote and rural Indigenous communities. This was evidenced by limiting the practice of housing visiting kinfolk, and by limiting their involvement in the economy of obligatory sharing that anthropologists have termed 'demand sharing' (Peterson 1993; MacDonald 2000). A similar practice has been noted in Western Australia in connection with increased rates of employment within family communities (Birdsall 1990; Birdsall-Jones 2008). That is, among households that achieve a higher standard of living there is a tendency to retreat from the broad-based, kin-related system of demand sharing. This is a tactic that acts to protect the economic viability of the household and the individual capacity of wage and salary earners to ensure their own work readiness on a daily basis. It is important to note that participants in both the IBA Survey and in the AHURI WA Survey had not wholly abandoned the cultural practice of demand sharing nor had they sought to isolate themselves from their kinfolk. As Svaza and Moran (2008:vii) put it, they sought a 'middle path' between the wider economy and the Indigenous economy.

The contrasts between the IBA participants and the situation on communal title Indigenous settlements are important. The IBA participants all had a strong employment history, whereas few residents of remote area settlements will have access to full-time conventional employment. Maintenance was closely tied to the

initial condition of the property: people who had purchased ex-Housing Commission homes struggled with the cost of maintaining and renovating them. As was found in the Queensland DOGIT Survey, prospective owners on communal title lands will encounter great difficulty renovating their community houses if they are close to the end of their lifecycle.

There is also the problem that the housing market on communal title lands will constitute a 'closed market' (Svaza & Moran 2008:vii), a point also raised by Moran et al (2002). This is because the communal title is not alienable and therefore non-title holders cannot purchase property. It is important to not repeat the error of the Dawes Act in the USA at the turn of the 20th Century, when Indian reservations were divided into individual family allotments with freehold title. After all allotments were granted to Tribal members, the surplus allotments were sold on the free market. Many allottees also sold their fee simple allotments to non-Natives to provide cash for poor families and to pay debts, especially during the depression. In the nearly 50 years of the allotment period, Native land holdings reduced from more than 136 million acres in 1887 to less than 50 million acres in 1934, when the policy was eventually abandoned (Moran 1997).

Thus, home ownership on communal land must by necessity be a closed market, which means that there will be little capital appreciation of property in these remote areas. The DOGIT Survey also explored this issue with potential home owners, and found that the people were not overly concerned since their primary motivation was not economic, but fell more into the psycho-social categories of family security and well-being. The more recent survey by Svaza and Moran (2008) confirmed that home ownership cannot be viewed in economic terms alone, since the benefits described are more in the realm of empowerment, security and heritage for future generations.

2.4 The AHURI Western Australia study

Birdsall-Jones and Corunna (2008) studied Indigenous housing careers in Perth, Carnarvon and Broome in Western Australia. The study was based on unstructured qualitative interviews with 51 participants from 49 households. The focus of this study was not home ownership per se (only eight of the participants were homeowners), but the interviews did include the topic of home ownership in terms of participants' prior housing experience and their aspirations regarding home ownership.

There are common findings between Western Australian and Northern Territory participants with regard to the impediments to home ownership. Chief among these is the need to have a history of employment at a level that brings the prospective home buyer within the income range required to service a loan. While participants might be employed, they may not earn enough to qualify for a home loan in the open market. The schemes through which Indigenous people are able to purchase through assisted purchase, low interest, and/or low deposit terms, have been important in increasing Indigenous home ownership. However, in order to qualify for these, the borrower must have no outstanding debt by way of rent, utilities or repairs. This presents an impediment for many prospective Indigenous home owners.

2.5 Housing careers

Svaza and Moran (2008) and Birdsall-Jones and Corunna (2008) discuss Indigenous housing careers. The contrasts between the studies are predictable because Svaza and Moran were concerned only with IBA clients, whereas Birdsall-Jones and Corunna were concerned to include a broad spectrum of Indigenous housing experience. Despite this contrast in research objectives, the comparisons between the two studies are instructive.

