



Reimagining Indigenous Housing, Health and Wealth

The Necessary Ecological Response to
Unlock the Potential in the Indigenous Estate

Kerry Arabena, Chris Holland and Shane Hamilton

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**PwC's Indigenous
Consulting**

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Acknowledgments

Shelter WA is the West Australian peak body for social and affordable housing and ending homelessness. Our vision is that all people living in Western Australia have housing that enables them to thrive. We believe everybody has the right to a place to call home. Shelter WA works with our members and partners to provide a strong voice to lead the development of an effective housing system.

Our work in research, policy advice, engagement, sector development and advocacy is designed to realise our vision. Shelter WA has a seat on the board of National Shelter and is part of the State and Territory-based shelter network. Further information on our work can be found at <https://www.shelterwa.org.au/>.

Shelter WA received a grant from the **Australian Government Department of Health** to undertake a review of Indigenous housing policy and programs, reviewing the intersection of housing and health policy, and to provide information on the policy changes required to deliver better housing and health outcomes. We then established a governance group in partnership with National Shelter and the National Aboriginal and Torres Strait Islander Housing Association to oversee this project. **PWC's Indigenous Consulting in partnership with Karabena Consulting** were contracted to undertake this work. Shelter WA would like to acknowledge and to thank the Commonwealth and the Department of Health for their support of this project along with **all the project participants** for sharing their knowledge and insights.

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Darren Smith of Aboriginal Housing Victoria (AHV): The AHV's More than a Landlord life coaching and wellbeing program supports tenants to achieve personal goals and is, along with the AHO, an excellent example of the housing sector shifting from being asset-centric to being people, family and community-centric. The AHV, through its partnership in the First 1000 Australia Days initiative has also pioneered a proof-of-concept method of engaging families in social housing by employing peer researchers to assist in finding out about the ambitions of families and capturing the context in which they live.

Peter Yu of Yawuru Housing: Yawuru has a range of programs designed to cater to a variety of housing requirements including housing advocacy and support service for all Yawuru people in relation to any aspect of housing. Their programs support and empower tenants to achieve positive outcomes and enhance liyan (wellbeing), provide a platform for financial independence and a progression to home ownership, and offer home ownership opportunities for low- to moderate-income Yawuru families.

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Eddie Fry: Chairperson of Indigenous Business Australia (IBA); Chairperson of Indigenous Land and Sea Corporation (ILSC): Eddie Fry is a Dagoman-Wardaman man from the Katherine region in the Northern Territory. He has extensive experience in the Australian resource sector and specialises in Indigenous affairs and native title matters. His contribution to the development of key concepts in this report are acknowledged, particularly with reference to the Indigenous Estate and the support of IBA and ILSC in partnering with Indigenous groups to realise the benefits from their land holdings and unlocking the potential in the Indigenous Estate through more active, collaborative management.

Abbreviations

ABA	Aboriginals Benefit Account
ABARES	Australian Bureau of Agriculture and Resource Economics and Sciences
ABS	Australian Bureau of Statistics
ACCHSs	Aboriginal Community Controlled Health Services
ACEs	adverse childhood experiences
ACT	Australian Capital Territory
AGGA	Australian Government Geoscience Australia
AHO	Aboriginal Housing Office (NSW)
AHURI	Australian Housing Urban Research Institute
AHMAC	Australian Health Ministers' Advisory Council
AHV	Aboriginal Housing Victoria
AIATSIS	Australian Institute of Aboriginal and Torres Strait Islander Studies
AIDA	Australian Indigenous Doctors' Association
AIHW	Australian Institute of Health and Welfare
ALC	Aboriginal Land Council
ALRC	Australian Law Reform Commission
ALT	Aboriginal Lands Trust
ANAO	Australian National Audit Office
ANU	Australian National University
AOD	alcohol and other drugs
ARF	acute rheumatic fever
ATIC	Australian Trade and Investment Commission
ATSIC	Aboriginal and Torres Strait Islander Commission
CFFR	Council on Federal Financial Relations

CHETRE	Centre for Health Equity Training, Research and Evaluation
CHINS	Community Housing and Infrastructure Needs Surveys
CHIP	Community Housing and Infrastructure Program
CHL	Community Housing Limited
CHP	community housing program
CLT	Community Land Trust
COAG	Council of Australian Governments
CRA	Commonwealth rent assistance
DATSIP	Department of Aboriginal and Torres Strait Islander Partnerships (Queensland)
DOGIT	Deed of Grant in Trust
DDSS	Department of Social Services (Australian Government)
GAS	group A Streptococcus
GRP	gross regional product
IBA	Indigenous Business Australia
ICEFRD	International Convention on the Elimination of all Forms of Racial Discrimination
ICHOs	Indigenous Community Housing Organisations
IHOP	Indigenous Home Ownership Program
IHP	Indigenous Housing Pool
ILSC	Indigenous Land and Sea Corporation
ILUA	Indigenous Land Use Agreement
IPP	Indigenous Procurement Policy
KDC	Kimberley Development Commission
LALCs	Local Aboriginal Land Councils
NACCHO	National Aboriginal Community Controlled Health Organisation

NAHS	National Aboriginal Health Strategy
NHHA	National Health and Housing Agreement
NNTT	National Native Title Tribunal
NPARIH	National Partnership Agreement for Remote Indigenous Housing
NPRH	National Partnership on Remote Housing
NSW	New South Wales
NSWALC	New South Wales Aboriginal Land Council
NT	Northern Territory
OM	otitis media
ORIC	Office of the Registrar of Indigenous Corporations
PBCs	prescribed body corporates
PRA	private rent assistance

RIHS	Remote Indigenous Housing Strategy
RHD	rheumatic heart disease
SA	South Australia
SEWB	social and emotional wellbeing
SHS	specialist homeless services
SOMIH	State-owned and managed dedicated Indigenous housing
SWALSC	South west Aboriginal land and Sea Council
TSILA	Torres Strait Islander Land Act
UN	United Nations
UNDP	United Nations Development Program
UNSW	University of New South Wales
WA	Western Australia

Preface: Culture, Health, Wealth, Housing and Empowerment

It is widely recognised that Aboriginal and Torres Strait Islander peoples¹ have been sustained for millennia by a holistic conception of health and wellbeing that is underpinned by core cultural values and perspectives, healing practices and traditions that strengthen collective identity and cultural continuity (Gee et al. 2014:55–68). It is less widely recognised that Australia's Indigenous peoples have an equally long tradition of architecture, urban design and economic activity that cannot be meaningfully separated from this.

