Report

Housing conditionality, Indigenous lifeworlds and policy outcomes

Western Australian case study

authored by

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ACRONYMS

AHLAA	Aboriginal Housing Legislation Amendment Act
ABC	Australian Broadcasting Commission
ABS	Australian Bureau of Statistics
ALT	Aboriginal Lands Trust
AMOSAC	Aboriginal Movement for Outback Survival Aboriginal Corporation
COAG	Council of Australian Governments
DBMP	Disruptive Behaviour Management Policy (of WADoH)
FIFO	Fly-in-fly-out
GIHO	Goldfields Indigenous Housing Organisation
GROH	Government Regional Officer's Housing
HMA	Housing Management Agreement
KAC	Katampul Aboriginal Corporation
MEEDAC	Midwest Aboriginal Employment and Economic Development Incorporated
NPA	National Partnership Agreement
ORIC	Office of the Registrar of Aboriginal Corporations
RIAM	Regional Interagency Meeting
RTA	Residential Tenancies Act (1987)
TSO	Tenancy Support Officer
TSP	Tenancy Support Program
WA	Western Australia/n
WADoC	Western Australian Department of Commerce
WADoH	Western Australian Department of Housing
WAPC	Western Australian Planning Commission

EXECUTIVE SUMMARY

This is the report of the Western Australian case study of the AHURI-funded multi-year project entitled *Housing conditionality, Indigenous lifeworlds and policy outcomes: towards a model for culturally responsive housing provision*. The Western Australian case study was carried out in the city of Kalgoorlie-Boulder, and in the shires of Laverton and Leonora. Locations were Kalgoorlie, Laverton town site, and the Aboriginal communities of Wongatha Wonganarra, Mt. Margaret, Mulga Queen and Katampul, all in the eastern Goldfields region.

Rationale and aim

The rationale for including this region was that it gave us the capacity to compare state public housing tenancies with community housing tenancies. In Kalgoorlie, and Laverton town, the housing provider is the Western Australian Department of Housing (WADoH). In Wongatha Wonganarra, Mt. Margaret, Mulga Queen and Katampul, the housing provider is the Goldfields Indigenous Housing Organisation (GIHO). As well, these study locations enabled us to compare housing tenancies in communities that have a Housing Management Agreement with those that do not.

The aim of the study was to examine the intersection between Aboriginal and mainstream norms, values, and expectations and the behaviours that influence the successes and failures of welfare conditionality.

Data collection and analysis

This study employed the case study method. An interview schedule was employed as well as an unstructured interview method. The aim of this dual approach was to obtain in-depth data by addressing specific aspects of the relationship between tenant and housing provider as well as eliciting data that would provide an understanding of the interviewee's particular concerns with and conceptualisations of their relationship with the housing provider.

Policy

The purpose of the project of which this case study forms a part was to investigate the conditionalities guiding the management of publically-funded housing for Aboriginal people by examining the way that conditionality is expressed in the delivery of housing services to Aboriginal people. Here, conditionality means a form of contractualism, in which access to welfare is contingent on the recipients conformity to behavioural requirements set by the state. Representative of this policy type is the WADoH's Disruptive Behaviour Management Policy (DBMP). The DBMP is a 'three-strikes' model policy in which a regimen of the severity of anti-social behaviour is ranked and according to its rank, anti-social behaviour may result in immediate eviction from a WADoH property, or one warning and eviction on the second occurrence, or two warnings and eviction on the third occurrence of anti-social behaviour. This policy has been in force in the Perth metropolitan area and regional centres since 2013 and in 2014 it was extended to include remote area communities. On account of this, we looked at the application of the DBMP in our study sites.

Another objective was to examine the role of social capital in Aboriginal tenant's capacity to maintain a stable tenancy. We differentiate between cultural social capital, which consists of the bonds that link people together as a coherent group, as opposed to enablers, which are skills and understandings necessary for Aboriginal tenants to conduct a successful tenancy. Enablers consist of capacities for home financial

management and household upkeep, and knowledge of the public housing tenancy system.

Findings

Tenant perspectives

Tenant perspectives of the housing providers varied broadly according to the practice of the respective housing providers. GIHO has a Tenancy Support Program that principally involves Tenancy Support Officers (TSOs) conducting periodic visits to communities. The TSOs use these visits to inspect properties, deliver communications from the GIHO office to particular tenants, and to offer support services aimed at enabling tenants to better manage their houses.

The Kalgoorlie office of WADoH conducts tenant inspections that are wholly focused on assessing the physical state of the property. Communications with tenants is by letter delivered by ordinary post. WADoH has no in-house program of tenant support.

Interviewees all complained about the housing provider, regardless of which organisation managed the property. The most common subject of complaint was maintenance and repairs, specifically that they were not adequate and not timely. However, there were points of contrast in the responses to questions concerning the housing provider. The most significant point of contrast was that all comments concerning WADoH were negative, whereas about a quarter of interviewees were either neutral or positive about GIHO. In general terms however, WADoH tenants were wholly negative about their experience with WADoH and expressed confusion regarding why and how WADoH took particular decisions. No such confusion was raised by GIHO tenants. That is, GIHO tenants might not like the housing provider, but they understood the decisions that GIHO made.

Housing provider perspectives

The principal difference between Kalgoorlie WADoH and GIHO was with regard to the extent to which each organisation carried out engagement with tenants and with the community of agencies and NGOs present in the region. Kalgoorlie WADoH includes no regular, formalised mechanism for engagement with either tenants or other government and non-government agencies. Instead, when and where they find it possible, they engage with community elders and relevant Aboriginal organisations. By this means they hope to reduce their number of Aboriginal tenant evictions. GIHO engages with tenants regularly through the TSP. As well, GIHO engages with Goldfields government and non-government agencies through its participation in monthly meetings with representatives of these agencies and through monthly case-work meetings with practitioners from a number of the health and justice-related government and non-government organisations represented in the Goldfields. Potentially, GIHO's capacity to conduct interventions aimed at sustaining Aboriginal tenancies is greater than that of WADoH.

The Disruptive Behaviour Management Policy (DBMP)

The application and use of the DBMP varies throughout the study region. It applies in Kalgoorlie-Boulder and has been used there. It also applies in remote communities in the Goldfields, but it has not been used in this setting. There are two reasons for this. First, there is a practical question of the lack of complaints. These are communities of kinfolk which makes it unlikely that community members will file DBMP complaints against each other. Second, the *Residential Tenancies Act 1987* does not apply in all communities. It applies only in those communities where there is a Housing Management Agreement. Where no such agreement exists, tenants cannot be

evicted. Other ways must be found of enabling tenants to pay rent regularly and to maintain the upkeep of the properties they rent. This need is a driving factor behind GIHO's TSP.

The 'recognition space'

Within the terms of the relationship between the housing provider and the tenant, there may be some chance for negotiation thereby increasing the tenant's capacity to act in order to achieve a sustainable tenancy. We refer to this as the 'recognition space'. Ways of increasing the recognition space may involve improving the tenant's understanding of the terms of the tenancy and facilitating the tenant's access to organisations whose business it is to increase the tenant's skills in regard to financial management, housekeeping procedures and control of the household population numbers. Non-payment of rent is probably the most common cause of evictions, followed by inadequately caring for the property.

Aboriginal WADoH tenants are in general uninformed of WADoH policies which could be helpful in sustaining their tenancies. These include the debt reduction policy and an entire section of cultural diversity and language policies aimed at enabling tenants to accommodate cultural concerns within the terms of the tenancy agreement.

It was found that enablers and cultural social capital are unevenly distributed among Aboriginal tenants in the study sites. In communities with a functioning board or other kind of secondary governance structure, the governing structure serves to concentrate enablers by joining together those with the requisite knowledge. Housing providers will work with the governing entity in the task of managing housing access and related services. This means that the membership of that entity can use their collective capacity to the benefit of tenancies in the community they serve. In communities without such a structure, individuals must rely on themselves or on more knowledgeable kinfolk, should they be available to be called upon.

Social control is an important aspect of sustaining tenancies. In communities without a functioning secondary level, governance structure (e.g. a community-based governing board, or council of elders), transgressions against the social order of community life can only be addressed at the level of the individual. According to a set of culturally-based rules regarding age, gender and status, the individual may involve other kinfolk in seeking redress for transgressions against that individual. This can lead to more or less serious disruption to the stable life of the community. In communities with a functioning secondary level governance structure, redress devolves to that entity. Individuals abrogate their responsibility to the governing entity and this tends to lead to more stable community life, and concomitantly stable tenancies.

1 INTRODUCTION

1.1 Case study overview and aims

1.1.1 Rationale and locations

This case study is part of a major examination of conditionalities in relationships between public/community housing providers and Aboriginal tenants. It was carried out over a period of three years in study sites located in Queensland, the Northern Territory, and Western Australia. The Western Australia (WA) case study was located in the Goldfields region of the state and took in the regional city of Kalgoorlie and the Shire of Laverton. This location was chosen for two reasons.

1. It brings to this study the capacity to compare Indigenous housing conditionalites across states.

2. It provides the opportunity to compare a community housing provider with a public housing provider.

Within these regions, community housing is managed by both public and community housing providers. Public housing is provided by the Western Australian Department of Housing (WADoH), which both procures and manages housing. The community housing provider is the Goldfields Indigenous Housing Organisation (GIHO), which is a not-for-profit organisation. GIHO is contracted by WADoH to manage Aboriginal housing in communities located in the remote eastern Goldfields shires of Kalgoorlie-Boulder, Menzies, Leonora, Laverton and Wiluna (see Figure 2 below). GIHO does not procure housing. It is overseen by a board composed of representatives from the Goldfields Aboriginal community in general and representatives of other Aboriginal organisations.[1]

The communities that WADoH has contracted GIHO to serve are:

→ The communities of Mulga Queen, Mount Margaret and Wongatha Wonganarra, all located in the Shire of Laverton.

→ The town-based communities of Bondini at Wiluna, Katumpul (also called Nambi Village) at Leonora, and Ninga Mia at Kalgoorlie.

→ The 'spinifex communities' of Tjuntjuntjara and Coonana. Spinifex Country is in the Victoria Desert along the border between WA and SA, north of the Nullarbor Plain.

In size, the area served by GIHO is 770 000 square kilometres (GIHO 2012).

This case study (see Figures 1 and 2 below) took in the Aboriginal community within the town of Laverton itself, Wongatha Wonganarra which is located just outside of the town, and Mt. Margaret (30 kilometres from Laverton). These communities formed the focus of the research. However we also visited the Aboriginal communities of Mulga Queen (150 kilometres north of Laverton) and Katampul (on the northern edge of Leanora to the south of Laverton (see Figure 1). It was the town community of Laverton which provided the setting of public housing services provided by WADoH.

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[1] See GIHO website for further details, <http://www.giho.org.au/>

Figure 1: Map of Western Australia

Figure 2: Western Australia Local Government
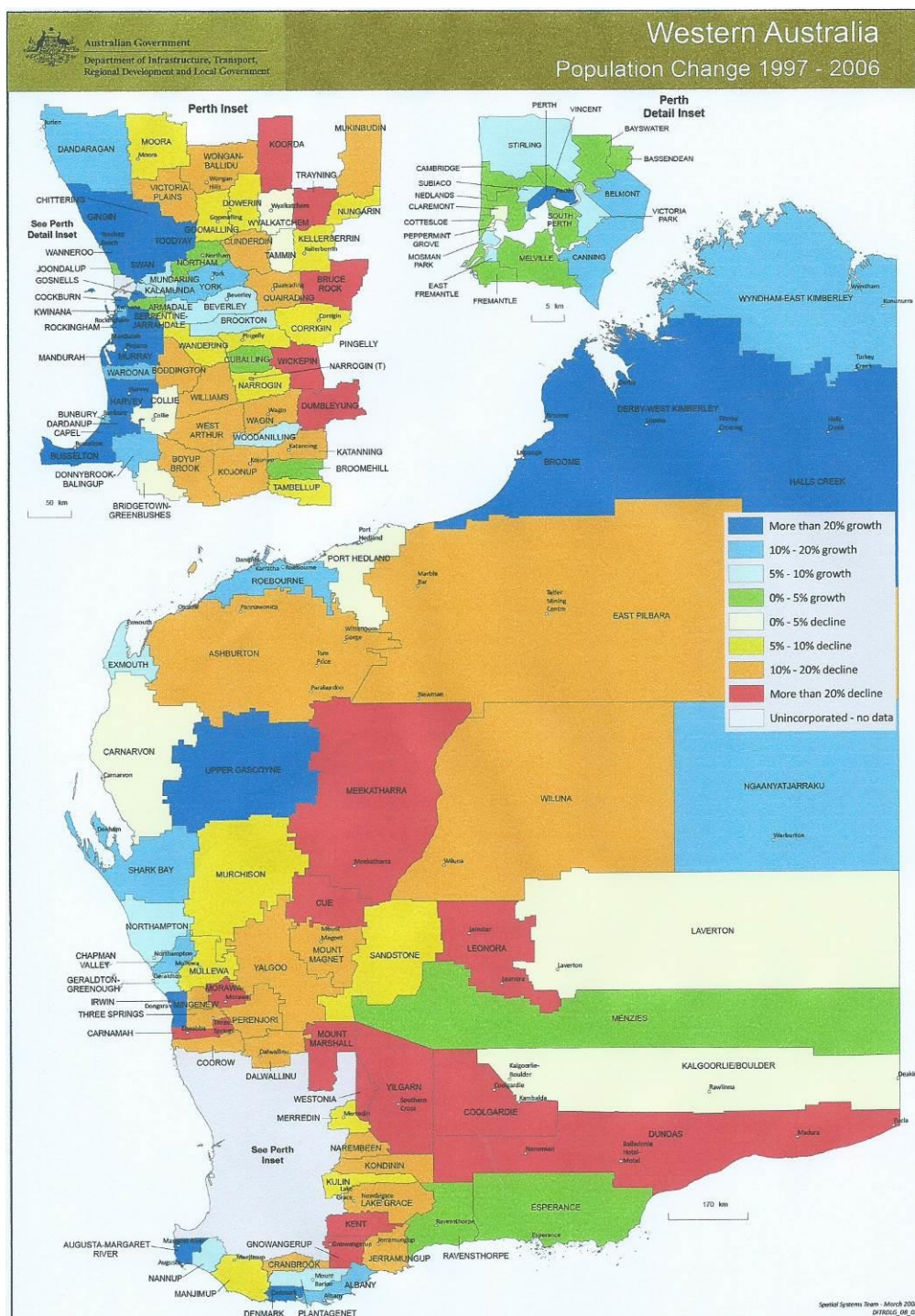
1.1.2 Aims

The aims of this study are:

1. What are the characteristics of different types of housing conditionality and how effective are they in achieving positive housing outcomes for Indigenous people?

2. How does the intersection between these types of housing conditionality and Indigenous[2] lifeworlds and governance arrangements influence housing outcomes for Indigenous people?

3. Is there an identifiable form of conditionality which enables a recognition space that permits shared understanding of the values and constraints of government workers, Indigenous tenants, housing managers and community leaders? What are the conditions of its emergence and to what extent does it support improvements in Indigenous housing?

4. Are there identifiable good practice and policy principles that have specific use in particular contexts or that are useful across all contexts that can be elicited from the collective findings of this Indigenous Multi-Year Project?

The particular aims of the WA case study include the comparison of conditionalities between the management of publicly-funded housing as it is provided by the WADoH as opposed to GIHO. In this study the comparison of conditionalities is sought in its expression within the communities of its application. That is, in the WA portion of the research project as a whole, we sought to investigate the tenant's experience of housing management service delivery by WADoH and GIHO and also the experience of the service provider in applying the conditionalities of publically-funded housing in a WA context. One of our findings was that the presence or absence of a Housing Management Agreement (HMA) between the community and the state results in crucial differences in everyday life in a community that reflect on the conditionalities existing in the tenant-housing provider relationship. HMAs are the legal instrument by which federal funding is made available to the community for the purpose of making improvement in community housing and infrastructure. These were offered to Aboriginal communities in 2011 and were taken up by many communities, but not by others. This will be discussed in detail throughout this report.