In both studies, the housing careers of people prior to home ownership revealed a diverse history of living in multiple tenures in rural towns and pastoral stations, including community rental housing, and private rental housing. Interestingly, those of the Western Australian interviewees who were home owners, or who had been engaged in prior home ownership, could recount a family history of home ownership through immediate or extended family in the present generations of the kin group or through their predecessors. Participants in both studies had lived in multiple-family households at some time in the past, and a quarter of Svaza and Moran's participants had experience of informal dwellings (humpies, caravans, self-constructed houses etc). All this is suggestive of experience of crowded or marginal housing conditions.

Almost all people interviewed by Svaza and Moran were in full-time employment with a solid work history of full-time and long-term positions, including their partners (unless carers or retired). Not one person received unemployment benefits or CDEP. Education did not feature as strongly, with only about one-third completing high school. For all respondents, English was spoken as a first language, and almost all were literate in written English. This was in contrast to Birdsall-Jones and Corunna's participants, of whom about a third were not in work.

In both studies, home purchasers spoke of how daunting the prospect of home ownership at first seemed, but that they took confidence from other Indigenous home owners that they knew. Most also had prior experience of managing debt, mainly through repayment of car loans. People generally found that the transition was easier than expected. Although they struggled with unexpected initial expenses, they were able to find ways to adjust. A number were ahead with their repayments, and most had a system for household budgeting. Most were also managing other loans at the same time, including car loans, personal loans, lay-by, and interest-free store credit, but sensibly, few had credit card debt.

The Western Australian study included a consideration of the impact of ongoing life crises on Indigenous home ownership. There was found to be a negative correlation between the existence of an acute life crisis and an aspiration to home ownership. Not one interviewee who was experiencing a life crisis was either engaged in home purchase or presented any concept related to home purchase. The life crises represented by participants in this study included domestic violence, feuding, neighbourhood violence, and acute illness or other disability. Illnesses included chronic kidney failure, stroke, and mental disability. In addition, the actual condition of a rental home may constitute a life crisis. The reason for this is largely connected with the structural failure of the rental home to provide a safe and healthy living environment. The presence of asbestos construction materials, waste remaining from previous tenancies, rising damp, electrical faults, and infestation by various insect pests and snakes figure largely in participants' descriptions of a life crisis induced by the condition of the dwelling.

2.6 Other studies of relevance

Sander's (2005:1-19) paper, *Housing Tenure and Indigenous Australians in Remote and Settled Areas*, gives a commentary on Indigenous home ownership in remote Australia. Sanders argues that the socio-economic differences between remote and settled Australia mean that it is unrealistic to attempt to transpose the housing tenure system of settled Australia to remote Indigenous Australia. Instead of using home ownership as a measure of Indigenous housing disadvantage, Sanders proposes that private rental rates are a more useful measure in settled areas and household size is a more useful measure in remote areas. The paper calls for housing tenure in remote Australia to be understood on its own terms, and concludes by stating: '...it is highly

unlikely that radically new forms will be found which quickly change Indigenous housing tenure in either remote or settled areas' (Sanders 2005:19). Sanders largely overlooks the high levels of home ownership found in North America on their equivalent of communal lands, and why this should not be translatable to Australia.

Long et al (2007) conducted a review of the Australian Indigenous housing literature published between the early 1970s and 2006. This review provides a useful introduction to the national home ownership literature and makes reference to comparable international literature. This report also noted that studies of self-built (Smith 2000: 198) and self-help (Haar 2000, 2003) housing have argued that such construction methods open up opportunities for affordable home-ownership. However, the self-built houses studied by Smith would be considered inadequate by most surveys of housing and housing need (Long et al 2007:73-75).

A useful, although somewhat brief survey of Indigenous home ownership aspirations, is contained in the 'State Owned and Managed Indigenous Housing National Social Housing Survey' (RMR 2006). This survey asked a short series of questions regarding experiences with home ownership, aspirations for home ownership, and factors that inhibit participation in home ownership.