Indeed, arguably the world's oldest architecture is Aboriginal, as exemplified by the extraordinary *Narwala Gabarnmang* (rock shelter) in Arnhem Land, which is dated at up to 45,000 years old. The rock shelter is part natural, but the 36 pillars holding up the roof of the 19m x 19m structure were excavated by the ancestors of today's Indigenous peoples. It also contains some of the world's oldest rock art (Delannoy et al. 2017; David et al. 2017; Smith 2013; Cane 2013).

Indigenous architectural practice has continued throughout the centuries of colonisation to the present day. In his book *Dark Emu*, Bruce Pascoe quotes coloniser–explorer descriptions of the sizeable seasonal and permanent Indigenous villages they encountered as they traversed the continent, including stone buildings up to six by four metres in size among a range of dwelling styles (Pascoe 2014:97,126).

Further, and as described by Paul Memmott in Gunyah Goondie and Wurley – *The Aboriginal Architecture of Australia*, traditional Indigenous architectures and urban design principles were both health giving and sustaining, with construction recognised as a specialised and skilled task to be carried out to a high standard even in temporary structures (Memmott 2007). From a health perspective, Memmott details 'housing for health' principles that pre-date contemporary notions of such: for example,

temperatures controlled by floors being raised or sunken or by cladding shelters in insulating earth or barks, ceilings high enough to stand under, dogs housed separately, walls to protect from insects and the wind and rain, and windows for ventilation and light (Memmott 2007:10, Figure 1.1). And in community spaces, shelters were also designated for food storage and preparation, and for the disposal of waste, with the toilet set well apart from living spaces (Memmott 2007).

Communities or camps were also established in locations that not only had ready access to fresh water, crops and animal resources but, in many cases, to at-scale economic activity including areas devoted to agricultural activity and aquaculture (Pascoe 2014:13ff,68ff). These and other economic bases generated significant surpluses and an economy of abundance.

Urban or community design also supported cultural life. While family groups often shared shelters, cultural traditions might require designated shelters for older men and single women, and young boys and girls. Designated meeting shelters and ceremonial areas might also be provided for the segregation of males and females prior to initiation, to uphold avoidance relationships and for the storage of ritual objects. Further, the entire community or camp space may have sacred dimensions with men and women required to walk in certain directions, areas and approaches (Memmott 2007:117, Box Figure iii).

In this report, we start by considering this rich heritage to set the context for a strengths-based ecological and culturally founded approach to Indigenous housing, health and wealth that aims both to support contemporary Indigenous aspirations to thrive and prosper in this nation, and to relegate to the past those challenges associated with homelessness, overcrowding, ill-health and poverty at the population level. We also aim to support the aspirations of Indigenous people, families and communities for cultural continuity – whether they live in remote, discrete communities or in regional towns and major cities – by supporting a 'housing for culture' and 'community for culture' approach.

¹ In this report we generally use the term 'Indigenous' when referring to Australia's Aboriginal and Torres Strait Islander peoples.

In doing so, our proposal not only recognises that improvements in these areas – health, housing and wealth – can be powerful agents of population-level betterment, but that these three are inextricably part of a larger ecology. As such, simultaneous improvements in all three areas must be the goal of those seeking sustainable change for the better. This ecological approach could also provide a significant foundation for the wider implementation of the July 2020 National Agreement on Closing the Gap (NIAA 2020). This includes in relation to its projected outcomes and targets for Indigenous health, housing and economic participation, and the further expansion of the Indigenous Estate – the sum of Indigenous rights and interests in Australian land and waters.

Further, we propose that this model be implemented by an Indigenous leadership mechanism – referred to here as the National Indigenous Housing, Health and Wealth Authority – that is able to generate and implement two connected national strategic responses:

- + A **National Indigenous Wealth Strategy** that aims to unlock the overall potential of the Indigenous Estate and connect Indigenous households and communities to it.
- + A **National Indigenous Housing and Health Strategy** that utilises the economic potential of the Indigenous Estate to implement a new national Indigenous housing system, the **Indigenous Housing Pool**.

Ultimately, we are proposing an empowerment-based and entirely new way of ‘doing business’ in the Indigenous housing sector that does not settle for ‘whole-of-government’ approaches as a solution, but rather whole new ways of system operation, the benefits of which include:

- + the closure of socio-economic equality gaps relative to the non-Indigenous population;
- + improved mental health and reduced incidence of behaviours associated with untreated trauma;
- + greater financial independence, collective self-determination and multiple-level life control;
- + community enhancements including access to community-based health and wellbeing services;
- + the elimination of racism in the private rental market;
- + significant training, education, employment and entrepreneurial opportunities; and
- + collective wellbeing engendered by a confidence in a powerful, wealthy and healthy Indigenous Australia.

In so doing, we will establish a significantly less precarious nation-wide Indigenous-controlled housing ‘system’ that does not tolerate, and responds effectively to prevent, homelessness and severe overcrowding.

Part 1: History and Policy Context

Section 1: A tale of two populations



Home ownership and population wealth are separable concepts in theory, but in Australia they are inseparable. In 2016, about 67 per cent of Australian households owned or were purchasing their homes, which although down from the 1960s peak levels of around 72 per cent, are still among the highest rates of home ownership in the world (Parliament of Australia 2017). Further, about one in five (about 1.86 million) households also owned a residential property other than their usual residence (ABS 2019a).