1.2 Case study method

A disadvantage of the case study method occurs when the project involves one entity; such as a town, an organisation or a group. It is possible that the application of the results in other settings is open to question. This research employed multiple communities of Aboriginal public/community housing tenants, which means that the results are shown to be applicable across a range of cases. That is, although WA is the case under consideration by the project as a whole, within that overarching case are a number of what we might refer to as 'sub-cases', such as the range of Aboriginal communities that served as the field locations. By employing this approach, a stronger picture of public/community housing conditionalities in remote Aboriginal WA is achieved.

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[2] The Government of Western Australia, in consultation with Aboriginal community representatives, has adopted the convention of using the term 'Aboriginal' in preference to the more inclusive 'Indigenous' when the discussion concerns only Aboriginal people rather than both Aboriginal people and Torres Strait Islanders, such as the Department of Aboriginal Affairs. This Western Australian case study concerns only Aboriginal people. Therefore the word Aboriginal is used rather than the more inclusive Indigenous.

1.2.1 Conduct of the study

This study involved two field seasons. The first was in late 2013 to the office of GIHO in Kalgoorlie for the purpose of introducing the study to GIHO because, except for the town of Laverton, all the communities that would be involved in the study were managed by GIHO. In the course of this field visit, the first author accompanied Tenant Support Officers (TSOs) to the communities of Wongatha Wonganarra and Mt. Margaret. The TSOs were observed in the course of their duties and several interviews with community members were conducted. On the basis of the success of this visit, it was decided that field operations during the second season should be based in Laverton rather than Kalgoorlie as this provided more direct access to Aboriginal community members and local service providers. Field visits taking in target communities were conducted in April and June of 2014. In November of that year, it was decided to conduct a final field visit to Kalgoorlie in order to take account of the various agencies that provide services to communities in the shires of Leonora and Laverton, but are based only in Kalgoorlie.

The conduct of the research included:

→ Semi-structured interviews with members of the Aboriginal communities of Laverton town, Wongatha Wonganarra, and Mt. Margaret.

→ Interviews and focus group discussions with members of the community boards of Katampul and Mulga Queen.

→ Interviews and focus group discussions with staff members of WADoH, GIHO, and relevant government and non-government agencies represented in Laverton, Leonora and Kalgoorlie.

A total of 40 structured and unstructured interviews and focus group discussions were carried out. Fourteen of these were conducted with staff of service provider agencies, and 26 were carried out with members of Aboriginal communities. Five service providers working locally in Leonora and Laverton were interviewed twice in the course of the April and June field visits as a means of maintaining a working knowledge of local events occurring between field visits. Field visits were carried out in April, June and November 2014.

Interviews were guided by means of an open framework and a schedule of questions. The length of interviews varied between 30 and 60 minutes. Aboriginal community members were interviewed in their homes and service providers were interviewed either at the workplace or over lunch. Except for two men (aged mid-20s and late 60s), all Aboriginal community interviewees were women aged between early 20s and late 60s. Two interviewees were employed.

All interviewees and focus group participants were promised anonymity. Except where necessary to reflect local circumstances significant to this study, places and organisations are unidentified. Recruitment of community interviewees was achieved through cumulative referral ('snowball' technique). Recruitment of agency interviewees and focus group participants was directed largely by the relevance of the organisation to the study, but also through referrals agency to agency.

The interview data gathered in the course of fieldwork was textually analysed using NVivo software. Aboriginal tenants' answers to interview questions and relevant statements from unstructured interviews are presented in Appendix 1. Each question is treated as the source of a category of data, in order to arrive at a set of themes. These are presented as a set of numbered summary boxes with exemplary responses under each theme. In the discussion that follows, these numbered summary boxes are referred to as the source of extracts from interviews.

2 CONTEXT AND BACKGROUND

2.1 Housing situation in the study locations

2.1.1 Kalgoorlie-Boulder

According to the Australian Census 2011, Kalgoorlie-Boulder is a town of 30 842 people of whom 2088 are counted as Indigenous (AABS 2012a). There are 9918 dwellings in the urban locality of Kalgoorlie-Boulder, of which 5736 were privately owned and 3769 were rented. Of the rented dwellings, 653 were public housing rentals (ABS 2012a). According to a report commissioned by the WADoH in 2014, there were 693 houses owned by the department, and 95 community houses (RPS Australia East Pty Ltd).

The purpose of the inclusion of the City of Kalgoorlie-Boulder was to make contact with agencies providing services to Goldfields communities in the fields of housing and allied services. Very few of these agencies have local offices in towns and communities outlying the city, and therefore some time spent interviewing representatives of these Kalgoorlie-Boulder based agencies was necessary.

Figure 3: Kalgoorlie streetscape

Figure 4: Leonora streetscape

Source: Christina Birdsall-Jones

Figure 5: Leonora town plan of the town's north
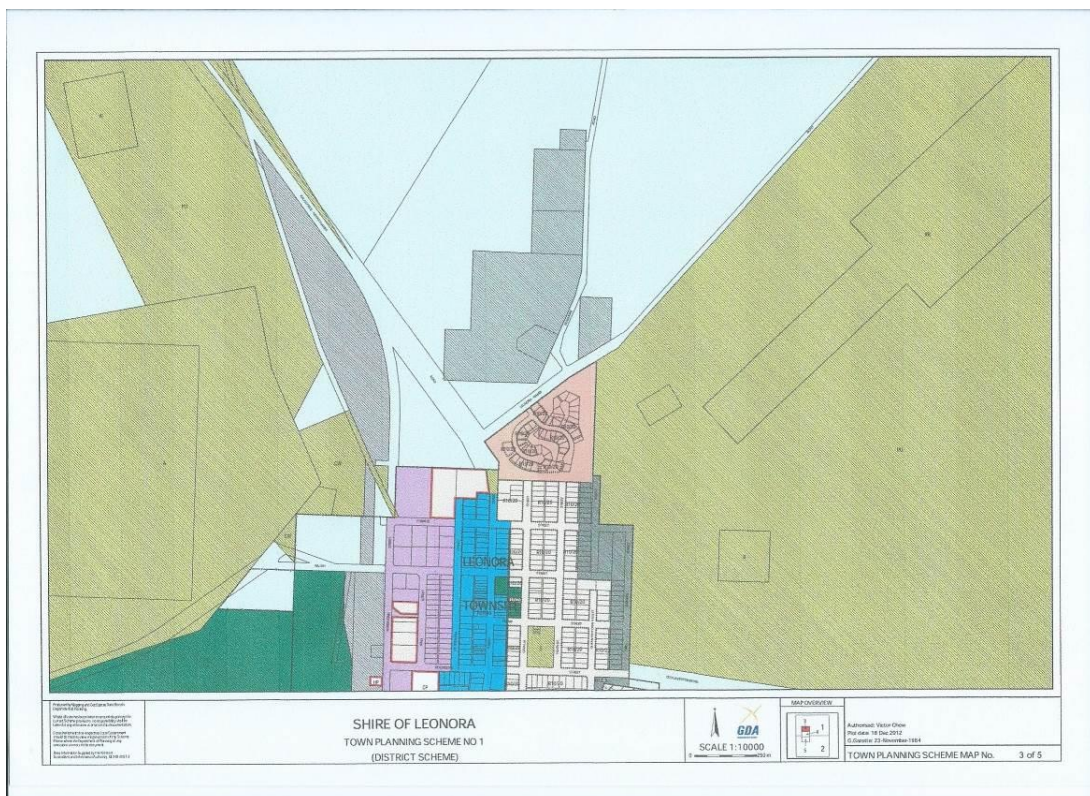
Note: Katampul in brown at top right-hand side.

Figure 6: Orientation of Wongatha Wonganarra to Laverton townsite

2.1.2 Laverton town

According to the count of place of enumeration in the 2011 Census, the population of the town of Laverton was 440 with a base population of 417 (ABS 2012a, b). The major industries of employment in the town were mining and public administration and safety. Since the economic downturn in 2013, the mines which had based their operations in Laverton have closed, and the fly-in-fly-out (FIFO) workers are gone. The population is now lower in consequence. According to local service agency interviewees, the population has halved. No accurate count has been found, however, an examination of the empty FIFO accommodation development and other vacated premises in the town suggests that this perception is likely correct.

In 2011, there were 143 dwellings in Laverton of which 47 were privately owned and 86 were rental accommodation. Of the 86 rental dwellings, 18 were owned by the WADoH and 15 were community housing.

Figure 7: Vacant FIFO accommodation, Laverton

Figure 8: Laverton streetscape

Source: Christina Birdsall-Jones

2.1.3 Wongatha Wonganarra

Wongatha Wonganarra is an independent Aboriginal Corporation that was established by its membership in 1974). It appears to have developed steadily until around 2008 when an external administrator was appointed. By 2010, liquidation proceedings were begun and by the end of that year, the corporation's deed of company was terminated. Examination of the corporation's ORIC documents indicates that the original membership of the community was 86. The latest listing of the membership is 2004 by which time only 36 of the original membership remained out of a total membership of 86, and a substantial proportion of these have addresses in town rather than in the community. At the present time, there is no formal governance within the community, although it still possesses substantial funds in a corporate account.[3]

There are, and have been, problems related to alcohol consumption in the community that have led to a certain amount of population turnover as households leave the community in favour of the comparatively quiet lifestyle available in the town. The town has responded to this in a number of ways through the cooperation of service agencies, the local police and the shire council. These efforts have, prima facie, resulted in a reduction of crime and general unrest related to alcohol and a resultant improvement in lifestyle within the community. This will be discussed in more detail further on in this report.

2.1.4 Mt Margaret

Mt Margaret is a former United Aborigines Mission community located 30 kilometres south-west of the town of Laverton. A WA Planning Commission report from 2012 shows the population of the community at approximately 85 (WA Planning Commission 2012a). The governance of the community is carried out by an incorporated body, the Aboriginal Movement for Outback Survival Aboriginal Corporation (AMOSAC), which is formed out of the resident group of the community. What might be referred to as the signal characteristics of the community are the maintenance of the Christian background of the community, a strong and enduring focus on education, and a total ban on alcohol possession or consumption within the community. These values figure largely in the aims set out in the AMOSAC rulebook (AMOSAC 2009).

In general terms, Mt Margaret is a quiet community which interviewees ascribed to the effectiveness of the community ban on alcohol. The housing is being steadily upgraded through a renovation and renewal program, and the construction of new housing. The acceptance of applications for tenancy at Mt Margaret is left to the community board, which approves or refuses all applications. The population is made up of the descendants of the original mission population and those who have married into the community. Some of our interviewees there were born and grew up at Mt. Margaret but left as young adults and have now returned, two from the capital city of Perth and one from the Warburton Aboriginal community. Unique among the communities involved in this study, Mt Margaret has a Housing Management Agreement (HMA) with the state. This has made important differences in everyday life at Mt Margaret and is discussed in detail throughout this report

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[3] See documents of the Wongatha Wonganarra Aboriginal Corporation at <http://register.oric.gov.au/document.aspx?concernID=101302>

Figure 9: Mt Margaret housing

Source: Holly Farley

2.1.5 Mulga Queen and Katumpul

Mulga Queen and Katumpul Village are two small communities at which meetings were held with community management. Neither of these communities has an HMA with the state. While these two communities did not figure largely in the research, they offer some useful comparisons between communities with and without HMAs, which will be discussed later on in this report.

Mulga Queen is located 150 kilometres northwest of Laverton. It has a population of around 50 people living in 10 houses with one more allocated to staff of the community's small primary school. Mulga Queen children go to Esperance for secondary schooling. The community formed as part of the outstation movement in the 1980s. It is located on crown land which is vested in the Aboriginal Lands Trust, which leases the land to the community's incorporated body, the Nurra Kurramunoo Aboriginal Corporation, established in 1987 (WAPC Mulga Queen Layout Plan 2012).

Currently, Mulga Queen's housing is managed by GIHO. It was managed by WADoH until around four years ago. The community does not have an HMA and is therefore not eligible for the housing refurbishment and renewal funding pursuant to an (HMA).

In the view of the community's coordinating staff, all of the housing at Mulga Queen is in need of renovation. This was not forthcoming from WADoH or GIHO. However, in mid-2014, senior staff of GIHO visited the community and declared that funding must be sought for the improvement of the housing and infrastructure of the community. This favourably impressed the community staff, but continuing this impression will depend on GIHO's performance in this regard.

Figure 10: Mulga Queen Aboriginal Community

Source: Christina Birdsall-Jones

According to the Australian Census 2011 (ABS 2012b), there were 779 people in the urban locality of Leonora which includes the Aboriginal community of Katampul.[4] Of this total, 190 are listed as Indigenous. According to the same source, there were 186 dwellings in Leonora of which 39 were rented from WADoH, 21 from GIHO, 4 private rentals and 43 rented from another landlord type.

Katampul Village, also known as Nambi Village, is a small community of around 50 people living in around eight houses. It is located on the northeast edge of the town of Leonora, which lies around 200 kilometres south of Laverton. The community is on crown land for which the Aboriginal Lands Trust (ALT) holds the management order .It is run by the Katampul Aboriginal Corporation (KAC) which was incorporated and registered with the Office of the Registrar of Aboriginal Communities in 1997. [5]

Like Mulga Queen, Katumpul's housing is managed by GIHO. Unlike Mulga Queen, Katumpul managed its own housing up until around 2010 when the WA Government was offering to enter into HMAs with Aboriginal communities. The KAC refused the offer. Subsequently housing management for Katumpul Village was turned over to

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[4] Katampul is referred to under a variety of names. On the Office of the Registrar of Indigenous Corporations (ORIC) website, it is spelt Katampul <http://register.oric.gov.au/ PrintCorporationSearch.aspx?corporationName=Katampul&icn=>, and on the WA Department of Aboriginal Affairs website it is spelt Katumpul (<http://www.daa.wa.gov.au/templates/dia/pages/ existingSite/Newsletter_Y_View.aspx?nid=261>). Elsewhere, such as on travel websites, it is referred to as Nambi Village. We have chosen to use the name used by ORIC using the spelling we found on their website.

[5] ORIC <http://register.oric.gov.au/document.aspx?concernID=101504>

GIHO by the state. There is some confusion among the KAC membership regarding the mechanism by which this was carried out.

As with most of the Aboriginal communities we visited, the housing at Katumpul is in need of refurbishment. This is of considerable concern within the community and they blame GIHO for the poor state of their housing (Purtell 2013). The funding issue here is the same as at Wongatha Wonganarra. Without an HMA, Katumpul has no access to the extra refurbishment and renewal funding granted to communities which agreed to the HMA process. Only the mainstream public housing funding is available for this, and for a variety of reasons, this funding is apparently insufficient for the needs of Aboriginal communities.

2.2   The policy landscape in Western Australia

In the field of housing policy, the stated priority of the WA Government is affordable housing. This is in line with federal government policy as per the National Affordable Housing Agreement which was initiated by the Council of Australian Governments (COAG) commencing in 2009 (Australian Department of Social Services 2014; WADoH 2013). The WA Government policy, *Affordable Housing Strategy 2010–2020: opening doors to affordable housing* (WADoH 2013op. cit.) was developed in response to the COAG agreement.

The WA Government's target is 20 000 new affordable homes by 2020. The target for new public housing is set at 5372 dwellings by 2016 (WADoH 2014). As of June 2014, the WA Government announced that it had provided 15 900 new affordable homes. This figure includes dwellings funded under the National Partnership Agreement (NPA) on Remote Indigenous Housing, the NPA on Homelessness, and the National Rental Affordability Scheme.

Part of the process of delivering affordable housing has involved government-industry partnerships (WADoH 2015b). One of the resulting projects is Adara, located at the suburb of Success, which lies 23 kilometres southeast of the Perth city centre. Representing specifically remote Aboriginal housing programs, there is an assisted purchase scheme which currently operates in the towns of Kununurra and Halls Creek in the East Kimberley. WADoH operates in partnership with the Wunan Foundation, an Aboriginal development organisation operating solely in the East Kimberley (Wunan 2014). The foundation has built 15 houses in Halls Creek and 40 in Kununurra (WADoH 2015a). There is no corollary of the Wunan home ownership initiative operating in the Goldfields region.

