Positioning Paper

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Identifying effective arrangements for tenancy management service delivery to remote Indigenous communities

authored by

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ACRONYMS

ACT	Australian Capital Territory
ADKAR	Awareness, Desire, Knowledge, Ability and Reinforcement
AIAN	American Indian or Alaskan Native
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 for Australia
ARHP	Aboriginal Rental Housing Program
ATSI	Aboriginal and Torres Strait Islander
ATSIC	Aboriginal and Torres Strait Islander Commission
CDEP	Community Development Employment Program
CEO	Chief Executive Officer
CHIP	Community Housing and Infrastructure Program
CHO	Community Housing Organisation
CHP	Community Housing Provider
COAG	Council of Australian Governments
CSHA	Commonwealth State Housing Agreement
DHLGRS	Department Housing Local Government and Regional services
DHPW	Department of Housing and Public Works
DIDO	Drive In Drive Out
DOGIT	Deed of Grant in Trust
DPMC	Department of Prime Minister and Cabinet
DSS	Department of Social Services
FaHCSIA.	Department of Families and Housing, Community Services and Indigenous Affairs
FIFO	Fly In Fly Out
HMA	Housing Management Agreements
HUD	United States Department of Housing and Urban Development
ICDBG	Indian Community Development Block Grant
ICHO	Indigenous Community Housing Organisations
IHBG	Indian Housing Block Grant
ILUA	Indigenous Land Use Agreement
ITC	Information Tele Communication
KPI	Key Performance Indicators

MOU	Memoranda of Agreement
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
NIRA	National Indigenous Reform Agreement
NPARIH	National Partnership Agreement–Remote Indigenous Housing
NPARSD	National Partnership Agreement–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
PIH	(Office of) Public and Indian Housing
QLD	Queensland
RIS	Remote Indigenous Service Centre
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

Under the National Partnership Agreement on Remote Indigenous Housing (NPARIH), the Australian Government provides resources to state and territory governments to improve housing conditions and expand housing options in remote Indigenous communities. This paper lays the foundation for an empirical investigation of the effectiveness of property and tenancy management arrangements in terms of tenant outcomes and the efficiency of service delivery. It builds on research undertaken in 2013 which investigated the forms tenancy management arrangements have taken in the Northern Territory, Queensland, South Australia and Western Australia and what factors have influenced these decisions (Habibis et al. 2014). It is now seven years since NPARIH was established and it is therefore timely to review how arrangements are working given the substantial investment in these communities and the need to ensure the arrangements for service delivery are sustainable over the long term.

This paper outlines the evidence base that informs the study's research questions and empirical methods. It summarises the international and Australian literature, analyses the policy framework, outlines the progress of reforms and the tenancy management arrangements and describes the methods to be used in the investigation.

The policy and service delivery context

The policy framework for housing reforms in remote Indigenous communities comprises 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 (2008–18) housing strategy comprising a $5.5 billion Commonwealth funded tenancy management and capital works program of new housing and refurbishment of existing housing (see Table 1) (DSS 2013a).

The transfer of housing management from the Indigenous community housing sector to state and territory housing departments occurred at a time when national policy was operating in the opposite direction, towards increasing the housing management role of community housing providers (CHP). The way the reforms have been implemented has resulted in considerable variation of arrangements both within and between jurisdictions, with different mixtures of direct, local government and Indigenous and mainstream community provider roles. To date, there has been no comprehensive, independent investigation of how well these arrangements are working, or what their financial and organisational sustainability is beyond 2018 when the NPARIH ends. The aim of this project is to address these questions and provide policy-makers with information and advice on how improvements might be made to ensure their viability over the long term.

Australian research has established that there are many differences between Aboriginal and non-Aboriginal tenancies (Memmott et al. 2003; Habibis 2013; Milligan et al. 2011). These are more pronounced in remote settings, with serious implications for tenancy management. Differences include larger households, high levels of crowding, low skills and education, high levels of disability and language and cultural differences which can create barriers to tenant education. Arrangements for tenancy management on remote communities prior to NPARIH were also distinct from mainstream arrangements. Most were managed by Indigenous community housing organisations (ICHOs) which were often small, local and kin-based with housing management practices that were flexible and based on customary principles. Achieving 'public housing like standards' therefore carries expectations of substantial behavioural change from tenants. As well as the obvious challenges of distance from service centres, practical challenges to the delivery of services to remote communities include limited infrastructure, access to skilled workforces and the adequacy of information technology equipment. Maintaining a well-run repairs and maintenance system is hindered by a low rent base, extreme weather events, costly contractor services and difficulties in the regulation of suppliers.

Existing evidence

There is considerable variation in the way the reforms have been implemented, with variations in sub-contractual arrangements and the extent of direct state housing department involvement in the landlord role. Factors shaping the extent of direct service delivery include land tenure arrangements and the size and capacity of alternative providers, including ICHOs (Habibis et al. 2014). Queensland and South Australia are directly managing social housing assets, while in the Northern Territory and Western Australia direct management operates in some locations and third party arrangements prevail in others. These third parties are either ICHOs or, in the case of the Northern Territory, also shire councils. In one location in Western Australia the asset and tenancy manager is a mainstream community housing provider.

The 2013 study found that reasons for the predominance of direct state provision include the broader policy background of mainstreaming, reported failings in past housing management practices within the ICHO sector and an assumption that being under NPARIH management meant direct management by SHAs (Habibis et al. 2014). The pressure to deliver a substantial program within tight timeframes was a further impetus 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 resourcing from the state. 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 complexities this would add to an already fluid and politicised environment and the need to ensure that good governance was in place. However, the change from ICHOs to state housing departments accelerated the decline of the ICHO sector and had implications for Indigenous empowerment.

The 2013 study found policies and service delivery models were still developing across many 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. It also argued that it is essential to identify the costs and cost drivers of managing housing in remote communities to inform cost-effective service delivery and sustainable funding models in the second half of NPARIH and beyond. Other questions include the possibilities for tenure choice, prospects for home ownership and under what circumstances state housing departments or third party providers are best positioned to be the primary service providers.

Next steps

To ensure these debates and decisions are informed by robust and objective evidence this research asks the following question:

> What are the optimal arrangements for the delivery of tenancy management services to remote Indigenous communities that are cost-effective and provide positive housing and non-housing outcomes for Indigenous communities?

The research will employ a mixed methods approach, combining administrative and financial data analysis with a case study approach. The case studies will combine survey, interviews and stakeholder forums with administrative and financial analysis as key investigative tools at each of five sites, in the Northern Territory (NT), Queensland (Qld), South Australia (SA) and Western Australia (WA). This will be supplemented with state-wide policy analyses using key informant interviews, document review and administrative data analysis. The financial analysis will draw on all the data sources to examine the cost-effectiveness of different tenancy management approaches in specific contexts. It will establish benchmarks for different service delivery arrangements with adjustment for specific service delivery contexts. Quantitative outcomes will be mapped against identified tenant outcomes to inform and validate findings. The findings will

be used to identify opportunities for improvements and the policy and practice learnings will be shared across jurisdictions to improve practice, and support planning for the post-NPARIH era.

1 INTRODUCTION

This report provides the background and introduction to the second phase of research examining reforms in the way tenancy management is undertaken in remote Indigenous communities across northern Australia. The first phase of the study was undertaken in 2013 and involved a review of the progress of tenancy management reforms in four jurisdictions of the NT, QLD, WA and SA, and an analysis of the feasibility of a further, more in-depth investigation into the implementation, effectiveness and sustainability of the reforms and the differing policy and service delivery approaches.

The second phase of this study commenced in mid-2014 and aims to investigate empirically and in more depth how well those arrangements are working, the appropriateness and effectiveness of the tenancy management policy and service delivery approaches, and the efficiency and value for money of the tenancy and maintenance service delivery models. The aim is to identify and share policy and practice lessons across jurisdictions and nationally that will inform sustainable tenancy management arrangements and decisions about further Commonwealth and state/territory investments in housing for remote Indigenous communities.

The purpose of this report is to establish the context and set out the research approach for this second phase of the study. It provides a summary of the findings and conclusions from the first phase of the research in the form of a condensed and updated version of the published Phase 1 Final Report (Habibis et al. 2014) and details of the aims, research questions and methods that are being employed for Phase 2.

The research is positioned in the context of broader reforms to remote Indigenous housing that have seen the Australian Government providing resources to state and territory governments to improve housing conditions and expand housing options. The research is, however, specifically concerned with reforms to tenancy and property management aimed at achieving long-term benefits for tenants and communities as well as extending the life of dwellings.