Property ownership as a social aspiration, and later norm, began in Australian colonial societies and remains part of the ‘Australian dream’: first, as a social signifier, marking free settlers from convicts, and later as a condition of male suffrage (Bluett 2017); and second, as a personal wealth generator. Australian real property values grew on average at half a per cent per year from 1890 to 1990 (Stapledon 2010), with even faster real growth in the past three decades that has led us to record the current property value highs evident in our major cities.

Sixty-three per cent of Australia’s total household wealth in 2020 was in property with an estimated total value of \$6.9 trillion, against \$10.9 trillion total household wealth (data from CoreLogic cited in Cole 2020). In other words, on average housing accounts for about 60 per cent of most Australian citizens’ wealth. And this personal wealth is significant: Australia was ranked as the world’s wealthiest per capita nation in 2018 based on an AUS \$265,000 per person median wealth estimate (Credit Suisse 2018:55; Tilley 2018). Perhaps not surprisingly, it also enjoys one of the highest standards of health and life expectancy (UNDP 2019).

Property inheritance was and remains a primary channel of intergenerational wealth accumulation in Australia. Between 2002 and 2012, approximately 1.8 million Australians inherited property and/or money, which has directly led to this cohort having greater access to the housing market (AHURI 2018a). Further, an estimated \$3.5 trillion worth of wealth will be transferred from ‘baby boomers’ to younger Australians in the next 20 years: this will be the largest intergenerational transfer of wealth in Australian history (Simpkins 2019).

But this enormous accumulation of wealth was at the expense of about 500 Indigenous Nations (Australian Government [n.d.]) and their rights and interests in Country, as indicated by millennial periods of occupation, spiritual connections to Country, and customary usage rights and interests. Borders maintained by a system of international relations were markers of these Nations’ territorial sovereignty across the pre-contact Australian continent and surrounding islands – the original Indigenous Estate.

English law governing colonisation intended that a territory’s inhabitants’ customary land and water usage rights and interests would survive the ‘radical’ Crown claim of sovereignty. Only if ‘native title’ subsequently ceased to be exercised by its holders, or the Crown dealt with their land in incompatible ways, could it be extinguished and only to the degree of incompatibility (HCA 1992).

To date, not one treaty has formalised a single Indigenous Nation’s sovereignty transfer, or terms of non-Indigenous accommodation. Instead, through the *terra nullius* fiction, the 500 Nations’ territorial sovereignty was simply vested in the Crown upon claim, bringing it within an English property law framework as Crown land. With sovereignty unrecognised, native title property rights ‘legally’ evaporated and the oldest continuous cultures in human history were effectively rendered homeless. This was compounded by the colonising settlers erasing almost all traces and memory of Indigenous permanent housing and settlements (Pascoe 2014:117–8).

For the next 200 years, Crown grant or the cheap sale of a seemingly inexhaustible supply of freehold titles and lease options, in the most economically valuable parts of the Indigenous Estate, drove the mass migration of millions of Anglo-Celtic poor and middle-class populations to Australia, thereby effectively cementing the Crown’s claim.

The negative physical and mental health impacts of colonisation persist to the present day, with Indigenous experiencing poorer health outcomes than non-Indigenous Australians. However, contrasting with contemporary inequality, reports suggest that Australia’s pre-contact Indigenous populations were at least as healthy as their coloniser-to-be counterparts (Jackson & Ward 1999). While the wildfire spread of introduced diseases works against the emergence

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A tale of two populations

of a clear picture, we know the Indigenous Estate supported an abundance of health-giving hunting, fishing, gathering, farming and land maintenance practices and significant ‘at-scale’ economic activity. Further, a ‘cultural ecology’ of physical, emotional, mental, social and cultural supports and practices engendered a holistic approach to physical health and ‘social and emotional wellbeing’ (SEWB)(Gee et al. 2014:55–68).

The year 1788 broadly marks both the start of the Industrial Revolution in Britain and the beginning of colonisation in Australia. In the former, mass migration to increasingly overcrowded and unhygienic cities is associated with a rapid deterioration in population health. Historians estimate that in England one in five lived in towns of 5000 plus inhabitants in 1750, a figure that rose to three in five within a century (Simkin 2020). In 1840, English farm labourer populations were estimated to have had a 38-year life expectancy, whereas comparator urban populations were dying at an average of only 15 years of age. In the same year, 57 per cent of inner-city Manchester’s children were dead by the age of five, compared with 32 per cent in surrounding rural districts (Simkin 2020).

So how did the relative health positions of the Indigenous and colonising populations become reversed post-1788, and what was the contribution of the respective populations’ housing and economic situations to that reversal? For the British, the ecological approach to housing and health embodied in the United Kingdom’s *Public Health Act 1848* (see Section 9) is a good starting point for a continuous compounding series of health and related advances that continue to this day, advances supported by dramatic increases in population wealth and living standards (Fee & Brown 2005; Simkin 2020). This suggests the power that health, housing and wealth creation-inclusive ecological approaches have in turning around a population health crisis.

Indigenous peoples today recognise a direct connection between colonisation and contemporary health and other challenges (Reconciliation Australia 2016:99). Indeed, a health, wealth and housing ecology of a different kind starts in 1788. It began with economic base appropriation and collective homelessness and has been compounded by two centuries of racist

policies that have led to poverty, poor health and inadequate housing. Reversing this ‘negative ecology’ is the main thrust of this report.

There are three broad ways to understand how colonisation is still working within significant parts of Indigenous Australia as a ‘negative ecology’. In other words, how its momentum is yet to exhaust itself, or otherwise be proactively reversed by a national embrace of decolonisation practice.

The first connection is contemporary socio-economic circumstance. Both relative Indigenous population ‘disadvantage’ and non-Indigenous population ‘advantage’ begin with colonisation. The association between the two is direct: the colonising population’s gain of the original Indigenous Estate and economic bases thereon was at Indigenous cost.