The ABS defines an Indigenous household as having a ratio of at least one Indigenous household member in every three of the total household number. Indigenous homes that are privately owned are therefore not necessarily homes owned by Indigenous people. As well, the ABS does not readily yield figures on privately owned Indigenous by state suburb collection district. These figures are available for collection districts composed of a shire or, if the total population count is too low, two shires may be combined. In the Laverton Shire, there are nine privately owned Indigenous homes, which includes owned outright and with a mortgage (ABS 2012d). In Menzies-Leonora, there nine privately owned Indigenous homes and all are owned outright. Similar figures for Kalgoorlie are available only for the entire Kalgoorlie-Esperance region. Because this is not a matching geographical area, these figures are not included here.

2.2.1 Home ownership schemes available state wide

The WADoH has four 'products' offering pathways to home ownership. These are Keystart, land and house sales, the rental sales scheme and the shared home

ownership scheme. These all involve low interest and low deposit lending schemes, designed to facilitate a variety of ways of entering into home ownership. Keystart operates a range of targeted lending schemes aimed at the disabled, Aboriginal people, and sole parents.

Land and house sales involves house and land packages and land only properties built and owned by the WADoH specifically for the purpose of providing properties for the affordable housing market.

The rental sales scheme gives existing tenants the opportunity to purchase the home they currently rent on the appropriate home loan scheme. Under this scheme, the tenant applies to the WADoH for the purchase and the department may or may not agree to sell.

Under the shared home ownership scheme the department will purchase up to 30 per cent of the equity in the home. The scheme is aimed at first home buyers and non-first home buyers.

2.2.2 Remote Aboriginal housing renewal

From 2010, the Federal Government required those Aboriginal communities receiving subsidised housing from the state to enter into a Housing Management Agreement (HMA) in order to continue receiving state funded support for their housing and community infrastructure (WADoH 2011). These were negotiated by the WADoH during 2011 and 2012. As of the date of the fieldwork for this research, the WADoH was not negotiating any new HMAs.

The advantage to the communities that accept HMAs is access to WADoH's Aboriginal community renovation and renewal program which includes the refurbishment of existing housing and the construction of new housing. As well, funding is available for community infrastructure, including sewerage, power and street lighting.

This funding was available to all communities which the state recognises as discrete Aboriginal communities (also referred to as gazetted communities). There are several such communities located within town boundaries. Katampul at Leonora and Wongatha Wonganarra at Laverton are two such communities. Aboriginal public housing tenants living within the town proper do form communities in the socio-cultural sense, but they are not treated administratively as distinct from the non-Aboriginal residents of the town. Those gazetted Aboriginal communities that refused the offer of an HMA during the period of the negotiations have not been made a second offer, and so the consequences to those communities in terms of housing and infrastructure maintenance are real. Unless a community has an independent income, the community is reliant on the normal services of the department whose budget must serve the needs of all state-funded public housing in WA.

The current and ongoing refurbishment and construction activity at Mt. Margaret results from that community's acceptance of an HMA. The lack of similar refurbishment and construction activity at Wongatha Wonganarra results from the community's refusal of an HMA. The Mt. Margaret board saw no problem with leasing their residential land to the state because there appeared to be no threat to the community's self-government. The boards of Wongatha Wonganarra, Katampul and Mulga Queen did perceive a threat to self-government and also were not convinced that the lease arrangement did not affect their actual ownership of the community lands. For these reasons, Mt. Margaret accepted the HMA and Wongatha Wonganarra, Katampul and Mulga Queen all refused to engage in an HMA with the

state. During the negotiations of the HMAs this split in opinion among the communities was reflected in many other others.[6]

This contrast has led to a certain amount of confusion on the part of the Laverton town community, which is ordinary public housing. Some interviewees from the town complained that 'everything always goes up the Leonora road to Mt. Margaret, nothing for Laverton or the Village (Wongatha Wonganarra)'. When the situation regarding HMAs was explained, it was clearly news to them, indicating the community's general lack of awareness of the media reporting of the HMA program and perhaps a lack of communication from WADoH.

2.3 Conditionalities in policy and practice

2.3.1 The Residential Tenancies Act

The WA *Residential Tenancies Act 1987* (RTA) is administered by the WA Department of Commerce (WADoC), which is the repository of all bond monies paid under the RTA (WA Department of Commerce 2014). All landlords in WA are required to use the prescribed tenancy agreement based on the RTA. This is in contrast to Queensland, where non-government service providers can develop their own tenancy agreements as long as they are RTA compliant (Nash 2015). The expectation in WA is that all tenants will conform to the same rules in terms of financial requirements, property upkeep standards and generally in the course of everyday life and behaviour.

There are online facilities on the department's website located in tenant 'toolboxes' (WADoH 2015d). The toolbox for remote Aboriginal housing is slightly different from the mainstream public housing tenants' toolbox. The mainstream version includes links to online facilities for bill payment and maintenance requests, rent calculation, a budget assistant, a range of fact sheets and the WADoH Rental Policy Manual. The remote Aboriginal tenants' toolbox does not include links to the maintenance request facility, the rent calculator or the policy manual. It has a series of Youtube videos for remote Aboriginal tenants called *Deadly Tenant Deadly Homes* designed to explain changes in the RTA and generally meeting the requirements of the tenancy agreement (WADoH 2014b).

The link to the listing of these videos appears in the footnote below.[7] The videos in this collection are around one to two minutes in length. Each one consists of a brief story built around particular features of the tenancy agreement and the WADoH's Rental Policy Manual (WADH 2015a). The majority of the acting and voice work is performed by Aboriginal actors. The videos are offered in Kriol, Walmajarri and English. Kriol and Walmajarri are both Kimberley languages. There are no offerings in the languages spoken in the Goldfields to the north of Kalgoorlie (principally Ngaangyatjarra and related languages).

All WADoH offices display a wide variety of brochures covering aspects of the tenancy agreement, including the rights of the tenant, housekeeping tips, explanations of the maintenance process, the Debt Reduction Scheme and so forth. This is material that is available in hard copy at the department office and online on the department's website. There is also information about the DBMP which is covered below.

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[6] The first author was conducting research at the WA Aboriginal communities of Fitzroy Crossing, Mungullah and Burringurrah during this period. See Habibis et al. (2011) <http://www.ahuri.edu.au/publications/search.asp?ShowSearch=False&Search=Properties&Keywords=Daphne+Habibis&Search-Author=True&Sort=Search-Title&Direction=DESC#results>

[7] *Deadly Tenants, Deadly Houses* link <https://www.youtube.com/playlist?list=PLTaknl3NG-Jm_2JypWav6RvRbhjbxzGUo>

Despite all of these avenues of communication provided by the WADoH, we found that tenants in the study region were largely unaware of the considerable volume of information that was potentially available to them. Correspondingly, our interviewees were ill informed of the content of this information, much of which would have been of considerable value to them. The primary difficulties in accessing the information available to them is that Aboriginal people in the study region are mostly without access to the net, the great distance from the Kalgoorlie office where the hard copy brochures are available, and illiteracy. The latter is a problem that has been approached using the Deadly Tenant videos, but again, access to these depends on access to the net.

2.3.2 Breaches and inspections

Tenancy issues that our interviewees were most aware of consisted of the conditions in the tenancy agreement regarding upkeep of the property and household numbers and the periodic inspection of their homes by the WADoH. There are standard forms for communicating with tenants offered on the WADoC website. These cover notices for termination of the lease in various circumstances, notice to a former tenant regarding the disposal of any goods left behind, and notice to enter the premises for inspection (WADoC 2014b).

The WADoH carries out property inspections regularly twice a year. The maximum allowable under the standard tenancy agreement is quarterly. Not surprisingly, Aboriginal tenants find these inspections stressful and upsetting. We note that Government Regional Office Housing (GROH) tenants respond similarly, and that they discuss the WADoH inspector with Aboriginal public housing tenants.[8] For example, after one recent round of inspections of WADoH properties in Laverton, a GROH housing tenant and an Aboriginal public housing tenant commented that this particular housing inspector 'had a thing' about ceiling fans because she was instructing everyone she visited to clean their ceiling fans. It would appear that this form of tenancy conditionality is universally resented.

The RTA requires the landlord to give the tenant seven to fourteen days' notice of an inspection and this is done in a letter to the tenant. The problem for both WADoH and Aboriginal tenants in the study region is the way that official communications by letter are received. The head tenant may not be able to read the letter and will put it aside until one of the literate members of the household can read it to her. Before this can happen the letter is lost. Alternatively, the letter may be thrown away without being read before the head tenant sees it. Indeed, we were told by several interviewees that official letters were one of the most ineffective ways of communicating with Aboriginal people. In these circumstances, the house will not be ready for an inspection and so an unfavourable inspection report may be submitted by the inspector. A breach notice may be issued to the tenant, which may go the same way as the notice of inspection. In contrast, we note that letters informing the tenant of the issuing of a strike against them under the WADoH's Disruptive Behaviour Management Policy often results in the tenant calling the department wanting to talk about the problem. This is discussed in Chapter 4.

2.3.3 The Disruptive Behaviour Management Policy (DBMP)

In 2011, an incident occurred in a Perth public housing flat involving an amphetamine laboratory explosion (Emerson 2011). There was in consequence a public furor, to

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[8] To clarify, GROH housing is only for state government employees who work in places outside the Perth Metropolitan area and whose home is not in the town to which they have been posted. WADoH manages GROH housing the same way it manages the public housing for people who cannot access housing through lack of income and other monetary resources.

which the WA Government responded with a move to strengthen the existing Anti-Social Behaviour Policy, rebadging it as the Disruptive Behaviour Management Policy. Like its predecessor, the DBMP is constructed in the 'three strikes' policy mode. What the change meant was a stricter application of the DBMP. The difference in application was accomplished partly by default on account of the publicity the matter received in the media (Egan 2011; Australian Broadcasting Commission 2013, 2014).

The DBMP is structured with a hierarchy of 'seriousness' in the nature of the breach of the policy. This hierarchy is outlined below.

Dangerous behaviour

Dangerous behaviour is characterised by activities that pose a demonstrable risk to the safety or security of residents or property; or have resulted in injury to a person in the immediate vicinity and subsequent Police charges or conviction.

Response: Immediate eviction proceedings will be taken under Section 73 of the Residential Tenancies Act 1987, or other relevant section where this cannot be applied.

Serious disruptive behaviour

Serious disruptive behaviour is defined as activities that intentionally or recklessly cause disturbance to persons in the immediate vicinity, or which could reasonably be expected to cause concern for the safety or security of a person or their property.

Response: A strike will be issued following one incident that the department is satisfied occurred. Legal action will proceed if one subsequent incident (of similar severity) occurs within a period of 12 months.

Minor disruptive behaviour

Minor disruptive behaviour is defined as activities that cause a nuisance, or unreasonably interfere with the peace, privacy or comfort, of persons in the immediate vicinity.

Response: A strike will be issued for each incident that the department is satisfied occurred. Legal action will proceed if three strikes are issued within a period of 12 months. (WADoH 2015a).

According to a brochure outlining this policy for tenants, Minor Disruptive Behaviour consists of 'Nuisance from children, associated with loud noise, but short of misdemeanours such as property damage, loud parties resulting in Police attendance and domestic disputes which cause disturbance to neighbours (Government of WA n.d.).

The administration of the DBMP is the responsibility of a division of housing officers created specifically for the purpose—the Disruptive Behaviour Compliance unit. This unit investigates, verifies allegations of misbehavior and initiates the requisite response, including counselling and court proceedings.

The DBMP represents a shift in policy thinking on the part of government. The previous policy mindset is indicated by an intervention scheme for antisocial behaviour that was trialled in 2007. The scheme relied on the action of individual case workers allocated to specific tenants who were identified as being in danger of eviction as a result of anti-social behaviour. The case worker worked with the tenant, the tenant's family and the neighbours to identify and deal with the issue involving the

unwanted behaviour. Case workers could involve support services such as family counselling, financial counselling, and mental health counselling (Buswell 2007).

The ministerial press release in 2009 announcing the results of the trial used words and phrases including 'specialised support', 'protecting', 'encouraging' and 'ensure disruptive tenants don't end up on the street' (Buswell 2009). The 2011 ministerial press release announcing the DBMP in contrast used words and phrases including 'compliance', 'immediately rectifying their behaviour', 'tougher' and so forth (Buswell 2011). While the change in the WADoH's response to anti-social behaviour was instigated by the incident of the amphetamine lab, the policy thinking behind it represents a radical change from a stance that viewed the situation of the needy arising from the effects of poverty, to one that did not view the needy in terms of their situation, but in terms of an individual's behaviour. This view is not peculiar to WA. Rather, it reflects an international trend in welfare policy thinking which has been noted in the United States (Davis 2012), the United Kingdom (Slater 2012), South Africa (Daya & Wilkins 2013), and Canada (Hall 2011; Wacquant 2013).

The problems that Aboriginal people experience in the context of public housing have not changed as a result of the DBMP. Principally, these involve household densities in excess of the tenancy agreement, housekeeping and yard maintenance practices, rental arrears, and absence from the dwelling for periods of time in excess of that allowed according to WADoH rental policy. The effect of the change in welfare policy thinking is to raise the policy emphasis on the role of individual behaviour and personal responsibility. .This policy emphasis conflicts with Aboriginal culture generally because the Aboriginal concept of personal responsibility is aimed at the needs of the kin group. Self-conception is strongly based in the fact that the individual's social identity stems from membership in the extended family group. For these reasons, individuals will find it difficult or impossible to act as though their primary responsibility is to themselves.

3 TENANT PERSPECTIVES

3.1 Social cultural capital and constraints

The varieties of social capital that we need to take account of consist of the bonds that link people together as a coherent group, the bridges that extend between groups related on the basis of kinship, language or territory, and the linkages that extend from the group to the outer world that function as a means of accessing benefits and information from the world outside the group (Scrivens & Smith 2013).

Aboriginal social capital in this study is demonstrated primarily in the bonds that link people together as a group. As has been found in many other studies, social bonds in Aboriginal society rest largely on the institution of the family and the way in which this interacts with Aboriginal culture. This means that in negotiating the wider society's institution of rental housing, individuals will not behave as atomised entities (Sutton 2003). Rather, in most Aboriginal housing settings, they will engage in the role of head tenant in a way that tends to be inclusive of the ongoing presence of a wider collectivity of kinfolk which is what constitutes 'family' in Aboriginal society. This well-known phenomenon was observed in this study as it has been in many other studies.

Various examples of building and using social capital came out of interviews with Aboriginal tenants. These included housing kinfolk for various reasons and its corollary of requesting housing from kinfolk. Other examples appear in the box below.

Box 1: How housing is used to build and use social capital

Building social capital
→ Housing homeless kinfolk
→ Temporary housing to protect kinfolk from humbugging
→ Temporary housing for funerals
→ Exchanging children between sisters
→ Exchanging visits among kinfolk
→ Membership of community governance structures.
Using social capital
→ Requesting housing in time of need
→ Requesting housing on the basis of kinship obligation
→ Accessing services through kinfolk working at service organisations.

The housing of kinfolk in the event of homelessness and funerals are well known examples of building and maintaining a good reputation in Aboriginal society. It has the benefit of enabling people to obtain housing from others relatively easily in time of need. One demonstration of this is the practice of exchanging children between sisters. This practice serves to produce relationships of reciprocity between and across generations. Such exchanges can be long term over a period of years, or short term, as in Figure 11 below.

Occasionally, things may go wrong for an Aboriginal household. Circumstances arise that mean that the house becomes unlivable. The most usual cause of this is failure to pay the water or power bills and these utilities are turned off. The householder will use her social capital by seeking alternative lodgings for herself and her household with kinfolk. Another example of the house being rendered unlivable involves 'humbugging'. Interviews revealed instances of younger adults taking up residence with their mother, aunt or grandmother. The humbugging involved in one observed instance demonstrated threatening behaviour intended to secure the younger adult's

ongoing presence in the house with the apparent intent of causing the existing householder (her mother) to leave the house. We came upon the householder, her elderly mother and the children eating breakfast in the carport, which is not unusual, but on this day they were there because they had been driven from the house by the invading younger adult. While the householder and her mother expressed their determination to stay come what may, they were also discussing who they could go and stay with. They hoped to go together as a household, but if need be, to split themselves up among the homes of a number of kinfolk both in Laverton and in other communities. This is an occasion when the cultural capital built up over years through various patterns of providing shelter to kinfolk becomes vitally important. These women may be willing to put themselves at risk in order to curb the aggressive behaviour of their daughter/sister, but they will not risk the safety of the children of the household. Therefore, they will operationalise the emergency measures which are the benefit of accrued social and cultural capital to organise shelter for the household and then find a way to deal with their offensive relative.