The Cape York Institute's (2007) publication, *From Hand Out to Hand Up: Cape York Welfare Reform Project*, provides a useful insight of the vision for Indigenous home ownership on communal title land in Cape York. It considers home ownership in terms of tenure issues, social issues, affordability, accessibility, and non-shelter outcomes, specifically social and economic responsibility and wealth creation.

A healthy development in the Indigenous home ownership literature is a recent paper by the ANZ Bank¹ (2007), *Home Ownership and Indigenous Australians*. This report provides a useful perspective on Indigenous home ownership and it may signal an increasing involvement of the major Australian banks in the development of products designed to facilitate Indigenous home ownership. For example, the banks have simple electronic products for prospective home loan customers that could be further developed for use with Indigenous communities. The general retail banking knowledge of the major banks combined with their knowledge of working with Indigenous clients is critical to the further development of Indigenous home ownership markets on freehold land, since mainstream IBA programs are unable to meet demand. However, it remains to be seen whether they will become involved in the funding of home ownership to communal title land, due to the limitations on market conditions on community-title land. (But there is anecdotal evidence that some major banks have already indicated only marginal interest in this regard.)

The Aboriginal and Torres Strait Islander Social Justice Commissioner has examined Indigenous home ownership and land tenure in both his 2005 and 2006 Native Title Reports (Australia, ATSISJC 2006; 2007). These reports provide a useful review of current Indigenous land tenure arrangements and recent changes to the communal nature of Indigenous land interests in order to promote individual home ownership. The reports consider Indigenous housing issues within an international framework of human rights. The Native Title reports have focused on land tenure and economic reform on Indigenous communal land. These reports are pertinent to this project as they analyse 'the implementation of the Australian Government's economic reforms by assessing their appropriateness to the geographic and human contexts of remote Indigenous Australia' (Australia, ATSISJC 2007:1).

¹ Formally identified as the 'Australia and New Zealand Banking Group Limited'.

Also important is the Aboriginal and Torres Strait Islanders Social Justice Commissioner's (2007) Report in regard to particular difficulties involved in establishing home ownership on communal lands. The Commissioner's critique of home ownership per se points to three areas of concern – the cost of housing maintenance, appropriate design, and governance.

2.6.1 Housing Maintenance Cost

The adequate maintenance of Indigenous housing has always been an area of concern to Indigenous public housing tenants and is reflective of the particular situation of Indigenous people. For example, maintenance formed a major issue of concern in Birdsall-Jones and Corunna's (2008) study. In the context of any Indigenous community, the supply of housing stock is rarely adequate and this is one of the causes of the frequency of overcrowding. Overcrowding leads to the use of house fittings at a rate they were never designed for and therefore they malfunction, leading to the overall failure of the house to supply a safe and healthy living environment.

Home owners will probably seek to limit visitation, or may have already done so, as the Szava and Moran study found that occupancy patterns tend to approximate nuclear families. The same study also found that home owners were maintaining their houses to a reasonable standard of repair. Almost all had undertaken improvements and extensions, including the addition of verandas and extra rooms, and kitchen and bathroom upgrades. However, as was found by Moran et al (2002) and is demonstrated in other AHURI funded research now in train (Haslem-McKenzie et al, forthcoming), it can also be the case that Indigenous home owners may be unable to fund home repairs and maintenance due to a variety of causes including loss of employment, death of the employed spouse, or inadequate counselling regarding the cost of home ownership in the process of obtaining a home loan. A supportive governance framework is required to ensure that there is no repeat of the situation that developed at Kowanyama. A safety net is required which permits home owners to revert back to a rental unit if necessary. Such a 'safety net' would require some sort of contractual relation to be negotiated between the home loans lending authority (e.g. the IBA) and the lessor of the rental housing stock in the community (possibly a Community Council or a state government housing department), that would enable the house to be returned to the pool of community rental housing stock.