Population-level homelessness by dispossession was followed by segregation under protection laws designed to keep dispossessed Indigenous populations away from the colonisers. These laws, supported by racist social norms, restricted where Indigenous people could live and the hours they could be in certain areas, subject to criminal sanction. Dedicated church mission and Crown land reserves became places of both confinement and refuge, but living conditions were usually dire. This was the experience of tens of thousands of Indigenous peoples from varying Countries, and with varying languages and cultures. Particularly affected were those from the most economically productive parts of the Indigenous Estate (Senate Standing Committee on Legal and Constitutional Affairs 2006).

While Australia’s colonisers were accumulating today’s \$10 trillion of population wealth, segregation kept the forebears of contemporary Indigenous Australians apart not only from their traditional economic bases, but also the rapidly growing colonial/State economies. This meant they had limited access to education, employment and wealth generating opportunities, as well as medical and environmental health advances.

The legacies of dispossession and segregation are the socioeconomic ‘gaps’ that mark today’s Indigenous disadvantage; the gaps, as discussed in Table 1, that the nation to date has proven unable or unwilling to close.

Table 1 ► Three inter-related social and economic gaps in Indigenous Australia

Housing gap	<p>In 2019, the Australian Institute of Health and Welfare found that Indigenous Australians were, when compared with other Australians:</p> <ul style="list-style-type: none"> — about half as likely to own their own home (with or without a mortgage); — 10 times as likely to live in social housing, and three times more likely in non-remote areas (2016); — significantly more likely to live in a home requiring significant maintenance or repairs (2014–15); — three times more likely to be living in overcrowded dwellings, and 16 times more likely to live in severely overcrowded dwellings (2016); — 10 times more likely to be classified as homeless; and — nine times as likely to access Specialist Homelessness Services (AIHW 2019a).
Health gap	<ul style="list-style-type: none"> — For the Indigenous population born in 2015–17, life expectancy was estimated to be 8.6 years lower than that of the non-Indigenous population for males (71.6 years compared with 80.2) and 7.8 years for females (75.6 compared with 83.4) (AIHW 2019b). — The single biggest killers of Indigenous peoples are chronic diseases, particularly cardiovascular disease (ABS 2019b). — The ‘mental health gap’ and high prevalence of trauma is increasingly appreciated as a driver of other inequalities. High and very high rates of psychological distress were reported in the Indigenous population at 2.6 times the rate for non-Indigenous people in 2014–15. Indigenous men were hospitalised for mental health-related conditions at 2.1 times the rate of non-Indigenous males, and women at 1.5 times the rate for non-Indigenous females (AHMAC 2017:75–6).
Wealth gap	<ul style="list-style-type: none"> — Research suggests that across Australia nowhere does the Indigenous population have relatively equal socio-economic status compared with the non-Indigenous population (Biddle & Markham 2017a). — In 2014–15, the median equivalised gross weekly household income (the total personal incomes of a household’s residents) for Indigenous adults was \$542 compared with \$852 for non-Indigenous adults (AHMAC 2017:111). — For significant numbers of Australians, other sources of income apart from employment exist. With reference to this, a 2015 study of HILDA (Household, Income and Labour Dynamics survey) participant data reported the average total personal income of Indigenous men was \$34,500 p.a. compared to \$62,600 for non-Indigenous men. For Indigenous women, the average income was \$26,200 p.a. compared with \$37,400 for their non-Indigenous counterparts (Howlett, Gary & Hunter 2015:4).

Part 1 / Section 1

A tale of two populations

Intergenerationally transmitted trauma is the second connector of colonisation practice to the present. Frontier events, war and attrition, massacres and other attacks began in the Sydney region in the 1790s, and continued in more remote Kimberley and Northern Territory regions until *at least* the 1920s (Schubert 2018). These events traumatically impacted the grandparents and parents of many Indigenous people living today, trauma that has been passed through the generations.

The colonies' and States' protection laws also allowed the Crown to appropriate Indigenous parents' guardianship rights over their children. Combined

with a notion that the best interests of Indigenous children lay with their assimilation into coloniser society, widespread child removals and placement in 'white' families or institutions took place before the practice petered out in the early 1970s (HREOC 1997). With between one in three and one in 10 Indigenous children removed over that time, the majority of Indigenous families in Australia have been deeply affected by this practice (HREOC 1997). In 2014–15 it was estimated that about 21,000 so-removed Indigenous people were still alive and that this cohort had about 115,000 descendants (AIHW 2018a:vii–viii).

The following is based on Dudgeon, Watson & Holland (2017).

The origins of all trauma are distressing, often violent, events to the degree that they:

- + undermine a person's sense that the world is a safe place and/or that other people can be trusted;
- + overwhelm a person's coping skills; and
- + lead to reactive thoughts and emotions the affected person is unable to integrate or process, so that they effectively remain 'stuck' in the traumatic event/s.

Mental symptoms can include:

- + mental illness caused or exacerbated by trauma;
- + involuntarily reliving traumatising events in nightmares, 'flashbacks' or by being 'triggered';
- + chronic fear and anxiety leading to 'hyper-vigilance' or paranoid thinking and behaviours;
- + insomnia and emotional and mental exhaustion;
- + disordered thinking (e.g. family and friends are perceived as threats); and
- + an extreme sense of isolation from others.

One of the difficulties in recognising trauma is that a person affected often spends considerable energy and resources warding off the traumatic memories

Text Box 1 Trauma

with behaviours that are mistaken as an independent problem rather than symptoms. Behaviours that often go unrecognised as having their origins in trauma can include:

- + self-medicating or numbing feelings with alcohol or drugs in response to anxiety – sometimes leading to addiction;
- + displaced anger and rage often directed at inappropriate 'targets' rather than at the cause of the trauma, and in ways that might support the integration of the traumatic event. In this way, people with trauma can inadvertently traumatise others, so trauma spreads in families and communities, with lateral violence often the result;
- + going 'emotionally numb' and dissociating from the present, which starts as an adaptive/ survival mechanism at the time of the traumatic incident but can become problematic and maladaptive;
- + maintaining 'chaos' so the life emphasis is on survival: it is the quiet moments that tend to allow the memories to surface;
- + seeking isolation as a coping strategy; and
- + self-harm and suicidality.

