Positioning Paper

Indigenous housing and governance: case studies from remote communities in WA and NT

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CONTENTS

LIST OF ACRONYMS

AACAP	Army ATSIC Community Assistance Program
ACSIP	Aboriginal Communities Strategic Investment Program (AHIU, DHW)
AHB	Aboriginal Housing Board (DHW)
AHIU	Aboriginal Housing & Infrastructure Unit (DHW)
AHIC	Aboriginal Housing & Infrastructure Council (DHW)
AHW	Aboriginal Health Worker
ATSIC	Aboriginal & Torres Strait Islander Commission
CDEP	Community Development Employment Program, ATSIC
CHIP	Community Housing and Infrastructure Program, ATSIC
CLP Aboriginal	Community Layout Plan (ATSIC/DIA/PPK program for town plans in communities)
CSWGIH	Commonwealth State Working Group on Indigenous Housing
DETYA	Department of Education, Training & Youth Affairs
DEWCP	Department of Environment, Water & Catchment Protection, WA
DEWRSB	Department of Employment, Workplace Relations and Small Business
DHW	Department of Housing & Works, WA
DIA	Department of Indigenous Affairs (formerly AAD), Western Australia
EDWA	Education Department of WA
EHNCC	Environmental Health Needs Coordination Committee (WA)
FaCS	Commonwealth Department of Family and Community Services
HDWA	Health Department of WA
HIPP	Housing and Infrastructure Priorities Program
IHANT	Indigenous Housing Authority of NT
IHES	Indigenous Housing & Essential Services Unit (NT)
MSP	Management Support Program (DHW)
NBC	Northern Building Consultants (Broome)
NT	Northern Territory
OAH	Office of Aboriginal Health, HDWA
PBC	Prescribed Body Corporate
RAESP Services)	Remote Area Essential Service Program (i.e. KRSP, GBC, Ngaanyatjarra
RADG	Remote Area Developments Group, Murdoch University
RSP	Regional Service Provider (i.e. ATSIC, DIA, EDWA, DHW)
SAC	State Advisory Committee (ATSIC)
TAFE	Technical and Further Education
WA	Western Australia
WADOT	WA Department of Training
WAMA	WA Municipal Association

EXECUTIVE SUMMARY

Good governance and program integration are necessary for the creation of effective and equitable partnerships between remote indigenous communities and housing service providers so as to deliver successful housing outcomes. This research project occurs at a time of emerging Commonwealth and State policy to improve governance in remote indigenous communities for better housing management.

The project involves two investigations. Firstly, we investigate the perceived and actual differences in the nature of community control, ownership and management of housing and how these contribute to community capacity in indigenous communities. Secondly, we investigate how human service program integration in relation to housing assistance could best be improved to achieve a whole of government approach.

Several case study indigenous communities and regional organisations in Western Australia and the Northern Territory form the basis of the investigations. These two jurisdictions are significant to this research project as new Bilateral Agreements for provision of Indigenous housing and infrastructure were recently signed in each between their governments and the Commonwealth. The funding mechanisms and service delivery models that are continuing to evolve under these agreements are the focus of the research through the case study communities. Case-study selection is made through consultation with all stakeholders and is based upon compatibility between these policy initiatives and community aspirations toward these goals.

This project has an applied focus in that it informs policy formulation while simultaneously working with communities and regional organisations in a practical and constructive manner. A social assessment methodology is employed that offers a very useful process for problem-orientated research. The social assessment process includes the involvement of stakeholders at all levels. The process started with the establishment of the User Group and continued with interviews with the Regional Stakeholders. This process has continued into the fieldwork phase and includes the identification and involvement of informed people at all levels – from regional government to community. A significant feature of the social assessment methodology is that it is an iterative rather than a linear research process, therefore allowing information to be continually updated and verified.

Throughout this process the two primary research questions are expanded into several key "issue" areas. These "issues" are formulated into fieldwork semi-structured questions and thus utilised to gather relevant perspectives, including individuals within the levels of Commonwealth, State, regional, community and outstation governing systems. Key issues of primary interest to the research include the potential form and nature of governance capacity building programs, programs and services which currently benefit indigenous management capacity and indicators for indigenous housing planning that relate to improving the co-ordination of service delivery. Housing assistance is used as a central pillar in which to investigate the idea of program integration.

The Positioning Paper is the first research output from this project. The fieldwork, data analysis and the findings will inform the emerging policy initiatives to develop good governance in remote indigenous communities and improve departmental and program co-ordination. An indigenous perspective will form the baseline for suggestions towards capacity building programs and improved program integration.

1. INTRODUCTION

The Council of Australian Governments (COAG) agreed in 2000 to Aboriginal Reconciliation with practical and improved outcomes for indigenous people. This was to occur firstly, through partnership and shared financial accountability with communities and, secondly, through programme flexibility and coordination between government agencies, in a 'whole of government' approach (Jonas, 2001). Relevant Commonwealth and State Governmental Indigenous Governments strongly support this initiative and wish to direct negotiations towards a regional level of indigenous governance in addition to deepening recent progress in Native Title (ATSIC 1999; Pederson 2002).

Anda *et al.* (2001) note that a critical factor in the sustainability of communities has often been attributed to good governance. In this regard, governance is viewed as the mechanism whereby individuals and communities access, control and allocate resources and technologies, so as to achieve their development objectives. They argue that the health, housing, employment and economic development aspirations of people in indigenous communities are dependant in a large part on their ability to access, control and sustain the resources and technologies that deliver the anticipated benefits.

Community government and administration is one component of governance. As a settlement grows and develops, communities seek to develop structures that can accommodate the increasingly complex and large amount of decision-making, administrative requirements, regulatory responsibilities, and financial management. Often, they are compelled by outside agencies to adopt an externally defined model of governance, usually through incorporation, which may not be responsive to local governance traditions (Palmer, 2001, Anda *et al.*, 2001). Palmer (2001) notes that local governance that meets the needs of a community may involve the interaction of regional agencies, non-government organisations, and volunteer groups in concert with community management, often without governmental administrative support.

Embedded in governance is the concept of rights and responsibilities. Good governance requires people to demand their rights, but also to recognise and honour their responsibilities (Anda, *et al.*, 2001). Adopting an appropriate local and regional system of government and then participating in its recurrent operations is one such responsibility.

Governance is about empowerment, autonomy and self-determination. For a community to control its own affairs it must develop a system of governance that allows for autonomy and self-determination in the local programs of development it seeks to implement (Cornell & Kalt, 1998: Waia, 2002). Local capacity-building, technical training and community development initiatives can be undertaken in partnership with external agents. An appreciation of language and cultural differences of the 'other' is crucial to the establishment of successful relationships within these partnerships (Revell *et al.* 2001, DIA, 2002; Walsh & Mitchell, 2002).

In Australia, new and creative approaches to service delivery, including housing and infrastructure programs, are necessary to improve the quality of life in indigenous communities (Walsh & Mitchell, 2002). Indigenous disadvantage which includes poor public health conditions persists due to a range of complex and inter-related factors (DIA, 2002; FaCS, 2002). Programs have at times been delivered without effective consultation to assess community needs or skills and without sustained commitment to strengthening local and regional level indigenous management within a framework grounded in inter-cultural understanding (DIA, 2002). Indigenous scholar at Queensland University of Technology Lester Thompson (2001: 151) argues "[t]he picture forming is that government is influenced by scant information about Aboriginal living preferences, and is antipathetic by the idea of Aboriginal control over the process." A 'silo' approach has been taken in service delivery, ie. programs being delivered in isolation from the whole.

In addition to good governance, program integration is also considered necessary for the creation of "authentic partnerships" and to deliver successful housing outcomes. 'Building a Better Future: Indigenous Housing to 2010' (FaCS 2002) prioritises co-ordination of services as a major objective of housing policy. This integration is to occur in "a 'whole of government' approach that ensures greater co-ordination of housing and housing related

services linked to improved housing and well-being outcomes" (p2). Better coordination of service delivery was recommended over a decade ago in the 1991 Royal Commission into Aboriginal Deaths in Custody (Johnston, 1991). More recently, this is supported by the Social Justice Report (Jonas, 2001: 2) which states there is a need for "better co-ordination and less duplication of services". The high priority placed on on coordination by FaCS suggests that the synergy that is created by greater program integration is being increasingly recognised by policy makers as a significant factor towards improving the effectiveness of individual programs. Comprehensive agreements, proposed by the Commonwealth, and to be implemented at the regional level aim for a program integration approach (ATSIC, 2002b) These 'priority projects' are currently being determined around the nation (COAG, 2002). A partnership framework between Government agencies and between agencies and indigenous governing institutions is a primary component of these agreements (Pederson, 2002). Capacity building for both indigenous institutions and the public sector has been considered necessary (COAG, 2002; DIA, 2002).

Governance and capacity-building have been key policy foci for some years now of governments in the United States and Canada working with indigenous communities on community development (Cornell and Kalt. 2000; Rodger 2001b)). Only recently has capacity-building for improved governance in indigenous communities become a focus for the Australian government (eg. The Commonwealth Department of Family and Community Services (2000) "Stronger Communities" program). Similarly, capacity-building for improved governance, management and maintenance of housing and infrastructure in indigenous communities is now a key policy focus for the WA and NT governments (eg. Department of Indigenous Affairs 2001, Department of Housing and Works 2000, IHANT, 2001). ATSIC's national housing and infrastructure program managers (eg national engineering firms such as PPK and Ove Arup) are increasingly demanding increased attention to community capacity-building from their project managers through participatory approaches and complementary training programs. This reflects a growing understanding from the engineering sector that manages indigenous housing and infrastructure programs that local capacity is essential for the longer-term sustainability of housing. This corresponds with the findings that a housing *repair* strategy can deliver better longer-term outcomes than the currently predominant *build and abandon* strategy (Spiller Gibbins Swan Pty. Ltd, Joe Flood et al. 2000). This new awareness on the part of governments and program managers needs to be supported with further research that investigates the key success factors that can guide policy making.

This research project occurs at a time of emerging Commonwealth and State policy to improve governance in remote indigenous communities for better housing management. The project involves two investigations. Firstly, we will investigate the perceived and actual differences in the nature of community control, ownership and management of housing and how these contribute to community capacity in indigenous communities. Secondly, we will investigate how human service program integration in relation to housing assistance could best be improved to achieve a whole of government approach. Case-study selection within WA and NT is based upon compatibility between these policy initiatives and community aspirations toward these goals.

The Positioning Paper is the first research output from this project. The following Part Two provides a review of literature and policy on housing and governance in remote indigenous communities, as well as other associated services such as environmental health and planning. Part Three draws together the relationship between good governance, program integration and housing management. Part Four outlines the methodology to be employed in the research process.

1.1 Aims and Objectives

This Positioning Paper provides an overview of the policy issues to be addressed by the project, a review of the related literature and policy environment and details the research methods that will be used in the project. The methods will be applied to the following two research questions:

- What are the perceived and 'actual' differences in the nature of community control, ownership and management of housing and how these contribute to asset management in remote indigenous communities?

- How would human service program integration in relation to housing assistance best be improved to achieve a whole of government approach?

2. WHAT DOES THE LITERATURE SAY ABOUT INDIGENOUS HOUSING & GOVERNANCE?

This Part of the paper aims to provide a comprehensive and up-to date review of the literature and policy environment of relevance to the research questions. Section 2.1 reviews the definitions of key words that are being used within this study: remoteness and homelessness have contested meanings in the policy arena and governance is an emerging area of policy focus. Indigenous perspectives on housing are provided in section 2.2 to provide a context for current policy and to highlight the importance of cross-cultural understanding in this project.. Environmental health, housing design, essential services and town-planning are critical elements of a holistic approach to housing programs. These municipal issues are increasingly a focus of indigenous housing policy, along with governance issues, and they are explained in sections 2.3 and 2.4.

Section 2.5 provides an historical perspective on Indigenous Governance Policy. Current WA and NT housing policies and programs and Indigenous governance programs are reviewed in section 2.6 and 2.7 respectively. Section 2.8 discusses program integration. Lessons from the international experience, particularly from North America's Harvard project, are outlined in section 2.9. Australian policymakers have begun to take a keen interest in these international developments so the more relevant cases are highlighted in this paper. Of direct relevance to the project's investigation are the currently developing WA and NT housing policies and programs that seek to build the capacity of Indigenous governance. Personal communication with key agency staff informs this section of the paper extensively and provides a direction for the fieldwork component of the project. Sections 2.5-2.9 thus serve as the main policy review for this paper.