As has been the experience of the IBA's mainstream 'Home Ownership Programme' (HOP) program, successful candidates for home ownership on communal title land will be limited to those with a history of employment and with a strong tenancy record of their prior community rental property. While this will preclude many households in remote settlements, it must be remembered that home ownership has never been an option for everyone in the mainstream. Accessibility may improve by degrees as socio-economic conditions improve, but the basic tenants of responsibilities that accompany home ownership are inescapable.

2.6.2 Appropriate design

Many proponents of home ownership on communal title lands have equated it to lower cost housing, in keeping with lower incomes found in remote settlements. This is a false economy, since the basic social and environmental determinants to wear and tear are unlikely to change based on home ownership and, as raised above, there is a strong argument to ensure that owned houses and rental units in remote communities will need to be readily convertible, from one form of tenure to the other.

Low-cost Indigenous housing in fact is often not cost-effective in many remote, semi-remote and rural contexts due to a complexity of geographic, climatic, cultural and housing industry factors (Memmott & Chambers 2003, Pholeros et al 1993, Pholeros 2003). Increasing the longevity of a house and minimising the impact of wear and tear normally requires a higher initial cost of houses to ensure that the design is appropriate for user needs and for local climatic and environmental circumstances (white ants, dust storms, corrosion etc). It also requires the incorporation of professionally selected durable materials and moving parts so as to keep maintenance costs and procedures minimal, within the capabilities of the owner, and to ensure that environmental health standards are maintained.

When turning to housing on Indigenous communal lands, the literature clearly indicates (Long et al 2007:3.3.4&5.4) that Indigenous people may have a range of customary domiciliary behaviours that optimally require culturally appropriate design measures. These lifestyle behaviours can include household size and composition, residential mobility and the dynamic transformations of household structures, as well as aspects of entry, external living, cooking, sleeping, abluting and storage behaviours (Memmott 2003). The failure to achieve an appropriate 'fit' between Indigenous lifestyle and design can generate stress for both the household and the house, and also impact adversely on the longevity of the house.

Contrary to the common understanding, the appropriate design of Indigenous housing is not only an issue for remote area communities. Aboriginal families in regional and metropolitan centres may also observe aspects of customary domiciliary behaviours that, if not adequately designed for, could result in premature wear and tear on their houses, as well as impacting negatively on health. An obvious example would be the need for a senior couple to be able to accommodate adult children and grandchildren in their extended family.

We can also consider the case of Indigenous households residing in regional townships who may move from the town to communal title outstation communities. They may do this for a variety of reasons, but one of their urgent concerns in establishing their outstation community is to construct housing that they regard as appropriate to their social and cultural needs. A case in point is the Five Mile Outstation, outside the town of Roebourne in Western Australia. Here, residents have funded their own housing over a period of around 20 years to achieve a housing design that combines features that the community has developed in pursuit of both cultural and health objectives (Birdsall-Jones 2008).

2.6.3 Governance

The 2007 Native Title Report by the Australian Government's Indigenous Social Justice Commissioner reflects some of the concerns consistently reported in Indigenous housing research. These concerns include the physical and commercial aspects of housing in a variety of Indigenous housing settings (Australia, ATSISJC 2007). The Commissioner's concern with governance, however, is not well reflected in the Indigenous housing literature. He states that:

The Government's economic strategy for remote areas will only be successful in a minority of Indigenous communities with good governance systems and personnel capable of accessing government subsidies and grants. (Australia, ATSISJC 2007:4.)

Governance is a complex social issue, as is reflected by the long-running Indigenous Community Governance Project (ICGP) of the Centre for Aboriginal Economic Policy Research (CAEPR). The ICGP approach to governance involves:

The dynamic processes, relationships, institutions and structures by which a group of people, community or society organises to collectively represent themselves, negotiate their rights and interests, and make decisions... (Smith 2005:13.)