In some cases, parenting and other relationships can be affected by several different behavioural and other pathways associated with trauma.

As adults, those removed as children frequently carry trauma, which can lead to setbacks in almost all areas of life. Such an assessment was made by comparing removed and unremoved cohorts (aged 50 plus) in 2018, with the former twice as likely to self-report lower income, high levels of unemployment and poor physical health, and 1.3 times more likely to experience 'poor' mental health. Directly relevant to this report, those removed were 1.4 times more likely to experience homelessness, and 2.7 times less likely not to own or be purchasing their own home (AIHW 2018b).

Trauma does not stop with those who have been directly affected by it. Historical situational trauma, just like other forms, can be transmitted from one generation to the next. This is particularly so in families – as shown in studies of population groups subjected to war, genocide and other disasters – through modelled behaviours, parenting styles and the parent-child genetic inheritance of trauma symptoms (Holland, Dudgeon & Milroy 2013). Further discussion of trauma is included in Text Box 1.

Indigenous Australians have long asserted that one of the major challenges they face is the high rate of situational and intergenerational trauma, which more recently has led to high youth suicide rates (Fogliani 2019). There is also a strong association between trauma and homelessness in the Indigenous population. In 2017–18, almost three in five (56 per cent) Indigenous clients accessing specialist homeless services (SHS) frequently reported family violence, mental health issues and/or problematic alcohol and other drug (AOD) use as the reason for seeking assistance. Specifically:

- + two in five aged 10 years and over (18,600 clients) reported family violence;
- + about one in 10 (4400 clients) – family violence and mental health issues;
- + about one in 20 (2300 clients) – mental health issues and AOD problems; and
- + a further one in 20 – all three vulnerabilities (AIHW 2019c).

While further investigation is needed to identify the precise relationship to trauma, as discussed in Text Box 1 all these behaviours are strongly associated with it.

The third connecting strand from 1788 to today is that colonisation's momentum is ongoing to the degree that associated practices and their negative legacies have not been recognised and proactively reversed. These include stopping racism in its many forms, restitution for historical injustices and the use of special measures or affirmative action.

It is now almost 30 years since the High Court recognised that native title right existed in Australia from pre-contact times to the present day by virtue of an unbroken stream of Indigenous Estate usages and interests (HCA 1992). Based on that, by 2015 Traditional Owners had regained rights over 2.7 million square kilometres (about 32 per cent of the Australian land mass). Further gains are still occurring (Austrade 2020a), and about 250 claims remain pending (NNTT 2020b).²

But some doors to restitution have already effectively been closed. As discussed in Section 2, the regaining of the Indigenous Estate has been largely dependent on vacant Crown land being available to return. While of extraordinary cultural significance to Traditional Owners, the land to date has not proven to be of major economic significance. What remains of the Indigenous Estate in terms of economically productive land, at least within the current economic paradigm, are the remnants from perhaps the biggest 'land grab' in world history.

² As of February 2020, a search of the NNTT Register of Title Applications, Registration Decisions and Determinations found 252 Active (open) applications.

Section 2: Remote Indigenous Australia



In addition to prohibiting racial discrimination in international law, the 1948 Universal Declaration of Human Rights confirmed a right to 'freedom of movement and residence within the borders of each state'; and that offences to human dignity included arbitrary exile, and 'interference with family or home' (UN 1948: Articles 13,9,12).

Fuelling activism by Indigenous people and their allies, the Declaration heralded the end of the protection era. Over the following decades a diaspora to urban areas and ancestral homelands from the 200 or so former reserve and mission sites, and other places of segregation, gained increasing momentum. For some Indigenous individuals, families and communities, however, the reserve, mission and other sites of segregation were the only home they knew and so they stayed. Today, about one in five Indigenous people live in very/remote parts of Australia (ABS 2018).

In more remote areas, the events of this time and the gradual regaining of the Indigenous Estate are intrinsically linked. In particular, remote Indigenous Australia today remains indelibly shaped by two factors:

- + the patterns of mission and reserve-related settlements established in the protection era; and
- + the homelands movement – part of the broader land rights movement, with the aim of reconnecting dispossessed Traditional Owners with their ancestral Country (Parliament of Australia 1987a).

Remote living, for its socio-economic challenges, offers cultural advantages and the opportunity to practise self-determination in majority Indigenous communal settings away from non-Indigenous influences. Remoteness also supports the maintenance and revival of cultural practice, with some communities famous places of Indigenous cultural and artistic renaissance, such as Papunya (Bardon 1979). Indeed, when surveyed about their health, remote living Indigenous peoples generally report significantly higher connection to sources of social and emotional wellbeing (SEWB) than their counterparts living non-remotely. This includes high levels of daily social contact with friends and relatives, living on Country,

speaking an Indigenous language, and being involved in cultural events, ceremonies and/or organisations (AHMAC 2017:17).

Many homelands exist in a satellite-like relationship to the communities that remained on the mission and reserve sites. Current data on the homelands are hard to come by (Altman 2017), but in 2006, the Australian Bureau of Statistics (ABS) estimated there were 630 homeland/outstations in the Northern Territory alone (ABS 2006). In 2015, the Centre for Appropriate Technology surveyed 401 NT homelands and outstations, and found an estimated minimum Indigenous population of 4532 and a maximum of 11,174 over time (CAT 2016:46). Given the movement from one to the other that regularly occurs, the Centre estimated about 70 per cent of homeland communities are occupied about 70 per cent of the time (CAT 2016:47).