The review of housing, governance and program integration will be further developed in Part Three where the relationship of policy in these three areas to asset management is discussed.

2.1 Some Definitions

The User Group, established to guide the research and to ensure policy relevance, sought clarification regarding several concepts. Some definitions on these concepts have been included in this section. In some cases there is not a clearly agreed definition and this concept will be explored as part of the research.

2.1.1 Remoteness

The measure of remoteness most frequently used by government is ARIA, the Accessibility/Remoteness Index of Australia. It is a GIS-based (Geographic Information System) classification system and was originally developed for the (then) Department of Health & Aged Care. ARIA uses the road distance between service centres to calculate remoteness. The resulting accessibility or remoteness index has become a standard measure of remoteness and has a broad range of applications. The index consists of five categories namely, highly accessible, accessible, moderately accessible, remote and very remote (Commonwealth Department of Health and Aging 2001a; Commonwealth Department of Health and Aging 2001b).

Critics of ARIA's maintain that remoteness should not only be measured by geographical distance from service centres. It has been argued by Griffith (2000) that policy formulation based on current remoteness indexes disadvantages more remote communities and favours those with more political influence. His alternative to ARIA is the Griffith Service Access Frame (GSAF). This uses a range of criteria such as community size, distance and relative economic resources (Griffiths 2000).

This research project will consider issues surrounding remoteness classifications.

2.1.2 Homelessness

Homelessness, particularly in the indigenous context, is complex and multi-dimensional, and has a multitude of definitions. For example, the Council to Homeless Persons refers to a homeless person as someone who 'is without a conventional home and lacks the

economic and social supports that a home normally affords. She/he is often cut off from the support of relatives and friends, she/he has few independent resources and often has no immediate means and, in some cases, little prospect of self-support' (Department of the Parliamentary Library 2000). On the other hand, in his discussion of homelessness, Neutze (2000:3) defines the homeless as "…people living in improvised dwellings and people living in hostels for the homeless, night shelters, and refuges". Chamberlain (1996) categorises definitions of homelessness into two types, "service delivery definitions", such as Neutze's definition above and "advocacy definitions", typified by the Council to Homeless Persons definition at the start of the paragraph.

It is clear that homelessness means different things to different people but consensus on what constitutes homelessness is important so that policy responses can be formulated and resources targeted effectively. To this end, Chamberlain (2001:35-39) distinguishes between three types of definitions: "literal" (equating homelessness with literally no place to live), "subjectivist" (relying on peoples' perception of homelessness), and "cultural" (homelessness is a culturally-derived concept and can be objectively measured). This latter definition acknowledges that the concept of "homelessness" is culturally biased and should be understood within the context of a particular culture. Nevertheless, it can be objectively measured against the minimum housing standards within a community. Therefore, those living below the accepted minimum standard of housing in a given community can be considered homeless (Department of the Parliamentary Library 2000; Chamberlain and Johnson 2001).

The cultural definition of homelessness, first introduced by Chamberlain and MacKenzie in 1992, appears to be the currently accepted definition and was used to define homelessness in the 1996 census and will be used during this research. Within the "cultural" definition, Chamberlain categorises homeless people into the primary, secondary and tertiary homeless. Primary homelessness includes people without "conventional accommodation", for example those living in cars or on the streets. Secondary homelessness refers to those who move between different types of temporary accommodation such as hostels, friends, relatives and shelters. Tertiary homelessness refers to people living in long-term accommodation without private self-contained facilities and without security of tenure. The tertiary homeless would include those living in single rooms in private boarding houses as this falls below the accepted minimum housing standard in the general community. This three-tiered classification was also used in the 1996 census (Chamberlain 1996).

A recent analysis of homelessness in an unpublished PhD thesis by Anne Coleman, as quoted by Memmott and Fantin (2001), makes a number of valid points regarding the concept of "homelessness". Most 'mainstream' definitions referred to above, presuppose a uniform understanding of the concept of 'home'. In a later section, the very different meanings attached to housing and concepts of house are discussed. This is relevant to a definition of homelessness as most discussions of homelessness appear to be based on the non-indigenous concept of house and home as a physical entity. Indigenous concepts of home seem to include a non-tangible or spiritual aspect.

Coleman points out that previous definitions of homelessness focus on the availability of accommodation. She attributes this to cultural differences as well as to the prevailing consumer 'culture' which has led to the increased commodification of space in urban areas. She argues that a person may apply the concept of "home' to a place or set of places, none of which involve conventional accommodation. This includes a sense of belonging or acceptance in an area. The areas identified as "home' could be public places. She therefore extends the definition of homelessness to include having no control or legitimacy over the places where one lives (Memmott and Fantin 2001).

Memmott and Fantin's study of Indigenous itinerants in Darwin provides an insight into indigenous homelessness. Most participants in the study said that they would prefer formal accommodation but were sceptical about getting it due to high rents and long waiting lists. Difficulties in managing such accommodation were mentioned, such as the likelihood of visits from other itinerants, friends and relatives and the subsequent problems of alcohol consumption, violence, noise and damage to property resulting in eviction and damage debts (Memmott and Fantin 2001).

2.1.3 Governance

Governance concerns "the structures and processes for decision making …(and) is generally understood to encompass stewardship, leadership, direction, control, authority and accountability" (ATSIC, 1999 p22).

 'Governance' includes all of the values and processes of community management in addition to the organisational structures within a community. In this regard managerial competence refers to the totality of management of a community and therefore includes the social order, education levels and access to relevant information in addition to the effectiveness of paid managers (Gerritsen *et al.*, 2000).

Sanders (2002 p8) notes that if "government is thought more as a process than as a structure, then there is no need to categorise organizations as either internal or external to government, or indeed as either internal or external to the Indigenous community". In this regard, Government includes all organizations within the system of ongoing development.

The characteristics of good governance according to the United Nations (1997) include the following:

- Broad participation

- Rule of Law

- Transparency

- Responsiveness

- Consensus orientation

- Equity

- Effectiveness and efficiency

- Accountability

- Strategic vision.

In specific regard to indigenous governance the project will explore the work of Cornell and Kalt in the United States. Their findings point to a number of factors that need to be observed by Native American institutions to ensure good governance. These include:

- Stable institutions and policies

- Fair and effective dispute resolution

- Separation of politics from business management

- A competent bureaucracy

- Cultural 'match' (Cornell & Kalt, 1998).

2.1.4 Capacity building:

In a broad holistic sense, capacity building was defined by Gerritsen *et al.* (2000 p1), as "the totality of Aboriginal communities' social and political organization, as being reflected in the degree of social disruption on the community; and, as being affected by the degree of social disadvantage suffered by Aboriginal communities". The aim of capacity building was considered to be a process of enabling a community to manage the impact of government services.

This paper will employ the definition of ATSIC (2001 p1) that takes capacity building to be "the abilities, skills, understandings, values, relationships, behaviours, organizations, sectors and social systems to carry out functions and achieve their development objectives over time".

2.2   A Historical Perspective on Indigenous Housing

A brief look at the differences between what housing meant to Indigenous people prior to European contact and what it means now provides a necessary perspective from which to view the current housing situation. Indigenous people followed a nomadic lifestyle within a

delimited traditional country. Kin groups who shared custodianship over the land populated this traditional land. These kin groups assembled together at various times for ceremonial purposes or in times of plentiful resources. In times or places of food and resource shortage, which was typical in what are today's "remote areas", small nomadic family groups were the norm (Wigley "A Black Reality" Ross 2000; Neutze 2000).

A nomadic lifestyle does not encourage the accumulation of any but the most necessary possessions. Housing was in the form of a utilitarian shelter, the form of which was adapted to the climate and to the length of stay in an area. The arrangement of shelters was determined by strict cultural rules. People's emotional attachment was to the campsite and environment, 'country', and not to the house itself (Peltharre 2001).

Ross (1987) contrasts the lifestyles and behaviours in traditional Aboriginal camps and those associated with houses designed by non-Aboriginals. Some of the shortcomings of a conventional house that she describes include immobility, lack of flexibility and social isolation. She comments that many Aboriginal people are in a difficult position where "…their traditional types of dwelling no longer suit their physical needs, but the alternatives conflict with many of their social needs" (Ross 1987 p69).

Housing for Indigenous Australians living in remote areas today can be inadequate, overcrowded, poorly maintained and usually does not meet the needs of the inhabitants (Neutze 2000). Ross (2000) comments that Government policies have, to date, focused on "fibro and fixatives" as "'bricks and mortar" are scarce in Indigenous housing" (Ross 2000 p3).

The following section of this paper reviews the current policy emphasis on environmental health and then discusses the emerging focus on governance in housing management and maintenance.

2.3 Environmental Health and Housing Issues

Environmental health and indigenous housing are inextricably linked in Australia. This is mainly due to historical factors that saw inadequate housing as one of the main causes of poor health in indigenous populations. We now know that the causes of poor indigenous health are more complex than ensuring an adequate house. Nevertheless, the legacy of this approach remains today and a significant number of indigenous houses in remote areas are delivered by the "National Environmental Health Strategy" (NAHS).

As Anda (1998, 1999) points out, the health status of Indigenous Australians is recorded to have been very good prior to European settlement. There are accounts in the literature of sound health practices and good environmental health management. This situation changed dramatically in the years after European contact. The settlers brought a range of diseases to which Aboriginal people had no immunity such as smallpox and tuberculosis. This decimated the population so that by the 1930's there were only an estimated 74,000 remaining (National Housing Strategy 1991; Anda 1998).

Currently, there is a wide and widening gulf between the health status of indigenous Australians and others that could be called "one of the biggest public health failures in the developed world" (Ring and Elston 1999). The illness and mortality levels of the indigenous population are approximately three times as bad as the non-indigenous population; this is in direct contrast to the significant improvements in the health of indigenous populations in New Zealand and North America (Ring and Elston 1999).

In Indigenous health, there have been a number of different approaches, which have been referred to as models, over the past few decades. The first was the 'medical' model or a diagnostic health model in which diagnostic methods and statistics were of concern and the aim was to reduce the statistics, be they for hospitalisation or infant mortality (Anda 1998). A change occurred when it was realised that living conditions were partly to blame for the poor health record in indigenous communities. The 'environmental health' model then followed the 'medical' model. This involved a focus on the provision of adequate housing, sanitation and services. Programs such as ATSIC's National Aboriginal Health Strategy (NAHS) were directed towards housing and related infrastructure to improve environmental living conditions.

The success of the 'environmental health' model has been mixed. For example, the delivery of housing was often seen as the problem and houses designed for the non-indigenous public housing sector were constructed for the indigenous population as rapidly as possible. There was little regard for their suitability, particularly in remote areas. In other areas such as the Housing for Health (Pholeros, Rainow *et al.* 1993) activities, now known as the 'Fixing Houses for Better Health' program (FaCS, 2002), research and training have been successful but limited due to the pilot scope of this work. There is also some evidence that European-style housing is less healthy than traditional camps for indigenous lifestyles, given the poor ventilation and drainage (Spiller Gibbins Swan Pty. Ltd, Flood *et al.* 2000).

This critique is also maintained by Thompson (2001) in a review of differing policy approaches to the same town camp issues. Thompson offers, in effect, three competing, and perhaps sequential, models by which policy has been implemented. Firstly, the 'punitive model', where punitive measures are taken against the indigenous community when their response to a service delivery is considered unsatisfactory by mainstream authorities. Such approaches can only be delivered fleetingly by political mavericks. Secondly, the current 'health model', where the attempt to deliver housing to all to conform with mainstream standards and regulations is thwarted by limited budgets and local capacity. Thirdly, the 'living environments model', where through a dialogical approach community needs are understood, negotiated and fulfilled where resources, capacities, budgets and commitment permit. Community initiative, participation and control along with partnerships are critical elements. It appears that the latter is not yet widely acknowledged with only several commentators describing such an approach (eg Memmott, Moran, Ross).

The emerging third model then involves an integration of governance, living environment and community health. As Ring and Elston point out, New Zealand's Maori health service has achieved success by embedding the delivery of health services within a wider array of holistic services including health, education, culture, community/social and economic issues. They managed to reduce Maori death rates by a third in the 1970's. Australia needs a concerted effort to build on the scattered positive initiatives to achieve a similar breakthrough (Ring and Elston 1999). This breakthrough may require a reformulated approach to look at health holistically. It may require increased funding for holistic programs that include local governance, housing and health, where the focus is developing and sustaining living environments, not delivery of houses. International experience has shown that devolution of control to local communities and the rationalisation and integration of services may have the dual benefits of improving indigenous health and ensuring sustainable communities.