It is possible for this situation to be ameliorated if the incident has taken place in a community with a strong, formalised governance structure. Acting as a member of the governing board or committee of a community means that power accrues to the individual which can be accessed by kinfolk living in that community, or who wish to live in the community. Other research has demonstrated that in this kind of community, the board can act collectively to restrain antisocial housing-related behaviour (Habibis et al. 2011). This can work equitably given the small size of the communities involved, making it possible for all members of the community to have kinfolk on the governing board. At Mt. Margaret, this seemed to be the case.

Figure 11: Cousins living with their aunt for the summer, Mt. Margaret

Source: Birdsall-Jones, June 2014

3.2   Agency of tenants

3.2.1   Community governance

The agency of tenants alters with the circumstances of particular communities. For example, both WADoH and Indigenous housing organisations will administer housing services through the community board, such as at Mt Margaret. This means that applications for housing at Mt Margaret will be approved or rejected by the community board, giving Mt Margaret people control over who lives in their community. This can only happen in communities that have a functioning board. The Wongatha Wonganarra community no longer has a board and so they do not have the same agency as people at Mt Margaret.

At Mt Margaret it is possible to make and enforce by-laws that control alcohol within the community. Mt Margaret people expect a great deal from their board. They expect that dilemmas emerging from the contravention of the by-laws will be dealt with by the board:

→   We put those things to the board. That's their job.

→   GIHO comes to us if they have a problem and we discuss it as the board. (Appendix 1 Box A12)

At Wongatha Wonganarra, agency was not expressed in the same way. Here, it is interesting to note that in responding to the question regarding whether or not the rules of the tenancy were working (see Appendix 1, Box A2), the single most addressed rule was alcohol consumption. The specific problem here was lack of control over alcohol abuse. No governance structure was referred to except for one woman who noted that 'no one's really the leader here you see'. There is a governance structure at this community, but it is limited to the senior women of the families represented at the community. These women are always the head tenants.

Because her family recognises her authority, households associated with the senior woman can make a more successful effort to combat the fallout from alcohol abuse, as noted in the following statements from younger women in households where their mother/aunt lives nearby.

→   [We] only allow visitors when they're sober

→   She's a strong lady, she'll get after them. (see Appendix 1, Box A2)

This pattern holds only for a small number of households at Wongatha Wonganarra and is not general to the community.

There have been efforts to increase the agency of householders in this regard. There is a provision in the WA *Liquor Control Act 1988* for any home to be declared a Liquor Restricted Premises under section 152P of the Act, provided the application is made by the owner or occupier. Over the period 2013–14, Laverton police sought to persuade people at Wongatha Wonganarra to make such applications, and a few tenants have done so. On approval of a 152P application, signage was installed at the front door of these houses, stating that alcohol possession or consumption on the premises is unlawful and may lead to police action. It is evident, however, that signage is not enough to control alcohol abuse. For one thing, someone has to report that there is drinking going on at a restricted premises. This has not happened, according to our interviewees. Instances in which police have intervened are said to have occurred only in the course of patrols.

There would appear also to be misgivings on the part of those who have so restricted their homes. In the aftermath of police intervention into drinking activity at their homes,

some householders deny having made a 152P application, asserting that they came home one day and found the restricted premises notice attached to the house. It is doubtful that the Laverton police would have taken such action.[9] Instead, such denials of responsibility are reflective of the community's lack of social control structures supportive of individual agency in determining the kind of activity that occurs within the home.

People may seek police assistance by obtaining a restricted premises designation for their houses. However, in looking at the aftermath of police intervention pursuant to the terms of the Act, it is clear that people fear the negative reactions of their kinfolk who become caught up in these events. In general, no-one is arrested but the police confiscate the alcohol and sometimes smash the bottles in the driveway. The drinkers so deprived become angered by this and will remonstrate with the householder. That is why some householders claim that they did not apply for the restricted premises designation, rather, the police arbitrarily posted the notice one day when they were in town shopping. This denies individual agency in the situation and individual agency is the only level of authority that exists in the circumstances of this community.

The small clusters of kin-related households that empower each other in preventing alcohol abuse in their homes are not all restricted premises. This indicates that appropriate and effective social/governance structures can be an effective means of providing tenants with agency in controlling what goes on within their homes.

3.2.2 Contrasting histories

The Wongatha Wonganarra people began working towards a formalised (meaning state-recognised) community in 1974 and over 20 years emerged as a successfully developing community. Community cohesion started to deteriorate around 2009 and by 2012, the community board was no longer in operation. Despite this more than 20-year history of developing governance and a culture of temperance, this history lacked enough weight to continue influencing the practicalities of daily life following the demise of the board. This means that Wongatha Wonganarra people moved rapidly from a situation in which daily life had a strongly iterative component; meaning life was predictable over a relatively long term; to a situation in which the habits of community daily life no longer held. It became difficult to project the course of daily life outside the household structure or over the long term. Agency in such a situation correspondingly contracts and rests finally at the level of the individual. Symbolic of this is the desire of tenants at Wongatha Wonganarra for high, chain-lock fencing with a lockable gate surrounding each of the houses.

The period during which the community board was operating is not remembered by most of our interviewees because Wongatha Wonganarra has a high turnover of residents, although there are still some original members of the community living there. When asked if there had ever been a time when Wongana Wongatharra had worked well as a community, all our interviewees, with the exception of one woman, reckoned that the situation had 'always been the same'. It seemed clear that there was relatively little contact between the original residents of the community and the newcomers, so that the story of the community was not being conveyed to the new residents by the original membership of Wongatha Wonganarra.

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[9] The application for liquor-restricted premises requires an illustrated plan of the premises, a copy of the tenancy agreement, an acknowledgement form to show that all registered occupants have been informed that the application has been made, and any available documentation in support of the application, such as police reports, copies of complaints to the local council, affidavits, etc. The application is made to the Director of Liquor Licensing, and approval does not rest with the local police or other authority (WA Department of Racing, Gaming and Liquor, n.d.).

The only person who referred to the time when the community ran well was one of the founding members of the community. She had a house in town and no longer lived at the community, but her recollection was that Wongatha Wonganarra had been a 'good place to live one time':

> We enforced the by–laws and it was a safe place to live. Now they're all drunk 24/7 out there. (see Appendix 1, Box A3)

Mt Margaret's history extends from its beginnings as a Christian mission in 1921 to self-government in 1974 continuing to the present. This is a continuous history of the development of a community intolerance for alcohol, a focus on education and a tradition of democratic governance structures. Life at Mt Margaret is not flawless, as is alluded to in the quotation from one interview:

> If there's a little stich up, we figure it out, and then we're talking to each other again. (see Appendix 1, Box A13)

Undoubtedly community conflict occurs, but there exist processes through which to deal with it, and by and large, this has worked to the satisfaction of the community membership.

What has happened to these two communities is in direct contrast to each other. At Wongatha Wonganarra, it is up to the individual householder to maintain the property according to the rules of the tenancy. There is no second level authority that would permit the individual to seek redress. To an extent, this includes the police.

In contrast, at Mt Margaret, community members have largely ceded personal agency to the community board such that the board becomes responsible for dealing with community conflict and breaches of the community by-laws. The study reveals that this is a significantly more efficient means of enabling householders to maintain their homes according to the provisions of the RTA than is reliance on individual agency alone.

3.2.3 Tenant agency and culture

Of interest is interviewees' perceived capacity to conduct their tenancies without this conflicting with Aboriginal culture (see Appendix 1, Box A4). At Mt Margaret, none of our interviewees perceived this as a problem. This is demonstrative of the strong community perception that culture means 'tribal': 'We're not tribal people here' or alternatively: 'All these people are urbanised'.

Most of those who considered that the rules did conflict with culture were from Wongatha Wonganarra. Here, the problem was not that the tenancy rules made problems, but that particular features of Aboriginal culture made it difficult for people to control ingress and egress to their properties. Dogs were a source of common complaint.

Dogs are a common feature of Aboriginal communities and they roam at will throughout the streets and yards and sometimes peoples' houses. While some people do not regard this as a particular problem, many do. They object to the mess dogs make and their propensity for thieving food. The solution is seen as secure, high fencing and locked gates for individual properties. While fencing and gates may not be widely understood as an Aboriginal cultural matter, the desire for them is widespread in the settings of city, town and remote communities. While this is a widely occurring phenomenon, is not well understood within the context of the provision and study of Aboriginal housing and may therefore warrant research.

Another area of conflict was the matter of providing for the elderly, specifically the right of kinfolk to demand food and/or shelter from one another and the corresponding

obligation to accede to such demands. At Wongatha Wonganarra, there is a row of one-bedroom pensioners' units specifically allocated to elderly people who are on their own and no longer in need of a family home. In a general sort of way they are looked after by their younger generations. On occasion the elderly person runs out of food or heating fuel, and may decide to move in with one or another of their younger kinfolk. While this is consistent with the nature of kin relations in Aboriginal society, some among the younger folk we interviewed who are in this position expressed their annoyance at the imposition. Their point is that the elderly relation has adequate accommodation, they are not homeless and it would be better to provide them with enough food and fuel to tide them over to next pension day than to have them move in.

Figure 12: Wongatha Wonganarra Community; pensioners' units and playground

Source: Australian Broadcasting Commission, 7 June 2011

3.3   Tenant views of WADoH and GIHO

The tenant-landlord relationship is a contractual exchange relationship in which the tenant exchanges rent for the use of the landlord's property (Vaughn 1968). It is an unequal exchange, particularly in the present economic climate, because in both the public and the private rental markets, there are more people who wish to rent than there are properties (*The Guardian* 2015). Obviously the power in this situation lies primarily with the landlord. While any type of rental housing entails a social relationship between the tenant and the landlord, that between the public housing tenant and the public provider brings a greater degree of power inequality reflectedin the low economic status and dependency of the tenant on state housing subsidies. This power inequality also arises because of the inherent contrast in the viewpoints of the tenant versus the landlord. The tenant relates to the landlord as an individual, whereas the landlord's relationship with tenants is diffused across the range of the landlord's rental property holdings (Vaughn 1968). This is true of private rental no less than public. It is modified in public housing by the fact that the market does not determine public housing policy; public housing policy arises from the political processes of government.

3.3.1 The tenancy agreement

Tenant agency in following the rules of the tenancy agreement appear to be somewhat constrained. These constraints have to do with repairs and maintenance, and support in following the rules. At Wongatha Wonganarra, there was concern that the quality of the housing impacted upon tenants' ability to maintain appropriate standards of hygiene and tidiness. The housing in this community is run down which is a consequence of the lack of an HMA with the state.

In the town there was concern about the issue of repairs and maintenance, but there was also concern about finding ways to avoid overcrowding. For example, there were several elderly women who were living on their own in three-bedroom homes. There was a view that if there were smaller properties available for elderly tenants, these larger homes could be allocated to families. At least some of this concern was for the women themselves, who found the larger houses difficult to live in. One reason given for this was that the large empty spaces frightened them at night. In interviews with women in this position, we discovered them living only in the lounge room, which implies that there is some truth in this claim.

In the summer months, it is customary for large numbers of people from the Ngaangyatjarra Lands north of Laverton to come south to visit relatives in Laverton and Kalgoorlie. These visitors are accommodated either in bush camps which they establish around the town, or in the homes of their relatives in the town and at Wongana Wongatharra. The shire and the police have developed ways of managing hygiene and public order in the bush camps, including 'porta-loos' and permitting people to establish camps along the lines of kin and place. the people who host large numbers of visitors in their homes knew crowding was against the rules of their tenancy and also led to insufficient resources to manage appropriate house and yard hygiene standards, ultimately a threat to tenancy. Interviewees suggested that the solution to this was the establishment of short-stay facilities in Laverton.

3.3.2 Can the housing provider help?

Interviewees were asked if there was any support available in dealing with these problems from the housing provider (see Appendix 1, Box A7). Most people said that frontline workers from the housing providers gave them no help in keeping the rules, such as house and yard tidiness, maintenance and repairs, and rental arrears. There was a minority opinion that GIHO was helpful in these respects, or at least that relations with GIHO could be managed both at the individual level and at the community board level (Mt Margaret). We asked interviewees specifically about whether or not they received help from the TSOs, and responses were mixed, ranging from 'I just love those girls' to 'they never do anything, I'm sick of asking'.

At Mt Margaret and Wongana Wongatharra, some interviewees considered that help in keeping the yard tidy and developing a garden would constitute valuable help in maintaining the property to standard. There was a suggestion from several interviewees that more people ought to be trained to use the community-owned bobcat (a small front end loader especially built for use in the home garden) to clear front and back yards upon request.

Also at Mt Margaret, there was concern that GIHO would raise the rents on completion of the current round of housing refurbishment and renewal. Even those interviewees at Mt Margaret who were in employment were dubious that they could afford any increase.

A difference between WADoH and GIHO tenants' responses to the availability of support from the housing provider was more a matter of tone and attitude. When

asked if any help was forthcoming from WADoH in keeping the rules, tenants were immediate and sharp in their replies. This was also true of some GIHO tenants. However, GIHO tenants were able to be more specific in their replies, such as the comment from a couple who fell into arrears through a banking error, and what some interviewees understood as the reason for slow response times to repair requests, i.e. GIHO's lack of funds. In contrast, there were those who expressed their appreciation of the work of the TSOs.

In general terms, WADoH was characterised as being unhelpful, slow to respond to requests for maintenance and repair, and that 'it's always been the same'. This is no doubt the product of tenants' experience, and there is some research which demonstrates that this is a longstanding situation (Beresford 2001; WA Equal Opportunity Commissioner 2004). However, to a certain extent, the negative view of the WADoH stems from Aboriginal tenants' lack of information about the operations of the department.

For example, according to some Laverton town interviewees, Laverton and Wongana Wongatharra were unfairly disadvantaged in comparison to Mt Margaret:

> Everything goes down the Leonora road to Mt. Margaret and stops there.

This reflects the fact that people are unaware of Mt Margaret's HMA with WADoH. It is true that Mt Margaret does receive considerable help in the way of housing refurbishment and renewal, but this is as a result of their HMA. These Laverton tenants are also unaware that the town community was never eligible for the funding flowing from the HMA process because that funding was only offered to gazetted Aboriginal communities.

While the HMA process may be regarded as a higher level of policy not readily accessible to people in general, awareness of relevant sections of the WADoH *Policy and Procedures Manual* should be accessible. The example here is the way that the WADoH manages tenant debt. We spoke to tenants whose parents had significant debts to the WADoH. These parents were former tenants who were currently living with their adult children because they had lost their tenancies due to their absence from the property for an extended period of time during which the house was vandalised and the rent not paid. The repair bill combined with the arrears reportedly amounted to in excess of $10 000 in these cases. Repayment was being made by garnishing the pension in the amount of $5.00 per fortnight. Until this was repaid, the debtor was ineligible for a WADoH rental.

This situation can be improved through the WADoH Debt Reduction Scheme, in which credit can be awarded for monies repaid, which can amount to halving the debt 'facilitating earlier re-entry into public rental housing' (WADoH 2015, p.11). However, no-one in Laverton seemed to be aware of this policy.[10] In any case, it was on account of exchanges of information of this kind that led a few interviewees to suggest that having someone to talk to about their tenancies on a personal basis would result in more successful tenants, in both quantity and quality.

In some instances, however, it is difficult to know how to understand elements of the tenants' perspective. Some interviewees stated that there was insufficient public housing in the town and that there were houses in town that stood empty in face of reportedly high levels of household overcrowding. Prima facie, this seems contradictory. Regarding the vacant WADoH properties, we queried this with Kalgoorlie WADoH staff and they confirmed that there were two houses standing

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[10] We were able to inform tenants of the Debt Reduction Policy and how it works, but specifically advised them to obtain authoritative information about the policy from the WADoH.

empty and unallocated because there was no waiting list for housing in Laverton. We wondered why those in Laverton who complained of existing overcrowding in their own homes had not made applications to transfer to these larger properties. One reason might be that their households include kinfolk who are not listed as registered tenants on the lease. This is not uncommon among Aboriginal public housing tenants because the rent increases according to the number and age of each additional occupant. If they were to apply for the larger houses, they would have to reveal that the additional kinfolk are part of their households and people would prefer not to pay the increased rent.

