HOUSE RULES:
A STUDY OF CONDITIONALITY AND INDIGENOUS SOCIAL HOUSING TENANCIES IN URBAN, REGIONAL AND REMOTE AUSTRALIA

by Daphne Nash, Paul Memmott and Mark Moran

INTRODUCTION

For more than a decade, Australia has followed other Western democratic states towards heightened conditionality in the provision of welfare payments and other benefits to its most disadvantaged and vulnerable citizens. This agenda is based on the view that individual recipients need to take greater responsibility for their circumstances and that they are not entitled to state resources without adherence to certain rules that usually require significant changes in their behaviour. Increased conditionality for social housing and other welfare payments has raised questions about whether, in fact, this policy framework amounts to an erosion of people's rights. It can be argued that Indigenous people's rights were already compromised by the forces of colonialism, structural inequality and associated difficulties faced by them as one of the neediest sections of the community.[1]

Recent housing research has addressed some of the relevant issues surrounding the impact of changing policy settings on the ability of Indigenous people to acquire and maintain secure housing. For example, Habibis et al focussed on remote Indigenous tenancies;[2] Milligan et al on New South Wales and Victoria;[3] and Nethercote on remote Aboriginal town camps in Hall's Creek and Alice Springs.[4] These studies are important but further investigation is required into the necessary conditions for positive housing outcomes and the set of relationships between Indigenous tenants, the state, and community organisations in a range of community types across different jurisdictions. To address this gap, the Indigenous Multi-Year Research Project ('IMYRP') employed the heuristic device of the 'recognition space' (see Figure 1) to explore the critical relationships involving all parties in the lived reality of social housing tenancies in urban, regional and remote locations.[5]

This paper begins with a brief description of the IMYRP research study including scope, methodology and conceptual framework based on the 'recognition space'. It focuses on the findings about conditionality in social housing, in particular about 'the rules' and how they are applied, highlighting the notions of barriers and enablers to the recognition space. The paper argues that rules based on generalised policies, such as Anti-Social Behaviour ('ASB') can have different and unexpected impacts on individual tenants and their families. Better outcomes can be achieved more consistently when managers have a deeper understanding of the complex and long-term social problems impacting upon Indigenous people of which housing is one important part.

THE IMYRP STUDY

The IMYRP project was funded by The Australian Housing and Urban Research Institute ('AHURI') to examine the interaction between the conditionalities of housing assistance and Aboriginal life-worlds, and the effects of this dynamic on achieving sustainable housing outcomes. In this context, conditionality includes the tenancy rules and obligations of tenants as well as many other regulations associated with an agreement between a tenant and a state housing authority ('SHA') or community organisation to provide subsidised housing. Prior to undertaking fieldwork, the research team developed the notion of the 'recognition space' that framed the overarching research questions.[6]

METHODOLOGY

The IMYRP was a longitudinal study completed over three and a half years (September 2012 to March 2016) that relied on qualitative investigations to explore tenant-manager relationships over an extended period of time. Five separate case studies were undertaken, including Tennant Creek in the Northern Territory;[7] the Goldfields in Western Australia;[8] and Mt Isa, Palm Island and Logan in Queensland.[9] Across these locations, the researchers conducted a total of 140 in-depth interviews with Indigenous tenants, Departmental Housing Officers ('DHOs') and Community Housing Officers ('CHOs') as well as managers in SHAs and community organisations. The interviews probed about perceptions of the rules as well as seeking evidence of good practice.

ABORIGINAL TENANTS AND THEIR LIFE-WORLDS

Not all Indigenous Australians are living in poverty. However, socio-

In all of the case study locations, the role of Indigenous representative organisations and particularly Indigenous housing organisations had diminished in recent years due to shifts in government housing policies, and in some communities, they were markedly absent.

economic indicators show that a range of factors disproportionately affect Indigenous people, resulting in relatively high levels of disadvantage compared to the non-Indigenous population.[10] It is important to point out that as for Indigenous peoples in other nations, Aboriginal and Torres Strait Islander people are not simply a disadvantaged minority population within Australia but, rather, their circumstances are the result of the continuing effects of colonisation that have transformed Indigenous people's lives and their ways of living over many decades. Across Australia, public housing tenants generally have 'high rates of deep and persistent social exclusion' and Indigenous Australians are one of the groups at highest risk of experiencing forms of disadvantage.[11] Consistent with this pattern, the lives of many Aboriginal tenants in the IMYRP case study locations were characterised by multiple and complex needs relating to unemployment, lack of education, incarceration, substance abuse, living with disabilities and other physical and mental health problems. A further critical contextual aspect for Indigenous social housing tenants is their specific home community or place of residence and the changes their community may have endured with respect to tenancy management. In all of the case study locations, the role of Indigenous representative organisations and particularly Indigenous housing organisations had diminished in recent years due to shifts in government housing policies, and in some communities, they were markedly absent.