1.1 Research and policy significance

Housing reforms in remote Indigenous communities operate under the National Partnership Agreement on Remote Indigenous Housing (NPARIH) and are located within the national policy framework provided by the National Partnership Agreement on Remote Service Delivery (NPARSD) and the National Indigenous Reform Agreement (NIRA). The NPARIH established a 10-year (2008–18) housing strategy in which the Commonwealth has provided funding totalling $5.5 billion to the states and the NT for the construction of new housing, refurbishment of existing homes and management of housing on remote Indigenous communities. The NPARIH is expected to address issues of crowding, homelessness, poor housing conditions and severe housing shortages through the following policy goals:

- Safe and adequate housing that will contribute to improved living standards.
- Robust and standardised tenancy management of all remote Indigenous housing that ensures rent collection, asset protection and governance arrangements consistent with public housing standards.
- A program of ongoing maintenance and repairs that increases the life cycle of remote Indigenous housing (COAG 2008, p.5).

A key concern of this study is to examine achievements to date of the tenancy management and maintenance reforms in meeting these goals and to promote consideration of the policy, service delivery and funding arrangements post 2018.

1.1.1 Capital works investment

The NPARIH building and refurbishment program involving an investment of $5.5 billion over 10 years is scheduled to deliver 4200 new houses by June 2018, and the rebuilding or refurbishment of approximately 6700 existing houses by the end of June 2014 (see Table 1 below) (DSS 2013a). Nationally, under the NPARIH at June 2013, 2025 new houses and 5887 refurbishments were complete, ahead of schedule (DSS 2013a). Table 1 shows that refurbishment targets were exceeded overall and met or exceeded in all jurisdictions except SA. New house targets were close to half way met overall and in most jurisdictions. A notable exception is NT where approximately two-thirds of the new house target was achieved.

Table 1: NPARIH 2008–18 budget: targets and completions

	Budget 2008–18	**New houses**			**Rebuilds and refurbishments**		
	$ million	2018 target	Completed:	As at (end):	2014 target	Completed:	As at (end):
NT	1,700	1,456	996	Oct 2013	2,915	2,929	Oct 2013
WA	1,200	1,012	497	June 2014	1,288	1,288	June 2014
QLD	1,200	1,141	462	April 2014	1,216	1330	April 2014
SA	292	241	119	March 2013	206	177	March 2013
NSW	396.8	310	143	March 2013	101	401	March 2013
VIC	30.4	-	-	-	-	-	-
TAS	28	18	8	March 2013	51	51	March 2013
AUST	5,500	4,200	2,025	June 2013	4,876	5,887	June 2013

Source: Targets: ANAO 2012, www.anao.gov.au/Publications/Audit-Reports/2011-2012/Implementation-of-the-National-Partnership-Agreement-on-Remote-Indigenous-Housing-in-the-NT/Audit-brochure

DSS 2013a Annual Report 2012–13 Chapter 11: Outcomes for Indigenous people: http://resources.fahcsia.gov.au/annualreport/2013/part2/chapter-11-outcome-7-indigenous/index.html;

Remote Housing NT; http://www.housing.nt.gov.au/__data/assets/pdf_file/0016/154006/rhnt_enews_November_2013_v3.pdf

(WA): Department of Housing 2014. http://www.dhw.wa.gov.au/news/Pages/WA-continues-to-lead-the-nation-on-remote-housing-delivery.aspx

Department Housing and Public Works: http://www.hpw.qld.gov.au/aboutus/ReportsPublications/Newsletters/HPWeNews/Pages/Issue-7.aspx;

DSS 2013b Review of the NPA-RIH (2008–13): http://www.dss.gov.au/sites/default/files/files/indigenous/Final%20NPARIH%20Review%20May%2020132.pdf

1.1.2 Tenancy management reforms

To complement the capital investment, a key feature of NPARIH has been tenancy management reforms that were a pre-condition for communities to receive capital works funding. These reforms aimed to establish support structures for sustaining tenancies, reformed rent strategies, increased employment opportunities and improved data collection capacity. The reforms required altering land tenure on community titled land to facilitate government and commercial investments and opportunities (COAG 2010). The intent of the reforms was to contribute to broader outcomes under the NPARSD and National indigenous Reform Agreement that emphasise closing the gap on Indigenous disadvantage, community engagement, social inclusion, service integration and community capacity building (COAG 2008).

Implementation of these reforms has entailed significant challenges (Habibis et al. 2014; DSS 2013b; Elvin et al. 2010; Larkins 2012; Pholeros & Phibbs 2012). These include the political and practical complexity of negotiating with communities on land tenure and adapting public housing tenancy management policies and practices to remote Indigenous contexts. The latter includes

the lack of alternatives to social housing, crowding (Memmott et al. 2011), high rates of geographical mobility (Habibis et al. 2011) and kinship obligations (Birdsall-Jones et al. 2010). These have implications for policies and practices in relation to allocations, eligibility, rent-setting, visitors and transfers (Habibis et al. 2013; Christie & Campbell 2013). Practical challenges related to remoteness include the availability and high cost of skilled housing management and maintenance workforces, transport distances from regional centres, and access to facilities providing safe workplaces and reliable ITC equipment (Pholeros & Phibbs 2012).

The implementation of the reforms has resulted in a variety of tenancy management models across the different jurisdictions, with different mixes of services provided by state governments, mainstream and Indigenous community housing providers, local authorities and private sector contractors.

It is also important to note that the transfer away from the ICO sector to state housing departments is occurring in opposition to national social housing policy where a significant proportion of mainstream public housing is being transferred to management by CHPs and the establishment of a new national regulatory and registration system for not-for-profit housing providers. This study will consider the interface between these mainstream policy directions and remote Indigenous housing policy with an emphasis on the implications for Indigenous tenants, communities and the Indigenous community housing sector.

1.1.3 Significance

The substantial investment in housing capital works under NPARIH has attracted considerable research interest and public scrutiny. By contrast, the radical housing management reforms have engendered limited research or public attention in spite of the important role that ongoing tenancy and property management plays in contributing to positive tenant and community outcomes, ensuring acceptable housing amenity and maximising protection of housing assets. This gives this study, an important role in assessing the progress of these reforms and whether they are benefiting Indigenous communities and resulting in sustainable improvements in the management of remote Indigenous housing stock. In addition, the timing of this study at the mid-way point of NPARIH offers an opportunity to provide policy-makers with evidence about the appropriateness, effectiveness and costs of the different policy approaches and service delivery arrangements in order to inform policy settings and service delivery models during and after the life of the NPARIH. The study is unique in providing an opportunity for cross-jurisdictional comparison of arrangements for housing service delivery to remote Indigenous communities across jurisdictions, while also paying careful attention to how these arrangements are shaped by their particular context. The cost analysis is especially important in offering the possibility of analysing how repair and maintenance programs are delivered in different settings and what are the drivers and possibilities for improvement.

1.2 Research aims, questions and approach

Phase 1 of the study examined the progress of the NPARIH reforms to remote Indigenous housing[1] in the Northern Territory, Queensland, South Australia and Western Australia. That study combined an Investigative Panel of Indigenous housing experts and a policy analysis, with site visits to one remote region in each jurisdiction. The site visits were undertaken to the following four regions:

- Katherine and Ngukurr, NT

[1] 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.

- Cooktown & Wujal Wujal, Qld
- APY Lands, SA
- Fitzroy Crossing and outlying communities, WA.

The study described how the three states and the NT were implementing tenancy and property management arrangements and the reasons for the different mix of service providers involved in service delivery. Details of the research approach for that study are available in the final report (Habibis et al. 2014).

That study also examined the feasibility of a more 'in-depth' follow-up study and identified emerging issues that should be examined in any subsequent study. In the final report for Phase 1, the authors argued that there was an absence of independent analysis of how well the reforms were achieving their objectives and found there was an opportunity to more thoroughly examine effectiveness along with a financial analysis of tenancy management and repairs and maintenance arrangements to ensure current models are sustainable beyond the life of NPARIH.

1.2.1 Aims and research questions

This study aims to build on Phase 1 of this research to identify the impact of housing reforms on tenants and communities and provide a contextualised analysis of the costs associated with different arrangements for the delivery of housing services. Specifically, the research aims to inform the progress of reforms to tenancy management in remote Indigenous communities by:

- Providing a robust evidence base on how NPARIH reforms are contributing to stable housing outcomes, tenant satisfaction, effective arrangements for repairs and maintenance and non-housing outcomes.
- Providing an analysis of how cost-effective different provider arrangements are in achieving improvements to Indigenous housing outcomes in particular geographical and community contexts.
- Identifying opportunities for improvements and to share these policy and practice learnings across jurisdictions to improve practice and support planning for the post-NPARIH era.

The research is guided by the following over-arching question:

> What are the optimal arrangements for the delivery of tenancy management services to remote Indigenous communities that are cost-effective and provide positive housing and non-housing outcomes for Indigenous communities?

The following subsidiary questions will be examined:

1. How are tenancy management reforms in remote Indigenous communities progressing in their goal of improving housing and non-housing outcomes? How do policy settings, activities and the mix of service modes and providers, impact on these outcomes?
2. What are the critical factors influencing rent revenue and costs of tenancy and asset management?
3. Are some arrangements for tenancy management, including the mix of activities and service modes/providers, more cost-effective and sustainable in some contexts than others?
4. What has been learnt so far about how best to deliver tenancy and asset management services to different types of remote communities, and to what extent can these learnings be applied to remote Indigenous housing more broadly?