As other research has indicated, the ICGP has found that governance models which succeed over the long term are 'organic' to Indigenous communities; that is, they are developed from within the community rather than imposed by external agencies. This presents challenges to both government and Indigenous communities. The challenge for government is to develop program delivery systems that utilise the culturally legitimated structures of power and authority in Indigenous communities. The corresponding challenge for Indigenous communities is to find ways to meet the corporate requirements of accountability in the context of these structures. In this regard, Moran et al (2002) note that communal title lands are subject to native title claims which, if successful, may require residents who wish to establish privately-owned homes to apply for permission from the native title holders. Native title thus adds another layer to the structure of power and authority in Indigenous communities on communal title lands, and one that can impact on home ownership.

Another issue in Indigenous governance is the importance of leadership. In all societies leadership engages with multiple cultural dimensions. In Indigenous society these include language and kin groups; authority in relation to knowledge, both traditional and non-traditional; politics at the local, regional, state and national levels, and leadership roles stemming from age and gender relations (Hunt & Smith 2006, 2008). The resulting leadership networks tend to reshape themselves according to shifting alliances among leaders (Hunt & Smith 2008; Birdsall-Jones 1988,1990).

The quality of housing in Indigenous communities is influenced by the effectiveness of governance and leadership networks in these communities. Where effective governance and leadership exist, the quality of housing can reflect this. Conversely, programs that adversely affect the quality of housing undermines Indigenous governance and the authority of community leadership. The quality of housing may be poor for a variety of reasons, but the community's faith in its leadership and its governing structures is damaged by the inability of leaders to provide safe and healthy housing via existing governing structures. As Moran et al (2002:359) note, a successful Indigenous home ownership scheme must avoid threatening 'the unique community heritage, rights and identity of local Indigenous groups'. That is, a successful home ownership scheme must utilise rather than replace or threaten Indigenous governance and leadership structures.

Research needs to address governance as one of a number of relevant aspects of Indigenous home ownership on communal title lands so as to provide more specific understandings in this area.

3 INDIGENOUS HOME OWNERSHIP EXPERIENCE IN THE UNITED STATES, CANADA AND NEW ZEALAND

Much of the justification for home ownership on community title land comes from North America, especially the USA. Levels of home ownership on Native American reservations are typically in the range of 60-80 per cent. The Navajo reservation, for example, has a dispersed settlement pattern typical of remote Indigenous settlements in outback Australia. Yet, according to the US Census in 2000, the level of home ownership was 69 per cent (von Hoffman n.d.). Many of these houses were in poor condition, and many were trailer homes or improvised dwellings, but this can also be said of remote Australian Indigenous housing.

Governments' justification for encouraging home ownership in North America is, in general terms, much the same as that in Australia: the amelioration of poor housing circumstances and to augment the inadequacies of public housing systems so as to deal sufficiently with the needs of low-income earners for affordable housing (Herbert et al 2005; N.T., LGANT 2006; Oxfam Australia 2007; Macklin 2008a). The same may be said of New Zealand (Housing New Zealand 2007).

While the legislative instruments of communal tenure vary between countries such as the USA, Canada, NZ, Australia (e.g. strata title, trust arrangements, inalienable freehold), they share the same basic limitations on individual transactions in the interest of the larger 'community'. In Indigenous communities, communal interests are often expressed in terms of tradition, heritage and security. Note that our purpose in drawing comparisons to these other countries relates to the administrative and financial arrangements in place for home ownership, not the legislative instruments or social dimensions of communal land tenure.

3.1 Tenure

Communal title land is considered an obstacle to Indigenous home ownership because it does not allow private ownership of smaller parts of the land that are held communally. However, according to Svaza and Moran (2008) and Moran et al (2002), the key aspects of security of tenure have to do with the home itself rather than the land underlying it. These include the rights to determine who will occupy the home in the future, to pass it on to descendants, to make structural or decorative changes in the home, and to protect one's household from eviction. The United States and Canada have achieved arrangements which appear to provide these rights in a situation of communal title.

In North American indigenous situations, private forms of land ownership may exist largely through the 'allotment' process which separates identified parcels of land from the communal title of the surrounding land. This has apparently proved to be more complex and problematic than was first envisaged. A more successful system has been the arrangement of an 'assignment' of land by the Tribal Council. This is formalised with a legal certificate of possession or occupation, but the Tribe retains ownership of the land. The advantage to the assignee is that any improvements on the assignment, including built structures, become the property of the assignee (Moran 1997).