CONDITIONALITY AND THE IMPLEMENTATION OF THE RULES

Housing reforms featuring heightened conditionality have significantly affected Indigenous families. As discussed in the IMYRP Final Report, the literature identifies four policies that can be problematic for Indigenous tenants: acceptable behaviour; absences and visitors; caps on income eligibility; and rent setting and collection.[12] As an example, the problems relating to acceptable behaviour are briefly addressed here.

From 2010 to 2015, all states introduced new sets of rules particularly relating to ASB with changed procedures for recording and responding to breaches of the Residential Tenancy Agreement ('RTA'). At that time, Indigenous households in Queensland were 'extremely over-represented' for serious breaches of ASB.[13] The IMYRP study looked closely at the perspectives of the tenants and housing officers to unpack these issues.

While the majority of Indigenous tenants were successfully maintaining their tenancies, for the minority who did not abide by the rules in relation to acceptable behaviour, the threat of breaches and eviction appeared to be insufficient for inducing positive changes. On the other hand, housing officers (DHOs and CHOs) in all of the study locations were aware of the lack of housing and the potentially serious negative consequences of eviction. With these understandings and depending on strength of community connections and support of management, Housing Officers ('HOs') were sometimes able to develop effective relationships with the tenants and also facilitate the appropriate support they required in order to maintain their tenancies. Arguably, in these cases, the formation of a 'recognition space' was critical to positive outcomes as tenancy management better reflected the tenants' needs and the tenants were more adequately supported in changing their behaviours.
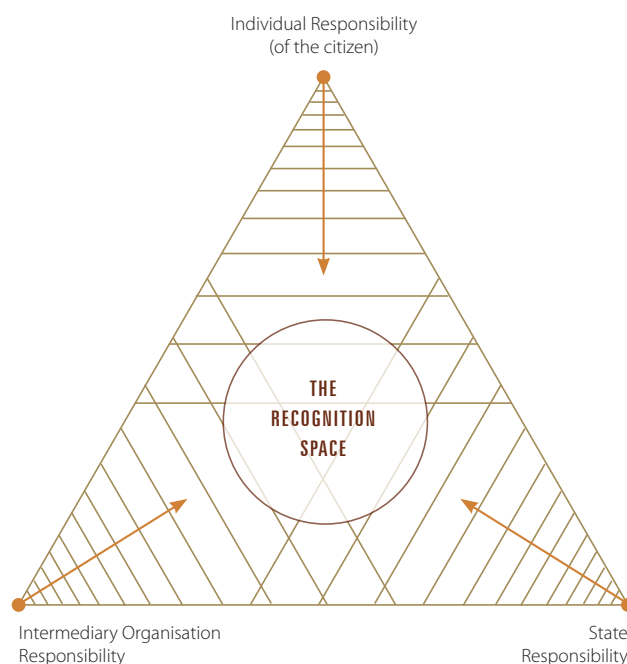

Figure 1: The Recognition Space with three intersecting continuums of responsibility

THE RECOGNITION SPACE

When applied to Indigenous Australian issues, the term 'recognition space' has been contentious at times, including in anthropological research.[14] Nevertheless, it has been a useful

explanatory device within the IMYRP study to explore the dynamic engagement between Indigenous tenants, SHA, and community (or intermediary) organisations that operates in tenancy management.

The recognition space depicts the interplay between the different continuums of responsibility of these groups and the tensions that develop between them. In any given location, the load of responsibility may be taken on by one or other of the groups resulting in a notional imbalance that may indicate a vulnerable tenancy outcome. The IMYRP case studies investigated the enablers and barriers to positive housing for Indigenous tenants.

FINDINGS

A significant finding was that many Indigenous tenants had difficulties following the rules of their tenancy agreement. In all of the case study locations, it was evident that most tenants prioritised their social and cultural responsibilities despite knowing the risk to their tenancies. The study set out the barriers and enablers of positive tenancy outcomes as summarised below.

BARRIERS TO THE RECOGNITION SPACE

Potential barriers to positive housing outcomes were recorded in the interrelated areas of communication between tenants and managers, changes in policy and also tenancy management personnel, and the lack of timely and appropriate repairs and maintenance.

The overwhelming majority of participants accepted the rules. However, the study found that the way in which the rules were administered was more significant for determining whether vulnerable tenants might succeed or fail in their tenancies. Blanket application of the rules can be counterproductive to individual tenancies where problems often arise from or involve misunderstandings or poor communication. For example, the case studies revealed that few tenants understood their rights and responsibilities under their tenancy agreement. Specifically, tenants were typically unclear about a number of potential problems for their tenancies, such as permissible lengths of stay for visitors. Without understanding their responsibilities, they were far more likely to break the rules. The issue of long-term visitors was significant in each of the case study locations, and tenants gave the impression that it was not always easy for them to retain their tenancies, largely due to visitor behaviour. Since visitors were prevalent for many households, the threat of eviction was always present.