1.2.2 Definitions

For the purpose of this study the following terms are used:

Remote Indigenous community refers generally, but not exclusively, to rental housing located in remote and very remote discrete Indigenous communities, as defined by the accessibility/remoteness index of Australia.

Tenancy management services includes housing allocations, rent setting and collection, tenant education, tenant support, repairs and maintenance, visitor and occupant management, good order, tenant participation, housing transfers and termination as well as liaison with third party providers.

Improved housing outcomes includes improvement in tenancy stability, tenant satisfaction, reduced rent arrears, effective repairs and maintenance, fairer housing allocations.

Improved non-housing outcomes includes improvements in community amenities, better physical environment, employment and school attendance levels, better health outcomes and strengthened community capacity.

Cost-effectiveness refers to the level of outcomes compared to the relative cost of achieving that outcome.

Sustainable models of housing refers to service delivery systems that are operationally and financially viable over time for the location and context.

1.2.3 Research approach

This phase of the research will use a case study approach, based on five sites across four jurisdictions that were identified in Phase 1 as meeting the criteria for the research questions. The sites were selected on geographical diversity, and differences in service provision mix and housing type/condition. Four of the case study sites were fieldwork locations for Phase 1. These are:

- Ngukurr and other Roper Gulf Shire communities, Northern Territory
- Wujal Wujal and other communities in proximity to Cooktown in Cape York, Queensland
- APY Lands communities, South Australia
- Fitzroy Valley communities, Western Australia.

An additional site, East Kimberley communities located around Kununurra, Western Australia, was added for this phase to allow for the inclusion of a site where housing management is undertaken by a mainstream community housing provider. Research methods in each site will include tenant interviews and surveys as well as interviews with policy-makers, housing service delivery managers and frontline staff and other service providers and stakeholders. Document analysis will also be undertaken for each site. In addition, analysis will be undertaken of SHA and service provider administrative and financial data, publications and policy documentation. Further details on the methodological approach are provided in the final section.

1.3 Structure of the Positioning Paper

This section of the Positioning Paper provides an introduction to the research. It discusses the background, policy context and significance of the study and presents the research aims, questions and broad approach. Chapter 2 establishes the international policy directions for Indigenous housing in New Zealand, the USA and Canada, before outlining the Australian policy context for the reforms to tenancy management in remote Australian Indigenous communities. Chapter 3 provides a national overview of the nature of the reforms and how the policies have been implemented in the Northern Territory, Queensland, South Australia and Western Australia. Chapter 4 focuses on what the extant literature suggests about the progress of the

reforms. It describes the cultural and practical challenges of service delivery, and the findings and policy implications from previous reviews and evaluations, including those from our 2013 investigation. The final section identifies research gaps and the implications of these findings for this investigation and describes the methods to be undertaken for the empirical research for this second phase of our investigation.

2 POLICY CONTEXT

This chapter examines the policy context for Australia's reforms to remote Indigenous housing. It draws heavily on the final report for Stage 1 (Habibis et al. 2014) and readers are encouraged to refer to that report for a more detailed analysis. The chapter opens with a brief review of directions in international Indigenous housing policy focusing on New Zealand, the USA and Canada. This is followed by an overview of the national Indigenous housing policy framework, including analysis of the broader policy directions that emphasise mainstreaming of Indigenous housing, and the demographic and service delivery context.

2.1 International policy directions

Research on Indigenous housing suggests there are many similarities between Australia, Canada, the USA and New Zealand in the housing conditions experienced by Indigenous peoples living in remote communities and in the challenges of housing delivery in these communities. The broad directions in remote Indigenous housing policy also display some similarities across these predominantly English speaking countries. Closer examination also shows some noteworthy differences that are important to understand for cross national comparison.

Similarities between these four countries include a young Indigenous population with high birth rates, housing exclusion resulting in high levels of crowding, high levels of geographic 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). Shared challenges of service delivery to remote Indigenous communities include: difficulties resulting from the differences between mainstream and Indigenous land tenure arrangements, high building and maintenance costs, limited access to private finance, low rental revenue, limited housing life due to poor workmanship, climatic impacts, overcrowding and inadequate asset management, ineffective governance, and limited access to housing management expertise. In the USA, Canada and Australia, the federal structure also creates problems of responsibility and accountability. But there are also substantial differences in Australia's policy directions compared with those taking place in Canada, the USA and New Zealand in relation to recognition of aspirations for Indigenous self-determination and control over their housing.

2.1.1 New Zealand

In 2012, the Maori population in New Zealand was 682 200 individuals, or 15.4 per cent of the total population (Statistics NZ 2013). A distinctive feature of New Zealand is that the majority of Maori people live in urban and regional areas in the North Island (86%), with less than 2 per cent living in 'highly rural/remote' areas, predominantly on the North Island. The number of Maori living in rural/remote areas is declining as Maori people move towards urbanised areas such as Auckland where just under one-quarter of the Maori population now reside (Schrader 2013a; Statistics NZ 2012). Maori family sizes are slightly larger than those of the general population and, combined with cultural practices of receiving and accommodating visiting and permanent *whanau* (immediate and extended family), the Maori tend to require larger house sizes. In 2006, almost 23 per cent of Maori households were overcrowded; six times the rate of the European New Zealand population (Schrader 2013b; Housing New Zealand Corporation 2010). There is a high dependence on social housing with 38 per cent of all people living in New Zealand Corporation properties being Maori (Flynn et al. 2010). Maori are disproportionately represented on state housing waiting lists with 31.3 per cent of applicants compared with approximately 14 per cent of the New Zealand population as a whole (NZPC 2012).

For many Maori people, prosperity is measured by the strength of their *whanau*, or family connections, rather than financial wealth. Rather than being understood as a source of economic wealth, the meaning of housing is as a means of connection to land and cultural practices such

as *marae* (a sacred space requiring continued presence), as well as continued proximity of their *whanau* network for support. A lack of sustainable employment options and the sub-standard condition of rural housing stock has led to significant population reductions in some rural Maori communities, accompanied by fears that irreversible cultural loss may result (NZPC 2012).

Maori housing is mainstreamed although recent housing reforms have sought funding provisions to afford Maori and community housing organisations greater flexibility to expand support to more Maori tenants (NZDBIE 2013a), for example, focusing more on the use of private assets and philanthropy to build capacity for housing construction (NZPC 2012). The recently created Social Housing Unit is designed to develop, diversify and enlarge programs for Maori through facilitating appropriate community and private housing providers. Enabling investment on Maori land is also a priority (NZDBIE 2013b). 'Putea Maori' constitutes a distinct portion of the Capital Grant funding program available for Maori housing providers. It encompasses an allocation of $13.8 million over three years, plus $0.5 million in a revolving fund for project development. Funding preference is given to social and rental housing on multiple-owned Maori land for predominantly low/moderate income Maori households (NZSHU 2013). In addition, infrastructure grants to support development on multiple-owned Maori 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. The complex challenges of building on Maori land, including land security, zoning restrictions affecting communal agreements and coordinating finance from institutional and government providers, have resulted in low uptake of these loan schemes (NZPC 2012).

2.1.2 United States of America

In 2010, 2.9 million people, or .95 per cent of the total population of the United States, identified as American Indian or Alaska Native (AIAN). Another 2.3 million people identified as AIAN multiracial (both American Indian and Alaska Native in combination with one or more other races), or 7.5 per cent of the total population of the United States (Norris et al. 2012 pp.2–4; US DHUD 2014). The residential patterns of these two AIAN populations differ markedly. In 2010, 33 per cent of the AIAN alone population lived in tribal areas, which include 617 reservations and American Indian and Alaska Native areas with a concentration of tribal population and activity, with 41 per cent living outside AIAN counties. In 2010, only 8 per cent of the AIAN multiracial population lived in tribal areas, with approximately two-thirds living in non-AIAN, predominately metropolitan, counties (US DHUD 2014). Consequently, the AIAN-only population is the primary focus of housing policy and research related to rural and remote tribal Indian populations.

The home ownership rate for AIAN alone households is 54 per cent, compared with the non-AIAN rate of 65 per cent, although the AIAN home ownership rate in tribal areas is 67 per cent. Overcrowding in AIAN alone populations is significant with 8.1 per cent experiencing overcrowding in 2010. Of these, one-third were severely overcrowded. Crowding is more likely for renters (10%) and those living in larger tribal areas (11%). From 2006–10, almost 40 per cent of AIAN only households carried excessive cost burdens, spending more than 30 per cent of their income on housing, with more than half of AIAN alone renters paying unaffordable costs for housing. Larger tribal areas were more likely to have vacant properties and experience higher rates of housing problems. The most prevalent housing problem among AIAN alone people is housing affordability as a result of lower-than average incomes among AIAN households (US DHUD 2014).

