Conditionality, Recognition and Indigenous Housing Policy in Australia

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Abstract

This paper draws on ideas of recognition and the intercultural as a way of examining the impact of welfare conditionality on Indigenous housing policy in Australia. The increased application of welfare conditionality has occurred in tandem with ‘mainstreaming’ of housing management and provision, and regulation of Indigenous Community Organisations. (ICOs). These developments raise policy and practice questions about the effectiveness of such approaches in achieving desired housing outcomes because of questions about their alignment with Indigenous norms and values. The paper argues that the embedded nature of individuals in their social and cultural locations requires the development of policy paradigms that are adapted to these realities. The idea of a recognition space extends the idea of conditionality to one involving moral relationships of duty and care between the individual, Indigenous formal and informal governance structures and the state and its agents. This can be used to build a framework for the development of flexible and adaptive housing policies that are culturally respectful and address the differences in housing values between tenants and housing agencies.
Shifting Loci of Indigenous Public Policy

Through the 1980s and 1990s the management of remote Indigenous communities was decentralised. This saw the establishment of hundreds of Indigenous communities in the Northern Territory, Western Australia, Queensland and South Australia but this development was not accompanied by corresponding efforts to build capability within local Indigenous organisations. The community development approaches implemented and trialled during this period often failed to adequately deal with the complexities of the internal politics of ‘community’. Community egalitarianism was favoured over family and private interests, and the external politics of ‘regional governance’, often saw local organisations favoured over regional ones (Lea and Clark 1995). This period saw growth in the number of Indigenous community organisations, but insufficient effort to build their governance capacity and operational resources (Rowse 2005). Commentators have also argued the rhetoric of ‘self-determination’ allowed the Australian government to structurally disengage from remote Indigenous communities (Dillon and Westbury 2007).

Since then, the pendulum has swung in the opposite direction with government adopting a policy-led interventionist approach, culminating in the Northern Territory Emergency Response. Community-based organisations and community development approaches were largely discredited and support withdrawn. A mismatch ensued between government policy and its implementation, including a lack of engagement with Indigenous community groups (Commonwealth of Australia 2008). Sanders has described this shift as one from ‘choice and positive difference and diversity’ towards ‘guardianship, vulnerability and negative difference and diversity’ (Sanders 2009:317).

These shifts in Indigenous policy can be conceptualised as involving competing loci of responsibility and agency, between the individual or citizen, the state and Indigenous organisations. Each tends to aggressively assert its demands politically, and this is played out through national media outlets, with little consideration of the context and constraints faced by the others.

Today national policy, notably the National Housing Agreement and the National Partnership on Remote Indigenous Housing, require the ‘normalisation’ of land tenure, transfer of housing management from Indigenous housing organisations to State Housing Authorities and additional tenant obligations including reporting changes in circumstances and anti-social behaviour provisions (COAG 2008b; 2009b). Indigenous housing organisations have lost dedicated national funding and are now expected to meet the conditions of mainstream community housing funding, policy and regulatory imperatives (Milligan, Phillips et al 2010). This has especially impacted on Indigenous housing in remote locations where the ICO sector was strongest. This instrumental focus in housing policy is reflected in performance indicators that focus on housing supply and access, building standards, management efficiency and tenancy sustainability (HMC 2001).

Conditionality in Indigenous Public Policy
These developments have been associated with the spread of principles of conditionality in national policy as part of efforts to improve the circumstances of Aboriginal and Torres Strait Islander peoples (ATSI) in Australia. This reflects international developments in state welfare provision towards an emphasis on the responsibilities of citizens to minimize their burden on the state (HREOC 2001; IMF 2002; Kinnear 2002; Dwyer 2004:270). Examples include the ‘Shared Responsibility Agreements’ that have been applied to some Indigenous communities and the welfare reform measures applied to Indigenous individuals and households in Cape York (Thompson 2006; Pearson 2010).

Supporters of welfare conditionality argue for its benefits on moral, psychological, political and economic grounds (Pearson 2000; Saunders 2008; Taylor-Gooby 2005). They point to increased participation in education and health services, improved targeting of resources to particular vulnerable groups and increased political legitimacy of programs targeting the poor (Bastagli 2009:136).