This kind of contradictory complaint against WADoH is fairly common in our research experience and it requires a certain vigilance in confirming things with the department. It should not be thought that Aboriginal tenants are simply being mischievous in making such statements that are contrary to the actual situation. Rather, it must be remembered that there is a power aspect to these complaints. WADoH is perceived to hold the power in the tenant landlord relationship and in this inherently unequal relationship the tenant feels the force of this strongly. Tenants cannot anticipate the course of time in which their request for repairs and maintenance will be dealt with, nor can they control the way in which it will be dealt with. This deep divide in power relations introduces conflict to the structure of any tenant-landlord relationship. Where the tenant is as powerless as Aboriginal people, not only in the tenant landlord relationship but as a matter of social and economic structures, the potential for conflict and associated feelings of resentment are greater than in other Australian tenant landlord relationships. This keenly felt resentment will sometimes be played out in research interviews possibly to make a particular point about the operations of the public housing provider which requires exemplary material which either cannot be called to mind momentarily or which is lacking. The resentment raised in the situations of powerless people generally will often give rise to similar phenomena.

3.4   The main points

In this section of the report we took account of various kinds of social capital as they relate to housing and the power relationship between the Aboriginal tenant and the public/community housing provider. This power relationship is inherent in the landlord-tenant relationship and in situations where the tenant is structurally disempowered in the context of the wider society, the inherent power imbalance is enhanced. [11]

Using social capital

The socio-cultural capital that links people together as a group is demonstrated at Wongatha Wonganarra in kin relationships pertaining to authority. Among those households where the head tenant is a senior woman there can exist strong bonds between her household and kin-related households such as those of her daughters or her nieces. This is because the senior woman can make and enforce rules governing the behaviour of people within her house. These rules also can cover who will be allowed across the threshold of the house. Her daughters/nieces can draw on her authority in controlling behaviour and access to their own houses, because of the respect accruing to their mother/aunt by the community as a whole. Building and maintaining the social capital necessary to create social bonds and the status of a

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[11] Another example of this is seen in interviews with town people who consistently complained about the behaviour of the WADoH housing inspectors. The substance of complaints was that the inspector comes to the house with a negative attitude and a clipboard, proceeds through the home inspection largely in silence, and at the end, gives tenants a verbal list of things to put right. Then he/she leaves. Both non-Aboriginal GROH tenants and Aboriginal WADoH tenants made the same complaint. We do not discuss it here because reports like this about housing inspectors have been consistent over many years, and predate the era of conditional welfare.

senior woman requires engaging with the wider kin group by providing housing services to kinfolk. These include the exchange of visits between her own household and kin-associated households in other communities, accepting the children of those households into short or long-term membership of her own household, and providing housing for kinfolk attending a funeral in the community. While these activities may put her in breach of her tenancy agreement, in the long run, she can protect not only her own household and property but those of her kinfolk living in her community.

Concentrated social capital versus dispersed social capital

One of the weaknesses of this model is that it is difficult for Aboriginal people to engage in linkages that extend from the group to the outer world. A senior woman can make some linkages on behalf of her various dependents, but she cannot make all the links for all of her dependents. When some mishap occurs which takes the senior woman away from the community (principally illness requiring hospitalisation), her dependents cannot take her place. When such things occur, the standard of behaviour and condition of visitors to these households may deteriorate. The frequency of damage to the property may rise in these circumstances and the disruption to everyday life within the affected households may lead to rental arrears.

For these reasons, a more formal model of governance with a community-wide reach (e.g. a community council or board, or an elders' group) is a stronger model. The governing structure is made up of a number of individuals among whose tasks it is to oversee and deal with conduct within the community that disrupts everyday life as it pertains to housing. Should one of this membership be absent for any reason, under this model the remaining membership of the governing group can carry on regardless. The continuity of authority can be assured over the long term under this model of governance. This model represents the social capital of the community rather than the individual.

4 GOVERNMENT PERSPECTIVES

4.1 Constraints in implementing policy

The rules of tenancy used by WADoH are those contained in the standard letting agreement based on the WA *Residential Tenancy Act 1987*, in combination with the department's *Rental Policy Manual* (WADoH 2015a). In general, WADoH staff view this system as creating a 'level playing field' for all WADoH tenants and for the department itself. The issue of culture is not an element in the standard tenancy agreement, however, it is alluded to in the *Policy and Procedures Manual* (WADoH 2015a, pp.65, 119). Interviewing indicates that staff are conscious of the fact that Aboriginal culture is a significant element in the tenancy-related behaviour of Aboriginal tenants. Within the Kalgoorlie Esperance Regional Office of the WADoH (the Kalgoorlie office), interviewing revealed that staff are well aware of the power imbalance in the department's relationship with tenants. The question regarding whether or not the rules of the tenancy were functioning according to the intended meanings of the rules elicited qualified responses that some were and some were not. It was pointed out that it was unlikely that any Aboriginal tenants had actually read the tenancy agreement that they signed, and that even if they had, the terms used and the style of the writing were such that it would be difficult for both Aboriginal and non-Aboriginal tenants to fully understand. In contrast, WADoH staff understood the tenancy agreement very well because they had the necessary training and experience of using the agreement in the daily course of their work.

The difficulty that this presents in implementing policy is that tenants' lack of understanding the tenancy agreement means that they are more likely to contravene the rules. As well, they would be unlikely to appreciate why the department acts in the way that it does in regard to breaches of the tenancy rules. Conflict is built into such a situation.

The question of how to improve this was asked of Kalgoorlie office staff. One suggestion was made that the production of a 'plain English' version of the tenancy agreement would be very helpful.

As well, it was stated that the DBMP had already improved tenants' understanding of the tenancy rules.

4.1.1 WADoH use and tenant response to the DBMP

In the view of staff of the Kalgoorlie office, the DBMP worked because it was in clear and unambiguous terms that a proscribed set of behaviours, if continued, would result in eviction. Letters sent to tenants in these terms get a high rate of response. This is in contrast to breach notices, which apparently attract a very low rate of response.

> In the past, we'd send out a breach notice and rarely get a response. Now [we're] taking phone calls on the first strike notice. (Interview, Kalgoorlie 29 November 2014)

Kalgoorlie office staff also see benefits for Aboriginal tenants in the DBMP. Because response rates to first strike notices are high, it has been found that tenant liability for the costs associated with property damage are much lower. The reason given for this is that where the behaviour that resulted in the first strike notice is connected with vandalising the property, the tenant is much more likely to take action to limit that behaviour. They may do this either by altering the membership of the household to exclude those who commit property damage, or by curbing the destructive behaviour of individuals within the existing household. The effect of this is damage repair bills in the hundreds rather than in amounts that may be in excess of $10 000. In addition to

the reduction of tenant debt, Kalgoorlie WADoH staff are also seeing changes in tenant behaviour which protects tenancies.

Working relationships between the Kalgoorlie office of the WADoH and Aboriginal and non-Aboriginal non-government organisations[12] are developing around the DBMP. The support of relevant NGOs with tenants who are in receipt of strike notices facilitates successful tenancies and in at least one case, a notice of eviction on the third strike has been successfully defended by a tenant so supported.

4.2   Agency of frontline workers

The agency of frontline staff is limited in the process of eliciting compliance with the tenancy rules from Aboriginal tenants. Efforts to increase agency in this regard have in the past been limited to the instructions given to tenants on signing the lease. These instructions include trying to get tenants to see the benefits of understanding the tenancy agreement, the way that the department administers the agreement and how government policy structures these agreements.

Currently, there is an ongoing effort to enlist the support of community leaders in preventing tenants from acquiring strikes. WADoH staff seek to develop and maintain personal relationships with key people in Aboriginal communities. Where it comes to the notice of staff that problems with a particular tenant are increasing, they may seek the aid of key individuals in discovering what is happening with the household. This is particularly useful in dealing with rent arrears caused by the fact that the tenant has been absent from the property for a period of time. Some tenants who are away from home for a time maintain their rent payments, but some do not. Community leaders may have the means of contacting a tenant whose tenure is endangered in this way, and will often undertake this task at request. However, unless staff of the department can get information on these situations, they cannot act to set in train communication with the absent tenant. Personal relationships between housing department staff and community leaders are the key element in developing and maintaining communications of this nature with tenants.

However, WADoH staff do not have the necessary contacts in all communities and towns to facilitate the necessary communication. As well, our interviews with Aboriginal tenants suggest that the practice of individual WADoH housing inspectors does not include interaction with tenants beyond that necessary to the process of inspection. Thus, while frontline WADoH staff do make liaison visits to communities, their ordinary activity is limited to property inspection. In the course of property inspections, WADoH staff will advise the tenant of any deficiencies in upkeep of the property but, according to our interviewees at Laverton, take no action to support the tenant in dealing with these.

We asked WADoH Kalgoorlie staff if the rules were getting tighter or looser. The immediate response was that they are getting tighter. The issue was that the decision of whether or not to invoke the clauses of the *Tenancy Act 1987* had been taken away from them. They are now obligated to invoke the Residential Tenancy Act in a strict and timely manner. It is partly for this reason that the staff have formed their view of the DBMP as being helpful in protecting Aboriginal tenancies. A strike notice is far more likely than a breach notice to drive contact between the tenant and the department. This means that Kalgoorlie staff can take action very early in the

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[12] An example of an Aboriginal NGO would be the Aboriginal Legal Service. An example of a non-Aboriginal NGO would be Save the Children, neither of which were included in this research. All interviewees were promised anonymity which entails naming neither the interviewee nor their organisation.

development of problems, preventing the situation from moving to an unavoidable eviction.

Where it is possible to do so, departmental staff try to achieve personal communication with tenants who are in breach of the tenancy agreement.

> We do personal communication with tenants as much as possible, going and knocking on doors, doing property visits. When that's not possible, we phone them. Personal communication counts.

This kind of involvement does reflect important changes in the operations of the WADoH generally over the long term. The concept of increasing the agency of frontline staff has become a key element in the practice of Kalgoorlie staff.

The concept of stakeholders is important in preventing the 'silo' phenomenon in which agencies with interests in common may isolate their service delivery from each other. How well stakeholder liaison works is to some extent dependent on the stability of staff in the department and in the stakeholder organisations, which may be government, as with the Department of Child Protection, or NGOs as with women's shelters and family services. Stakeholder cooperation is to a large extent dependent on the shared goals and understandings between organisations at the personal level among staff members. With staff changes, it is necessary to begin personal involvement with the new agency representative. Some staff change is inevitable in the normal course of affairs, but in situations destabilised by rapid changes in government funding priorities, stakeholder cooperation is severely threatened.

4.3   The main points

The level playing field

The standard tenancy agreement, based on the WA RTA, functions to ensure that both Aboriginal and non-Aboriginal tenants conduct their tenancies according to the same rules. The problem with the standard tenancy agreement is that most Aboriginal tenants do not understand the opaque legal English in which the agreement is written. This constitutes a barrier to Aboriginal tenants' capacity to adhere to the terms of the lease.

Limitations on the agency of frontline staff

The agency of frontline staff is limited because the model of contact between staff and tenant is reactive. Something must happen before staff can enter into personal communication with a tenant. There is no way that proactive measures can be taken in order to support tenancies in danger.

Strategies to increase the agency of frontline staff

Efforts to increase the agency of department staff are twofold.

Staff are encouraged to form relationships with key members of Aboriginal communities to create lines of communication that can help to protect the tenancies of tenants in breach of the rules of their tenancies.

Staff are encouraged to use the services of relevant NGOs in order to obtain support for tenants in breach.

The DBMP as a positive force

Because Aboriginal tenants respond promptly to a strike notice, staff can communicate with them directly and take action to help the tenant to protect their tenancies.

The weakness of the reactive model

The model of staff-tenant interaction is reactive. Until there are problems, staff can take no ameliorative action. Regular contact with tenants is limited to property inspections. It is unusual for housing inspectors to engage tenants in conversation regarding the continuity of the tenancy. Given this reactive model, staff seek to overcome its weaknesses by seeking liaisons with other government agencies and relevant NGOs.

5 INDIGENOUS ORGANISATION PERSPECTIVES

5.1 The Goldfields Indigenous Housing Organisation (GIHO)

Before the establishment of GIHO in 2002, there were 17 organisations in the Goldfields that provided housing services to Aboriginal communities in the region. These organisations took the decision to combine operations in order to conserve funding on administration costs. Two of these organisations had housing stock to contribute. With this housing stock and funding from the Aboriginal and Torres Strait Islander Commission, GIHO was incorporated in June of 2002.

5.2 Constraints on organisational capacity

The primary issue in the capacity of any organisation is funding. Funding determines staffing levels and the resources needed to carry out the work of the organisation.

With the exception of Kalgoorlie and Leonora, GIHO's operations are dependent on a grant from the WADoH for which GIHO applies biennially. GIHO does not regard this funding as a 'done deal' and the organisation acquires an air of heightened energy during the period when the funding application is being prepared and, following submission, during the wait for a decision from the department. The justification for this concern is seen in the fact that GIHO was not awarded the contract for servicing the remote Goldfields communities in 2015. WADoH instead awarded the contract to Community Housing Ltd, an Australian company that operates domestically and internationally.[13] GIHO will now downsize its staffing and continue to provide housing services to its base portfolio of 64 properties in Kalgoorlie and Leonora.

5.2.1 GIHO and government policy

Government housing policy is restrained in remote areas by the nature of land title. This refers to ALT land and has already been discussed. However, the state can still enforce the terms of housing policy in communities with which it has HMAs. Up until 2014, the DBMP was not applied in remote Aboriginal communities. Since then, it has been in force throughout remote Aboriginal communities with HMAs. How this will work is unclear.

The enforcement of the DBMP depends on neighbours reporting offensive behaviour. In remote area Aboriginal communities, the neighbours are people who are closely related through kinship and ties based in land, culture and history. The prospect of reporting the offensive behaviour of a neighbour to whom one is so closely linked is doubtful.

As well, we need to remember that in isolated, remote area Aboriginal communities, there is often no public authority on which to call if the actions of others affect an individual deleteriously. In this situation, authority to seek redress necessarily lies with the individual. That is, the means of redress when offence against the individual occurs is through individual action; individual agency in other words. The consequent individual agency cannot be ceded to a higher level socio-political structure such as local council or police force, the exceptions being communities with a functioning governance structure such as Mt Margaret. This, at least in part, is the reason why it is rare that Aboriginal people will call on the police to help them when person or property is threatened by others. For these reasons, the issue of whether or not the policies of the WADoH can be enforced in various communities is probably moot. It may be enforceable, but will it be activated?

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[13] See Community Housing Pty Ltd, <http://www.chl.org.au/>

5.2.2 Using the RTA tenancy agreement in remote communities

With regard to the rules governing tenancies GIHO, like WADoH, uses the standard RTA tenancy agreement. GIHO's view of the function of the tenancy agreement is that it provides.

→ a unification of approach, support for tenants and landlords

→ a rule of law in the tenant/landlord relationship. (Interview, GIHO, Kalgoorlie, March 2015.)

As discussed in Section 2.3.1, the standard tenancy agreement is of limited value in remote Aboriginal communities in the Goldfields because it applies only where communities have entered into an HMA with the WADoH. This has been the case since the passage of the *Aboriginal Housing Legislation Amendment Act* 2010 (AHLAA) in July 2010 (Division 2, s.62G).[14]

The HMA provides an arrangement whereby the WADoH leases, from the community, that land on which the community housing and infrastructure sits. By virtue of Division 2, s.62G of the AHLAA, this gives the WADoH the right in law to administer the housing and infrastructure on that land and protects the WADoH from any future legal action against it on the part of the Aboriginal community. It also brings the community into the jurisdiction of the RTA, as provided in the AHLAA. Therefore, in communities with an HMA, tenants may be evicted for breaches of the tenancy agreement or under the DBMP. In communities without an HMA, tenants may be evicted neither for breaches of the tenancy agreement nor for strikes under the DBMP, because of the AHLAA.

This is not seen as an insurmountable problem by GIHO, one reason being that in these remote communities evictions would result either in people being forced to live unhoused in the bush, or to move into the homes of their kinfolk. Neither of these options are seen as practical.