'Remote Indigenous Australia' is as much a product of recent history as are the significant Indigenous populations now living in major urban centres. Partly as a result, Australian government responses to it – and the relative poverty that continues there from the protection era – have been catch-up, piecemeal and jurisdictionally focused. This has led to the current patchwork of Indigenous Estate property regimes and housing arrangements and, critically, the significant socio-economic disadvantage still found in many remote communities today.

As segregation ended in the 1950s, some of the States' then housing commissions began managing former mission and reserve housing stock as Crown land fixtures. For example, what is now the Western Australian Department of Housing built the first social housing for Indigenous families as early as 1954 (WA Housing Authority [n.d.]), and at the former Rumbalara reserve site in central Victoria, the State's housing commission assumed the title to existing housing stock and was constructing and managing new homes by 1957 (Rumbalara Aboriginal Cooperative 2017).

Table 2 continues this history in the context of the land rights acts that were passed across Australia from the 1960s to the 1980s in response to (a) decades of Indigenous activism and (b) in acknowledgment that Indigenous people had not only a moral right to the Indigenous Estate, but that justice demanded this be formalised and acknowledged in Australian property law terms.

Table 2 ► Reserve and mission site and associated title transfers

<p>South Australia</p>	<p>The ground-breaking <i>Aboriginal Lands Trust Act 1966</i> established an Aboriginal Lands Trust (ALT) to hold SA mission and reserve site freehold titles for their Indigenous remnant residents, now including eight remote community and five homeland precincts (ALT 2018a). ALT land is deemed inalienable unless other-wise approved by both houses of the SA Parliament (DP&C SA 2019). HousingSA (the State social housing authority) is the landlord of ALT housing and maintains dwellings and manages tenancies in that capacity (Habibis et al. 2016:39). ALT now holds 65 varying property titles to a non-contiguous 500,000 hectares of State land (ALT 2018b), and under a new <i>Aboriginal Lands Trust Act 2013</i> (DP&C SA 2019).</p> <p>The <i>Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981</i> (SA) grants inalienable freehold title to 100,000 square kilometres of the Anangu Pitjant-jatjara Yankunytjatjara (APY) lands (about 10% of the State) to the APY Land Council in trust for the APY peoples. The lands originally centred on the Erna-bella mission site, but with Umuwa now its administrative centre, a 14-member/three-year term APY Land Management Corporation governs the lands (APY 2020). In 2007, Housing SA assumed the leases of the 400 or so dwellings on the APY lands from the Corporation and manages them through its Umuwa office (Habibis et al. 2016:39).</p> <p>The <i>Maralinga Tjarutja Land Rights Act 1984</i> (SA) grants inalienable freehold title to 82,000 square kilometres (about 8% of the State) of the Maralinga Tjarutja lands to a Traditional Owners' trust (Government of South Australia [n.d.]). A United Aborigines Mission and State Aboriginal reserve was established on the lands in the 1930s. Many of the previously nomadic peoples had moved to these lands by the 1950s but, to accommodate the British atomic bomb tests carried out between 1956 and 1963, the residents were forcibly evacuated to Yalata, just south of the Maralinga Tjarutja lands' current border. Upon gaining title by the Act, significant numbers of Maralinga Tjarutja moved back to their lands and established Oak Valley community as the administrative centre with homeland centres around it (Jonscher & Lysaght 2019). As on the APY Lands, Housing SA manages the housing stock.</p>
<p>Victoria</p>	<p>The <i>Aboriginal Lands Act 1970</i> (VIC) granted freehold title in the former Lake Tyers and Framlingham reserve sites to two respective trusts in which residents were Act-gazetted as members and, uniquely to this day, allocated shares in the trusts (State Government of Victoria 2019). By the Act, the shares cannot be sold but can either be transferred back to the trusts, to another resident-shareholder member, to the Victorian Government or to a family member, but with no stipulation they be Indigenous (State Government of Victoria 2019:10). In 2007, Community Housing Ltd (CHL), an international community housing organisation, was contracted as the Lake Tyers housing manager and, in that role, upgraded housing stock and built five new homes, a community centre and other facilities (CHL 2012). CHL now manages 120 or so properties for three Indigenous community trusts in the East and Central Gippsland region among others across Australia (CHL 2012). In 2019, the Victorian Government set up an Act-review process, as it had a concern that the share model was outmoded, among other potential reforms (State Government of Victoria 2019).</p> <p>Victoria continued the practice of legislatively transferring titles to specific and usually relatively small areas, to Traditional Owners and resident communities including at Robinvale, Lake Condah and Framlingham Forest, and to a suburban block in Melbourne with strong Indigenous community connections (Parliament of Victoria 1992, 1989; Parliament of Australia 1987b). This also occurred elsewhere, in the Jervis Bay Territory of the Australian Capital Territory (ACT) as well as sites in Tasmania (Parliament of Australia 1986; Parliament of Tasmania 1995).</p>

Table 2 ► Reserve and mission site and associated title transfers (cont.)