Environmental health issues have strongly influenced recent indigenous housing policy formulation in Australia. Accordingly, these issues relate to the second research question on human service program integration in this project. Indigenous health programs have been joined up with housing programs and there is now an emerging trend to somehow link these with governance and capacity-building initiatives.

2.4 Housing Design, Essential Services and Town Planning Issues

The first research question of this project focuses on the perceived and 'actual' differences in the nature of community control, ownership and management of housing and how these contribute to asset management in remote indigenous communities. To adequately understand the context of indigenous housing, the related issues of housing design, essential services and town planning will be discussed.

2.4.1 Housing Design

Housing design seeks to respond to the needs of the inhabitants. It needs to reflect the use of space, which is largely culturally determined. For indigenous Australian families, traditional housing was seen as merely a shelter against the elements and 'living' is what went on around the shelter (Neutze 2000a). Social relationships largely determined the use of space. Fantin (2001) illustrates this in her study of the Yolungu people of northeast Arnhem Land. She discusses the impact of architecture and design on one aspect of social behaviour, that of avoidance behaviour. Avoidance behaviours are a set of behaviours

between kin that are probably best characterised as 'extreme respect'. Fantin identifies eighteen avoidance relationships that have to be observed in everyday interaction (Fantin 2001). This is only one of many types of social behaviours that need to be observed to be a respected community member. The need to observe these behaviours should have had a profound effect on housing design for indigenous people.

Indigenous community households generally have different design needs to the non-indigenous population. Indigenous households are often larger and consist of more than one family sub-group. The cohabitation of family kin groups can be by choice or can also reflect a lack of housing – secondary homelessness according to Chamberlain (2001) and the census definition (Memmott and Moran 2001). Kombumerri comments that, although in 2001 there were only six indigenous architects with tertiary qualifications, there has been much work done on appropriate design for indigenous housing in recent times, including work by indigenous architects. Whereas non-indigenous architects have had some success in interpreting indigenous culture and designing culturally appropriate buildings, promoting indigenous architects and designers is likely to have more consistent success (Kombumerri 2001).

The work of Pholeros, Rainow and Torzillo in Nganampa Health Council et al. (1987) and Pholeros et al. (1991, 1993) has had a profound influence on housing design policy in Australia. This work which began in South Australia during the 1980s was brought to the attention of WA housing authorities in 1995 (Lawrence, 1995). In 1999 their work resulted in the "National framework for the design, construction and maintenance of Indigenous housing" (Commonwealth State and Territory Housing-Ministers' Working Group on Indigenous Housing, Department of Family and Community Services, Aboriginal and Torres Strait Islander Commission, 1999) that included the *National Indigenous Housing Design Guide*. This work is now manifest in the FaCS indigenous housing program 'Fixing Houses for Better Health' being implemented across Australia. For States and Territories to receive indigenous housing assistance funds it is a requirement that their housing authorities observe the *National Indigenous Housing Design Guide* (see section 2.6).

How these activities contribute to asset management in remote indigenous communities and how they can form part of a whole of government approach relate to the research questions of this project.

2.4.2 Essential Services

Essential services in this context refers to power, water and sewerage but can also include solid waste management, roads, infrastructure and other physical services. In Australia, the trend has been for ATSIC to fund such services in remote indigenous communities while State and Territory housing authorities have limited their funding to the house itself. This has usually included onsite wastewater disposal facilities within the lot boundary. With the recent pooling of funds under the Bilateral agreements in WA and NT, AHIU and IHANT respectively will now fund the power, water and sewerage services but this may not necessarily extend to roads and other infrastructure. This project and its research questions are concerned with the links between all of the services as they relate to housing assistance and the associated governance and capacity-building for asset management.

Various standards for essential services have emerged in the different States and Territories over the years to try to address the unique conditions found in remote indigenous communities, eg DIA *et al.*, 2000. Various training programs have also emerged to improve local and regional management and maintenance of these essential services that support housing, eg the Essential Services Operator training program which is in WA is linked to the Remote Area Essential Services Program (RAESP).

2.4.3 Town Planning

Discrete indigenous settlements are not homogeneous and the inter-relationships between regional settlements and their associated services have significant implications for community control, ownership and management of housing. Memmott and Moran (2001) distinguish three types of indigenous settlements:

- Discrete urban settlements and town camps

- Discrete settlements that are separate from other settlements; and

- Outlying discrete settlements (centre such as outstations, homelands and pastoral settlements) depending on another service.

Indigenous settlements in urban areas are usually serviced by the municipal infrastructure of the local government authority or by a shared arrangement between an indigenous community organization and the local authority. These settlements fall outside the scope of this study but are often linked culturally (particularly by family and language) to the outlying discrete settlements.

Memmott's second category of discrete settlements accounts for less than one-third of the indigenous population. Most are small with a population of less than 50 people but a handful in the Northern Territory have a population of over 1000 and are classified as urban centres. The larger settlements generally have a history as a mission or government settlement. As a result, many may consist of several 'communities' and inhabitants may even speak totally different languages. Many, but not all, of these settlements have local government status. Those with local government status are expected to provide the necessary municipal services such as education, housing, the provision of road, health care and other services. These settlements receive variable support from government (Memmott and Moran 2001).

The third category, outstation, or homelands, are generally family-based settlements on traditional land. There is considerable movement of people to and from service centres and, in the case of the outstation movement, to the original settlement. These settlements are often in extremely remote areas of Australia and present unique challenges in service provision. ATSIC has, since the mid-1990's, had a moratorium on funding housing and infrastructure in outstations. Likewise State and Territory housing authorities have typically refused to fund housing on outstations. This provides an opportunity for alternative appropriate technology solutions to housing (Memmott and Moran 2001). Criteria have been developed whereby housing authorities may commence funding housing and infrastructure. For example, in WA once outstations develop into settlements with road access, water supply, airstrip (the expectation being that ATSIC would have funded these) and a permanent population of 50, then State Government supply of services would begin.

The spatial configuration of remote indigenous communities, at the settlement level and the regional, provides the spatial context for indigenous housing.

Town planning has been conspicuous by its absence in many indigenous settlements until recently. Moran (1999) refers to it as one of the most neglected aspects of environmental health. Furthermore, town planning that was done in the past largely consisted of colonial-style town planning models imposed inappropriately. Moran points out that the traditional indigenous settlement patterns are well documented but have generally failed to make the transition into the town-planning arena. He reviews the two most common models for town planning in remote indigenous settlements, 'community townships' and 'outstations'.

The community township layout plan resembles a small rural town of colonial origin and embodies the associated values. For example, a nuclear family wishing to maintain a distance from neighbours. The layouts are often arranged to ensure economies of scale for the provision of services. The outstation layout is almost the opposite of the well-controlled community township. Many outstations developed as an escape from what was probably perceived as over controlled living conditions. The outstations provide a useful indication of the type of layouts people choose given that they are generally self-built. These preferred living patterns are characterised by a camp layout with several separate single-function dwellings such as kitchens, toilets, bathrooms and sleeping areas. The total living area includes the dwellings as well as the area around it. There is also no spatial boundary around each family group nor is there a demarcation between the outstation and the surrounding bush (Moran, 1999).

While the outstation movement, by its very nature, reflects peoples preferred lifestyle, it also has considerable drawbacks such as the lack of access to services such as education and health. Moran (1999) proposed a new model that attempts to incorporate the benefits of the outstation lifestyle while at the same time enabling the efficient delivery of services. His model is more dispersed than the community township model with nodes of extended

family clusters well separated by space and bush. "The proposed settlement plan may be viewed as a settlement of outstations, within the practical limits of town infrastructure". This model has been successfully trialed at several communities.

Integral to any town plan should be community consultation, even more so when the users are a defined group such as would be the case in an indigenous settlement. Town Planning generally occurs with mainly the technical and economic considerations in mind. However, without due regard to the social, many initiatives are unlikely to meet the needs of the inhabitants.

The WA Department of Indigenous Affairs (DIA) and the Aboriginal and Torres Strait Islander Commission (ATSIC) jointly fund a program to prepare community layout plans for Aboriginal communities in Western Australia. A set of guidelines for the preparation of community layout plans has been completed - "Guidelines for Preparation of Community Layout Plans for Western Australian Aboriginal Communities". The guidelines provide background information, an outline of the objectives of the plans and information on the level of detail expected in the plans and report. The objective is to prepare physical layout plans that will provide a means of controlling future development in communities by identifying areas for particular forms of development, and areas precluded from development, taking account of physical and cultural issues. It is particularly important that the layout plans and their function are well understood by the communities, and that the plans have the community endorsement.

The Northern Territory presents a different picture. There are nearly 700 discrete Indigenous communities in the Northern Territory. These communities vary considerably in size and, since becoming self-governing, the Northern Territory has accepted the responsibility of providing services to the larger settlements which number around 35. Smaller communities such as outstations are dependent on Commonwealth support through ATSIC.

IHANT estimates that the housing backlog in the Northern Territory is in the order of 5000 houses, at a projected cost of $820 million. Land use planning is becoming an increasingly significant issue for many communities. IHANT plans to consult with each of the ATSIC Regional Councils in the coming year to discuss this matter (IHANT 2000/2001; IHANT 2001-2002).

This section discussed the housing design, essential services, settlement types and town planning issues of remote indigenous communities. The effective integration of these services into the service delivery mechanisms of new Bilateral Agreements in WA and NT will be addressed in this research project. This integration and how it links to governance and capacity building for asset management are the subject of the projects 2 key research questions.

2.5   An Historical Perspective on Indigenous Governance Policy

Traditionally, the numerous and diverse tribes of indigenous people of Australia co-existed with each other and the land in an integrated manner such that the legal, economic, political, social and spiritual spheres were indistinguishable. Tribes existed as small, inter-related groups who were bound by strong kinship obligations that were strictly observed. Rules of behaviour were codified and tight. Within any one region there was adherence to the same spiritual beliefs and value system (Broome, 2001).

The repressive acts perpetrated against indigenous people during early settlement, followed by policies of assimilation, led to sustained resistance by the indigenous population in an attempt to maintain this traditional system of being. The dominant influences of mainstream society and its widespread ignorance of the indigenous culture continued to deny the existence of an indigenous governance system or sovereign power (Broome, 2001). Aboriginal resistance however, continued to grow in organisational strength and resulted in major policy changes in the late 1960's (McLaughlin, 2001).

The 1967 referendum was a major turning point for indigenous people within the Commonwealth system. This resulted in indigenous people being included in the Census and thus within the Commonwealth's legislation.

McLaughlin (2001) broadly categorises national indigenous policy since 1967 into 4 separate periods:

1967-1972: Separate Development is Utterly Alien.

In 1967 Prime Minister Holt established an Office of Aboriginal Affairs and a Commonwealth Council for Aboriginal Affairs. A Statement of Objectives was announced by Prime Minister McMahon in 1972 that pointed to the need to build capacity, increase economic independence, improve health, housing, education and vocational training. It was envisaged that these objectives would only be transitional until the indigenous populace were integrated into the mainstream.

1972-1990: Self-determination as a Political Strategy

The Whitlam Government came to office in 1972 advancing the principle of self-determination. The Department of Aboriginal Affairs (DAA) was immediately established at the Commonwealth and State levels, with the exception of Queensland. Growth of an indigenous political voice at all levels was encouraged with increased funding. Community based organizations expanded rapidly as a result. The National Aboriginal Consultative Committee (NACC) was established in 1973 to represent indigenous views to Government. This was replaced with the National Aboriginal Conference (NAC) in 1976.

The Fraser Government endorsed the more conservative doctrine of self-management. The Aboriginal Councils and Associations Act was introduced in 1976 to provide an alternative incorporation process. The Aboriginal Lands Rights (Northern Territory) Act was also passed in 1976. This enabled the establishment of Aboriginal Lands Trusts, Aboriginal Lands Councils, the Aboriginal Land Commission and the Aboriginal Benefits Trust Account. The Community Development Employment Projects (CDEP) scheme was initiated in 1977 followed by the Aboriginal Development Commission Act of 1980.

The Labor Government resumed office in 1983. The NAC was dissolved in 1985 which was immediately followed by Lois O'Donoghue's report 'An Aboriginal and Islander Consultative Organization' being circulated for discussion. A major recommendation within the report was the creation of regional bodies from representatives of local Aboriginal communities and service organizations. Hand, Minister for Aboriginal Affairs, and a strong supporter of self-determination tabled a proposal in Parliament titled 'Foundations for the Future' which outlined the establishment of the Aboriginal and Torres Strait Islander Commission (ATSIC). The ATSIC Act was passed in 1990. ATSIC was created to take account of cultural and regional issues at the local level, but also to be present at the national level as representatives of the community. ASTIC has subsequently undergone a number of philosophical changes from political activism to service delivery.