Despite this, GIHO's view is that the RTA can still be used as the basis of tenancy management as a matter of expediency, at least in part. If GIHO chose not to use the RTA it would be necessary to develop an alternative regime, requiring legal assistance for which GIHO has not been funded. As it stands, the RTA provides a process for tenants and GIHO because it provides the means of redress for both parties. The challenge in using the RTA, in the view of GIHO, is to apply it in a way that as much as possible takes account of the role played by Aboriginal culture in the conduct of Aboriginal tenancies (Interview, GIHO, Kalgoorlie, March 2015).

→ The rules are the rules and they are what they are. What matters is how they're applied. That has to happen in consideration of the things that come up in their lives. Sorry business for example. You can't expect that the upkeep of the house and the payment of the rent are always going to go as normal during those times, and you just have to help people cope as best you can, knowing that the situation is just temporary, just for the moment.

→ … if you try to apply a big stick approach it only leads to a bigger stick and that only leads to more and more problems.

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[14] For further information, see the explainer on the WADoH website, Remote Aboriginal Housing: new legal framework,
<http://www.housing.wa.gov.au/aboutus/strategyandpolicy/newlegalframework/pages/default.aspx>

5.3 Agency of frontline workers

5.3.1 The Tenancy Support Program

Unlike WADoH, GIHO has an ongoing program specifically constructed to encourage personal relationships between staff and tenants. This is the Tenancy Support Program (TSP). The TSP delivers services aimed at the issues of debt control and budgeting skills, appropriate use of health hardware and kitchen white goods, and issues of household hygiene and efficient use of power and fuel. In aid of these services, GIHO will supply tenants with basic cleaning supplies, rubbish bins and rubbish removal (GIHO 2012).

The TSP is carried out by tenancy support officers (TSOs) who are responsible for property inspections. This is done by the tenant walking the TSO through the house pointing out any deficiencies such as blown light bulbs, doors failing to close properly, an oven door off its hinges etc. The TSO takes note of these, fixing some very minor matters (such as blown light bulbs) on the spot and taking note of others for repair schedules. In the course of this process, she also notes the general state of the dwelling. If the housekeeping is not being kept up, a relatively gentle questioning takes place culminating in the offer of cleaning supplies including mop, bucket and broom. The TSOs usually carry these with them on tenant visits and if they have, the offer is made good on the spot. If the tenant's yard shows her interest in gardening, the TSO may make the offer of a fruit tree when these are available (Field observations 2013).

GIHO has developed ways of administering the RTA-based tenancy agreement in communities lacking an HMA. One of the ways in which it does this is by acting as though it actually has the authority granted to landlords by the terms of the standard tenancy agreement. They can do this because their Aboriginal tenants cooperate in creating the fiction of GIHO's authority. An example of this is the management of overcrowding and the humbugging that sometimes goes with it.

TSOs will inform the tenant that existing numbers in the house are in excess of the tenancy agreement and that those who are not listed as being members of the household must move on. Tenants do not generally take on this task, because as mentioned above, it is offensive to the tenets of kinship relations and, if humbugging is part of the problem, because they are afraid. (As happens at Wongatha Wonganarra when the police enforce the terms of Liquor Restricted Premises designations, it will not have been the tenant who stopped the drinking activity in the house, but the police. This makes the individual tenant safer both socially and possibly physically.

In GIHO properties, tenants may choose to depend on TSOs to do this for them and the majority of the time, this works well enough to facilitate better everyday conditions in the affected household, at least for a time. This way, tenants have committed no offense in cultural terms. Because the TSOs are not community members related by kin and culture, they will not ordinarily be held to account for exerting their 'authority'. In interviews on this matter, a member of GIHO staff stated:

> I've never heard of payback on housing officers. People in remote communities are fairly respectful of the role we play and we don't get that kind of trouble.

This was followed with the proviso that staff must ensure that they take into account current events in the life of a community and the ways in which combinations of events and particular people could affect their work.

The agency of TSOs in delivering this program has been considerable relative to that of frontline staff of WADoH. The loss of its contract with WADoH threatens GIHO's funding for the delivery of the Tenancy Support Program to the tenants of its reduced property portfolio. It is not yet clear whether GIHO will be able to carry out this program among tenants in its remaining property portfolio.

5.3.2 Inter-agency liaison

Within the study region, there are two fora established specifically to achieve inter-agency cooperation. The larger of the two is the Regional Interagency Meeting (RIAM), established in 2009 by Pip McCahon of the Goldfields Esperance Development Commission, housed in the Leonora Shire office. The membership of the group consists of representatives from the government and NGO agencies operating in the region covered by the shires of Menzies, Leonora, Laverton and Ngaanyatjarraku. The purpose of the meeting is to prevent the silo affect from developing by enabling the staff of these agencies to share information on current developments and new initiatives. The group meets on a monthly basis and is attended regularly by the majority of the more than 45 agencies working in the region. GIHO is regularly represented at these meetings by the TSOs. WADoH does not participate in this group.

The second forum is an outgrowth of RIAM. Whereas the focus of the RIAM is on the broader picture of the region, the focus of the second group is case work. This meeting is attended monthly by staff of what might be termed the 'helping agencies'. These include legal aid, the women's crisis centre, drug rehabilitation, prison visitors, local police and others including the GIHO TSOs. WADoH does not participate in this group. This group establishes a shared understanding of their common case load. The basic idea is that a person who is having trouble in one area of their life is very likely experiencing difficulties in other areas as well. By sharing their knowledge of their common case load, staff of these agencies can strategise their approach to maximise the benefits to the client. This group has no formal name, but they refer to their meetings as 'the case work meeting'. These meetings are strictly confidential and were not attended by the researchers.

By working with and across the various agencies working in the region, TSOs can gain a better picture of tenants who are in breach of the tenancy agreement and structure their approach in ways that result in ameliorating the breach which leads to a higher number of successful tenancies.

5.4   The main points

The level playing field

GIHO hold the same view of the RTA as the WADoH. That is, it provides a set of rules governing the conduct of tenancies for both the tenant and the housing provider.

Using the RTA

GIHO has developed a method of housing management in the absence of the RTA. This involves the work of the TSOs who are the face of GIHO in the communities it serves. This involves supporting tenant behaviour through positive reinforcement, such as the supply of basic cleaning supplies and garden plants.

The outreach model

GIHO's housing management program relies on a proactive model. It is operationalised through an interactive method which is presented to tenants as supportive. The advantage of an outreach model is that it permits the TSO to see problems developing with a tenancy and to take action accordingly. The advantage to

tenants is that they are given an ongoing opportunity to conduct their households in ways that contribute to the security of their tenancies.

Increasing staff agency

TSOs increase their agency by participating in locally available fora set up specifically to facilitate communication among the various agencies operating in the Goldfields region at the policy level and at the level of individual tenants. This serves to increase TSOs' capacity to be proactive in carrying out the work of supporting Aboriginal tenancies.

6   RECOGNITION SPACE

In this chapter, we will examine the degree to which WADoH and GIHO engineer increased feedback between themselves and their Aboriginal tenants in ways that permit negotiation of the social contract between tenants and housing providers.

The current model of welfare provision in Australia is formulated according to the notion of conditionality. This indicates a particular understanding of the social contract which exists between welfare recipients and the wider society such that welfare is provided to those who meet what are seen as their obligations to the state provider (Dwyer 2004). This understanding also involves a particular view of the path from welfare to work.

6.1.1 Push and pull or facilitate and enable?

The graphic below illustrates a particular view of the notion of welfare conditionality. It is useful because it provides a graphic illustration of the point of contention between the proponents of welfare conditionality as public policy and those who oppose it. The contention is at the beginning of the progression, with the figure on the pedestal. Part of the symbolic meaning of a pedestal is that it represents an idealised and desirable state of being. That is, the graphic is telling us that people on welfare like living on welfare payments, that they view it as an ideal way of living, and that is the major force that keeps people on welfare. This is a hotly disputed understanding of the forces that work to keep people on welfare over the long term. The alternative view cites national and global economic structures, housing shortages, and lack of viable employment opportunities as being the forces at play here. (Hasenfeld & Rafferty 1989; Berry 2013; Watts et al. 2014).

Figure 13: The pathway out of passive welfare dependency
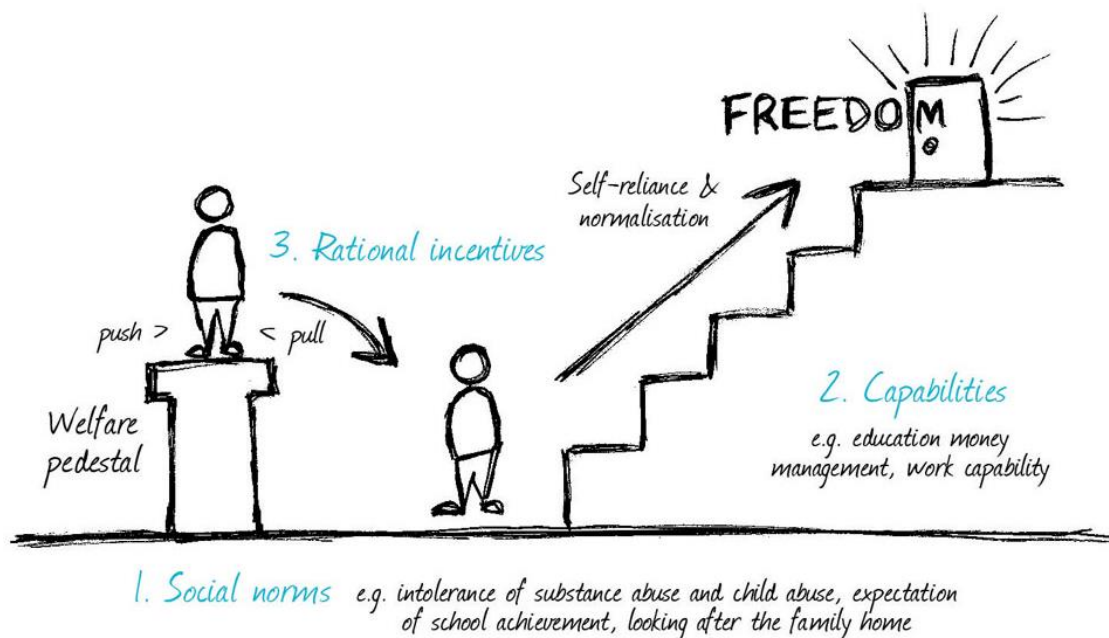
Source: Cape York Partnership website 2015[15]

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[15] <http://capeyorkpartnership.org.au/cogs-of-change/welfare-reform/>

The figure on the pedestal on Figure13 above is annotated with the words 'push' and 'pull', indicating that some force is necessary to knock the individual off the pedestal. This is where the welfare conditionality comes in. Essentially, the person living on welfare must have the welfare income or commodity taken from them. This graphic shows that process as including 'rational incentives'. Once we reach that point in the graphic, the dispute ends. In the jargon of the alternative view of life on welfare, these become 'facilitators' or 'enablers' aimed at 'empowering' the individual to remove themselves from life on welfare. In sum, the conditionality view holds that individuals must learn not to use welfare as a means of making a living, whereas the alternative view holds that individuals cannot escape from life on welfare until and unless they are provided with the means to make a living in the national economy. Both agree that the path from welfare to work requires education, housing and health (Gordon 2005; deDecker & Pannecouke 2004; Redmond 2010).

6.1.2 Modelling the recognition space

In the unequal relationship between public housing tenants and the state, the idea of a recognition space provides a trope according to which elements of negotiation, where present in this relationship, may be identified and described. Negotiation of the social contract increases the agency of tenants in relation to the state which opens opportunities to increase the proportion of stable tenancies over that of evictions (see Section 3.3).

The model used in this study takes account of the moral dimension of welfare conditionality, involving the relative responsibilities of the individual, Indigenous governance structures, and the state.

**Figure 14: The recognition space**
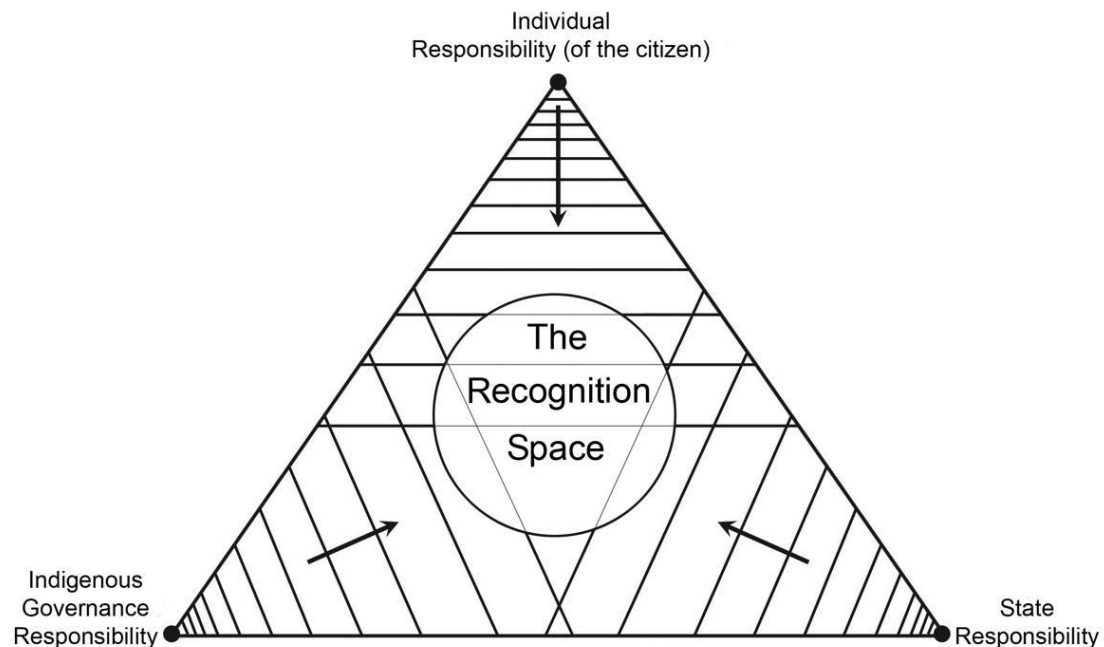
Source: Habibis et al. 2013

It implies that, in principle, there is scope for adaptation when there is feedback among the actors in this relationship of differential responsibilities. The recognition space expands or contracts in response to feedback between the tenant and the housing provider. This study has found that feedback between the tenant and the

housing provider serves to increase the scope for adapting the tenancy system in ways that may increase the numbers of stable tenancies relative to evictions.

6.2 Corroding and dissolving

6.2.1 Using local governance structures

WADoH has no inbuilt mechanism for taking account of Aboriginal governance structures and, in response to this, staff have sought to find ways of tapping into them. They have done this in two ways. One is to build relationships with key figures in communities in order to gain an understanding of both current and ongoing events in communities that are having, or that have the potential to, impact upon tenancies. The second is to create stakeholder liaisons with Indigenous organisations in order to enlist the help of these organisations in supporting tenancies at risk within Aboriginal communities.

The effect of including Aboriginal formal and informal governance structures can potentially expand the recognition space that may exist for the negotiation and adaptation of frontline delivery housing services. This is to ensure successful Aboriginal tenancies, meaning fewer evictions, fewer exclusions from the public housing system and the reduction/elimination of tenant debt owing to damage to housing stock.

This inter-agency approach to housing service delivery by WADoH in Kalgoorlie increases the agency of Aboriginal governance structures and NGOs in the protection of Aboriginal tenancies. Tenants' contact with their own governance structures, key figures in the community and with the NGOs increases their capacity to act in relation to their tenancies. Correspondingly, this means an increase in the agency of individual tenants in their relationship with the housing provider.

The problem is that these efforts to create a recognition space with Aboriginal tenants do not appear to be present in Laverton, or perhaps they are unnoticed by WADoH tenants in the town. If this is the case, possibly WADoH does not engage with the Laverton Aboriginal community due to visiting staff having difficulties in discovering key authority figures among the Laverton Aboriginal community. It may also be that, although Kalgoorlie-based Aboriginal and other NGOs may include remote communities in their legitimate area of operations, WADoH funding does not permit them to expand the actual field of their operations outside the confines of the Kalgoorlie-Boulder metropolitan region.

The lack of relationships with key figures of authority, and stakeholders who can operate in Laverton means that the relationship between the Kalgoorlie office and Laverton WADoH tenants is one-sided and, at times, lacks direction. Hence, there is no scope for introducing modifications or negotiation into the tenant-WADoH relationship, and no scope for improving the rate of successful tenancies by increasing the agency of tenants.