 Critics suggest conditionality is unfair, paternalistic, discriminatory, intrusive and punitive (Lister 1998; Wacquant 2009) and question its effectiveness (Campbell & Wright 2005; Dwyer 2004). In housing policy concerns have focused on the impact on innocent third parties, especially children (Deacon 2004), its costs (Jacobs 2008; Bastagli 2009) and further marginalisation of the most vulnerable social groups (Flint 2004; Rodger 2006).

Models of conditionality differ according to the balance of rights and duties between the state, community and citizens. All share a concern with active citizenship, but conservative models minimize state responsibilities stressing instead the moral obligation of citizens to conform to mainstream behavioural norms (Murray 1984; Mead 1997). Progressive versions locate individuals within communities and allocate some responsibility to the state to address embedded disadvantage (Flint 2003; Deacon 2004).

In Australia, social housing measures have taken the form of additional tenant obligations including reporting changes in circumstances, probationary leases and anti-social behaviour provisions (see Table 1) (COAG 2008b; 2009b). In public rental housing, conditionality underpins the landlord/tenant relationship and across the social housing sector, largely undifferentiated housing management policies and practices have been adopted. This is similar to the UK where the use of positive incentives (see Jacobs et al 2008) is outweighed by a disciplinary approach linked to a civilities agenda (Pawson & McKenzie 2006).

**Culture and Behavioural Change**

The Cape York trials in far north Queensland have been the inspiration for some of the forms of conditionality adopted by the Federal government, especially in relation to the use of income management as a means of promoting behavioural change. These trials are unique in their relatively slow development and the participation and engagement of the communities in which they operate. The programs draw on Indigenous principles of reciprocity stressing mutual obligation and ‘an equitable
Table 1: Welfare Conditionality in Australia, 2011-12

<table>
<thead>
<tr>
<th>Welfare Field</th>
<th>Lead Agency</th>
<th>Behavioural Concern</th>
<th>Incentive</th>
<th>Locations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housing</td>
<td>SHA</td>
<td>Financial management (‘Vulnerable welfare payment’)</td>
<td>Income management</td>
<td>NT, Kimberley, Cape York, Perth. From July 2012: Rockhampton, Logan, Playford, Greater Shepparton, Bankstown</td>
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<td></td>
<td></td>
<td>Leases over Aboriginal land</td>
<td>Capital investment in housing &amp; related services</td>
<td>Remote Aboriginal communities as defined by National Partnership on Remote Indigenous Housing</td>
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<tr>
<td></td>
<td></td>
<td>Housing debt/disruptive or criminal behaviour</td>
<td>Probationary leases</td>
<td>All States and Territories</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Disruptive or criminal behaviour</td>
<td>Acceptable behaviour contracts</td>
<td></td>
</tr>
<tr>
<td>Education</td>
<td>DEEWR /Local Education Authority</td>
<td>School enrolment &amp; attendance</td>
<td>Income suspension</td>
<td>Katherine, Katherine town camps, Wadeye, Tiwi Islands, Wallace Rockhole, Hermannsburg (NT) Logan Central, Kingston, Woodbridge, Eagleby, Doomadgee, Mornington Island (Qld)</td>
</tr>
<tr>
<td></td>
<td>Family Relationships Commission (Cape York)</td>
<td></td>
<td>Income management*</td>
<td>Cape York</td>
</tr>
<tr>
<td>Child Protection</td>
<td>Child Protection (referral) Centrelink</td>
<td>Child abuse/neglect</td>
<td>Income management</td>
<td>NT, Kimberley, Cape York, Perth, Rockhampton, Logan, Playford, Greater Shepparton, Bankstown</td>
</tr>
<tr>
<td>Child Protection/Family Violence</td>
<td>Family Relationships Commission</td>
<td>Substance use/gambling/family violence</td>
<td>Income management*</td>
<td>Cape York</td>
</tr>
<tr>
<td>Income security</td>
<td>Centrelink</td>
<td>Labor market participation</td>
<td>Income suspension</td>
<td>All States and Territories</td>
</tr>
</tbody>
</table>
distribution of resources, responsibility and capacity and to achieve cohesion and survival of the social order’ (NHMRC 2003:10). While strategies such as ‘Closing the Gap’ and the ‘Indigenous Urban and Regional Strategy’ recognise the strength of Indigenous culture and the need to engage positively with Indigenous people (COAG 2008a:6; 2009a) research identifies concerns about power disparities (Smyth 2010), lack of consultation (Rowse 2002), lack of sensitivity to individual circumstance (HREOC 2001), disempowering effects (Kinnear 2002:261) and the imposition of values on cultures that do not share them (Thompson 2006:8). Evaluations of income management operating in Indigenous communities show patchy acceptance with improvements in child and family well being, including housing conditions, co-existing with evidence that the policies increase marginalisation, decrease financial responsibility (FaHCSIA/Orima 2010; AIHW 2010), and are discriminatory and stigmatising (DEWR 2006; AIHW 2010; Equality Rights Alliance 2011).