The principle agency for American Indian and Alaska Native housing is the Office of Native American Programs (ONAP) within the US 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). Through this Act, tribal governments gained greater control of the housing program by centralising a range of federal housing funding programs into a single program designed to provide recurring formula-driven block funding to low-income

Native Americans. Its intent is to use federal support for Indian tribes alongside recognition of the right of tribal self-governance. This underscores the recognition given to tribes as sovereign nations in the United States.

HUD manages the Indian Housing Block Grant (IHBG) and Indian Community Development Block Grant (ICDBG) programs that channel funding provided through the NAHASDA to Indian tribes or their tribally designated housing entity for housing and community development in Indian areas. Under the IHBTG and ICDBG grants, the planning, design, construction and maintenance of affordable housing on Indian reservations and Native communities is self-determined by tribes. 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 to which Indian housing organisations and Indian tribes are required to report to annually (US DHUD 2013a). Through similar funding arrangements provided via the NAHASDA, the Loan Guarantee for the Indian Housing program enables Indian families, Indian authorities and Indian tribes to acquire private mortgage and housing finance for the purposes of acquiring, building, or renovating single family housing on trust land or land in an Indian or Alaska Native area (US DHUD 2013c).

Regulations for NAHASDA are negotiated with tribes. HUD's Office of Public and Indian Housing (PIH) issues notices that provide detailed articulations of regulations. The ONAP issues Program Guidance, or the less formalised 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 organisations. The 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 2014).

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 2014). 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 2014).

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 2013). 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. At least one-fifth of First Nation peoples live in housing requiring serious repair and/or with serious mould contamination. Relative to the broader population, a high number of First Nation peoples live in overcrowded conditions which in turn contributes to health problems and premature wear and tear of housing stock (Anaya 2013). 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 and implications

Unlike Australia, 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 on Indigenous controlled land. In each country, housing, land tenure, governance and economic development 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 communities in comparable western democracies also include many features common to the Australian experience. These include the need to respond to lower socio-economic standards of living including sub-standard housing conditions and overcrowding, and inadequate resourcing and funding of housing programs and initiatives. Similarities in policy emphasise mainstreaming and market-based approaches that 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.

This analysis highlights that the move in Australia to state-managed, ‘welfare’ housing in remote communities is a significant departure from approaches in similar countries overseas where communities mostly have responsibility for housing management on Aboriginal lands. This makes it particularly important to understand the impacts of Australian policy directions on housing outcomes and also on broader social, economic and governance outcomes for Aboriginal communities. The international comparison also illustrates the ubiquitousness of housing provision and financing policies that promote market approaches and individualised ownership. This highlights the need to pay attention to the implications of state interventions and the potential tensions between market-orientated approaches and the predominantly non-market and communal nature of Indigenous culture, social organisation and land tenure.

2.2 Australian policy and service delivery context

In order to understand the drivers, complexity and contentious nature of remote Indigenous housing policy, it is instructive to consider the historical policy context. The idea of national Indigenous housing policy in Australia can only be meaningfully traced to the late 1960s when the Commonwealth acquired powers over Indigenous affairs (Habibis et al. 2014) and this history integrally linked with aspirations for self-determination through land rights and development of Indigenous organisations and institutions. Policy commitments to self-determination, funding levels and support for Indigenous controlled service delivery waxed and waned between the early 1970s, the establishment of the Aboriginal and Torres Strait Islander Commission (ATSIC)[2] in 1990 and its demise in 2004. However, throughout these three decades the Indigenous community housing sector grew continuously and Indigenous housing organisations (ICHOs) throughout Australia formed the nucleus for responses to employment, economic development, social services and community engagement.

One downside during this period was a lack of coordination in functional responsibilities and funding programs between the Commonwealth and states/territories. Another was a lack of attention to building capacity for governance, financial, asset and tenancy management within the ICHO sector. Many ICHOs were not financially viable due to low levels of rental revenue and high costs and this led them to use a range of survival strategies including cross subsidisation with other programs such as the Community Development Employment Program[3] (CDEP) and deferment of maintenance (Eringa et al. 2008).

Following the abolition of ATSIC in 2004, responsibility for the national housing funding program, the Community Housing and Infrastructure Program (CHIP) transferred to the Commonwealth Department of Families and Housing, Community Services and Indigenous Affairs (FaHCSIA). In 2007, a Commonwealth Government initiated 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. The recommended goal was to establish housing management standards equivalent to those in public housing programs in comparable locations elsewhere. These recommendations were consistent with Commonwealth Government policy preferences to restrict Commonwealth involvement in housing provision and to only provide dedicated Indigenous funding for remote housing to states and territories. This meant that Indigenous housing in non-remote areas became the responsibility of mainstream social housing programs administered by states and territories under the National Affordable Housing Agreement (NAHA). It also meant that no dedicated funding sources were available to ICHOs.

A summary of the evolution of remote Indigenous housing programs and administrative arrangements is provided in Table 2 below. This demonstrates the continual change and disruptions that have occurred in Indigenous housing policy and governance over the past decade. Since 2004 there have been two changes of Federal Government and changes of government in most states and territories, and the housing program, funding arrangements and the national government agency with responsibility for Indigenous housing have also changed several times.

[2] ATSIC was a national elected Indigenous body with responsibility for administering Indigenous funding, including funding for community housing.

[3] CDEP was an Indigenous work for the dole scheme that provided a low cost labour source for housing construction and maintenance. CDEP was phased out from the mid-2000s.

Table 2: Evolution of remote Indigenous housing programs and administration 2004–14

2004	July	Abolition of ATSIC Transfer of CHIP to FaHCSIA
2005	Dec	Indigenous Housing & Infrastructure Agreements negotiated (signed by each state/territory government by May 2006)
2007	Feb	Review of CHIP
	June	Northern Territory Emergency Response announced
	Sept /Oct	MOU signed and funding for NT housing reforms allocated under Indigenous Housing, Accommodation and Related Services program
2008	April	Strategic Indigenous Housing and Infrastructure Program (SIHIP) announced
	July	Australian Remote Indigenous Accommodation Program replaces CHIP
	Dec	NPARSD signed
2009	Jan	NPARIH signed NAHA commenced to replace CSHA—ARHP funding moved to NPARIH
	Aug	Strategic Indigenous Housing & Infrastructure Program (SIHIP) reviewed
	Dec	Renegotiation of NPARIH
2013	Sep	Change of national government Restructuring of the Australian Department of Families, Housing, Community Services and Indigenous Affairs to become the Australian Department of Social Services. Indigenous Affairs moved to the Department of Prime Minister and Cabinet.
2014		Re-negotiation of NPARIH under bi-lateral agreements with individual states and NT

Source: Modified from ANAO 2012 and Milligan et al. 2011

Over the past decade, there have also been changes to other Indigenous programs, community governance institutions and land tenure arrangements that have implications for housing. Examples include the abolition of the Community Development and Employment program (CDEP), the replacement, in the Northern Territory, of Aboriginal Community Councils with large mainstream Shires, the dismantling of state Indigenous housing authorities and administrative units and, in many remote communities, the establishment of 40-year leases of Indigenous land to the state.

The enormity of these changes should not be underestimated and nor the disruptions caused to Indigenous communities, organisations and tenants as well as to the Australian federal, state and territory governments.

There are also more radical policy changes imminent in jurisdictions such as Queensland where state government policy is to exit from direct housing management and progressively transfer all social housing management to the CHP sector, including in remote communities. In May 2014, the 2014–15 federal budget foreshadowed further policy changes to Indigenous funding with the establishment of the Indigenous Advancement Strategy. Under this strategy, the government proposed reforms to the National Partnership Agreements, such as replacing the NPARSD with the Remote Community Advancement Network, and continuing the NPARIH over the next five years through a $2.2 billion investment in line with more stringent rationalising and consolidating of communities considered unviable and as outlined in the government reform priorities. In both cases, adopted policies will be negotiated through bilateral agreements with each state and territory, rather than through COAG (ABC 2014; RA 2014).

2.2.1 Impact on the Indigenous community housing sector

One of the areas that has been most profoundly affected by changes to Indigenous housing policy in recent years is the ICHO sector. This has undergone considerable decline as a result of the NPARIH reforms due to the loss of dedicated national funding, with the impact especially strong in the Northern Territory, Queensland and Western Australia and in remote Indigenous communities generally. The ICHO sector is predominantly comprised of localised, kin-based, community organisations managing housing portfolios of less than 100 dwellings, with the majority managing less than 50 (Porter 2009a).

The removal of funding attached to delivery of housing services has meant that many ICHOs have become unviable. Although their decline in numbers is partly due to mergers, Table 3 below shows that between 2001 and 2011 the number of ICHOs declined from 616 to 330. Between 2008 and 2012, the number of permanent dwellings managed by ICHOs declined from 22 364 to 16 773 (PC 2014). The impact has been greatest in remote locations with 53 per cent of all ICHO-managed dwellings in 2012 located in remote or very remote locations (AIHW 2013, p.90). However, in non-remote locations, ICHOs are also increasingly subject to mainstreaming. The exception is NSW where adapted policy, funding and regulation are in place (Milligan et al. 2010).