1990 – 1996: Social Justice and Reconciliation

Robert Tickner commenced his term as Minister for Aboriginal Affairs simultaneous with the establishment of ATSIC and was therefore a key figure in setting the direction of the government response to the organization. Both ATSIC and the government agreed upon the establishment of separate political and administrative structures for indigenous specific funding. In 1993, the Native Title Act, established indigenous bodies such as 'prescribed bodies corporate' and 'representative Aboriginal/Torres Islander bodies' (Nettheim 1998).

1996 to date: Practical Reconciliation

John Herron replaced Tickner when the Coalition came to office in 1996. Herron believed in targeted spending so as to improve the basics such as health, housing, education and employment, particularly to those in greatest need. Indigenous leadership has been heavily critical of this approach. In 1998, Herron released a paper titled 'Removing the Welfare Shackles' which he proposed the establishment of Indigenous Business Australia (IBA) to increase opportunities to establish business and increase employment. This was to replace the Aboriginal and Torres Strait Islander Commercial Development Corporation (CDC).

Rowse (2000) notes that the discussion of indigenous governance and self-determination is dominated by the complexities of both internal and external accountability and capacity building that relate to such devolution of power. However, Sanders (2002 p8) notes that if

"government is thought more as a process than as a structure, then there is no need to categorise organizations as either internal or external to government, or indeed as either internal or external to the Indigenous community".

The Council of Australian Governments (COAG) agreed in 2000 to Aboriginal Reconciliation with practical and improved outcomes for indigenous people. This was to occur firstly, through partnership and shared financial accountability with communities and, secondly, through programme flexibility and coordination between government agencies, ie. a 'whole of government' approach (Galante 2001, Social Justice Report 2001). Negotiations towards these objectives are directed at a regional approach (ATSIC, 1999; Pederson, 2002). Local Government, which is "both a key provider of services to indigenous communities and an important entry point into decision-making processes at the local level", will be assigned a major role in this new approach (COAG, 2002).

A Cabinet group has been set up and informally labelled the "Kitchen Cabinet" to initiate pilot projects to achieve comprehensive agreements at the regional level aligned with a 'whole of government' partnership approach. A National Task Force (the Indigenous Communities Coordination Group) has been established which will determine, with State and Territory Governments, which 10 regions will be nominated for pilot projects (Pederson 2002).

2.6   Current Housing Policies and Programs in WA and NT

Responsibility for housing in general and indigenous housing in particular is diffused between various State and Commonwealth Departments' housing programs. Significant to this study, the integration of these programs has commenced in both WA and NT in recent years through Bilateral Agreements between these two jurisdictions and the Commonwealth. These arrangements as they relate to indigenous housing assistance are summarised below.

2.6.1 The Commonwealth Government

Within the Commonwealth Government, the responsibility for indigenous housing is shared between so-called mainstream public housing and indigenous-specific housing programs. The indigenous-specific programs refer to three ATSIC programs and the Aboriginal Rental Housing Program (ARHP), which is an element of the CSHA. These are discussed in turn.

2.6.2 Commonwealth–State Housing Agreements (CSHA)

Under the *Housing Assistance Act 1996,* the Commonwealth Government has formulated agreements with all State and Territory Governments. These Commonwealth–State Housing Agreements (CSHA's) provide a strategic direction and a budget for housing and housing assistance, mainly for public housing. They are the main vehicle for funding indigenous housing.

The Multilateral Agreement sets out the content of the Bilateral Agreements. The Bilateral Agreement is performance-orientated and requires each state to project the level and nature of housing need, the socio-economic environment and its funding resources. On the basis of this information, each State formulates a strategic response to their particular situation. This must include "…outcomes to be achieved, and performance measures for these outcomes, including outputs and targets" as well as arrangements for community consultation" (Department of Family and Community Services 1999).

The Commonwealth-State Bilateral Agreement's provide for improved housing outcomes for Aboriginal people, and establish Indigenous Specific Housing Agreements between the Commonwealth Government, State Government and ATSIC for the planning, coordination and management of Indigenous housing. Although not signed in all States and Territories, the two areas that are the focus of this paper, namely Western Australia and the Northern Territory, both have Indigenous Specific Housing Agreements. In fact, the Northern Territory was the first to sign an agreement in 1995 and its effectiveness has already been reviewed (Dodd, 1999). Ministers responsible for the State and Commonwealth and the ATSIC Chairperson, signed the current "Agreement for the Provision and Management of Housing and Related Infrastructure for Indigenous People" for the Northern Territory and Western Australia in July 2002.

It is through IHANT in NT and AHIU (DHW) in WA that the agreed funds under the Bilateral Agreements are pooled. In addition to the core housing programs these organisations are also increasingly developing governance and capacity-building programs to sustain their housing stock.

2.6.3 The Commonwealth Department of Family and Community Services (FaCS)

FaCS is responsible for a broad range of social policy issues that affect Australians, including housing policy. FaCS currently focuses on three key social policy outcomes, namely Stronger Families, Stronger Communities and Economic and Social Participation.

An integral part of the Stronger Communities program is Housing Support. The Housing Support Branch helps to support and strengthen communities. They achieve this by assisting eligible people to access appropriate and affordable housing and by supporting people in the transition from homelessness.

Arising from the Stronger Communities program, the Indigenous Policy Unit of FaCS, which is based in Darwin, NT, provides policy formulation, support and monitoring for the States.

In 1999, a National Framework for the Design, Construction and Maintenance of Indigenous Housing was prepared by the Commonwealth, State and Territory Housing Ministers' Working Group on Indigenous Housing. The National Indigenous Housing Guide was produced as part of the National Framework and embeds the national principles of safety, health, quality control and sustainability as contributing factors to improved housing outcomes for Indigenous people (Commonwealth State and Territory Housing-Ministers' Working Group on Indigenous Housing *et al.* (1999), Carpenter, 2003).

FaCS administers the new 4-year Commonwealth funded project Fixing Houses for Better Health 2 (FHBH2). The FHBH2 project builds on the success of the previous program operated by ATSIC and will assess and fix approximately 1500 houses in Indigenous communities across Australia over three years. A qualitative assessment will be conducted during the project.

In addition, on behalf of the Commonwealth-State Working Group on Indigenous Housing, FaCS commissioned a national study to identify asset management 'best practice' in indigenous communities. The resulting comprehensive study reviewed asset management practices and distilled recommendations to improve national asset management practices. The report is entitled "Identification of Strategic Asset Management Best Practice for Indigenous Housing Organizations" (Spiller Gibbins Swan Pty. Ltd, Joe Flood et al. 2000).

A video called "My Place, Your Place", based on best practice asset management in communities, has been developed by the Centre for Appropriate Technology (CAT) for FaCS to make the report more accessible. It is intended to be workshopped with communities and has an accompanying booklet to assist in this process (enHealth Council 2001).

2.6.4 Aboriginal & Torres Strait Islander Commission (ATSIC)

The Aboriginal & Torres Strait Islander Commission (ATSIC) has three indigenous-specific housing programs, namely: The Home Ownership Program; The Community Housing and Infrastructure Program (CHIP); and Housing for Health. It is the latter 2 programs that are of interest to this research project.

The **Community Housing and Infrastructure Program (CHIP)** is responsible for infrastructure (water, sewerage, electricity, roads) and the procurement and maintenance of housing in indigenous communities. The CHIP has several sub-programs including community housing (funded through Regional Council budgets), the National Aboriginal Health Strategy (NAHS) and the ATSIC Army Community Assistance Program (AACAP) (Commonwealth Grants Commission 2001).

There are five CHIP elements;

- **Housing** which provides for the capital construction, purchase and upgrade of rental housing as well as recurrent funding for Indigenous housing organisations where the rental income does not cover the administration and maintenance costs;

- **Infrastructure** which provides capital funding for essential services such as water, roads, sewerage, power, etc. to rural and remote;

- **Municipal services** which provides recurrent funding is provided for maintenance of infrastructure in remote areas;

- **Program support** which provides funding for initiatives that cannot be linked to a single community such as surveys, planning and technology research and design; and

- The **National Aboriginal Health Strategy** (NAHS) which provides capital funding for housing and related infrastructure (power, water, sewerage, drainage and dust control) to improve environmental living conditions, generally to rural and remote Aboriginal and Torres Strait Islander communities. To ensure that the highest need communities are funded, projects need to meet stringent eligibility criteria and a rigorous assessment of priorities including Health Impact Statements. NAHS is administered on a State-wide basis by external program managers who have construction management and engineering expertise (ATSIC 2002). The same priority listing of areas of need are used to allocate the personnel and equipment provided by the Army under the ATSIC Army Community Assistance Program (AACAP) (ShelterWA 2001). Although NAHS is generally viewed as separate to CHIP, it falls within the CHIP budget as one of the five elements. As the program is considerably underfunded, many communities who are in need of assistance do not become part of the program.

The **Housing for Health** initiative started in 1986 as an attempt to improve the living conditions of indigenous people to improve their living environment (Nganampa *et al.*, 1987;Pholeros *et al.*, 1993). At that time there was a commonly held belief that the failure of housing–related infrastructure was the fault of the users. Evidence was mounting that this was simply not true. The real reason for the failure of the infrastructure was the use of substandard materials or incorrect installation. The Housing for Health program was initially a practical research program focused on assessing and repairing the health hardware in communities. Its success is demonstrated by the fact that it was adopted and funded by ATSIC and became a mainstream program. ATSIC contracted Healthabitat to assess and fix 1000 houses nationally. This "Fixing Houses for Better Health" (FHBH) project commenced in 2000/1 and by April 2002 had improved the living environment in almost 800 houses in 21 communities and 4 States in suburban, rural and remote localities. Interestingly, over 9000 items of health hardware were repaired and less than 200 repairs were necessitated by overuse, misuse or vandalism (Pholeros *et al.* 1993; Pholeros 2002).

In 1999, ATSIC released its National Homelands Policy. "Homelands" is a word used to refer to the various types of small family-based living areas known as 'homelands', 'outstations' and community living areas. Prior to the formulation of this policy, ATSIC placed a moratorium on the unplanned and unregulated proliferation of outstations. Under the National Homelands Policy, decisions on new outstations will be made by ATSIC Regional Councils based on their regional homelands plans, developed in accordance with national guidelines. The policy requires a potential outstation development to ensure that they have, for example, secure land tenure and access to clean water. The Regional Councils then have to identify and prioritise all housing and infrastructure needs in their region, including the need for new Outstations (Commonwealth Grants Commission 2001; ATSIC 2002).

In addition, ATSIC is implementing actions aligned to the "Ten Year Statement of New Directions for Indigenous Housing" and the "Statement of Commitment" and is developing a "Framework for Comprehensive Regional Agreements/Economic Sustainability" as a means of implementing complimentary projects. Ten priority projects are currently being identified by an intergovernment National Taskforce and in Western Australia the Tjurabalan Comprehensive Regional Agreement may be included (Pederson, 2002; ATSIC, 2002b). These projects will assist the Commonwealth in developing new policy which will include a focus on governance and capacity-building (COAG, 2002).

2.6.5 Government of Western Australia

The following WA organizations share a responsibility for indigenous housing and they will be discussed in turn:

- Department of Community Development (DCD)

- Department of Housing and Works (DHW)

- Department of Indigenous Affairs (DIA)

2.6.6 Department of Community Development

The Department of Community Development came into being in 2001. It's vision is to improve the social well-being for all in Western Australia and it undertakes to enhance "Aboriginal and Torres Strait Islander priorities". They are responsible for the development and coordination of strategies related to indigenous Australians. The Corporate Strategy and Organisational Structure approved early in 2002, provides for the establishment of a new Directorate of Aboriginal and Torres Strait Islander Strategy and Coordination (Department of Community Development 2002).

2.6.7 Department of Housing and Works

The arrangements for Indigenous housing and infrastructure programs within the DHW are currently undergoing significant change. An agreement has been reached between the Commonwealth Government, the State Government and ATSIC which establishes the framework for the future pooling of ATSIC, State and Commonwealth funds, with program management responsibility to be transferred over a three year period to the Aboriginal Housing and Infrastructure Unit (AHIU) within the DHW (Horrocks 2002, Horrocks 2003).