A common theme of the housing literature is the need for service delivery to recognise positive aspects of the norms, values and social organisation of client groups if they are to achieve their goals. In the UK the Dundee intensive family support model of housing intervention has been hailed as exceptional in effecting behavioural change amongst families with high and complex needs who have been referred because of serious anti-social behaviour. The program provides intense supervision and support, with evaluations suggesting that the treatment of family members with ‘respect, listening, being non-judgemental and accessible’ is key to its success (Nixon et al 2006).

In contrast, an analysis of mainstreaming in urban Aboriginal housing found it was associated with reduced engagement with Indigenous tenants and communities and loss of Indigenous staff (Milligan et al 2010). There is a growing literature examining Aboriginal cultural norms and values with implications for social housing management. Residential mobility and the challenges this entails for tenants and landlords is well documented (Memmott, Long and Thomson 2006; Habibis et al. 2010). Aboriginal lifestyle norms, household formation and use of internal and external living spaces are recognised as potential sources of conflict with landlords and neighbours (Memmott et al 2003). Kinship obligations including demand sharing can compete with values of conforming to tenancy agreements (Peterson 1993). While much current housing policy discourse views cultural norms as negative traits, others view it as a valuable form of social capital (Altman 2009). According to Milligan et al:

Appreciation of, and respect for ATSI identity and cultural values and understanding the implications of cultural norms and life styles for housing aspirations and the variety of needs and living patterns … is the fundamental starting point for designing and delivering housing service responses.

(2010:49).

This emphasis on the nuancing of the design and implementation of conditional housing provision points to the embedded nature of individuals in their social and cultural locations. It is not just a matter of people waking up one day and
becoming responsible citizens as defined by the state. The gap between the governance regimes of mainstream housing and those of ICOs are significant and not easily bridged. Grappling with these issues is challenging for both SHAs and tenants. Unless policies are adapted to the reality of Indigenous experiences, cultural values and social connections then it is hard to see how ambitious policy targets, such as halving the number of Indigenous homeless, will be achieved.

**Recognition as an Alternative Model of Service Provision**

At the heart of these issues is the question of how the state recognises the claims of different groups to maintain cultural difference. In seeking to live according to their own cultural norms and values, Indigenous people are asking the state to recognise their equal cultural worth (Taylor 1994:69). Insofar as current policies deny this claim, misrecognition can be said to occur.

In the Australian Indigenous context, the notion of a ‘recognition’ space was first proposed by Pearson (1997) in the context of native title, then elaborated by Mantziaris and Martin (1999). More recently it has been described in terms of Indigenous governance (Martin 2003), and intercultural development (Moran 2010: 65-74). The concept critiques mono-cultural notions of development, where culture is idealised as static and isolated from outside influences, when in reality people are intertwined in a complex and dialectic relationship with the wider society (Smith 2008:157). The concept can be used to build a framework for understanding the intersection between Aboriginal social and cultural capitals and social housing contractualism. For example, in Wadeye in the north-west of the Northern Territory, Memmott and Meltzer found that the combination of Aboriginal kinship, the system of social classes or divisions (subsections, sections, and so on or “skins”) and the land tenure system generates multiple, social networks (2003). Customary Aboriginal networks included kinship, social classes, seven language groups, some 25 land-owning clans or descent groups, and three sociospatial residential/ceremonial groups. These often demonstrated a mix of properties drawn from both Aboriginal and mainstream cultural contexts (2003:109-110). In addition to values of trust, unity and reciprocity, which are common in most societal formations, there were also rich and strong norms more specific to the local Aboriginal networks. These included respect, kindness and concern, motherly love, tough love, personal and community sharing, and belief in self-capacity. Of the values emphasised in the organisational networks, ‘taking ownership of the problem was strikingly pervasive…. (and) we also find an Aboriginal value of homogeneity or levelling being invoked at times’ (2003:114-115).