The State's view that social housing is a transitional stage to private rental or home ownership was apparently unclear to many tenants.

In some locations including Burketown, a small community in the Mt Isa region, families had managed to pass on houses to relatives when a tenant died as they felt strong attachments to that place. Typically, in these locations, suitable alternative housing was in very short supply and so the State's rationale of pressured transition was doubly perplexing for tenants.

While conditionality demands responsibility between parties, the tenants spoke strongly about how the state was consistently not fulfilling its role. From the tenants' perspectives, ineffective repairs and maintenance and housing service delivery were repeatedly given as sources of concern. When viewed in the light of the Aboriginal understanding about reciprocity in relationships, it was easy to see how misunderstandings existed and why the effects were so great.

At the service end, changing staff and service providers disrupted continuity in tenancy management, and this was not conducive to ongoing, stable, interpersonal relationships. There was considerable staff stress from increased administration due to changing policy, particularly in relation to ASB, though one Queensland SHA manager admitted that the new policy on ASB had improved the timing of tenants' responses to Notice to Remedy Breaches. There may have been other ways, however, to achieve a positive outcome, including through the building of trust between parties rather than relying on threats.

> **The overwhelming majority of participants accepted the rules. However, the study found that the way in which the rules were administered was more significant for determining whether vulnerable tenants might succeed or fail in their tenancies.**

ENABLERS OF THE RECOGNITION SPACE

The study identified the most significant and positive influences as effective face-to-face communication, stability and flexibility in frontline relationships, Indigenous staff in all housing offices, and good governance within Community Housing offices.

In all the case study locations, the role of the Housing Officers was critical for achieving good frontline relationships with tenants. Many HOs were aware of the disadvantaged status of Indigenous social housing tenants and their need for better access to services

of all kinds. To this end, some HOs chose to influence tenant behaviour and introduce flexibility regarding the rules. The HOs knew that the most disadvantaged tenants were struggling to meet the costs of living including rent, and that to enforce the rules would bring unfair consequences for those families. To assist in payment of rent, tenants could pay-forward at times when there might be increased financial pressure such as before and after Christmas. This option was available in Logan, Mt Isa and Palm Island on a case-by-case basis. While each tenant was considered responsible for their own behaviour, our findings suggest that many HOs supported a culturally empathetic, flexible approach, particularly if supported in an organisation based around good governance.

IMPLICATIONS FOR POLICY AND PRACTICE

Government policy aims to provide safe and affordable housing for those most needy in the community, while also establishing policy incentives for those who can, to transition out of social housing to the private rental market or home ownership. Our study showed that this was not fully understood by the participant tenants and that those experiencing difficulties saw the policies in terms of threats and coercion rather than incentives or rewards.

The diversity of Indigenous tenants was characterised in the IMYRP research by reference to aspects of their tenancy history—welfare dependent, stable and relatively established—that may be highly significant for a tenant's capacity to transition to the mainstream. While more work is needed to develop a fully nuanced understanding of tenants and their housing stories, policy needs to recognise the diversity of Indigenous social housing tenants in order to more appropriately target and support their needs.

CONCLUSION

Although the intended purpose of heightened conditionality was to modify tenants' behaviour using a model based on threats and the consequences of non-compliance, the study concluded that a mainstream approach will not work for the most disadvantaged Indigenous tenants. Coercive conditionality (or rules based on threats) tended to fail in the implementation when there was a lack of communication and cultural understanding by managers, repeated and severe anti-social behaviour from tenants, aged and poorly maintained housing, as well as a shortage of suitable and secure housing for those in need.

As SHAs are looking to divest their social housing tenancy management to not-for-profit organisations and while the Indigenous housing sector is in decline and largely de-funded, Indigenous social housing tenants increasingly have been subjected to a mainstream approach. For recognition spaces to form, a more flexible tenancy management approach is required that can result in better alignment of policy and practice and a greater chance of positive housing outcomes for Indigenous tenants.

Dr Daphne Nash is a Research Fellow at the Aboriginal Environments Research Centre, School of Architecture at the University of Queensland.

Prof Mark Moran is Chair of Indigenous Development Effectiveness, Institute of Social Science Research at the University of Queensland

Prof Paul Memmott is Director of the Aboriginal Environments Research Centre and the Indigenous Design Place initiative at the University of Queensland with a joint appointment in the Institute for Social Science Research and the School of Architecture.

1   Jon Altman and Melinda Hinkson (eds), *Coercive Reconciliation: Stabilise, Normalise, Exit Aboriginal Australia* (Arena Publications, 2007).