Table 3: Indigenous community housing organisations by state or territory: 2001, 2006 and 2012

State or territory	All ICHOs		All ICHOs	Funded ICHOs
	2001	2006	2012	2012
NSW and ACT	205	169	207	122
VIC	25	22	19	18
QLD	116	91	33	33
SA	31	37	34	33
WA	125	92	7	7
TAS	3	3	2	2
NT	111	82	28	28
Total Australia	*616*	*496*	*330*	*243*

Source: Adapted from Milligan et al. 2010; ABS 2007, Table 2.2; AIHW 2012, p.63; and PC 2014, Table 17A.8

The jurisdictions that have seen the greatest reduction in the ICHO sector are the NT, Qld, and WA. 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 with them, there are many barriers to their integration as registered providers within state systems. Among other factors these include their economies of scale, ability to resource regulatory hurdles including complexities around legal frameworks, and their remoteness affecting IT access and availability of qualified personnel or training opportunities (Eringa et al. 2008).

Direct management of housing by the state in remote Indigenous communities and the corresponding decline in CHO sector provision runs counter to national trends of an increased role for the CHO sector in social housing (Pisarski et al. 2010; Milligan et al. 2010). The national trend has been accompanied by a new national regulatory system for CHO providers with tiered registration, with implementation commencing in January 2014. This will require all CHO providers, including ICHOs, to register in order to manage any tenancies. The regulatory requirements present particular challenges 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.

2.2.2 Demographic and housing 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 2011). 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 ATSI people in any jurisdiction (see Table 4 below) and the highest number of discrete Indigenous communities. Of the four jurisdictions included in this study, Queensland has the numerically highest Indigenous population.

It is well known that housing for Indigenous Australians is inadequate. Problems include the material condition of housing such as facilities, materials, services, and infrastructure, and housing accessibility, for example affordability, security, cultural appropriateness and location. Housing inadequacy is often more acute in remote and very remote locations due to a complex range of factors including higher Indigenous populations, cultural issues, and location and isolation (Bailie & Wayte 2006; Memmott et al. 2011).

Table 4: Australia's estimated ATSI population by state and territory (at 30 June 2011)

	NT		WA		Qld		SA	
	%	N	%	N	%	N	%	N
Proportion of jurisdiction ATSI population (%)	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	

Statistically, Indigenous households in Australia are over-represented in housing requiring government assistance, particularly in remote areas. In 2011, levels of home ownership for Indigenous households (with or without a mortgage), were 36 per cent, which is nearly half the 68 per cent of home ownership levels for non-Indigenous households. This figure drops considerably in remote and very remote areas with only 10 per cent of homes owned by an Indigenous person (AIHW 2013, p.30). The Australian Government is committed to pursuing Indigenous home-ownership as a vehicle to Indigenous wealth creation and economic development, but research highlights that home ownership is unrealistic in most remote communities due to the absence of a housing market (Memmott et al. 2009) and that in general, home ownership aspirations are less marked for Indigenous households because they tend to prioritise 'autonomy, stability and inheritability' in housing over generating equity through housing ownership (Crabtree et al 2013, p.83).

Almost 60 per cent of Indigenous households are renters, compared with 30 per cent of non-Indigenous tenancies. Twenty six per cent of all Indigenous households rent from public or community housing providers, compared with 5 per cent of non-Indigenous households. This increases to almost 60 per cent of Indigenous households in remote areas (AIHW 2013, p.30).

It has been well established that there are substantial differences between Indigenous and non-Indigenous tenancies (Memmott et al. 2003; Habibis 2013 Milligan et al. 2011) and that these differences are more pronounced in remote settings (see Table 5 below).

Key differences include:

- → Large households, low skills and education, high levels of disability, expensive food and other consumables and a lack of consumer choice.
- → A continuing shortage of housing on remote communities, despite the NPARIH investment.

- High levels of overcrowding with rates increasing by remoteness and with implications for poor health, education levels and behaviours detrimental to individual and community well-being. (Memmott et al. 2011)
- Strong cultural norms of reciprocity combined with seasonal and cultural geographical mobility between communities, with implications for unstable tenancies due to extended family absences, empty properties, visitor over-crowding and challenges in identifying rent-payers.
- Communication barriers due to a high percentage of Indigenous people speaking English as their second or third language.
- Cultural practices such as vacating dwellings for extended periods following a death in the household or the belief that particular houses are cursed.

Table 5: 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

Source: Habibis et al. 2014, p.22

The experience of renting is also different because of differences between the tenancy management practices of public housing and ICHO providers. ICHOs are usually small, local, kin-based organisations whose decision-making is based on flexible and customary tenancy arrangements where rent-setting, occupancy numbers and management of property damage tended to be personalised and poorly enforced (Porter 2009b). Diverse rent-setting arrangements are also characteristic of these organisations, for example, a poll tax system in which all residents in a property paid either what they could afford (see Habibis et al. 2013) or little or nothing for rent and utilities.

These differences between Indigenous and non-Indigenous understandings of tenancy obligations, practices and management mean that achieving public housing-like standards requires substantial behavioural change from tenants.

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[4] 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 and cost-efficient 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.

2.3 Summary

This chapter has established the international and Australian policy and service delivery context within which tenancy management reforms to remote Indigenous housing service delivery are taking place. It has identified that although there are similarities in the housing conditions for remote Indigenous communities between Australia and New Zealand, the United States and Canada, unlike Australia, Indigenous recognition and self-determination broadly underpin the Indigenous housing policies in these overseas nations.

The chapter also explored the historical and contemporary context in which the NPARIH's goal of achieving 'public housing-like standards' for housing management is located. It highlights the radical nature of the tenancy management reforms and the complex and evolving nature of Indigenous housing institutions, policy and service delivery. This sets the scene for understanding the challenges faced in implementing the reforms. While housing policy development for remote and discrete Indigenous communities in Australia includes many features common to the international policy landscape, the development of the NPARIH and NPARSD have increased direct intervention by the state that runs counter to these international policy directions. They are also distinct from the national trend of an increase in the role of the community housing sector in social housing and been associated with the decline of the ICHO sector.

[4] 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).

3 TENANCY MANAGEMENT REFORMS

This chapter provides a national overview of the tenancy management reforms under NPARIH, the implementation of those reforms in the NT, Qld, SA and WA, and the nature of their tenancy and property management approaches.

3.1 National overview

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.

Phase 1 of this study (Habibis et al. 2014) found that the initial stages of the NPARIH program focused on meeting capital works targets and funds could only be expended in communities that agreed to long-term leasing arrangements to secure investment and access. This meant the immediate requirement of state housing departments was to negotiate with communities on land tenure arrangements. There were many challenges to managing the political and practical complexities of NPARIH implementation in communities while also ensuring appropriateness in remote contexts. Challenges included wide variation in the willingness and capacity of Aboriginal entities and communities to engage with governments, and grant leases over their land in return for improved housing. The legal instruments and legislative changes required to manage property on Indigenous land were different in each jurisdiction and were often highly complex with multiple legal barriers. Implementation of the service delivery arrangements often involved building programs from scratch, with little or no infrastructure or blueprint for their application and inadequate or non-existent IT systems to ensure accurate data capture. Considerable work was required to establish adequate administrative and monitoring and compliance mechanisms (Habibis et al. 2014).

As capital works targets were achieved attention shifted towards the development and review of the tenancy management 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. Table 6 below shows that there is considerable variation in the way the reforms were implemented, with leasing arrangements and the extent of direct state housing department 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.

The following sections review how each of the states and the Northern Territory implemented the NPARIH with reference to policy, legislative and land holding arrangements and tenancy management in their respective jurisdictions. A summary of those arrangements is provided in the following Tables 6 and 7.

Table 6: Tenancy management arrangements for remote Indigenous by state and territory communities, by state and territory, 2013

Tenancy service model	Mixed Regional service providers and direct through five regional centres DIDO	Direct from regional offices and sub-regional service hubs. FIFO/DIDO	Direct through six regional offices FIFO/DIDO	Mixed regional service providers and direct through local housing offices FIFO/DIDO
Policy settings	Mainstream with some adaptation	Mainstream with minimal adaptations	Mainstream with local operating procedures	Mainstream with some adaptation
Third party tenancy management providers	ICHO (regional centres, town camps) Shire councils Private contractors	None for tenancy management	None	Five ICHO One CHO
Tenant support	In development	In development	In development	NGO agencies
Repair and maintenance	ICHOs; shires and private contractors. shire councils (remote)	Mainstream through central call centre	Mainstream with local notification system through regional office	ICHOs; shires and private contractors. shire councils (remote)
Community consultation	Housing reference groups	Indigenous shire councils	Housing committees Community councils	Community councils and community

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

Table 7: 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

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 Northern Territory Emergency Response (NTER) in 2007 signalled the beginning of changes in responsibilities for remote housing in the Northern Territory that anticipated those rolled out from 2009 in other jurisdictions under NPARIH. As a consequence of taking responsibility for remote Indigenous tenancies, Territory Housing doubled the number of tenancies under management. The enormity of the task is evident when considering that Territory Housing needed to gear up from managing approximately 5000 public housing tenancies in towns and cities to take on as many again in remote Indigenous communities. Just one of the significant challenges was to develop a new tenancy management system, and to collect and enter tenancy and property data for all the newly managed dwellings.