Coinciding with this change the Aboriginal Housing Board within the DHW, which has overseen DHW Indigenous housing programs since 1978, has been disbanded and will be replaced by the Aboriginal Housing & Infrastructure Council (AHIC). The new Council is currently being formed and will comprise four ATSIC representatives, Executive Director AHIU, two State Government representatives and a part-time salaried Chairperson (Horrocks 2002, Horrocks 2003).

The intention of the Agreement is to ensure more integrated and coordinated service delivery. The major principles of the Agreement, to be reflected in all policy development and implementation strategies are:

- A commitment to making a real difference in housing and environmental health outcomes;

- Promotion of strong and equitable relationships;

- Promotion of economic, employment and training opportunities;

- Commitment to needs based planning; and

- Commitment to best practice.

Under the terms of the Agreement the AHIU is required to assist ATSIC Regional Councils to develop 5 year rolling Regional Housing and Infrastructure Plans to determine program funding priorities. These Plans will need to be endorsed by the new AHIC (Horrocks 2002, Horrocks 2003).

Program arrangements within the DHW currently reflect the principles of the Agreement, with the major components being:

- Ensuring Indigenous communities have access to essential service infrastructure (water, waste water and power)

- Ensuring appropriate essential service infrastructure is well maintained and serviced

- Improving community infrastructure such as roads, drainage, community recreational and administrative facilities

- Normalisation or regularisation of essential infrastructure and municipal services (eg. rubbish collection) in Town Reserve Communities

- Provision of new housing to meet urgent housing needs

- Upgrading, renovation and ongoing maintenance of existing housing

- Community governance initiatives, including management support training, funding of housing officers, and the development of community administrative & IS systems etc.

- Provision of employment, apprenticeship and training opportunities in areas such as housing construction and maintenance, and technical aspects of essential service maintenance and repair.

- Ensuring that Indigenous people and communities are closely involved in all aspects of planning and development of initiatives and programs that effect their lives and have maximum opportunities to gain work and management contracts.

- Ensure that Indigenous people and communities have maximum decision making opportunities in relation to the planning and development of programs and initiatives that effect their lives (Horrocks 2002, Horrocks 2003).

The **Aboriginal Housing & Infrastructure Council** (AHIC) oversees the development and implementation of policy and programs within the Department of Housing and Works. A new Council is currently being formed which will comprise 4 ATSIC representatives, Executive Director AHIU, 2 State Government representatives and a part-time salaried Chairperson (Horrocks 2002, Horrocks 2003).

The specific programs currently administered by the AHIU which deliver these components to remote communities and are the focus of this study include:

Community Construction Program (CCP). This provides for the construction and maintenance of housing in Indigenous communities and Town Reserves. The program is targeted to areas of demonstrated need. It funds the design, tender, and construction of new housing as well as selective maintenance in discrete Indigenous communities unable to access other housing assistance. Communities play a major role in the design and siting of the house and there are also training and employment opportunities for community members associated with the program's activities. Typical capital works programs have provided for around 50 new dwellings annually (Department of Housing and Works 2001).

Remote Areas Essential Services Program (RAESP). This is implemented in conjunction with ATSIC in WA under a joint contracted management arrangement. It provides an infrastructure repair and maintenance service for power, water and wastewater infrastructure in remote communities. It operates in 81 remote Indigenous communities in Western Australia (with another community to be added in 2002/03) and regional RAESP service providers rotate visits to these communities every 6-8 weeks. They also provide an emergency call out service for breakdowns in water, power and wastewater services. In addition, RAESP provides training and employment to community-based essential service operators. Regular water testing (for impurities) is also funded under the RAESP as part of its environmental health focus (Department of Housing and Works 2001, Carpenter 2003a).

RAESP also has an important employment and training objective. Fully accredited training programs and employment initiatives, utilising the TAFE networks in regional WA, are provided in RAESP communities in order to provide for longer term employment opportunities. The training revolves around technical management, maintenance and repair of essential service infrastructure. The program is being expanded in 2002/03 to include plumbing and electrical apprenticeships (Department of Housing and Works 2001, Carpenter 2003a).

Aboriginal Communities Strategic Investment Program (ACSIP). ACSIP is an integrated program targeting specific larger communities to provide a full range of housing and infrastructure services under a single program banner. It was established as a pilot program in 1996 focusing on two larger communities (Jigalong in the East Pilbara and Oombulgurri in the East Kimberley) to try to take a holistic approach to the improvement of health, living standards and quality of life of people in remote communities. For example, as a pilot settlement, Jigalong benefited from an upgraded community store and bakery, the construction of new homes, community drainage works, new camping facilities, office renovations, an upgrade of the airstrip and roads, and dust abatement due to roads being sealed. The benefits have been considerable but the program has been refined after a review to focus on:

- Increasing the involvement of local government in the delivery of municipal services;

- Improving community management and administration;

- Normalisation of the delivery of power, water and sewerage services and

- Contributing to improved environmental and individual health outcomes through sealing of internal community roads, establishment of greening and reticulation projects and construction of recreational facilities, including swimming pools (Horrocks 2002).

Fourteen larger communities are currently benefiting from ACSIP funding (De Luca, 2003).

Town Reserves Regularisation Program (TRRP). The objective of the TRRP is to transfer the responsibility for essential and municipal service infrastructure to the relevant utility or local authority. The program involves the development of community layout plans (with the aim of integrating these into local town planning schemes), the creation of easements and the upgrading of capital infrastructure to a standard acceptable to the relevant local authority or utility, including individual metering and account management arrangements, upgrade of roads and drainage, power, water and waste water services. Improved street lighting, communal facilities and environmental cleanups can also be funded under the program (Urbis Keys Young 2002).

Management Support Program (MSP). The MSP provides Indigenous communities with maintenance and housing management assistance to manage their ongoing housing and infrastructure needs and to carry out necessary repairs and maintenance. The MSP assists in identifying the work needed and implementing a works program. The community are fully involved in all phases of the program and qualified tradesmen provide on the job training to community members so they are skilled to carry out the work themselves. In addition, communities receive management training in the preparation of a housing management plan which addresses the management of issues ranging from rent collection and tenancy agreements to account keeping, payment of wages, correspondence, banking requirements and ongoing arrangements for repairs and maintenance. There is a renewed emphasis on supporting effective housing management in the current program. Thirty communities are currently benefiting from the MSP support, although a further thirteen communities are being provided with housing management support through a related program (Management Incentive Program) (Ellender 2002).

The AHIU also runs a number of **Aboriginal Housing Forums** throughout WA to assist with program and policy development and act as a forum for communication (Ellender 2002).

2.6.8   Department of Indigenous Affairs (DIA)

DIA is responsible for the portfolios of land, heritage and social justice. The Department manages the **Aboriginal Lands Trust** (ALT) which oversees about 12 per cent of the land area of Western Australia, made up of 250 Aboriginal reserves, six pastoral leases, 10 general leases and 59 blocks of freehold land (Department of Indigenous Affairs 2000).

DIA also supports the **Environmental Health Needs Coordinating Committee** (EHNCC), a government body focussed on the sub-standard environmental health conditions in many of Western Australia's indigenous communities. It consists of 6 State, Commonwealth and Local Government agencies. In 2000 they produced a guideline document entitled "Code of Practice for Housing and Environmental Infrastructure Development in Aboriginal Communities in Western Australia" (Department of Indigenous Affairs 2000; Ove Arup and Partners, Smith and Hooke Architects et al. 2000)

The DIA has developed and administers with ATSIC, the WA Department of Planning & Infrastructure and local authorities the **Community Layout Planning Program** with PPK as Program Manager (Carpenter, 2003).

2.6.9   Current Policy Development in WA

The CSHA Bilateral Agreement for housing and infrastructure was signed-off by the State, Commonwealth and ATSIC in July 2002. The new arrangement is based on the channelling or pooling of State, Commonwealth and ATSIC housing and infrastructure funds into a single agreement. The Agreement suggests a staged implementation with

significant opportunities to incorporate the initiatives currently being evolved by Government. By 2004/2005 it is intended that all ATSIC, Commonwealth and State funds will be pooled for apportioning by AHIC. Until then some program funding remains committed under contract. Under the new Agreement it is a requirement of each ATSIC Regional Council to develop and submit a Regional Housing and Infrastructure Plan (RHIP) each year to the AHIC which outlines their funding needs. The AHIC will then decide on the statewide distribution of that year's funds using a multi-measure funding formula which is being developed for DHW by a consultant. (Horrocks 2003).

Other developments in WA policy that relate to indigenous housing are discussed in Section 2.7.

2.7 Northern Territory Government

2.7.1 Indigenous Housing Authority of the Northern Territory (IHANT)

In the past there were two separate streams of housing provision for Indigenous communities in the Northern Territory. ATSIC and the Territory Housing Department shared responsibility for indigenous housing. In 1996-97 this situation changed as a result of a Bilateral Agreement with the Commonwealth. A new organization known as the Indigenous Housing Authority of the Northern Territory (IHANT) was created. IHANT now oversees the allocation of Indigenous housing funds from both Commonwealth and Territory sources (Urbis Keys Young 2002). However, ATSIC still manages the NAHS program as a separate stream.

As far as government structure is concerned, IHANTs position is quite complex although a recent government restructuring reduced the number of bodies involved in indigenous housing. It is located within Territory Housing, which in turn, forms part of Department of Community Development, Sport and Cultural Affairs. Territory Housing itself consists of a number of departments including the recently formed Indigenous Housing and Essential Services Unit (IHES). IHES is a new structure that is responsible for activities performed by previous departments in Territory Housing and the Department of Local Government. These superseded bodies were the Indigenous Housing Branch (Territory Housing); the Land Use Planning Branch (Territory Housing); and the IHANT Program Co-ordination Unit (Department of Local Government). IHES provides the overall management of the IHANT program as well as providing a joint secretariat service with ATSIC. In addition, they offer policy advice on Indigenous housing and services, and are responsible for land use planning and land servicing design for the IHANT program. (Local Government Focus 2001; Territory Housing 2001; Territory Housing 2002).

The review of the four years pre- IHANT and the four years post-IHANT indicate a significant improvement in efficiency and in results, despite no significant increase in funds (enHealth Council 2001). The review of the first bilateral agreement occurred in February 1999 (Dodd, 1999). The major issue for concern was the separate delivery of the NAHS program. The review recommended that, although the existing arrangements should continue, there should be enhanced consultations between the parties (Commonwealth Grants Commission 2001).

2.7.2 Current Policy and Program Development in NT

When IHANT was established, a system for the distribution of IHANT funds between the seven ATSIC regions was established. This distribution of funds for capital works is based on a 'needs measurement model'. Each ATSIC Regional Council makes recommendations to the IHANT Board about the funding of specific projects. The IHANT Board is made up of the nine elected Regional Council Chairpersons, 1 ATSIC administrative officer, 1 FaCS officer and 6-7 NT Government officers. It is estimated that IHANT has provided capital works to around half of the Territory's Indigenous Communities (Urbis Keys Young 2002).

IHANT is also involved in the maintenance of Indigenous housing. In terms of their Indigenous Housing Maintenance Support Program, $1,700 per dwelling per annum is paid to all Indigenous communities that satisfy certain housing management guidelines. This payment is to fund ongoing maintenance and minor repairs. In addition, the CDEP is collaborating in building local skills and the extent of locally managed housing maintenance and repair work is increasing (Urbis Keys Young 2002).

NAHS funding in the Northern Territory is largely (over 50%) spent on housing to address severe overcrowding problems. NAHS funds are also used to provide essential services such as water and energy. As is the case in Western Australia, the capital works priorities are based on Health Impact Assessments. The establishment of priorities is coordinated with the Territory Health Services who play an advisory and support role (Urbis Keys Young 2002).

2.8 Current Indigenous Governance Programs in WA and NT

2.8.1 Current Indigenous Governance Programs in WA

Indigenous policy in WA has become increasingly focused on good governance, both at the community and Government level, and how this may best be achieved from the policy-making framework. Capacity-building and program co-ordination have became key concepts within this focus. (Gerritsen, *et al.* 2000). This is evident within the followings reports and proposals discussed in this section.

Gerritsen *et al.* (2000) investigated the state of governance capacity in 3 WA communities and the potential for its strengthening. Their report provides an important account of the issues that need to be overcome in building community capacity to manage human services and physical infrastructure in addition to improving the government-community relationship. Community governance and the ability of communities to subsequently manage their own affairs is considered to be a significant factor. A pilot project at Wirrimanu (Balgo) to be initiated by a Government Coordinating Committee, with a nominated lead agency was a major recommendation of the report. The establishment of two sub-committees, an infrastructure delivery and a social service delivery sub-committee was also recommended.