<p>Queensland</p>	<p>Queensland has complex, overlapping frameworks around Indigenous land and waters rights, particularly in the Cape York Peninsula and the Torres Strait Islands. Three legislative regimes exist:</p> <ol style="list-style-type: none"> 1 Deed of Grant in Trust (DOGIT) title. In 1984, the State legislated DOGIT arrangements for its larger former reserve and mission sites, the biggest being Palm Island. Incorporated Aboriginal Councils hold freehold land in trust for the benefit of the residents and also acted like local governments, which included, initially, administering housing arrangements. Council members continue to be elected by their communities every three years (Parliament of Queensland 1984a, 1984b). 2 The <i>Aboriginal Land Act 1991</i> (Qld) or ALA (Parliament of Queensland 1991a). 3 The <i>Torres Strait Islander Land Act 1991</i> (Qld) or <i>TSILA</i> (Parliament of Queensland 1991b). These two Acts were created to support land trusts holding freehold title over government-defined areas for Indigenous groups ‘particularly concerned with land’ encompassing Traditional Owners and residents. It includes DOGIT title land. By this, the Indigenous Estate had regained about 60,000 square kilometres (approx. 5%) of Queensland by 2016 (Austrade 2020b; Queensland Government 2016). <p>On to this is layered a local government network that, since 2004, formally included the 30 DOGIT councils – vested with similar rights and entitled to State Government funds (but still, unusually for a local government, owning the land they administer). These were renamed Aboriginal Shire Councils and Island Councils. In 2008, amalgamations reduced numbers to 16 including a Torres Strait Island Region Council, a Northern Peninsula Area Region Council, and a Torres Strait Island Shire Council with smaller community and island councils representing local interests (DNRME 2020).</p> <p>Housing tenancies on Queensland Indigenous communal land are managed by the State’s Department of Housing. Property management and maintenance are managed by the Department of Public Works using both its own fly-in fly-out workforce, DOGIT council workforces and private contractors, all of which are supported in some communities by local housing workers (Habibis et al. 2016:37).</p> <p>Local government arrangements also co-exist with the Torres Strait Regional Authority, which promotes self-determination and Islander-led development. The Authority was established by the 1995 Commonwealth legislation that also established ATSIC, but it survived ATSIC’s dismantling in 2005. There are also three Aboriginal land councils (Cape York, North Queensland and Carpentaria) specifically concerned with representing native title holders’ interests (Queensland Government 2020).</p> <p>Since 2009, the Queensland Department of Aboriginal and Torres Strait Islander Partnerships has operated a Remote Indigenous Land and Infrastructure Program Office in many community/council areas. After establishing the possibility of long-term leasing on Aboriginal communal land as early as 1984, the State is now actively promoting the conversion of communal title and native title to tradable freehold land through this program (DATSIP[n.d.]).</p> <p>Through <i>Working Together for a Better Housing Future – Aboriginal and Torres Strait Islander Housing Action Plan 2019–2023</i>, Queensland has committed about \$1.1 billion (through to 2028) to build/improve remote Indigenous housing stock (Queensland Government 2019:5).</p>
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Into this patchwork, land rights acts were legislated that not only granted titles but also established processes whereby Indigenous groups could gain further titles, again, mostly on vacant Crown land. In NSW in particular, the legislation is conceived of as a restitution channel for land losses, and traditional connection to lands does not need to be demonstrated by applicants (Aboriginal Affairs NSW [n.d.]). Claims are made to relevant jurisdictional ministers responsible

for Crown lands and they then make determinations (Aboriginal Affairs NSW [n.d.]). Three of these Acts and housing arrangements are discussed in Table 3. Note that the Queensland land acts discussed here also include land claim processes, but these have so far not yielded significant gains to the original grants in part due to a lack of financial and other support available to potential claimants (Terrill 2015).

Table 3 ► Land Rights Act land and housing arrangements in three jurisdictions

Northern Territory	<p>By original grant and the processes in the landmark <i>Aboriginal Land Rights (Northern Territory) Act 1976</i> (Cth) about 150 Aboriginal Land Trusts now hold inalienable freehold title over about 50 per cent of NT land in trust for Traditional Owners and residents (Austrade n.d.; Queensland Government 2016; Central Land Council [n.d.]), including most of the NT's former mission and reserve sites. The ALTs are supervised by four Act-established land councils: Central Land Council (southern part of the NT); Northern Land Council (northern part of the NT); Tiwi Land Council (Bathurst and Melville Islands) and Anindilyakwa Land Council (Groote Eylandt and Bickerton Island). In their supervision role, the Land Councils are required to ascertain and promote the aspirations of Traditional Owners and residents and otherwise protect their interests; help protect sacred sites; and support commercial activity including resource development, agriculture and tourism. All income from land use, including lease income and mining royalties, is dispersed through a Commonwealth-controlled Aboriginals Benefit Account (ABA) that includes funds for land council activity.</p> <p>The majority of discrete and remote NT Indigenous communities are now on ALT land. A mixed housing management model is in place, with Territory Housing holding about 5000 social housing tenancies but mostly sub-contracting tenancy and maintenance functions. Community Housing Reference Groups provide advice and represent community interests in this context (Habibis et al. 2016:39). Further discussion, including on communal title-leasing arrangements continues in Section 2.</p>
New South Wales	<p>The <i>Aboriginal Land Rights Act 1983</i> (NSW) (NSW Legislation 2019) establishes a State peak Aboriginal Land Corporation (the NSW Aboriginal Land Council or NSWALC) with an elected governing council that operates through nine regional divisions. Across these are 120 Act-established elected NSWALC-funded Local Aboriginal Land Councils (LALCs) including the Metropolitan Land Council covering Sydney–Newcastle. Both NSWALC and LALCs have the power to acquire and manage Crown land for Aboriginal people in New South Wales and develop and implement Act-required Community Land and Business Plans (NSWALC 2020).</p> <p>Uniquely, Act-acquired land can be traded as otherwise unencumbered freehold land with NSWALC approval and pending native title determinations (NSWALC 2017). The Act as restitution is also intended to help restore economic bases to communities (Aboriginal Affairs NSW [n.d.]). Indigenous social housing in remote NSW is largely managed through a dedicated NSW Government Aboriginal Housing Office working with land councils, as discussed in Section 3.</p>

Table 3 ► Land Rights Act land and housing arrangements in three jurisdictions (cont.)