In recent years there have been shifts in perceptions of how social and cultural capitals can operate. Critiques of Indigenous policy by Pearson (2000, 2001) and Sutton (2009) have highlighted the effects of dysfunctional Aboriginal communities, where traditional behaviours and shared values have become distorted, effectively counteracting personal responsibility, limiting the growth of positive social capital and possibilities for sound governance. Other research
points to the value of community as the vehicle by which responsible and engaged citizenry can be activated (Hunter 2003).

In Honneth’s model of recognition, individuals are constructed as autonomous agents with both needs and responsibilities, and ‘with capabilities of constitutive value to a concrete community’ (1997:29-30 in Culpitt:130). This approach recognises that individuals and organisations are intertwined in a complex and dialectic relationship involving differences in value systems and goals. It assumes that in working with different cultures housing services are seeking exchange and reciprocity in a mutual relationship, involving respect and self-valuation of the ‘Other’ and that this applies to all agents. The idea of a recognition space identifies a middle ground in which productive communication and interaction are seen as essential for identifying and addressing barriers between peoples of different value systems that impact on housing outcomes. The research suggests that in the intercultural domain, policy is most effective when both mainstream and Indigenous cultural knowledge systems are practised with equal human, technological and financial resources, with spaces for exchange of knowledge, methodologies and practices that ensure ongoing development of both systems (UNPFII 2009:177).

This approach provides a framework for understanding both the goods and bads of the intersection between Aboriginal people and communities, and social housing contractualism. For Indigenous tenants it includes understanding how social capitals can become problematic for tenancy sustainment, as in the case of demand sharing that is detrimental for children or levels of crowding that are stressful for occupants. For housing practitioners it includes understanding how policy constraints limit their effectiveness or require them to apply policies they believe are inappropriate.

Figure 1 depicts a model of the recognition space which extends the idea of conditionality to one involving moral relationships of duty and care between the individual, Indigenous formal and informal governance structures and the state and its agents. In the housing context the expectations on the individual are to be a good tenant through timely rental payments, maintaining the property and not engaging in disruptive or violent behaviour. Indigenous governance responsibilities involve Indigenous community structures such as ‘nodal individuals’ (Morphy 2010) and leaders of Indigenous organisations with strong moral and social connections to community members. The state provides benefits to the individual and to the Indigenous community and, in return, expects that the recipients will adhere to normative standards of behaviour.

The idea of a recognition space asks how can these three responsibilities be mutually recognised and appreciated. What is the optimum balance between these competing relationships such that it produces positive outcomes for Indigenous populations while acknowledging the constraints imposed on the social housing sector? It asks how we can make steps towards a productive framework for practice where Indigenous citizens, leaders, organisational employees, government officials, service providers and development workers can form the necessary trust and knowledge exchange to work through the
complexity involved. It also reverses these questions, asking what is going on when the space could be described as a misrecognition space in which negative dynamics take place between these three social spaces in ways that impact on housing delivery and tenant outcomes. These negative dynamics may be between any of the dyads including between the Indigenous governance sector and Indigenous individuals and between the state and the Indigenous governance sector or Indigenous individuals. Questions that arise from this might be what are the conditions in which demand sharing works positively for housing outcomes and what are the conditions when it works negatively for them? What are the policy and practice implications of these two different scenarios?

Figure 1: The Recognition Space – Three Intersecting Continuums of Responsibility

The development of a recognition space in Indigenous housing requires new models of practice that acknowledge that Aboriginal and non-Aboriginal people occupy a ‘single socio-cultural field’ (Hinkson and Smith in Moran 2010:66-7) involving negotiated relationships with racialised others and a diversity of institutional forms. Effective practice means a shared approach to problem solving that starts with a recognition of local contexts and emphasises the establishment of mutual trust and respect (Moran 2010). This requires models of consultation that provide for mutual learning and which ensure local communities feel recognized and empowered. It means flexible housing policies and practices that are culturally respectful and apply conditionality in ways that strengthen Indigenous individuals, families and communities
Bauman observes that ‘recognition wars’ trigger a ‘protracted, convoluted and contorted process of getting to know each other, coming to terms with each other, striking a bargain, seeking and finding a *modus vivendi* or rather *coexistendi*’ (Bauman 2001:138). The multi-racial context in which social housing services operates locates them at the forefront of these engagements. Despite the difficult conditions in which they operate they have potential to be a progressive force through the development of innovative practices that start with an acknowledgement of difference to promote Indigenous tenancy sustainment.

**References**


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