A Project Plan was subsequently developed for a Balgo (Wirrimanu) Capacity Building Project in May 2001. Key outcome areas were determined in consultation with the community and were outlined in an implementation schedule that included the building of community governing capacity, a Community Development program and a framework that sets out the principles and commitments of Commonwealth, State and Local government, the Wirrimanu Council and NGOs. It was proposed that the project would run in conjunction with the Department of Housing's ACSIP and ATSIC's National Aboriginal Health Strategy (NAHS). This project has currently been suspended in light of the nomination of Tjurabalan as a "priority project" for a proposed Comprehensive Agreement structure (Galante 2001).

The Tjurabalan area includes the communities of Balgo, Billiluna, Mulan, Ringers Soak and Yagga Yagga. Native Title in this area was recognised in September of 2001. Consequently, Tjurabalan was nominated as a "priority project" by the State Government as a pilot case for the regional/whole of government approach discussed in Section 2.5. The project is to be based upon a tripartite partnership between the State Government, ATSIC and the people of the Tjurabulan region. At the inaugural meeting of the Indigenous Affairs Advisory Committee (IAAC) a Working Group (DIA Chair, ATSIC, Department of Premier and Cabinet and the Kimberley Land Council) was established to pursue a negotiated comprehensive agreement for the Tjurabalan area. This agreement is based upon the development of a social and economic strategy for this region. The Kimberley Land Council (funded jointly by the Commonwealth Department of Family and Community Services and the DIA) is developing a capacity building program to improve the partnership capabilities of the Tjurabalan communities within the scope of the project (Pederson 2002).

Similarly a partnership approach to indigenous development was outlined in *The Statement of Commitment to a New and Just Relationship between the Government of Western Australia and Aboriginal Western Australians* of October 2001. The purpose of the statement is to facilitate the development of principles and processes within a Statewide framework of negotiations and agreements at the local and regional levels. A new approach to indigenous policy and administration based on regional agreements is a shared objective. A commitment to improved governance, capacity building and independence is included as a primary principle. The Partnership Framework will address:

- A whole of Government/community approach based on negotiated policy benchmarks and targets;

- Regional negotiated agreements incorporating integrated planning involving ATSIC, community organizations and State and local government;

- Agreed processes for audit and evaluation of negotiations and outcomes;

- Reform of government and Aboriginal organisational infrastructure where required to ensure the implementation of the partnership agreement (Pearson 2002)

A paper was recently prepared by ATSIC, DIA and Indigenous Participants in the Department of Local Government and Regional Development (DLGRD) to contribute an indigenous perspective to the development of the WA Leadership Plan. Recommendations for the Leadership Plan that are outlined in this paper pertain to a practical recognition of indigenous culture and appropriate support for the diversity of indigenous leaders.

Increased indigenous involvement in the operation of Local Government has increasingly become an aim of indigenous affairs and policy. Gerritsen *et al.* (2000) discuss a number of issues that require attention in this regard. These include the status of land ownership and title including native title; the structures and representative systems of Local government that may best approximate Aboriginal preferences: and agreements about the basis for and amount of payments by Aboriginal communities relevant to their involvement in Local government. The lessons of the NT will most certainly offer experience for WA.

Kinnane (2002) has developed a discussion paper *Beyond the Boundaries: Exploring Indigenous Sustainability Issues Within a Regional Focus* for the DPC State Sustainability Strategy. The primary focus of this strategy is how best to achieve sustainability within indigenous communities, according to a relevant indigenous perspective. As this is place-dependent, Kinnane suggests the implementation of regional sustainability strategies, which aim to define sustainability principles on a negotiated basis in addition to facilitating the 'invigoration' of regional governance structures within a 'long-term community development process'. Funding to indigenous communities through the Aboriginal Country Ranger Program is the suggested mechanism. The Strategy is aligned to the long-term regional agreement framework being developed by the State and ATSIC. Kinnane argues that the implementation of regional sustainability strategies will better place indigenous communities to partner 'whole of government' within the Comprehensive Agreement process.

2.8.2 Current Indigenous Governance Programs in the NT

In February of 1999, the NT Minister for Local Government announced the need for local government to take the Next Step. This would involve a streamlining of the current system, reducing the total number of local authorities to better achieve economies of scale. Many of these local authorities have predominantly indigenous populations, particularly in the more remote areas. Not surprisingly this reform process has resulted in much discussion and debate regarding the most appropriate means of enabling compatibility between indigenous and western systems of governance (Coles, 1999).

Coles (1999) provides a significant contribution to this debate. He discusses two models that both involve a regional body. These models are as follows:

Option A: Federated Bicameral System

This would consist of:

- A council comprising two houses or chambers in which the first chamber would deal with land and culture and the second with matters relating to service delivery and community representation. The first chamber would be appointed through a traditional process and be representatives of the clans and land owning groups in the council area. Members of the second chamber would be elected by a democratic process.

- Wards of councils that represent the interests of people living in a particular area or groups which have the delegated power to make decisions in identified areas and are funded by tied grants to the Territory.

<u>Option B: Combined Council</u>

This option would be for a group of councils, for example homeland centres, in which traditional decision making was already incorporated and would be based upon a constitution that establishes a formal agreement that might:

- Identify the areas in which it is agreed that powers will be 'delegated' upwards to a combined council body;

- Provide funding to the combined council body; and

- Establish a common administration (Coles 1999).

Westbury and Sanders (2000) are critical of radically altering institutions once again, a constant feature of indigenous community affairs. They believe bi-cameralism already exists in a number of parallel organisational structures and that any attempt at reform will be seen as a move by the NT Government to gain further control of traditional structures. Their paper discusses the major lessons of indigenous self-governing structures and service delivery in the Northern Territory over the past 30 years and provides recommendations of relevance to this paper. In brief:

- Collaborative arrangements between the NT Government and indigenous interests over governance and service delivery need to be encouraged to overcome historical tensions between the two. This firstly requires the strengthening of such relationships between indigenous organizations in order to secure more control over service delivery.

- The development of a *regionally dispersed governance* model, as proposed by Rowse (1992) should be initiated. This involves regional *function specific* service agencies working collaboratively with each other and with local community organizations (Rowse 1992).

- Criteria with which to measure internal accountability needs to be developed.

- A comparative investigation into the performance of indigenous self-governing structures should be instigated.

- Recognition of the chronic inequities that have persisted in mainstream funding to remote indigenous communities to be highlighted.

- Outsourcing, user pays/purchaser provider and best-value models offer an opportunity for communities to gain control over services. This requires strategic negotiation and appropriate regional structures to be in place to support efficient and effective service delivery.

- The negotiation of Regional Service Delivery Agreements provides a potential to establish processes for the institutional co-ordination of service delivery at all levels and to link local to regional structures. This negotiation needs to occur at an incremental pace rather than radical alteration.

- Indigenous organization incorporation under the Commonwealth or Northern Territory legislation should be comparatively assessed (Westbury and Sanders 2000).

Regional agreements and associated Framework Agreements have certainly become a focus of the Northern Territory Government and indigenous government departments over recent years (COAG, 2002). The further development of ATSIC's Miwatj Regional Council is an example of this focus (Jonas, 2001). There is likely to be a number of lessons that can be drawn from the Northern Territory experience that will be of relevance for future directions in other states.

2.9   Program Integration

A plethora of indigenous governance institutions and related legislation currently exists at the community, regional, State and National levels. Such present day institutions include the ATSIC Regional Councils, Land Councils, Native Title Representative Bodies, Native Title Bodies Corporate, Local Governments, Community Councils and other incorporated associations. This is matched by an equal number of government and non-government

agencies and organizations, both indigenous and non-indigenous, providing services, housing and infrastructure to indigenous communities.

These numbers present an organisational maze of complexity that amplifies confusion and diminishes the opportunities for effective and efficient co-ordination within and between the systems of governance at any level. Such fragmentation is a major obstacle to a sustainable process of development at the community level. Developing capacity to look upwards through this maze is a very difficult task.

Program integration is a key component of the implementation of *An Agreement for the provision of Housing and Infrastructure for Aboriginal and Torres Strait Islander People in Western Australia July 2002-June 2007*. This agreement aims to implement the major recommendation of the review of the 1997 Bilateral Agreement: to improve co-ordination, planning and delivery of housing and infrastructure services. As a result the framework within the agreement is based upon pooled funding and improved co-ordination of service delivery at all levels. The maximisation of the outcomes of planning and delivery is to occur through 'linked programs' which are "programs linked to housing and include but are not limited to any program operated or delivered by the Commonwealth, ATSIC or State which is agreed from time to time by the Parties to be a Linked Program." Service delivery within Linked Programs may include:

- Community health care;
- Environmental health management support;
- Augmentation and capital replacement (depreciation) of headworks;
- Construction, upgrading and maintenance of transport services;
- CDEP;
- Home ownership programs;
- Training and employment;
- Education;
- Mainstream housing assistance;
- Law and order;
- Land tenure; and
- Native title issues.

In the northern Territory a recent review of IHANT has resulted in regionalisation of 'centre and top-end divisions' that according to Westbury and Sanders (2000) has resulted in a more collaborative approach to service delivery.

The 1999 review of the Northern Territory bilateral identified the separate delivery of the NAHS program as a major issue of concern. The review recommended that, although the existing arrangements should continue, there should be enhanced consultations between the parties (Commonwealth Grants Commission, 2001). In contrast, it is proposed that NAHS funding is pooled by 2004/5 when existing contracts expire in WA under the new Bilateral Agreement.

Westbury and Sanders (2000) discuss the advantages of the regional model of service delivery based upon program integration in the context of NT. These advantages are also relevant to the WA context. In brief, they argue that the regional approach:

- Leads to more productive and practical partnerships between communities, the State and local governments, land councils, ATSIC and regionally based service delivery organizations.
- Roles and responsibilities of various agencies and organizations in the chain of delivery to be more clearly defined and thus better enables communities to understand and collaborate to service their needs.
- Protects the inalienable rights and interests of traditional owners.

- Overcomes the duplication and lack of co-ordination of service delivery.

- Facilitates contestability and the meeting of mutual obligations in service delivery.

- Facilitates progressive implementation that can be more easily monitored.

- Delivers more effective outcomes for regional indigenous populations.

- Encourages greater cost-effectiveness and minimisation through cost-sharing and reduced duplication.

The above discussion suggests two important areas of policy development currently occurring in the indigenous communities service delivery arena across Australia. One, largely originating from government agencies, revolves around improving service delivery through program integration to achieve a whole of government approach. The other, largely originating from indigenous organisations, seeks improved service delivery through the formation of regional agreements. There are tensions between these two approaches but they are not necessarily competing with each other yet nor are they necessarily mutually exclusive for the ultimate purpose of policy implementation and it is conceivable that both can occur simultaneously. The regional service-delivery model appears able to improve the horizontal inter-face between the provision of services from State agencies, often from a capital city, to the delivery on the ground. Institutional structures have played a part in the lack of sustainable community development within indigenous settlements. Clarifying roles and responsibilities within these structures in a 'whole of government' approach could improve the possibilities for such development. Of equal importance, however, are the processes and personnel within these structures as these can ultimately determine the success of any system.

In the following section, sovereign power and tribal control of programs is shown to be a goal of the development process to achieve better outcomes in service delivery. However with such control, the internal accountability of a regional governing institution to meet the needs of the local community is a critical factor. How to go forward from the present situation, where responsibility and control are largely vested with the State or Territory Government, in a fair and equitable manner that maximises the benefits of local community development, is a complex issue.

2.10 Lessons from the International Experience

The recent focus upon indigenous self-governance, leadership, capacity-building and co-ordinated service delivery in Australia has led indigenous policy makers to turn their attention towards the international experience.

Dow and Gardiner-Garden (1998) provide an international comparison of indigenous affairs in Australia, New Zealand, Canada, United States of America, Norway and Sweden. In regards to constitutional recognition and political representation they find that Australia and Sweden do not have constitutional or treaty recognition as opposed to the other countries. Australia also has an impoverished history of indigenous representation in the Federal parliament. This is compared to New Zealand that has seats reserved. In Canada, geography has been used to create low population electorates that enable the election of indigenous representatives. In Australia, Sweden and Norway, representatives are elected to a national indigenous body that plays both a political and, in Australia, an administrative role. The Canadian model includes highly influential informal bodies and decentralised administration.