3.2.1 Establishing leasing arrangements

A key feature of the NTER and associated capital works program was compulsory 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. Subsequent leasing arrangements took three forms:

- Whole-of-township leases of between 40 and 99 years to the Australian Government, with tenancies managed through a sub-lease with the NT Government.
- Housing Precinct leases of between 20 and 40 years, with the NT Government identified as the landlord with responsibility for tenancy and property management.
- The five-year leases prescribed under the NTER, which ended in August 2012 or February 2013. Negotiations occurred to replace these leases with voluntary, longer-term lease arrangements.

Territory Housing entered into tenancy agreements with tenants that operated under mainstream residential tenancies legislative requirements for most dwellings. ‘Legacy dwellings’ that were considered too deteriorated to meet acceptable community standards were managed under ‘agreements to occupy’ rather than tenancy agreements, with the intent of keeping the properties habitable.

3.2.2 Tenancy management approaches

Initially Territory Housing established a discrete unit, Remote Housing NT, as a dedicated unit based in Darwin that had state-wide responsibility for remote Indigenous housing policy, capital works and tenancy management service delivery. Service provision was based in the five regional centres that are responsible for tenancy and asset management, primarily through a drive-in drive-out (DIDO) mode of delivery. Pragmatic and policy factors, including the challenges of providing and sustaining a presence in many dispersed and small-scale remote locations, led to a decision to contract ICHOs and shires to provide a local tenancy management presence as well as maintenance and capital works services.

The remote Indigenous tenancies were 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 were assisted by shire employed local community housing officers who undertake a range of customer service, tenant engagement and administrative tasks. Housing Reference Groups were established in each community to provide advice and represent the interests of the community (NT DoH 2014).

These local community housing officer and maintenance services were re-tendered in late 2013 to provide for expanded provision of non-trades maintenance, longer-term contracts and more explicit and strict conditions. This reflected some concerns that the previous arrangements did not provide optimum clarity about the respective roles and responsibilities of Territory Housing

and third party contractors. The new arrangements rolled out in early 2014 saw private sector contractors replace shires in all but one location.

During 2014, re-structuring within Territory Housing saw responsibilities for urban and remote housing merged for policy and service delivery. The Remote Public Housing Management Framework initially based its policy settings on those operating in Territory Housing's metropolitan locations, but efforts are focused on adapting these to the diverse and unique conditions and on-the-ground realities of remote communities. The amalgamation of urban and remote housing policy signals an intention to adopt mainstream public housing policies for remote communities, with adaptations made only where a strong case exists for differentiation.

Eligibility and allocations decisions are determined by the state housing department. No income threshold is applied, but the advice of housing reference groups is sought to confirm eligibility according to community criteria. Maximum dwelling rent is $120–$200 per week for refurbished houses and $150–$250 per week for new and rebuilt houses, calculated on household income with a rent ceiling for each house type.

Asset management inspections and maintenance coordination are undertaken by Territory Housing regional teams, with third party contractors engaged to undertake the maintenance work. The tenancy agreement stipulates a minimum of four inspections each year, and housing officers also work locally to ensure tenants understand their rights and responsibilities and are able to maintain successful tenancies (Allen Consulting Group 2013).

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 which are governed by councils established under mainstream local government statute. Due to the poor state of housing and maintenance regimes in remote communities, 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. Reforms included subjecting councils to the same registration and regulation requirements as mainstream community housing providers under the *Queensland Housing Act* 2001, and were driven by the push for policy consistency across all social housing programs as embodied in the One Social Housing System (OSHS) policy adopted in 2005. Compared to other jurisdictions, remote Indigenous housing is generally in better physical condition in Queensland and there are fewer very small remote communities other than in the Torres Strait outer Islands.

3.3.1 Establishing leasing arrangements

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. Leases provide for a commitment by the state to annual payments to the councils. The state manages most or all of the housing in 11 Aboriginal communities and the Northern Peninsula Area. Technical legal and surveying issues delayed leases for some sites. One site refused to enter into a 40-year lease and negotiations continued in the Torres Strait due to land tenure complexity. State delivery of tenancy services was negotiated in some communities under agency arrangements even where 40-year leases were not in place.

3.3.2 Tenancy management approaches

Policy directions and service delivery arrangements established during the 2000s emphasising commitment to mainstreaming changed considerably following the election of the Newman Liberal National government in 2012. Underpinning policies to identify alternative tenancy and property management options for remote Indigenous housing is the broader housing policy intention 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.

The Queensland tenancy management model is largely direct provision using a fly-in fly-out workforce supported by local housing workers. The state housing department 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.

Cape York and Torres Strait are where the majority of discrete communities are located, and at the time of fieldwork for the Phase 1, 2013 study, 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.

Through housing officers initially recruited from external and existing experienced public housing staff, tenancy management followed the application of mainstream policy. This has been modified over time based on experience, and planned enhancements include employment of community-based housing workers to replace council employed positions and the establishment of sub-regional service delivery hubs in Weipa, Cooktown and Thursday Island.

Eligibility is determined by the state housing department but permission or eligibility to live in the community is a pre-condition, and no income threshold is applied. Maintenance is coordinated through the centralised state-wide public housing system through use of blue phones located on the community to a central call location. Technical, language and remoteness challenges were noted by a number of respondents as creating barriers to communication using these phones. Quarterly property inspections have been fewer in reality due to budget constraints for the property team. Tenancy support is under development through the Housing Support program through the use of targeted fact sheets.

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. This highlights the need for evidence on which to base decisions about the nature of future approaches.

3.4 South Australia

Aboriginal people living in South Australia include five Aboriginal groups located in distinct areas around 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 five to 366.

3.4.1 Establishing lease arrangements

Implementation of the NPARIH in SA was undertaken through the Strategy, Policy and Aboriginal Outcomes directorate of Housing SA within the Department for Families and Communities (SA DFC). 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.

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 have been progressing by community, commencing with Amata and Mimili, the two Remote Service Delivery (RSD) sites. 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). 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. Lease negotiations include rent settings and commencement dates.

3.4.2 Tenancy management approaches

Housing SA directly manages South Australia's remote Aboriginal tenancies. With no state funding for housing programs for Aboriginal people, remote services are funded entirely through NPARIH funding, resulting in limits on the capacity of the state government to supervise and build the capacity of third party providers. However, the possibility of developing a mixed model remains on the table. The policy framework aims to build capacity within the ICHO sector so that communities that want to can manage their own housing; although for ICHOs this was seen as possible primarily if they were large or able to form an organisation through the association of multiple smaller communities.

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. Operational and strategic direction has been 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.

Since the completion of the tenant transfer to the state housing system in 2010, the introduction of a market-based rent system with a safety net occurred incrementally. The initial rent-setting model was established on a per capita basis applied to all household residents over 18 years. Due to problems associated with identification of occupants and perceived inequalities due to high occupant numbers, a new market-based rental system based on property size (bedroom numbers) has been 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, subject to reduced rents in extenuating circumstances and a safety net where rent exceeds 20 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, although informants also noted that repairs and maintenance needs were not always met with an appropriate and timely response.

3.5 Western Australia

Western Australia has the third largest Indigenous population among all Australian states and territories, with 40 per cent of their total Indigenous population living in remote and very remote areas (ABS 2011). There are about 200 remote Aboriginal communities in Western Australia, with most located in very remote areas surrounding South Headland, Kununurra, Derby, Broome, Kalgoorlie and Warburton.

3.5.1 Establishing lease arrangements

Legislative changes have provided for Housing Management Agreements (HMAs) as the legal framework to enable the Western Australian Department of Housing (WA DoH) to manage housing on Aboriginal land and to apply the *Residential Tenancies Act* 1987. This has involved legislative amendments to the Housing Act and *Aboriginal Affairs Planning Authority Act* 1972 (WA). Negotiations between the WA DoH and the relevant Aboriginal entity identify which houses and community planning lots are to be included in an 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) rising to almost 50 communities by April 2014 (ABC News 2014).

Service Level Agreements are developed between WA DoH and regional housing service providers where the department does not directly manage housing. For communities on ALT land, 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, and a whole-of-government approach to native title management since 2011 is moving towards the establishment of an Indigenous Land Use Agreement (ILUA) including negotiations about land use for public housing and infrastructure development.

In early 2014 there were 120 communities, most comprising of six houses or less, that the WA DoH had no contractual relationship with and limited information regarding the state of housing and/or related services.