Various instruments of ownership that separate home ownership from clear title to the land underneath have been developed in non-Indigenous Australia (Moran 1997).

Probably the best known example is the Australian Capital Territory (ACT). The complications that have arisen from this arrangement since the ACT attained self-government in 1989 are salutary (Smith 1997). These centre around the conflict between the public interest in the land and the private financial interest in the development of the land. Other suggestions for alternate instruments of ownership include strata title, equity cooperatives and community leasehold arrangements (Moran 1997).

Financing the home in North America occurs through a variety of schemes, some of which already exist in the Australian context, including rent-purchase schemes and shared equity schemes. Other schemes involve what is termed 'sweat equity', in which the prospective home owner provides labour in the construction of the home. Sweat equity has been much discussed in recent years in Australia, but as yet, few documented working examples exist, the exception being the self-help Indigenous housing projects facilitated by architect Paul Haar (2000, 2003).

New Zealand home ownership initiatives include the Housing Innovation Fund for community groups, Papakainga Loans, and Groups Self Build. The Housing Innovation Fund for community groups provides housing loans and support for community-based organisations whose purpose is to improve home ownership opportunities for Maori people. The Papakainga Loans program provides home loans to Maori people who are either building or buying a house on 'multiple-owned' Maori land. The land underlying the home is specifically excluded as security on the loan. As well, the consent of the traditional owners or trustees is required in order for the loan to proceed (Housing New Zealand 2006).

3.2 Policy history

Given that the USA has had a long history of home ownership on communal title land, it is important to take an historical perspective to understand the long-term impacts of their programs. Currently in the USA, there are a range of home ownership instruments operating on reservations, including the use of private financing options with government acting as guarantor. On some reservations, there are now enough home owners for there to be a fledgling housing market, within the confines of the closed market of the Tribe. But it took some decades to reach this state of an emerging local market. The first government home ownership program, introduced in the early 1960s, was the Mutual Help Home Ownership Opportunity Program, which was effectively a subsidised lease-to-purchase scheme.

The Mutual Help Program has been modified over the years. In its most recent form, to qualify, tenants must have had a proven record in rental housing and satisfied certain minimum requirements for income. An initial 'mutual help' deposit of only \$1500 was payable through either cash, labour during construction, or even by supplying construction materials, such as timber. Buyers had to make 'required monthly payments' which were no more than 15 per cent of their income, to pay for their own utilities, and to undertake or pay for all maintenance. Payments were made into an equity account. The value of the house was amortised (devalued) over a period of time set by the Indigenous Housing Authority, but not greater than 25 years. When the balance in the equity account reached the amortised value of the house, the resident owned the house.

Let us return to Australia to consider further the limitations of Indigenous Home Ownership programs as ameliorative measures. Sanders (2008) provides a useful summary of housing policy in remote Australia up to the 2007 Federal Election. The

dominant policy response of successive federal governments to the problem of the housing shortage in remote Indigenous communities has been largely focused on community-managed rental housing organisations (also known as ICHOs or Indigenous Community Housing Organisations in the AHURI literature). The result is that, unlike the settled regions of Australia, where housing tenure is dominated by home ownership, housing tenure in remote Australia is characterised by rental community housing primarily, and secondarily by employer-supplied rental housing. In this context, Sanders refers to the significant differences between housing industry structures, employment, and income levels in remote versus settled Australia. Largely by reason of this contrast, Sanders points to the difficulties involved in implementing the tenure system characteristic of the more densely populated regions of Australia in remote areas (Sanders 2008:16).