In regards to land and resource rights closely aligned to governance issues in traditional culture in New Zealand, Canada and United States, the findings show that the colonial governments had long recognised land and resource rights of their indigenous population. Courts and tribunals have been established to address such matters. In Australia, this issue was first addressed in the 1970s, a common law was established in the 1990s and the role of courts, tribunals, governments and land councils is still being determined. In Norway and Sweden, land issues are perceived as land use rather than ownership (Dow and Gardiner-Garden 1998).

In specific regards to indigenous governance Cornell and Kalt (1998) in the United States found, during their 'Harvard project', that a number of factors need to be observed by Native American institutions to ensure good governance. These include:

- Stable institutions and policies

- Fair and effective dispute resolution

- Separation of politics from business management

- A competent bureaucracy

- Cultural 'match'

Native American indigenous development is described by four central pieces or building blocks by Cornell and Kalt. These include sovereignty, effective institutions, strategic direction and decisions/action. Sovereignty is a pre-condition that needs to be supported by effective governing institutions. A development strategy provides the basis by which to decide and act. They argue that in particular sovereignty and effective institutions are required: "a tribe that has effective institutions in place and has developed a clear strategic direction not only is in a better position to make development decisions, but is more likely to see those decisions pay off" (1998: 26).

The latter three factors lie within tribal control. Sovereignty, however, represents a relationship between political bodies, the recognition of the rights and powers of the other. De facto sovereignty occurs in a situation when the tribe has and is also able to practice decision-making. A major conclusion of the Harvard research project is that de facto sovereignty is a key factor towards the economic development of Indian reservations. There is not one single success story where the federal agencies have exercised decision-making powers. De facto sovereignty accords responsibility in the hands of those affected by decisions (Cornell and Kalt 1998).

Sovereignty as a pre-condition for such development has been lacking in the Australian indigenous context. The denial of this condition began with the claim of *Terra Nullius* made by the colonialists that now continues with the complexities that exist within disputes between land and resource rights. Prior to citizenry rights in the late 1960s, policy aimed towards full assimilation. Since this time, policy has predominantly advocated a top-down paternalistic but well-intentioned approach to indigenous development. The concept of de facto sovereignty has been incompatible with this policy. There has been a significant difference between the Australian approach and the international standard in this regard. Treaties and political representation has been a long-standing feature in the United States, Canada and New Zealand.

Kalt (2001) outlines a number of guidelines for policy for the United States government that are transferable into the Australian policy scene. These include:

- Adhering to the Government-to-Government Principle: This tends to reduce welfare dependency and is a win-win solution as opposed to Government-to-Dependency relations.

- Maximising Tribal Control of Programs: This has resulted in an improvement in programs and service delivery. Firstly, the lines of accountability are shortened with tribal leaders and federal government being directly accountable to tribes. Secondly, the cultural match of delivery is improved.

- Changing Federal and Tribal Incentives: The process of economic development is generally not suited to the planning and projects mentality. Alternatively, block grants and performance orientated funding have proved successful.

- Building Institutional Capacity: Institutional capacity allows tribes to manage their own affairs (Kalt 2001).

Complexities exist in the Australian context where the consequences of long-standing paternalism need to be overcome. The path ahead would ideally be considered in light of an evolving 'dialogical' process (Handler, 1990) whereby incremental responsibility is devolved to indigenous institutions that are encouraged to learn from their own mistakes.

The primary role of Government would be to create an enabling environment for an indigenous learning process.

Reynolds (1996) argues that sovereignty and self-government is likely to return to indigenous people faster from the bottom up, as opposed to the top down approach of legislation, litigation or constitutional change. Dr H.C. Coombs was to coin this as 'bottom up federalism'. Coombs later described a process that would involve regional meetings, were controlled by indigenous people and where the outcome was not predetermined, allowing local solutions to emerge (Reynolds 1996). Mathews provided a useful complement to Coombs regional bottom up process, by outlining a set of principles and objectives of Aboriginal self-government that pertain to the centre and above. Mathews' principles place the self-governing indigenous entities within the framework of the Commonwealth and range from financial arrangements and accountability to law and civil liberties (Mathews 1993; Coombs 1994; Reynolds 1996).

Greater community control of programs would be a long-term goal. In this regard, the building up of institutional capacity from the bottom-up that includes mechanisms for internal accountability can be an immediate goal. In addition and of relevance to the issues within this paper, institutional capacity would allow indigenous institutions to play an equal part in directing policy relating to government-to-government relations. Building capacity for indigenous governance is currently a feature of the priority projects (COAG, 2002). This will require a sustained commitment within a framework of collaboration between government agencies and a long-term perspective.

3. GOOD GOVERNANCE, PROGRAM INTEGRATION AND INDIGENOUS HOUSING

This part of the paper aims to draw together the relationship between governance, both Indigenous community and Governmental, program integration and effective housing management and maintenance. This relationship is outlined in section 3.1 with housing as the central focus of this relationship. Best practice housing management is discussed in section 3.2.

This forms a suitable prelude to the methodology of the research that is discussed in the following Part 4.

3.1 How Does Good Governance and Co-ordinated Service Delivery Contribute to Indigenous Housing Outcomes?

Good governance at any level of the institutional ladder relating to indigenous service delivery is critical to the processes that link the rungs. Accountability, co-ordination, communication and indigenous control are integral features of these processes (COAG, 2002).

The observance of external accountability upwards from the community level allows an atmosphere of trust and partnership to grow and develop. Incremental devolution of responsibility is made possible. Improved communication within an authentic partnership approach between the various levels of government allows for greater efficiency in the use of resources (Jonas 2001; COAG, 2002).

Downwards accountability requires Government to create an enabling environment in which indigenous governance is able to assert itself as defined from the bottom up (DIA, 2002). Self-determination, autonomy and empowerment at the grassroots level have been long recognised within the international scene to lend towards a sense of ownership, pride and cultural match (Cornell & Kalt, 1998; Waia, 2002; COAG, 2002). In regards to governance and housing, this translates into improved asset management and maintenance (FaCS, 2002).

The co-ordinated delivery of programs is currently considered to be an aim of good government. Program integration within a partnership approach provides a means by which to clarify roles and responsibilities and thus simplifies the channels of service delivery, from a bottom up perspective. In addition, the co-ordinated delivery of services creates a synergistic effect, by which the efficiency of individual programs can be greatly improved. The integration of human service programs into the delivery of infrastructure could address a number of issues regarding management and maintenance of assets in a longer-term perspective (Jonas, 2001; COAG, 2002; FaCS, 2002).

Embedded in governance is the concept of rights and responsibilities. Good governance requires people to demand their rights, but also to recognise and honour their responsibilities. Adopting an appropriate local and regional system of government and then participating in its recurrent operations is one such responsibility (Anda, *et al.*, 2001). Such participation requires the responsibility to be fair and equitable in a transparent manner (UN, 1997).

The desired outcomes of Indigenous housing that are outlined in the FaCS document, 'Building a Better Future: Indigenous Housing to 2010' encompass this relationship between good governance and co-ordinated service delivery for improved housing management very succinctly. These outcomes include:

- Better housing
- Better housing services
- More housing
- Improved partnership
- Greater effectiveness and efficiency

- Improved performance linked to accountability

- Coordination of services (FaCS, 2002).

Two key objectives to meet these outcomes include firstly, improving the capacity of Indigenous community housing organizations in addition to involving Indigenous people in planning and service delivery and secondly, co-ordinating program administration (FaCS, 2002). This represents a strong recognition of the intimate relationship between these two objectives and improved asset management.

3.1.1 Best Practice in Housing and Governance

A number of factors have been identified by Spiller Gibbins Swan Pty. Ltd, *et al.* (2000) which inhibit best practice in indigenous housing management, particularly in remote communities:

- Cultural factors such as kinship obligations which make a businesslike attitude difficult to adopt.

- The lack of social stability, skills, health, standards and funding.

- Remote communities suffer discrimination by not being able to access normal urban goods and services.

- Small communities are unable to achieve economies of scale. This has led to the regional groupings and regional resourcing bodies.

- Indigenous communities are often excluded from mainstream systems of governance. For example, local governments Grant Commission funding is often not spent on the indigenous constituents, for whose numbers it was secured.

- Many services, such as environmental management and planning, are not available to communities, or are accessed from housing funding.

- Lack of municipal services often requires ATSIC to spend valuable resources on funding these.

- Residential tenancy legislation often does not apply in communities where the tenants may be members of the organization that owns and manages the assets.

Spiller and Gibbins Swan Pty Ltd, *et al* (2000) review indigenous housing organizations (IHOs), which have been devolved the right to administer their community affairs, including their own housing. The findings reveal many examples of excellent asset management, but also make recommendations where improvement is required. The recommendations of relevance to this project include:

- That the Commonwealth State Working Group on Indigenous Housing (CSWGIH) acknowledge that even with 'best practice' improving rent collections will be insufficient to bridge funding deficits.

- That the CSWGIH prepare a document clearly demonstrating the need for additional capital resources for backlog catch-up, recurrent funding to make sure the sector is sustainable and special funding for further improving performance with an emphasis on funding.

- That the CSWGIH advocate for a national investigation into the normalisation of governance systems for indigenous communities, particularly in relation to the benefits of Grants Commission funding. This should explore the efficacy of a greater bias away from capital cities where expanding rate bases are likely to be a compensating factor.

- That the States and Territories review the application of residential tenancy legislation to IHO's with a view to providing appropriate exemptions and/or alternative procedures that recognise the peculiarities of the IHO's.

- That the jurisdictions ensure that all IHOs are adequately resourced, either individually or through regional, area, town or community based groupings to access training and to achieve economies of scale and efficient management practices.

- That the asset management guidelines prepared as a companion to this report be made available to the IHO sector as a resource document to assist in adoption of best asset management practice with appropriate workshops and training provided.

- That the jurisdictions move towards requiring asset management plans to be in place as a condition of capital funding and that such plans contain explicit short and longer-term targets for stock numbers and condition. Asset management plans should also make provision for appropriate maintenance and for the funding of all outgoings, including rent collection and recurrent deficit funding.

- That the CSWGIH advocate for a system of IHO rent assistance equivalence payments linked to best asset management practice and that a case management approach be applied to progressively build the capacity of IHOs to adopt best practice. Adequate funding must be provided and systems of accountability should be developed, similar to those in the National Community Housing Standards Manual.

This research project can build upon the findings of the above study with its specific focus on two related research questions. The first question concerning community control will be investigated to see how this affects housing management. The second question relates to the improvement of government service provision by a program integration approach. The findings of this research project can be used to inform policy development for best practice housing management.

4. METHODOLOGY

This research project has an applied focus in that it intends to inform policy formulation while simultaneously working with communities and regional organisations in a practical and constructive manner. A social assessment methodology will be employed. It offers a very useful process for problem-orientated research. Social Assessment involves mainly qualitative research using structured and semi-structured interviews. This will enable the research team to triangulate information and develop a generalised picture of indigenous housing and governance in remote WA and NT. Case Studies will be used to add a further qualitative and descriptive dimension to the research. Further detail will be added from interviews with key stakeholders such as administrative staff and regional indigenous councillors.

The social assessment process includes the involvement of stakeholders at all levels. The process started with the establishment of the User Group and will continue with interviews with the Regional Stakeholders. This process continues into the fieldwork phase with the case studies and includes the identification and involvement of influential people at all levels – from regional government to community. The key informants for the project's case studies are influential in that they are community leaders, regional and community council members, community or regional administrative officers and policy officers. They are therefore decision-makers within the overall matrix of governance related to indigenous housing and human service programs. A significant feature of the social assessment methodology is that it is an iterative rather than a linear research process, therefore allowing information to be continually updated and verified.

4.1   Methodological Steps

The methodological steps are listed below:

Task 1   Establish User Group (2002)

Task 2   Select case study communities with User Group (2002)

Task 3   Write Positioning Paper (2002)

Task 4   Collect data on case study communities, regions (2002)

Task 5   Conduct interviews, focus groups and fieldwork (2002 - 2003)

Task 6   Analyse data, evaluate, write early findings paper (April 2003)

Task 7   Write draft final report and secure feedback (May 2003)

Task 8   Write final report and disseminate (June 2003)

4.1.1   Review of the Literature and Current Policy (Tasks 1-4)

This first stage of the project includes Tasks 1 – 4 in the original proposal. This includes:

The User Group has been established to guide the project through all the above tasks and to ensure the policy relevance of the research being undertaken. The User Group will also ensure access to up-to-date information sources. The research team has conducted inception meetings with the User Groups in Perth and Darwin. Members of the User Group include:

- The Aboriginal and Torres Strait Islander Commission;

- The Commonwealth Department of Family and Community Services – Indigenous Policy (Darwin Office).