3.5.2 Tenancy management approaches

The elements that form the foundation of the WA DoH's tenancy management program include the negotiation of a Housing Management Agreement (HMA) which must be in place before it can manage properties. An Ascertaining the Wishes of Aboriginal People protocol sets out how the state housing agency will enter into the relationship with the Aboriginal community in a culturally appropriate way. The Social Housing Practice Implementation Project (SHPIP) provides a state-wide 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. The production of a tenant matrix management support package uses a story-telling approach to tenant education about rights and obligations.

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, and six are provided by Regional Housing Service Providers (RSPs). Of the latter, five are operated by Indigenous community organisations and one is operated by a mainstream community housing organisation (WA DoH 2013).

Most rents were initially set at $50/house or $35 per person. Transitioning the rent to public housing-like settings commenced from 1 July 2013 (mostly) to occur 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. The maintenance budget for each house is the same as for urban areas, at $4000 per annum plus rent. The RSPs manage maintenance directly or through subcontract arrangements.

3.6 Summary

Despite common goals and a national policy framework, there are substantial differences in tenancy management models between jurisdictions, with a key point of distinction being the use of third party providers. In South Australia and Queensland, tenancy and asset management are provided directly by the state housing authority. In Western Australia and the Northern Territory a mixed model prevails, combining direct management in some locations and third party arrangements (including ICHOs or shire councils) in others. The nature and diversity of models arises from the pressure to deliver a substantial program within tight timeframes and in challenging locations, as well as distinct features of location, land tenure, history, institutional arrangements and service contexts. For all these arrangements there is a need to review their appropriateness, effectiveness, and organisational and financial sustainability. A key issue is whether there is a place for a 'national' understanding of how to manage remote Indigenous housing in the context of such diversity. The following chapter addresses some of these issues.

4 FINDINGS TO DATE

This chapter reviews what is known about the progress and impact of the NPARIH reforms, drawing on the small number of reports available and the findings from Phase 1 of this study. The chapter includes an overview of the impact of the capital works on tenant and tenancy management issues and a review of tenancy management achievements in the following areas: allocations, rent setting and collection, maintenance and repairs, tenant education and support, tenant responsibilities, workforce capacity, and Indigenous employment. This is followed by an analysis of the implications of these findings for policy and the future sustainability of the program which form the foundation of the research questions to be addressed in this study.

4.1 Findings from NPARIH evaluations

There is limited independent, accessible research on the housing management practices that have followed the NPARIH reforms. There are five NPARIH-related investigations (see Table 8 below) that offer some insights into their progress, although their focus on tenancy management aspects of the NPARIH is partial or indirect. These are:

- Allen Consulting's evaluation of tenants' experiences of the NPARIH and tenancy management reforms in the Northern Territory, commissioned by FaHCSIA (Allen Consulting 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).
- The Centre for Appropriate Technology's (CAT) post-occupancy evaluation on the new, rebuilt and refurbished housing works in Alice Springs town camps between 2008 and 2011 (CAT 2012a, 2012b).
- The Department of Social Service's Progress Review of NPARIH (2008–13) (DSS 2013b).

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

The Centre for Appropriate Technology (CAT) review provides evidence suggesting some successes arising from sub-contracting housing management functions to local NGOs and ICHOs with established relationships and knowledge of local communities (CAT 2012a). However, the imposition of stringent obligations on tenants has been reported as contributing to resident stress and affecting resident well-being in some instances (CAT 2012a, p.31).

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.

Table 8: 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 2012	Report on remote housing reforms in NT	Complaints received and engagement with FaHCSIA and NT 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 the 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 2013	Evaluation of tenants' experiences of NPARIH and tenancy management reforms in NT	→ Survey interviews with 100 tenants in seven 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
DSS 2013b	Progress Review (2008–13) 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

The Allen Consulting Group, Commonwealth Ombudsman and DSS reports recognise the challenges inherent in achieving standards of housing delivery and tenancy management in remote areas that are 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 and responsibilities for repairs and maintenance. Both Northern Territory reports acknowledge the efforts of Territory Housing to explain the requirements of tenancy agreements.

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

Other areas identified for improvement in these reports include:

- An increased role for, and oversight of, third party service providers (Larkins 2012; Allen Consulting 2013).
- Better processes and technologies around rent setting and collection (Larkins 2012; CAT 2012; Allen Consulting 2013).
- Greater attention to tenant communication and support, managing visitors and occupancy numbers, tenant participation and repairs and maintenance (Allen Consulting 2013; CAT 2012; DSS 2013b; Larkins 2012; National Shelter 2012).

4.2 Findings from Phase 1 study

Despite the fluid and rapidly changing policy environment and the preliminary nature of our Phase 1 research, the study broadly supported the findings of the earlier studies.

4.2.1 Housing conditions

In Phase 1, we found evidence that housing investment is improving the lives and conditions of residents and reducing crowding in some locations. However, crowding and its impact on living conditions for tenants continues as a significant concern in many communities. Reasons included:

- Refurbishments improve amenity but do not add to housing stock.
- Demolition of improvised and sub-standard dwellings.
- New houses sometimes had fewer bedrooms.
- People returning to communities in the hope that more housing was available.
- Continuing high birth rates and increasing household formation.

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.

Where there were problems with the design, siting and quality of construction, this had an impact on tenancy and asset management. Problems included: poor house siting and orientation that failed to take account of local climatic conditions; inadequate provision of outdoor living spaces and storage facilities; and defects, inappropriate materials and poor workmanship. Although the DSS review found that Indigenous employment targets were being achieved, there were locations where local informants complained that targets were not achieved or the work was not meaningful work, that training was inadequate or employment and/or training did not last long enough to enable workers to achieve trade qualifications.

4.2.2 Tenancy management

The tenancy management arrangements were still in development at the time of data collection in mid-2013 so any evaluative claims are necessarily tentative. The findings supported those of the DSS review and the CAT study that the new tenancy management arrangements are making progress in a range of areas including 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. But there were also many areas that required attention. These include:

- Housing allocations was one of the most contentious and demanding areas of service delivery with managing expectations of communities for improved housing access a particular concern. Respondents from three different jurisdictions believed that inappropriate allocations, favouritism and a lack of transparency in allocation procedures was still occurring.
- Rent setting and collection were identified as one of the most challenging areas of tenancy management. Although rent arrears generally remain very high by public housing standards, all jurisdictions reported that rent collection and arrears rates are slowly improving. However, there were problems integrating with Centrepay arrangements and inadequate or delayed notification of debts to tenants making them vulnerable to accumulation of high levels of debt.
- The complexity and administrative costs of income-based rent raised questions about whether this is the most appropriate model for remote communities. Although alternative rent setting approaches, including housing levies and property-based rents, have a long history in the Indigenous housing sector, there were also problems identified with these approaches. For example, levy systems are difficult to enforce and property-based rents may enforce a burden on head tenants and may be unaffordable for some households. The study suggested some consideration should be given to whether income-based rent is warranted in large households where low rent caps are in place, 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, as well as more efficient and transparent.
- 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.
- Supporting tenants to care for their houses and avoid tenant damage remains a critical tenancy management challenge, with concerns about the availability, effectiveness and take up of tenancy training/living skills programs and intensive tenancy support.
- Continuing high levels of property damage, although this was sometimes identified as the result of crowding, poor construction standards, inadequate or slow maintenance responses, and lack of clarity around reporting damage or requesting maintenance. Difficulties were evident in distinguishing between willful damage and acceptable wear and tear given the context of crowding and high levels of visitors and mobility.
- Tenant education about the rights and responsibilities that accompanied their housing tenure was identified as critical to good tenancy management, but ‘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. These programs were noted as either being in conflict with housing management roles, or a program difficult to deliver due to the complex and diverse nature of tenant needs. Front line housing workers particularly felt that such programs should be delivered by services other than the tenancy management workers, or, as one respondent argued, in a community development, rather than individual, approach. An example of a program that applied both these principles is the ‘women and

technology' programs that operate in the Alice Springs town camps that help tenants understand things like how the power supply works and the reasons it can go wrong.

- There were concerns about the potential burdens created by some tenancy management policies on head tenants depending on whether they had the capacity to enforce compliance by other residents. Some head tenants need better support to manage these responsibilities.
- Finding and retaining appropriately qualified frontline staff and matching their skills and approach with the characteristics of communities was particularly challenging. In many locations the demands on frontline staff are intense because of the long distance travel and the importance of face-to-face contact for working with Indigenous populations.
- The employment of local Indigenous staff in the delivery of tenancy and property management services was a critical issue with barriers identified to the employment of Indigenous people, particularly in property roles due to OH&S requirements, ticketing and licensing systems. Employment was usually casual and short-term, and at basic administrative levels even though there was a strong commitment to the development of a local, Indigenous workforce.

4.3 Summary

This chapter commenced with an overview of existing NPARIH evaluations, and then provided a summary of findings from the first stage of this investigation. The available evidence highlights the complexity of delivering housing services to remote Indigenous communities because of the diversity of the communities in terms of size, composition, the nature of the housing stock and the available resources, remoteness and the difficult socio-economic environments and cultural differences involved.