According to Sanders, one of Prime Minister Howard's policy objectives in promoting Indigenous home ownership in remote Indigenous communities was to extend the 'right' to aspire to private home ownership to Indigenous people in order to promote the development of private business (Sanders 2008:443). It has not been made clear how exactly this might work. However, one of governments' justifications for promoting home ownership in remote Indigenous communities is that it has been regarded as a means of improving the economic state and status of Indigenous people in these communities. Home ownership has long been viewed as a proxy indicator of household wealth and an indicator of individual involvement in national economic life. As well, it has been positively related to employment and income indicators (Altman & Hunter 2003). A difficulty with the terms in which this is usually put in policy and related documents is that it appears to posit a direct causal relationship between home ownership and the improvement of economic indicators regarding home owners, to the effect that home ownership increases the economic status of the home owner by resulting in employment and increased income levels (Australia, SCRGSP 2007). Clearly, no such causal relationship exists, but this construction of policy formulation is something governments may wish to be aware of. To achieve increased employment, enterprise and higher income levels in parallel with home ownership, additional economic programs or initiatives may have to be catalysed by government and/or the private sector, especially in remote and rural regions where the market opportunities are limited and in many circumstances in decline or becoming exacerbated by climate change.

Possibly another reason for the promotion of remote Indigenous home ownership during the years of the previous Federal Government was a reflection of the long-standing reluctance of conservative governments to engage in publicly funded housing or to engage in the further development of existing public housing programs, preferring instead to sponsor the extension of home ownership to a widening range of Australians (Kemeny 1983). Labor governments, in contrast, have in general been more supportive of public housing (Hayward 1996). However, there is some evidence from the policy statements made recently that Labor is becoming more convinced of the benefits of encouraging Indigenous home ownership while remaining committed to the development of new and existing publicly-funded housing programs (Macklin 2008a,b).

4 SUMMARY OF FINDINGS FROM THE LITERATURE

The current AHURI Project calls for an exploration and understanding of four sets of constructs held by Indigenous people in relation to home ownership, together with their variation within and between communities, as well as between settlement and tenure types. The four sets of constructs are 'meanings', 'rights', 'responsibilities' and 'aspirations' in relation to home ownership. The preceding literature review reveals the following preliminary findings about and variations in these constructs, as obtained from previous empirical research in Indigenous communities. Note that the current authors are not limited to addressing whether the various perceptions of home ownership are necessarily feasible in the current government framework, but rather the task is to establish what Aboriginal perceptions do in fact exist. That said, home ownership is fundamentally a highly politicised intercultural construct, and perceptions will be inescapably related to the ways in which home ownership has entered communities conceptually, not only through policy documents, but also through media commentary and the representations made by Indigenous leaders and employees of Indigenous organisations. If governments are interested in pursuing more demand-driven approaches to housing, then policy-makers need better information on people's perceptions and aspirations.

Alternate meanings to home ownership so far uncovered in the three earlier surveys encompass the following range of meanings. The first distinction in meaning is whether people conceive of home ownership as involving the purchasing of a newly constructed house (as the first owner) or an existing house which is regarded as already (informally) belonging to the household. The former meaning (as first owner) is likely to encompass notions of choosing a block of land, choosing an appropriate house design, matching household needs to design, and an understanding of the repayment scheme (e.g. its interest conditions and its default penalties).

The second meaning of home ownership, that of buying an old house, may be due to a long-standing pattern of occupation, place-making and territorialisation by a family on the one house site, possibly across some generations and possibly originally endorsed as a sense of custodianship granted by a previous Aboriginal Council, Community Manager, Missionary or other respected authority (such as a Traditional Owner when people were living in traditional camps). In this case the aspiration may be to keep the house in the family and transmit it by descent (not dissimilar to the way that traditional land would be transmitted), hence fostering a sense of stability, security and well-being for one's current and future family. (This may also be the case for the first owner option of home ownership as well.) In the case of the 'existing-home' sense of meaning and aspiration, the responsibility of bearing the expense of house maintenance, renovation or upgrading of an already aged house, is one that may be particularly pertinent if the community-title house was built as early as the 1960s or 1970s.