6.2.2 Viewpoints explained

The views of Aboriginal tenants held by departmental staff does not mesh with Aboriginal tenants' views of the Kalgoorlie office. The organisation's view of Aboriginal tenants involves a constant development of ways to better negotiate the requirements of the department with the actions of Aboriginal tenants. However, our Aboriginal tenant interviewees appeared to be unaware of this. To the contrary, their view of the staff of the Kalgoorlie WADoH office was that they were, in general terms, uncaring and at times hostile to the interests of Aboriginal tenants. It was also believed that departmental staff were ignorant of Aboriginal culture.

For Aboriginal tenants and departmental frontline staff, each constitutes the 'Other'. How oppositional this becomes depends on understanding the motives that guide the actions of each in relation to the other. The potential for inaccurate understandings is great. Aboriginal tenants gain their understanding of the WADoH as a whole, including the Kalgoorlie office, from their interactions with both the Kalgoorlie office and the state office of the department in Perth. While their experience with the Kalgoorlie office may be unproblematic, some matters are not under the control of the regional office but rest with the state office and those of particular concern are repairs and maintenance, and housing procurement.

All requests for repairs and maintenance must be made to the state office in Perth. All control over the processing and fulfillment of these requests goes through this office and, according to our interviewees among the Aboriginal tenant group, no aspect of the management of repair and maintenance is at all satisfactory. There is a web-based facility on the WADoH website for registering requests for repairs and maintenance, but none of our interviewees had the skills or access to the technology required to use this. Requests therefore are all made by phone and apparently the maintenance request line is at maximum stretch at all times because time on hold is said to amount to one or more hours. It should be understood that while this may not be shown in the call records of the department, this is the reported experience of our interviewees. While the Kalgoorlie office of the WADoH has no control over repairs and maintenance, Aboriginal tenants clearly combine their experience of the regional and the state offices to the detriment of their view of the Kalgoorlie office.

Laverton Aboriginal tenants had three common concerns relating to housing procurement in the town. These were the demolishing of existing public housing, an insufficient number of houses, and several WADoH properties which stood vacant.

Our program of interviews took in Aboriginal WADoH tenants and human services providers in Laverton. Both groups mentioned that four 'perfectly good' WADoH houses had been sold and demolished in the previous year, and that there were vacant WADoH properties in town:

> Why does Homes West want to knock down these houses when we haven't got enough houses in this town? We've got people all over town that are overcrowded. Why can't they allocate those empty houses to the people who need them? (see Appendix 1, Box A9)

The fact that more homes had not been similarly sold and demolished was said to be the result of strong protest from the Laverton town community. Overcrowding was also said by both GROH tenants and WADoH tenants to be a problem throughout Aboriginal homes in the town. In interviews with Aboriginal tenants, this was often said with the caveat that the interviewee's house did not have this problem but all others did. Suffice to say that several homes were observed to be overcrowded to a greater or lesser extent. The point of these statements was to illustrate for us that there was insufficient public housing in Laverton.

These issues were put to staff at the Kalgoorlie office of WADoH. It was true that there were two houses standing vacant in Laverton.

> Well, I can confirm for you that there are two empty properties at Laverton and the reason for this is lack of demand. We'd be happy to put tenants in those homes but there is no waiting list for Laverton. (Interview, Kalgoorlie, November 2014)

Although people regularly complain of living in overcrowded housing, no application has been received requesting a move to a larger property in Laverton. Why should

this be? It is possible that at least some overcrowding is the result of tenants housing more family members than are registered on the tenancy agreement and they have not informed WADoH of this because their rent would increase accordingly. Understandably, Aboriginal tenants don't want to pay an increased rent. However, because the tenancy agreement indicates that the occupancy of the home is in line with departmental policy, such a tenant could not justify an application to move to a larger property. Hence properties stand vacant and housing judged to be unsuitable for use and/or surplus to requirements may be sold off. In these circumstances, there is no justification for building more public housing in Laverton.

6.3 Formative and sustaining

6.3.1 The appearance of leniency and the role of tenancy agreements

Like WADoH, GIHO seeks engagement within the Aboriginal communities they serve. Unlike WADoH, however, GIHO has an inbuilt mechanism to engage directly with communities and community leadership—the Tenancy Support Program.

One question asked of tenant interviewees that was not part of the formal interview schedule, was whether tenants would rather rent from WADoH or GIHO. All tenants expressed a preference for GIHO. When asked for the reason, they told us that GIHO seemed to be 'less strict', explaining that GIHO did not 'just kick people out of their house'. We asked further if that meant they wanted to live at Wongatha Wonganarra and people answered with a resounding 'no'. Wongatha Wonganarra is rightly viewed as having less social order and limited means of redress when people transgressed the social order. Tenants wanted a situation in which the housing provider was more lenient, but they wanted it in combination with the enforcement of social order. This could be achieved at Mt. Margaret where the acceptance and rejection of tenancy applications were under the control of the community board. However, according to our interviewees the board would accept applications only from people related to the Mt. Margaret community membership. In general terms, this is a fair comment.

Tenants did not know that the reason why GIHO appeared to be more lenient than the WADoH is due to the different situation in Wongatha Wonganarra which does not permit the enforcement of the RTA. If tenants live in a gazetted Aboriginal community, the RTA can be enforced only if there is an HMA between the community and the state. Thus, while GIHO might not wish to evict tenants, the fact is that they cannot do so. In the absence of the capacity to enforce the RTA, GIHO must perforce find other ways to protect housing stock and ensure the payment of rent. The primary means of accomplishing these objectives is the TSP.

The TSP was initiated to enable Aboriginal tenants to maintain the security of their tenancies. Its function is to engage closely with Aboriginal tenants in ways that serve to protect housing stock and ensure the payment of rent. It does this through the regularly scheduled program of visits to communities. TSOs travel to communities every fortnight on a rotation system. They will not get to each community every fortnight because of the distances that must be travelled, but every community will be visited several times a year. This is in comparison with the bi-annual inspections conducted by WADoH housing inspectors.

Both WADoH and GIHO seek to form inter-agency relationships with other stakeholders in Aboriginal housing. Within the area of its remote operations, GIHO is more successful than WADoH due to GIHO's participation in RIAM and the associated case work meetings.

6.4 Enablers

'Enablers' are factors that Aboriginal tenants need in order to meet the demands and terms of the tenancy agreement. These factors, or enablers, include:

> … social and economic capital such as financial management skills, the ability to control visitors, and an understanding of how to manage Western housing. (Habibis et al. 2013)

Enabling tenants to meet the demands of their tenancy agreements works both ways. Public/community housing delivery modes for programs that serve to take account of, or develop enablers in Aboriginal tenants are an important component.

Staff of both housing providers were asked whether the rules of public housing tenancy should respect Aboriginal culture or should Aboriginal culture change to meet the rules. Staff at GIHO brushed aside the idea that there might be a choice, with statements along the lines of 'the rules are the rules'. That is, the rules of tenancy could not be changed by anyone. For GIHO, what mattered was the way in which the rules were administered.

GIHO has chosen to administer the rules through the TSP, which involves the active participation of the TSOs in ways that seek and promote tenants' social and economic capital. Where there is an interest in gardening, they may offer fruit trees, and where they elicit an interest in achieving better homemaking skills, they may offer cleaning supplies. According to TSOs, this approach over time results in less property damage, better hygiene and the improved appearance of the house and yard.

6.4.1 Dispersed enablers

At Wongatha Wonganarra and in Laverton town, the authority structure of the Aboriginal kinship system may be called upon as in the case of the senior women referred to in Chapter 3. Some of these women have authority which they choose to exert both within their own households and in the nearby households of their adult children. They can also extend their authority in non-material ways to their kin relationships and spatially into kin-related households. This is a common phenomenon in Aboriginal Australia and in some communities this constitutes the only recognised form of authority.

Senior women who are in these positions often have a strong understanding of public housing administration with regard to the application process, some features of the tenancy agreement, the conduct of a public housing tenancy and, of crucial importance, how to talk to the (primarily White) staff of the housing department. This knowledge represents social capital that they can use to enable their adult children to both attain and retain public housing tenancies. The social capital they possess relating to the conduct of life within the Aboriginal lifeworld is also important as it can make everyday life safer for her children and grandchildren. These are the women who are referred to as 'strong ladies' who can 'get after' drunken or otherwise unwanted visitors (see Chapter 3).

In these communities, social control is a dispersed commodity, scattered among clusters of kin-related households and does not extend to the community as a whole. Thus, while the situation in which cultural social capital is differentially present among the community, social control must be exercised at the level of the individual household or a small cluster of kin-related households. This is not a stable situation in the long term and a community in this position will go through periods of 'peaceful life' interspersed with periods of considerable unrest.

This situation arises due to limitations on the exercise of authority where redress for a wrong may involve extended family members. This can lead to more or less serious violence within Aboriginal communities. When violence breaks out, there can be an exodus from the community as tenants seek safer housing through transfers in the long term and in the short term by living with extended family in other areas.

6.4.2 The benefits of concentrating enablers and cultural social capital

When there are dispersed enablers and cultural social capital, social control exists at the primary level of the individual. This instability is less of a problem in communities with a functioning board or similar secondary level governance structure. In these communities, both cultural social capital and enablers may still be unevenly distributed, but they can be concentrated in the secondary level governance structure, as appearsto be the case at Mt Margaret. Not all of our interviewees had a good understanding of how to manage their tenancies or how the housing services provider actually functioned. Some did, however, and a few of these people were either present or past members of the community board. Whether they gained their understanding of housing management prior to membership on the board, or learned it as a result of being on the board was not determined. However, as a group, the board possessed and exercised their understanding of housing management to enable the successful conduct of public housing tenancies and a successful relationship between the community and GIHO.

Similarly, the authority of the board extends to the exercise of social control within the community and the application of sanctions where it is deemed appropriate. Exemplary instances of community conflict suggested that sanctions were available but not often used. Instead, the board exercised its authority by undertaking the examination of the issues and setting in train activities that defused conflict. That is, people talk to the board and with each other and when an understanding is reached, they organise a whole of community event such as a sausage sizzle or a kids' disco night at the youth facility. The result is a stable community membership, stability in the conduct of everyday life, and stable tenancies.

6.4.3 Women in mourning

The way cultural social capital and enablers are distributed in communities determines tenants' capacity to maintain stable tenancies. To some extent, this relates to age and generation. Elderly women from remote areas, for example, while they have considerable social capital in terms of Aboriginal society and culture, appear to possess less social capital in forms that function as enablers in the conduct of tenancies.

When a Goldfields Aboriginal woman is widowed, she generally observes the traditional mourning practice of deserting the connubial home on the death of the husband. Such a woman will want to return eventually, but this can take some months. In the instances related by our interviewees, roughly one woman a year would desert her house as an act of mourning. The woman stays in town, but camps in the bush surrounding the town. She does not concern herself with the house during this time. Some women have family who may maintain the rent payment and look after things until she comes home. Those for whom no one takes on these responsibilities will lose their homes because of non-payment of rent and vandalism.

It is important that a woman in mourning has someone to look after her house, but even if she does, the way she lives in the house will change once she returns from mourning. For example, one widow refused to sleep in the bedroom she shared with her husband, sleeping in the lounge room instead. She said that she could not sleep in the bedroom she had shared with her husband because 'he's in my mind the whole

time I'm in there. He won't let me sleep'. That bedroom may remain vacant in these circumstances, even though the other bedrooms become crowded as a result.

We encountered instances of women whose houses were looked after by others during the mourning period, and of women who had no-one to take care of things until they returned. It is unlikely that WADoH Kalgoorlie staff lack respect for this response to mourning, but while it is acknowledged to be unfortunate for a woman to lose her house in this way, lose it she will. She will also be liable for the cost of damage repairs from the vandalism the house suffered during her absence. Until the debt is paid, she is ineligible to make an application for another house and so she will go and stay with one of her adult children.

This is the kind of thing that Kalgoorlie WADoH are trying to prevent when they seek out liaisons with key community leaders and relevant agencies. As noted earlier however, this does not always happen, and in those places where Kalgoorlie staff have been unable to form connections, women in mourning fall through the cracks, as has happened in Laverton. It seems clear that the only sure means of preventing this is an outreach service like that operated by GIHO. Neither GIHO nor WADoH pick up every instance of rent going unpaid for long periods, but through the TSP, GIHO can be better informed in this area than WADoH.

6.4.4 Protecting vulnerable tenancies and vulnerable tenants

There are circumstances in which Aboriginal tenancies can be made more or less vulnerable and to some extent this relates to circumstances in which Aboriginal tenants correspondingly have more or less agency. Tenants with less agency cannot act to protect their tenancies. We have just discussed the ways in which the presence or absence of enablers can lead to more or less vulnerable tenancies. This also occurs when there is a unidimensional relationship between the tenant and the housing provider. In situations in which the housing provider and the tenant have no referent outside of that relationship and where the housing provider cannot find ways to ameliorate this situation, there can be very little opportunity for communication that could modify the relationship. Given the imbalance of power inherent in the tenant-landlord relationship, there is also little opportunity or likelihood that the tenant will overcome this communication barrier on their own.

An example of a multi-dimensional relationship between the tenant and the housing provider is Wongatha Wonganarra. In Wongatha Wonganarra, living conditions can deteriorate due largely to the lack of sanctions against alcohol consumption. As in many other places, the local police note that almost all the crime they deal with begins with overconsumption of alcohol.

In 2013, the situation at Wongatha Wonganarra was heading into a downward spiral. The effects of this were spilling over into the town and at this point the local police, the town and those NGOs and government agencies represented in Laverton came together to find a way of ameliorating the ongoing alcohol-related violence and crime. Because of the inapplicability of the RTA, tenant evictions could not be used as a means of social control, such as using the DBMP to reduce anti-social behaviour. A coordinated effort was put in train by combining the resources of the shire council, MEEDAC, the local government registered training organisation.(see <http://training.gov.au/Home/Tga>) and the police. An ongoing program was developed with a combined approach involving cultural liaison, alcohol restriction, jobs training, and cash incentives in reward both for working to clean up the community and maintaining the home to an agreed standard. As well, the local police joined the monthly case work meetings which were also attended by GIHO TSOs. The common theme in all of the measures taken in regard to Wongatha Wonganarra was face-to-

face contact bringing offers of help. This intervention was not specifically aimed at improving tenancy outcomes, but this was part of the results.

Although things remained difficult in Wongatha Wonganarra, some things did improve. Former residents still regret the demise of the board and the descent of the community into disorder and the concomitant decay in the condition of the housing stock. However, they do admit that in the last year to 18 months, things have improved. The community grounds are cleaner, and the need to work the following day is said to discourage some young men from drinking to excess the night before. This may be one factor leading to the decline in alcohol-related violence. The other possible factor is the licencing of houses as alcohol-restricted premises, discussed above.

In the terms of our model, avenues of feedback were opened between community residents and a relatively wide field of agencies including the housing provider. This opened a recognition space between tenants and the agencies. Within the recognition space, service providers, government agencies, NGOs and the Wongatha Wonganarra people were able to adapt their behaviour in relation to the opportunities and challenges presented to them.

Access to this program of enablers was uneven. Similar strategies were not employed among the Aboriginal residents of the town, although alcohol abuse, family violence, vandalism and elder abuse were all reported by our interviewees among this group. However, the alcohol-restricted premises licencing and the 'cash for clean-up' incentive was offered at Wongatha Wonganarra. Although the town people could access these measures, there were no Aboriginal homes licensed as alcohol-restricted premises in the town and few town residents were represented among those who sought work and training through MEEDAC.

6.5   Strategies

6.5.1 WADoH's policy limitations

At the time of writing, WADoH had no scope for a program similar to the TSP and had to engage in 'workarounds' that involved finding people and agencies that can engage with Aboriginal tenants in ways that protect their tenancies. However, this is not a part of WADoH policy and procedures and is not carried out systematically with all tenants or in all places. WADoH's capacity to develop the enablers of social capital required for them to achieve higher rates of successful tenancies is therefore limited.