The findings from the literature and our 2013 study suggest that despite significant benefits being achieved from the NPARIH investment in new and refurbished housing, remote communities continue to experience high occupancy rates, and housing 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 housing service delivery. At the halfway mark in the 10-year NPARIH 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.

Policies and service delivery models are still developing across many critical areas of service delivery, including 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 both progress and the best approaches for the future. Stakeholders confirmed the value of reviewing the appropriateness, effectiveness and efficiency of service delivery and of reviewing what models of service delivery are most viable in which contexts and what the potential is for engagement with third party providers. The final chapter outlines the program of research that arises from these discussions.

5 NEXT STEPS

This chapter consolidates the analysis so far by identifying the important knowledge gaps within the evidence base and explaining how this will inform the second stage of this research. It identifies the key research questions for this empirical phase of the research and the methods to be used to answer them.

5.1 Evidence base and research gaps

A common thread across jurisdictions in the 2013 study was that the priority for state housing departments 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. Key areas for further research include:

- 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.
- Reviewing tenancy policies in light of experience.
- Identifying the best ways to support tenants in looking after their homes.
- Identifying optimal arrangements for achieving sustainable longer term maintenance and asset management.
- Addressing rent collection and other tenancy management issues.
- Examining how state housing departments can establish and nurture respectful and trusting relationships with communities through participatory decision-making and good communication.
- Strengthening governance arrangements for service delivery both within state governments and the NGO sector. For the NGO sector, building 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 policy vehicles that engage all stakeholders in sharing responsibility and decision-making for improving housing outcomes.
- Building relationships and coordination with other community service agencies (family support, health, justice).
- Increasing local Indigenous employment.
- Identifying options for those communities and dwellings that are currently outside existing NPARIH arrangements.

There is also a need to examine the question of whether communities should be asked to manage their own housing or should at least have more say in determining the housing provider. The findings to date raise issues fundamental to achieving the intended NPARIH goals, which require further research and policy consideration.

This second stage of the study will explore these issues in greater detail and inform future planning by reviewing how different arrangements are working. Many questions remain 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, workforce recruitment and retention and the establishment of an efficient and responsive repairs and maintenance system have to be addressed.

5.2 Key issues

The analysis so far has pointed to the achievements of the NPARIH reforms to date as well as the amount of work that remains to achieve standards of housing service provision in remote Indigenous communities that are comparable to those that exist within the public housing sector. 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 to achieving this goal. Despite differences in how improvements should be achieved and who should control policy directions, informants from all sectors expressed a 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 maintain their commitment to addressing the housing needs of remote Indigenous communities, regardless of the service provision model. It is vital that these debates and decisions are informed by robust and objective evidence on the achievements of NPARIH and what are the possibilities for improving service delivery efficiencies in remote Indigenous communities. A number of considerations were identified in this study as a key to understanding and improving these efficiencies. They include:

- Understanding the costs and cost drivers of managing housing in remote communities.
- Increased understanding of the range of flexible approaches to tenancy and property management and the development of models of service delivery that are viable and sustainable over the long term, as well as being appropriate for particular contexts.
- Increased understanding of the governance mechanisms useful for empowering remote communities and enabling Indigenous organisations to play a larger role in the future of housing provision.
- Engagement with the issue of whether communities should be managing their own housing or at least have more say in determining housing providers.

These considerations inform the second stage of this research, and give rise to the guiding research question and the four subsidiary questions informing the empirical work.

5.3 Research questions and methods

This phase of the research is guided by the following overarching question:

> What are the optimal arrangements for the delivery of tenancy management services to remote Indigenous communities that are cost-effective and provide positive housing and non-housing outcomes for Indigenous communities?

In order to answer this question an integrated two-stage approach will be adopted involving case studies and analysis of administrative data. Case studies in five sites across four jurisdictions will be undertaken to provide empirical evidence and to allow detailed analysis of the appropriateness, effectiveness and the nature of the outcomes being achieved.

5.3.1 Case study sites and data collection methods

A total of five case study sites were selected, covering the jurisdictions of the Northern Territory, Queensland, South Australia and Western Australia. Two sites in WA are included because East Kimberley communities around Kununurra include a mainstream CHP and Fitzroy Valley includes an ICHO provider. Fitzroy Crossing is also a regional centre and priority location under the NPARSD. Cape York communities include FIFO service delivery. Site visits are in progress

to assess their suitability. The final decision on research locations will be made in consultation with state housing authorities and the communities themselves. Criteria for selection were that together, the case studies provided a mix of remote and very remote, provider and service delivery arrangements and types of housing, including new and upgraded housing (see Table 9 below).

Table 9: Site visits and selection criteria

Location	Remoteness	Provider mix	Service approach	Housing
Ngukurr and other Roper Gulf Shire communities, NT	Very remote	SHA, Local Authority	DIDO (SHA), Regional service providers with local presence	New, upgraded, existing
Wujal Wujal and communities near Cooktown in Cape York, Qld	Remote	Direct SHA	DIDO from sub-regional hub; SHA employed local housing officers	New, upgraded, existing
APY Lands communities, SA	Very remote	Direct SHA	Regional office DIDO	New, upgraded, existing
Fitzroy Valley communities, WA	Very remote	SHA, Indigenous community organisation	DIDO (SHA) Regional service providers with local presence	New, upgraded, existing
East Kimberley communities, WA	Very remote	SHA, Mainstream community housing provider		New, upgraded, existing

At each site, semi-structured interviews will be held with six to eight service providers including frontline, policy and operational staff across relevant government and NGO sectors. These personnel will be asked about their understanding of service delivery arrangements. This may include tenancy officers, housing industry providers, or members of housing reference groups and relevant housing support providers. All respondents will be recruited on the basis of their strategic location within their organisation. Interviews will obtain their views on the service model including how contractual arrangements are being managed and services are interacting, its effectiveness for tenants, communities and state governments, which areas are working well and which remain challenging including perceived reasons for this, how services might be improved, how sustainable the arrangements are, and what policy and practice lessons can be obtained from service implementation.

Survey and semi-structured interviews will be held with 30 head tenants and tenants from communities within the case study area with sampling to ensure diversity in variables of gender, age, household size, house condition, length of tenancy, distance from regional centre and community size. The research instruments and recruitment protocols will be developed in consultation with the Indigenous reference group and where possible, will reference other remote tenant surveys (CAT 2012a, 2012b; Allen Consulting 2013) and instruments used in Stage 1 of the research. The survey will obtain demographic information about the tenants, their housing infrastructure and rental payments. A narrative approach will be used to elicit information about tenant satisfaction and experiences with housing services, covering allocations and sign-up, repairs and maintenance, tenant education, support, participation and the impact on housing stability, homelessness, good order, and other outcomes including employment, school attendance, health and community amenities.

Stakeholders, including community members and other government and NGO service providers, will be interviewed in each case study location to identify how the broader community is experiencing the tenancy management reforms, and what improvements and limitations they can identify. These stakeholders include representatives from organisations such as councils and shires, community advisory bodies, tenancy management service providers, property/maintenance service providers and other service providers.

5.3.2 Cost analysis

The cost analysis will combine administrative data analysis with primary data collection from the case study communities. It will identify some of the main cost pressures affecting remote Indigenous communities focusing on direct labour costs, maintenance costs of typical items and rent setting and rent collection models.

The data will be developed in a matrix that assesses both quantitative and qualitative data to determine if the model delivers higher levels of outcomes in a range of high to low costs, or lower level outcomes with high or low costs. We will develop a typology of models for tenancy management, developed through Stage 1, as the basis for comparison. These typologies will be constructed as a matrix of functions (tenancy management activities), providers and modes of delivery. Available financial data will be analysed to identify benchmark costs for each model, most likely at a per dwelling level, with adjustment for specific service delivery contexts including remoteness, size and mix of communities. Quantitative outcomes data will be mapped against identified tenant outcomes.

This modelling and analysis of costs and rent revenue will identify cost drivers in different contexts, such as local versus remote fly-in management. The findings will be used to establish broad themes and provide a summative analysis of what tenancy management arrangements work best in what context, and indications of the costs associated with each approach. The quantitative and qualitative analysis will enable each model to be plotted in a matrix where one axis measures the relative level of housing outcomes, and the other axis measures the relative adjusted cost. This analysis will inform the research conclusions about the models likely to be most cost-effective in specific contexts. The preliminary findings will be presented for discussion and validation with the user group.

5.3.3 Analysis and interpretation

A user group including both policy and Indigenous stakeholders will be convened to ensure study design, methods and research instruments are appropriate, culturally sensitive and policy relevant. The user group will also inform interpretation of tenant and community findings and inform and validate findings.

A policy forum will be held at the end of the study comprising informants from the Department of Social Services, state governments and mainstream and Indigenous CHPs. The forum will review the case study findings, focusing especially on policy and practice implications and how they may be applied to other remote settings.

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