Whichever of these two meanings is relevant, perceptions of capacity to maintain a house may revolve around notions of home owner skills as a handyman/woman, past trade experiences, and/or the combined trade skills of the extended family. Access to local professional tradespersons of various types or to a hardware shop may be severely limited in remote communities.

Given the marginal economic prospects of people in remote or semi-remote communities, a further dimension of meaning to a home ownership scheme that would seem necessary in the circumstances (as evidenced in Kowanyama) is a capacity to move between a home owner status and a rental status if and when economic circumstances dictate. This may not just be a matter of owner/lessee convenience,

but a desirable legal option so as to protect the environmental health of the community (as was the case at Kowanyama where septic systems malfunctioned beyond the owner's capacity to repair).

A further conceptual dimension to a home ownership scheme is what happens to a house upon the death of an owner who has no biological descendant to inherit the house. Once again, the issue of transfer of estate may be conceived from a Western perspective or an Aboriginal perspective (the latter involving some sort of succession claim based on perceived Aboriginal rights of family connection and responsibility).

Aspirations for home ownership may stem from a desire for increased control and privacy and reduced crowding, notions which are likely to be entwined and perhaps conflict with the Aboriginal ethic of sharing (and demand sharing). Rights of access and use of the newly owned house are likely to be critical aspects of meaning and aspiration where Aboriginal concepts of property juxtapose or contrast with Anglo-Australian concepts of property. Parallel to this is who (if anyone) within the extended household will take responsibility in contributing to repayments. Privacy and a capacity for work readiness are interlinked attributes that may also contribute to home ownership constructs.

The meaning of a home ownership scheme may, for some, be inseparable from their rights to live on their traditional land (possibly won as Aboriginal freehold title in a land claim, or at least as a right of residence in a native title claim). In such a case, home ownership might be conceived of as pertaining to an outstation.

For many, the meaning of home ownership may be inseparable from employment status and business entrepreneurial prospects, focused on the perceived difficulties of repaying the purchase loan, but possibly also on the capacity to raise an additional business loan by way of a mortgage on the house.

Past experiences of 'home ownership' may affect all of these values or concepts, including informal home ownership by multiple related households living in self-constructed environments (e.g. town camps). An understanding of what Indigenous people perceive to be a life crisis would also be useful to the current study, so as to explore how it might hypothetically have a critical impact on a home ownership aspiration.

In the case of an Aboriginal person married to a person of another ethnic identity, there may be a more complex and diverse set of meanings and aspirations reflecting norms drawn from the two cultural backgrounds of the respective partners. Similarly, there may be gender-based differences in meaning with stronger aspirations and social meanings of home ownership coming from women. In some households, it may in fact be the women who take responsibility for making the loan repayments. Visitation rights are likely to also vary across these contexts.

Aspirations to selling the house for profit may play a significant role in home ownership meanings, but in turn such wealth creation would be linked to whether there is an open or closed economic market as envisaged by the prospective home owner. In the latter case, some communities may seek policies that enable an internal market to be catalysed in remote circumstances. This would involve sales of houses between acknowledged members of the community. Conversely, meanings attached to the sale of a house may be associated with the perceived rights of outsiders to come into the community (some of whom might claim to be community members by descent or marriage) and make a house purchase and the associated socioeconomic impacts of having (not having) 'foreign' owners in what was a hitherto closed community.

Home ownership is fundamentally a powerful instrument of modernity, which has become highly politicised in Indigenous contexts. It is a source of considerable wealth in the mainstream, but it is something much more: the 'great Australian dream' is a powerful ideology which underpins Australian society. Furthermore, home ownership has become a highly controversial area in Indigenous Affairs, largely due to the blanket imposition in the Northern Territory by the Howard Government with limited consultation. Thus, Indigenous perceptions of home ownership are inescapably intertwined in cultural relativities and political representations. The strength of the current survey is its range across the different tenures and socio-economic conditions of Indigenous Australia – from communal to non-communal lands, from remote settlements to the suburbs or urban centres – which should help to illuminate the cultural relativities involved and bring some clarity to the politicisation of home ownership in Indigenous Affairs.

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