There are elements of the WADoH *Policy and Procedures Manual* that are aimed at providing better service delivery to Aboriginal people. For example, the Cultural Diversity and Language Services Policy (WADoH 2015, pp.138–140), which embraces important features of Aboriginal society and culture to improve the rate of successful tenancies. The policy provides for the accommodation of the extended family group in one property or within the same zone, transfer of housing due to a death within the household, transfer of housing to accommodate additional extended family members, and the succession to tenancies where the property has for a considerable period been the home of extended family members.

Despite this, Aboriginal tenants regularly fall foul of the tenancy rules in the wake of desertion of the property on account of mourning practices, and exceeding the prescribed household occupancy by including extended family members in need of shelter, but who are not registered tenants. These are cultural imperatives, and the consequences of failing to do so are clearly considered to be more important than the consequences of transgressing the rules of their tenancies. However, Aboriginal tenants are largely unaware of the policies that would prevent these actions from

endangering their tenancies. As well, although the policy permitting the housing of extended families exists, there are relatively few WADoH properties with more than four bedrooms, and most have no more than three.

It is an obvious point to make, but unless Aboriginal tenants are told about these policies (in ways that are accessible to them) they cannot make use of them to protect their tenancies. Conversely, if they do know about them, they must ask in order for the policies to be applied in practice. We have mentioned already that before a transfer application to a larger property can be made, tenants must notify WADoH of the true membership of the household. This will cost them in increased rent accordingly and so many people are unwilling to do this. It must be said, however, that knowledge of other policies that would be helpful to them was absent among our interviewees. If WADoH were to develop the means to inform tenants of the provisions of the Cultural Diversity and Language Services Policy, then tenants' agency in the landlord-tenant relationship would increase. Better information might equip Aboriginal tenants to make use of the policy to protect themselves from the consequences of falling foul of the tenancy rules in certain respects.

6.5.2   Housing services providers—agents of change?

Of the communities studied for this project, Mt Margaret was GIHO's most successful community of tenants, meaning that the housing stock was subject to less damage and there were fewer instances of rental arrears. One reason for this is the presence of Mt Margaret's community board through which the community has conducted its affairs successfully since the post-mission days beginning in 1974.

The Mt Margaret community's governance structure involves more than the board. It embraces the lifeworld of the community such that the individual community members cede some individual agency of social control to the board. They depend upon the board to resolve key problems that may threaten the positive nature of the lifeworld of the community. In so doing, they must also support the measures the board takes to protect this lifeworld. This includes making decisions to redress social conflict as well as matters of housing management such as tenancy applications. It is fair to say that if the view of the board is that a particular applicant may threaten the 'peaceful life' of the community, that applicant will not be accepted. This ensures a certain homogeneity of the community membership which is predicated on community acceptance of the by-laws and the goals of the community.

GIHO's success with Mt Margaret is therefore a matter of the success of the community and its governance structures and the way these fit with GIHO's mode of housing delivery. In the absence of community governance structures, however, GIHO necessarily engages only with individual Aboriginal tenants. It is not GIHO's task either to foster or support community governance structures, only to deliver housing services in the circumstances in which it encounters, community-by-community.

GIHO manages the housing in Katumpul Aboriginal community at Leonora and the outstation community of Mulga Queen north east of Laverton. At Mulga Queen, TSOs' positive attitude to the community has given Mulga Queen residents a reason to hope for improvements in the housing stock. This adds value to the housing stock in the tenants' view which encourages a better standard of tenant care for the properties they rent.

Figure 15: Mulga Queen

Katumpul was somewhat different. Katumpul's housing stock is no better than that at Mulga Queen, but It has the advantage of a town-based locality which opens access to sporting and recreational facilities. Katumpul did have problems with disaffected youth, drug and alcohol abuse, and children who had left home to take up street life in Leonora, and residents sees these problems as partly stemming from the loss of their independence during the time that HMAs were offered to gazetted Aboriginal communities. The Katumpul community chose not to enter into an HMA with the state in favour of retaining its independence, but at the close of the negotiating period, management of Katumpul housing was given over to GIHO. Loss of control over their housing is a matter of deep resentment within the community and this wholly colours their attitude toward GIHO and their future.

> Seemed like we were doing ok when we managed our own housing, but since GIHO took control everything's gone right down.

Interviews at these two communities revealed quite different attitudes toward their tenancies. Mulga Queen, with its reason for hope, feels greater agency in regard to their housing, whereas Katumpul, with its loss of independence, feels it has lost agency in regard to their housing. The actual state of affairs of these two communities is not materially different—both have housing in need of refurbishment and renewal and neither controls its own housing. Also, neither community has access to funding for housing renewal that exists for communities with HMAs. However, at Mulga Queen people spoke in terms that express growing tenant agency whereas at Katumpul people spoke in terms expressive of disempowerment.

Neither WADoH nor GIHO is set up to be an agent of social change in Aboriginal communities. They can neither foster nor support the development of formalised community governance structures, although this would facilitate better delivery of

housing services. However, both housing providers work within their respective limitations to find ways of improving the proportion of successful versus unsuccessful tenancies among the communities they serve.

6.6   The main points

The recognition space

This concept was developed to conceptualise the capacity for negotiation in the landlord-tenant relationship. If the housing management delivery model facilitates communication between landlord and tenant, then the recognition space increases. More recognition space aids tenant and housing worker agency which can then facilitate the development of stable tenancies.

Local governance structures

The nature of local governance structures has effects on the conduct of tenancies because the agency of both tenant and housing worker increases or decreases depending on these structures. Informal governance can narrow tenant agency down to the level of the individual and, in this situation, the authority of the tenant in relation to the property is similarly limited.

Dispersed v. concentrated social cultural capital and enablers

In a situation where social cultural capital and enablers are unevenly distributed among certain community members, social control depends on the individual authority of those particular people. People with this kind of authority can exercise it only in relation to their kinfolk because Individual authority follows the lines of kinship. It is not generalised to the community. Only kinfolk are advantaged by the social capital (authority) and enablers (skills related to housing) possessed by the individual.

In a situation where social cultural capital and enablers are concentrated in a governance structure that is recognised by the whole community, individuals may safely cede their agency to the governing body. Community members, if they accept the authority of the governing body, can be assured that disputes and transgressions will be managed by that group of authoritative people. This group will also be able to bring their combined enablers to bear in the management of housing at a community level by dealing with the housing services provider directly.

Knowledge of housing providers' policies

Lack of knowledge of the WADoH policy and procedures disadvantages tenants and reduces the department to an impenetrable bureaucracy in the perception of Aboriginal tenants. Were they more knowledgeable, Aboriginal WADoH tenants could better navigate their way through events occurring that endanger their tenancies.

Housing services providers are not agents of change

While housing providers should continually develop their models and practices of service delivery to enhance both tenant and housing worker agency, they are not in a position to initiate changes in community governance or any other social structures present in the community. They may improve their practice by developing ways of using social structures, but they may not, by themselves, engage in social changes within the community. Changes may arise as a result of the ways they work with communities, however such changes will be the result of community action.

7　CONCLUSIONS

7.1　Conclusion

This study was undertaken against a policy background dominated by an understanding of poverty as a condition founded in individual agency (Dwyer 2004). In a conditionality framework, individuals are wholly responsible for their own economic condition. This is an ideology that takes little account of class, culture, economic conditions or relation to the means of production in explaining poverty. Crudely put, people are poor either because they choose to be or because they do not try hard enough. This attitude is part of the larger framework of market fundamentalism, also referred to as 'neo-liberalism' (Berry 2013).

A prominent target of neo-liberal thinking is welfare dependency, which refers to those citizens who are in receipt of welfare over the long term, and over the generations. There is a global discussion of the need to 'break the cycle of welfare dependency' and in Australia this discussion has had a strong emphasis on Aboriginal people in receipt of generational welfare (Forrest 2014; Macklin 2010; Pearson 2004; Cape York Partnership website 2015).

While acknowledging that this is the framework of ideas behind the changes in WA public housing policy over recent years, and that these policies are representative of the conditionality view, in collecting accounts of the professional practice of staff, we did not find any evidence of this attitude among the staff of either of the housing providers in the WA Goldfields.[16]

It is important to remember that conditionality is a political paradigm, not a bureaucratic paradigm. It is imposed by government as a matter of welfare policy to be administered by the bureaucracies of welfare-related service delivery. Thus, when we discuss conditionality in Aboriginal public and community housing, we are discussing the ways developed by the public service to deliver housing services that fulfil government policy while also seeking to achieve efficiency and effectiveness.

This is not to say that WADoH does not apply conditionality in its service delivery. The DBMP is an obvious example of conditionality in housing. However, WADoH Kalgoorlie actively seeks out the means of opening lines of communication with the Aboriginal community in order to promote stable tenancies. It does not have the structured approach demonstrated by GIHO, and this reduces the recognition space between the tenant and the department relative to GIHO. Nonetheless, the potential is there for WADoH Kalgoorlie to develop stronger practices aimed at communicating with its Aboriginal tenants.

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[16] We did find evidence of the welfare conditionality perspective among the staff of other government agencies, but note that these agencies were not engaged in any kind of service delivery concerning the Aboriginal community.

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APPENDICES

Appendix 1: Summary of responses to interview questions

In this set of summaries we employed a convention from the internet concept of the 'tag cloud' or 'category cloud' in which the size of the typeface indicates the relative frequency with which a particular tag or category appears (see Figure A1 below). That is, the larger the typeface, the more common the particular response. The most common responses are conceived of as categories. Particular glosses on the most common category are grouped beneath that category as sub-categories.

Figure A1: Trending cloud example

Source: http://finnotype.blogspot.com.au/2011/03/category-cloud-with-images.html

Summary Boxes

Box A1: Tenants' recollection of the rules of the tenancy

→ Rent paid on time
→ No drinking
  1. No abusing other people
  2. No parties
  3. Not too many dogsa.
→ Clean and tidy house and yard
  1. Looking after the place
  2. The place has to be clean inside and outside
  3. Clean yard
  4. No rubbish laying around
  5. No unlicensed vehicles
→ No overcrowding
  1. Not too many people staying at once
  2. People can come and stay for a few weeks then if they stay longer they put the rent up
  3. It's just me and the three kids, people come and go
  4. No overcrowding only when you get a special occasion, like funerals or holidays
→ No pets

Box A2: Is each of these rules working?

→ No
1. Not always. People still drink if they want to.
2. They still drink and carry on.
3. Well, that'd be about the drinking.
4. Nobody pays any attention [to the no drinking rule].
5. They just do what they want around here [i.e. they drink].
6. When the holidays come and people start drinking a lot] we lock up the house, chain the fence and leave.
7. They're drunk 24/7 out there.

→ Yes
1. [We] only allow visitors if they're sober.
2. She's a strong lady, she'll get after them.
3. No there's no drinking at this place [Mt Margaret].
4. All I know is the money's coming out [i.e. rent paid by automatic withdrawal] and I got a roof over my head.

Box A3: Are the rules getting tighter or looser?

→ The same
1. They've always been the same.
2. Just the same, really.

→ Tighter
1. They've brought in the three strikes rule. People can get a strike for a barking dog, noisy children; just little things.

Box A4: Is there conflict between your culture and the rules of your tenancy?

→ No
1. Not me.
2. No, see we had a say in the design of this house.
3. We're not tribal people here.
4. All these people are urbanised.
5. We don't have that kind of trouble.
6. Oh no, we gave that all away a long time ago.

→ Yes
1. People's dogs.
2. Aunty keeps trying to move in with her.
3. Homes West does not understand Aboriginal people.
4. I have a lot of family members coming through, visiting. Homes West probably thinks they've moved in with me, but really they're just here for whatever reason.

Box A5: Should the rules respect Aboriginal culture or should Aboriginal culture change to meet the rules?

→ We haven't got that problem here.
→ The rules should respect Aboriginal culture.
    1. The rules should respect Aboriginal culture, but how do you get that?

Box A6: Is there anyone who helps with keeping the rules?

→ Family members
    1. We all pitch in.
    2. Oh yes, my daughters take all the rubbish away and they clean the bathroom and toilet.
    3. These kids have all got their chores, they know what they've got to do.
→ Community leaders/community resources
    1. Well, no-one's the leader here you see.
    2. We all help each other here.
    3. They've got a backhoe, but they do a shit job.
→ WADoH/GIHO/ other agency
    1. They're [WADoH] a bit slow,
        → …like the oven, still waiting for someone to fix it.
        → Said they'd replace the step, still waiting.
        → That tree, the roots get into the sewerage pipes. They still haven't done anything about it.
    2. Sometimes they're [GIHO] quick, sometimes it takes them a while.
    3. MEEDAC[17] is supposed to do the yard, but they're not doing it.
        → MEEDAC did clear the yard, but they didn't do it properly.
        → Wants yard tidy, waiting for MEEDAC.
    4. The girls (GIHO TSOs) are very good. I love those girls.

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[17] MEEDAC, the Midwest Education and Employment Development Aboriginal Corporation trading as Meedac Holdings is a registered provider of employment and training opportunities with training.gov.au, a joint initiative of the Australian, state and territory governments.

Box A7: Do frontline workers in GIHO/WADoH help you keep the rules?

WADoH
→ No
1. It's always been the same. Nobody helps.
2. Nothing. I got no help from them. No help.
3. No. They just put you on hold for like four hours, til your credit runs out.

GIHO
→ Yes
1. If there's a problem, we discuss things.
2. If we need them to do those things we put it to the board. That's their job, to deal with those things.
3. The girls are very good. I love those girls.

→ No
1. Just no helping me [yard maintenance].
2. No, you want something they say there's no funding, always an excuse [requests for gate/fence].
3. Let us get behind in the rent $2,500 before they told us [it was not coming through on the automatic withdrawal system].
4. Sick of asking, just ends in an argument.

Box A8: What could community leaders/family/WADoH/GIHO do to make it easier to follow the rules?

GIHO
→ Retain current rent levels
1. If they could just not raise the rent.
2. They say they're going to put the rent up, but shops are dear up here.

→ Housing allocation
1. If they could give us better houses, things would be better.
2. They could be more careful about the houses they give people.
3. Why does Homes West want to knock all these houses down?

WADoH
→ We need pensioners' units.
1. Just some smaller places cause old people like me, we don't need all these rooms.
2. These old ladies living in three-bedroom homes, they're too big for them, they get scared and they don't want people coming to stay. They like their quiet.

→ Help to avoid/prevent overcrowding
1. Why put a family of four in a one-bedroom house?
2. We need short stay accommodation, like over Christmas.

Box A9: What are you trying to achieve with your tenancy?

→ Just a roof over my head.
  1. Well, I suppose I just want to have a roof over my head is all. Just to live here.
  2. I have a roof over my head, that's all I worry about.
  3. Just a roof over my head and to have a good life.
→ I just want the yard to look nice.
→ We're just doing our best.

Box A10: What do you think the housing provider is trying to achieve?

→ They [GIHO/WADoH] just want the rent.
→ They don't do anything, but if you miss paying your rent they're onto you like a leach.
→ They want the rent paid on time. That's the main thing.
→ Their only job is to look at the houses.
→ Well I don't know, that the house is neat and that there's no damage.
→ They're not doing their job.

Box A11: Can you remember situations where tenants, leaders, housing organisations and governments worked well together?

→ No
  1. Always the same [bad].
→ Yes
  1. It was a good place to live one time.
  2. Always the same [good].
→ GIHO was a little rough to begin with.

Box A12: How can the good situation be maintained?

Laverton Town and Wongatha Wonganarra

→ Don't really know.
  1. Maybe if they do the things we need more.
  2. I don't think we can ever get back there.

Mt Margaret

→ We put those things to the board.
  1. If there's a little stich up, but then we figure it out, and then we're talking to each other again.
  2. GIHO comes to us if they have a problem and we discuss it as the board.

Box A13: What community strengths could help people to follow the rules?

Mt Margaret

→ Good place to live
→ Quiet
→ No drinkers
→ Everyone works together.

Box A14: What are the strengths of your community?

Laverton town and Wongatha Wonganarra

→ I don't know.
→ Most people get on pretty well.
→ Here in order to access health service.
→ People are kind of free-er here [Wongatha Wonganarra].

Box A15: What programs could help tenants comply with the rules? Do you have any ideas for such a program?

→ They need to train more people to use the bobcat.
→ Everything goes down the Leonora road to Mt Margaret and stops there.
→ They haven't got time to talk.
  1. We need people to come and talk to us, just sit with us like we're doing now.
  2. The inspectors just come out, do their inspection and they're gone.

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