- The WA Department of Housing and Works (Aboriginal Housing and Infrastructure Unit);

- The WA Department of Indigenous Affairs;

- The WA Department of the Premier and Cabinet;

- NT Dept of Community Development, Sports & Cultural Affairs – Indigenous Housing & Essential Services Unit (IHANT secretariat)

The Selection of Case Study Communities with assistance from the User Group.

In conjunction with the User Group, two - four remote communities, two regional (umbrella) organisations, two ATSIC Regions and IHANT and AHIC as good practice case studies for field study will be selected. The verification of good practice case studies will be consistent with actions aligned to the "Statement of Commitment" and the "Ten Year Statement of New Directions for Indigenous Housing" (or New Directions) being initiated by Government. The main research methods employed would be to investigate the links between government housing interventions and the collective capacity of government and communities to improve management and maintenance of housing and infrastructure.

The consent from selected good practice case study communities and organisations for their involvement in the project will be crucial. It will be important to identify the benefits of involvement in the project. It will be important to secure the support of User Group members for the selection of the communities.

Currently suggested communities are listed in Table 1. It is likely that the final selection will be made by the AHIC and IHANT Board to ensure the study has commitment from government and indigenous stakeholders and can thus make a practical contribution to policy formulation.

Table 1: Suggested Case Study Communities

Name of Community	What can we learn from this Case Study?
Western Australia	
Wirrimanu (Balgo)	Integrated State Capacity Building Strategy (Framework and Scoping – research development of the Comprehensive Regional Agreement in relation to housing management, maintenance and governance)
Tjurabalan Priority Project	Comprehensive Regional Agreement – future possible relationships between the PBC and housing and infrastructure service delivery, management and maintenance institutions.
Mamabulanjin Aboriginal Corporation	Regional Resource Agency (research current housing and governance practice)
ATSIC Kullarri Regional Council	Relationship to Bi-lateral Agreement (review Bi-lateral mechanism and research KRC needs for enhanced governance from a regional decision making perspective)
Lombardina/Djarindjin	Djarindjin is a community responding well to the State Capacity Building Strategy. Lombardina is a stable, well-managed community adjacent to Djarindjin.
Ngaanyatjarra Council, Ngaanyatjarra Services and Shire of Ngaanyatjarraku	Successfully integrated programs, service delivery to a regional area of culturally related communities by indigenous community controlled organisations.
Burringarrah	A large established remote community with a wide range of well developed services. A community governance training program has commenced.
Mungullah	A town reserve community near Carnarvon with recently improved governance.
Northern Territory	
Borroloola	Fixing Houses for Better Health (FHBH2) analysis for FaCS, issues facing town based housing Vs outstations, issues in having NAHS bypassing Bilateral/IHANT.
Mungoobada (Robinson River)	A large community self managed with successful programs.
Wadeye (Port Keates)	Large community with outstations, good rental collection, Whole of Government approach
Minyiri (Hodgson Downs)	Successful housing maintenance program.
Maningrida	Two different language groups in the one community running well.
Miwatj Regional Council	Regional autonomy model developed by Gatjil Djukerra
Papunya	Local housing maintenance initiated by Central/Remote Regional Council called the 'Papunya Model'.
Central/Remote Regional Council	Council initiated governance development program called the 'West MacDonnells Program'.
Julalikari Council Aboriginal Corporation with Buramana Resource Agency	Very well run indigenous organisations servicing 130 town houses (former) and 45 outstations
Tangentyere Council	Long history of an indigenous organisation delivering a range of services to town camps. Their model contributed to the development of the Papunya Model.

Write the Positioning Paper: This positioning paper serves to review the literature associated with the project and refine the methodological approach. It incorporates the views of the User Group.

Collect data on case study communities and regions: Prior to the commencement of fieldwork, a comprehensive desktop study of the relevant available information on the case study area will be collected and analysed. Sources of secondary data include existing research, published and unpublished papers, information from organizations such as government departments, maps and orthophotos. Key issues will be identified to focus the research to minimise the gathering of unnecessary information.

The first stage of the project includes the negotiation of ethical and confidentiality protocols with selected communities, regional organisations, ATSIC Regional Councils and Governments to protect sensitive information and intellectual property accessed in these case study locations. It is envisaged that discussions with key regional stakeholders at the start of the project will:

- enable additional information to be gathered,

- identify knowledge gaps and insight into the status of implementation of the new directions,

- capacity building strategies,

- governance programs,

- current housing programmes and services,

- the existence of good reliable management systems, and

- coordinated targeted services that lead to good practice in each of the case study locations.

Interviews will be conducted with identified stakeholders and where necessary follow-up interviews will be conducted to seek clarification or obtain views.

4.1.2   Planning the Fieldwork (Task 5a)

This stage of the research process is preliminary to contact with the case study communities. It involves initial interviews with Regional Stakeholders. This includes the interviews with persons involved in the implementation or management of governance, capacity building, housing and infrastructure programs and services, in each of the case study locations. This would give a picture of the current state of good practice in governance, capacity building and the housing and services agenda from the community perspective; and to update additional information sources.

Fieldwork, interviews and formal focus group meetings are planned and would consider the environment in which the case studies operate, governance capacities, the role of housing and infrastructure in the development of their communities, and how these have contributed to good practice. It is envisaged that a set of questions will be developed to:

- help articulate their understanding of the new directions,

- identify governance limitations, and

- identify capacity building "needs" categories,

The answers will help identify how the above issues lead to better practice outcomes in terms of physical and mental health, quality of life and security, and to consider the alternatives and options under the new directions that may improve service delivery.

The fieldwork will document these good practices (over and above the literature review which may not be detailed, up-to-date or objective) and to evaluate their performance through interviews, focus groups with regional stakeholders and other data collection techniques (observations, statistics). By profiling of good practices within the context of the partnerships between government and communities to new directions, government and indigenous agencies will be able to have some benchmarks from which to assist the design and implementation process for regional policy and programmes.

4.1.3 Fieldwork in WA and NT (Task 5b)

The fieldwork methodology consists of structured and unstructured interviews with relevant people at all levels. In addition, focus group and community meetings will be held. Care will be taken not to exclude often-marginalised groups such as the youth, the elderly and women. The two primary research questions will be expanded into several key "issue" areas. These "issues" will be formulated into fieldwork semi-structured questions and utilised to gather relevant perspectives, including key individuals within the levels of Commonwealth, State, regional, community and outstation governing systems. Key issues of primary interest to the research include the potential form and nature of governance capacity building programs, programs and services which currently benefit indigenous governing and management capacity and indicators for indigenous housing planning that relate to improving the co-ordination of service delivery. Flow charts will provide a useful tool in which to stimulate discussion.

A "static map" of the organisation will be generated during these discussions that will be a snapshot of the structures and roles. Secondly, a "process map" will be generated which shows the path of money, decisions and information through the organisation. Informal and formal networks will be discussed where possible. Communities and regional organisations will thus participate in articulating their perceptions of the funding and decision-making structures explaining their governance approaches and identifying areas where current programs are assisting and where further capacity-building is necessary.

Fieldwork and interviews generally take a long time simply to observe protocols. The depth of the interviews/workshops will largely be determined by the time and participants available at the time of the visit with all efforts made for planning and preparation.

It will be important to undertake "picture-building" within each community, ie. with family groups, traditional owners. It will also be useful to consult with various groups within each community regarding housing, planning, service delivery, eg post-occupancy evaluation after new housing construction, upgrade or maintenance. The fieldwork will need to consider principles of self-determination, participation and consultation within communities to highlight elements that are not working (Walker 2002).

A progress report will be prepared on completion of the fieldwork

4.1.4 Data Analysis

The fieldwork data will be analysed and evaluated to ensure that the data collected is sufficient to make a significant contribution to policy formulation.

The data from the semi-structured interviews and other information obtained during fieldwork will be recorded electronically, on paper and on flip charts where applicable during discussions. The data will be triangulated and the issues that emerge will be grouped against each of the key issues. These results will be tabulated and systematically analysed in relation to the research questions.

The matrices that are compiled throughout the fieldwork will be utilised to determine the similarities and differences in perception across levels of governance. A comparative analysis of the research results across the two jurisdictions and at a Commonwealth, State, regional community and outstation level will permit the analysis of the data within and between these same categories and provide further insights into the primary areas of research. An indigenous perspective will form the baseline for suggestions towards capacity building programs and improved program integration.

A seminar paper will be prepared outlining the preliminary research findings on the case studies. Ideally the key research results will be accessible to the Community, Regional Organisation, ATSIC Region, State and National levels.

4.1.5 Disseminate Preliminary Research Findings (Task 6b)

The paper on the preliminary research results will be disseminated to case study stakeholders for feedback. In addition, relevant government and regional policy makers will be contacted for their feedback on the on preliminary findings. If necessary, regional workshops will be conducted to consolidate outputs. All the research results will be

analysed to develop good practice models. At this stage the final report will be prepared and presented to the User Group and Key Stakeholders at the NT and WA Seminars.

4.1.6 Prepare Draft and Final Reports (Task 7-8)

The writing of the final report will be completed and presented to the User Group and the case study stakeholders.

4.1.7 Evaluation

The criteria for the evaluation will take into account the ethical and evaluation approaches outlined by Walker *et al.* and the criteria they identify as critical for Indigenous self-determination and futures building. These include the indigenous community definition of the project, control and ownership in the process. In addition, the initiation of education and training in communities and relevant organizations will be facilitated where appropriate. Given the constraints of time and distance a number of visual and verbal mechanisms will be used (Walker 2001).

Roz Walker will assess whether the community does have/has had genuine involvement, and whether structures were/are in place to ensure community members were/are being trained, involved and consulted.

The evaluation will seek to establish criteria in consultation with the community to assess the extent to which each of these crucial elements - empowerment, autonomy and self-determination - are being met.

During the formulation of the detailed program of research (Tasks 3 & 4) and subsequent delivery of fieldwork (Task 5) attention to these ethical principles will include:

- The design of a communication/consultation regime that engages the target IHO or RHO through a participatory approach to conduct community based fieldwork.

- The type of participation envisaged will embrace the practical recognition of indigenous culture, environment and the operational and economic elements necessary to support housing, housing management and governance body organisation in the regional/community setting.

- Preparation of a workscope in consultation with the IHO/RHO that outlines the likely indigenous participation in the fieldwork.

- Appraisal instruments will be designed to evaluate views of the management committee, staff and community members to obtain objective and subjective data.

The community management can be supplied with identification of suitable funding programs, specialists to contact, documents to refer to, or activities conducted on site to demonstrate governance techniques where possible. Relevant contacts will be made on request to ensure that a particular community's needs can be followed up with appropriate action. Capacity-building will therefore be in the form of informal training and information supplied to both community and government.

5. CONCLUSIONS

The Positioning Paper is the first research output from this project. This Positioning Paper has firstly, reviewed the related literature and policy environment; secondly, provided an overview of the policy issues to be addressed by the project, and thus articulated the relevance of the project for current policy development; and thirdly, detailed the research methods that will be used in the project.

The paper has centred upon the project's key research questions that are as follows:

- What are the perceived and 'actual' differences in the nature of community control, ownership and management of housing and how these contribute to asset management in remote indigenous communities?

- How would program integration in relation to housing assistance best be improved to achieve a whole of government approach?

The review of relevant and current literature and policy in regards to indigenous housing and governance and other associated services found that current indigenous housing policy initiatives are concerned with questions of how to enable capacity building of government, both indigenous and public sector, in addition to improving the co-ordination of service delivery. Improved community asset management is another major aim of emerging policy. Two important approaches are currently present in policy development. One revolves around improving service delivery through program integration to achieve a whole of government approach. The other seeks improved service delivery through the formation of regional agreements. There are both tensions and links between the two approaches. Institutional structures have played a part in the lack of sustainable community development within indigenous settlements. Clarifying and strengthening roles and responsibilities within these structures in a 'whole of government' approach could improve the possibilities for such development. Of equal importance, however, are the processes and personnel within these structures as these can ultimately determine the success of any system.

A social assessment methodology is employed in this project that includes the involvement of stakeholders at all levels. The process started with the establishment of the User Group and continued with interviews with the regional stakeholders in selected case studies. This process has continued into the fieldwork phase and includes the identification and involvement of informed people at all levels – from regional government to community. A feature of the social assessment methodology is that it is an iterative rather than a linear research process, therefore allowing information to be continually updated and verified. Significantly, for this project, the method is able to satisfy indigenous protocols.

It is hoped that the data gathered in this project can address the complex issues currently faced in policy development for indigenous governance and capacity-building programs.

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