2   Daphne Habibis et al, 'Progressing Tenancy Management Reform on Remote Indigenous Communities', (Report No 223, Australian Housing and Urban Research Institute, July 2014) <https://www.ahuri.edu.au/__data/assets/pdf_file/0008/2024/AHURI_Final_Report_No223_Progressing-tenancy-management-reform-on-remote-Indigenous-communities.pdf>.

3   Vivienne Milligan et al, 'Urban Social Housing for Aboriginal People and Torres Strait Islanders: Respecting Culture and Adapting Services' (Report No 172, Australian Housing and Urban Research Institute, August 2011) <https://www.ahuri.edu.au/__data/assets/pdf_file/0014/2075/AHURI_Final_Report_No172_Urban_social_housing_for_Aboriginal_people_and_Torres_Strait_Islanders_respecting_culture_and_adapting_services.pdf>.

4   Megan Nethercote, 'Reconciling Policy Tensions on The Frontlines of Indigenous Housing Provision in Australia: Reflexivity, Resistance and Hybridity' (2014) 29(8) *Housing Studies* 1045 <http://www.tandfonline.com/doi/abs/10.1080/02673037.2014.925098>.

5   Mark Moran et al, 'Indigenous Life-worlds, Conditionality and Housing Outcomes' (Report No 260, Australian Housing and Urban Research Institute, March 2016) <http://www.ahuri.edu.au/research/final-reports/260>.

6   Daphne Habibis et al, 'Housing Conditionality, Indigenous Life-worlds and Policy Outcomes, Towards a Model for Culturally Responsive Housing Provision' (Report No 212, Australian Housing and Urban Research Institute, September 2013) <https://www.ahuri.edu.au/__data/assets/pdf_file/0009/2007/AHURI_Final_Report_No212_Housing-conditionality,-Indigenous-lifeworlds-and-policy-outcomes-Towards-a-model-for-culturally-responsive-housing-provision.pdf>.

7   Daphne Nash and Paul Memmott, 'Housing Conditionality, Indigenous Life-worlds and Policy Outcomes: Tennant Creek Study' (Report, Australian Housing and Urban Research Institute, March 2016) <https://www.ahuri.edu.au/__data/assets/pdf_file/0020/7319/AHURI_Research_Paper_Housing-conditionality,-Indigenous-lifeworlds-and-policy-outcomes-Tennant-Creek-case-study.pdf>.

8   Christina Birdsall-Jones and Holly Farley 'Housing Conditionality, Indigenous Life-worlds and Policy Outcomes: Western Australian Case Study' (Report, Australian Housing and Urban Research Institute, March 2016) <http://www.ahuri.edu.au/research/research-papers/housing-conditionality,-indigenous-lifeworlds-and-policy-outcomes-western-australian-case-study>.

9   Paul Memmott and Daphne Nash, 'Housing Conditionality, Indigenous Life-worlds and Policy Outcomes: Mt Isa Case Study' (Report, Australian Housing and Urban Research Institute, March 2016) <http://www.ahuri.edu.au/research/research-papers/housing-conditionality,-indigenous-lifeworlds-and-policy-outcomes-mt-isa-case-study>; Shaneen Fantin, 'Housing Conditionality, Indigenous Life-worlds And Policy Outcomes: Palm Island Case Study' (Report, Australian Housing and Urban Research Institute, March 2016) <http://www.ahuri.edu.au/research/research-papers/housing-conditionality,-indigenous-lifeworlds-and-policy-outcomes-palm-island-case-study>; Daphne Nash, 'Housing Conditionality, Indigenous Life-worlds And Policy Outcomes: Logan Case Study' (Report, Australian Housing and Urban Research Institute, March 2016) <http://www.ahuri.edu.au/research/research-papers/housing-conditionality,-indigenous-lifeworlds-and-policy-outcomes-logan-case-study>.

10   Steering Committee for the Review of Government Service Provision, 'Overcoming Indigenous Disadvantage: Key Indicators 2014' (Report, Productivity Commission, 2014) 6, 51.

11   Rosalie McLachlan, Geoff Gilfillan and Jenny Gordon, 'Deep and Persistent Disadvantage in Australia' (Staff Working Paper, Productivity Commission, July 2013) 11.

12   Moran et al, above n 5.

13   Andrew Jones et al, 'Review of Systemic Issues For Social Housing Clients With Complex Needs' (Report, Institute for Social Science Research, September 2014), 63 <https://www.qmhc.qld.gov.au/wp-content/uploads/2014/12/FINAL-report-Review-of-systemic-issues-housing-clients-with-complex-needs-September-2014-ISSR.pdf>.

14   Moran et al, above n 5, 8.

Walking the Dog, 2013
Karla Dickens

Mixed media
500mm x 750mm