<p>Western Australia</p>	<p>The <i>Aboriginal Affairs Planning Authority Act 1972</i> created the Western Australian Aboriginal Lands Trust. ALT Estate Lands now comprise approximately 24 million hectares (about 10% of the State) in a non-contiguous 311 parcels of land (Austrade 2020b; DPLH 2020).</p> <p>Most of WA's 265 very/remote Indigenous communities are on ALT Estate Lands. Forty-year Aboriginal Housing Management Agreements with the Department of Housing provide a framework for tenancy management and maintenance. By this, the Department acts as landlord and accepts a landlord's maintenance responsibilities. Tenancy and property management are arranged directly through the Department of Health and third-party providers who are regionally based, predominantly Indigenous and/or have demonstrated expertise in servicing Indigenous clients (Habibis et al. 2016:40). In 2016, Aboriginal Housing Management Agreements with 124 communities were in place leaving 129 without arrangements and with, at least for a while, State-forced closures proposed for some (Habibis et al. 2016:40). This contributed to a \$121 million one-off payment in 2018–19 for remote Indigenous housing to help the State transition to accepting full responsibility for its remote Indigenous housing (NIAA [n.d.]).</p> <p>The Kimberley is well known as a remote area in which communities face health and other challenges. Since 1978, the Kimberley Land Council has been the peak regional Indigenous body and it works to secure native title recognition, conduct conservation and land management activities, and develop cultural business enterprises (Kimberley Land Council 2020).</p>
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Native title

Because native title and other property rights can co-exist, both exclusive (amounting to freehold title rights) and non-exclusive Traditional Owner possession of land is possible. In this space, the Commonwealth *Native Title Act 1993* (Federal Register of Legislation [n.d.]) aims to provide certainty to affected parties and establishes a native title claim process and successful claims register. Prescribed body corporates (PBC) hold freehold titles in trust for Traditional Owners and/or manage their native title interests (such as the right to hunt or travail). PBCs can in turn establish charitable trusts, companies and other corporate entities to benefit Traditional Owners (NNTT 2014).

The Act provides for three types of Indigenous Land Use Agreements (ILUAs) including those that can be settled before a determination of native title is made, those without a determination at all, and those made with Traditional Owners or 'native title groups'. ILUAs aim to settle how non-exclusive native title possession works in practice, to allow for new interests on native title land, and to assist Traditional Owners in dealing with their title including the potential to trade it for compensation (NNTT [n.d.]).

Land Rights Act land and native title can and do co-exist on the same tracts of land. In many cases, housing can be managed under land act-based arrangements, such as on the APY Lands. Nonetheless, housing on native title lands is the subject of intense scrutiny.

Further developments in native title include the payment of compensation. For example, post the *1975 Racial Discrimination Act* (Cth) compensation for extinguished native title was raised as a suitable strategy in the seminal 1992 Mabo decision (HCA 1992).

In fact, compensation has been realised through several channels. The first was by negotiation: notably, the 2018 \$1.3 billion South West Native Title Settlement that incorporated six ILUAs covering 200,000 square kilometres of land in south west Western Australia. The settlement, described as Australia's 'first treaty', covers an area twice the size of the State of Victoria and is the largest settlement of native title in Australian history, affecting more than 30,000 Indigenous people (SWALSC 2018). This is discussed further in Text Box 2.

The following is an extract from the Settlement (SWALSC 2018).

The South West Native Title Settlement, comprising six ILUAs, resolves the Noongar native title claims in the south west of Western Australia in exchange for a package of benefits that includes:

- + Recognition through an Act of Parliament – the *Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Act 2016 (WA)*.
- + Noongar Boodja Trust – a perpetual trust, receiving yearly instalments of \$50 million for 12 years.
- + Noongar Corporations – the establishment of six Noongar Regional Corporations and one Central Services Corporation, with funding support of \$10 million a year for 12 years, and \$6.5 million to establish the offices.
- + Noongar Land Estate – up to 320,000 hectares of development and cultural land to be held by the Noongar Boodja Trust.
- + Cooperative and joint management – of National Parks and the South West Conservation Estate.
- + Land access – to certain Crown lands for customary activities.

Text Box 2 **South West** **Native Title** **Settlement**

- + Noongar Standard Heritage Agreement – standard processes for determining when and how to carry out heritage surveys on Noongar lands.
- + Noongar Heritage Partnership Agreement – a collaboration framework for identifying, recording, protecting and managing Noongar Heritage values and sites.
- + Noongar Housing Program – the transfer and refurbishment of 121 properties to the Noongar Boodja Trust and \$10 million to develop and refurbish the properties.
- + Economic and community development – through development frameworks to assist Noongar businesses and improve government service delivery to the Noongar community.
- + Capital works program – funding to contribute to the establishment of a Noongar Cultural Centre and office space for Noongar Corporations.
- + Noongar Land Fund – up to \$46,850,000 over 10 years for land-related projects.
- + Noongar Cultural Centre – \$5.3 million and up to two hectares of land towards the development of a Noongar Cultural Centre.

The second was the 2019 ‘Timber Creek Case’, in which the High Court awarded the Ngaliwurru and Nungali peoples just over A\$2.5 million for the loss of 1.27 square kilometres of non-exclusive native title in and around the remote Northern Territory township of Timber Creek. The loss of that title had occurred incrementally, by various acts of the NT Government, in the 1980s and 1990s with the losses assessed in terms of their economic and cultural value (HCA 2019). Based on this decision, a group of Noongar Traditional Owners launched an additional \$290 billion damages claim in the Federal Court with a particular focus on spiritual and cultural losses associated with native title extinguishment over the lands under the South West Native Title Settlement 2 (McGrath 2020). While such sums may seem huge, they pale against the worth of the resources that continue to be stripped from the original Indigenous Estate. Indeed, national Australian mineral exports totalled \$290 billion in one single year, 2019 (Constable 2020).

Such developments underscore the value and economic potential inherent in Indigenous Estate land, and the possibilities it holds to restore the economic abundance of Australia’s Indigenous peoples. It also has implications for remote Indigenous Australia, the geographical isolation of which has significant socio-economic consequences, with high rates of unemployment being but one indicator. Others include its remaining high rates of substandard, overcrowded housing and residents’ physical health being challenged by significantly poorer access to health services and general practitioners. The Australian Institute of Health and Welfare’s Burden of Disease Study, for example, found a gradient in the Indigenous burden of physical disease and injury by remoteness (AHIW 2016a:ix).

As such, and despite real progress over past decades, the housing, health and wealth challenges of remote Indigenous Australia are yet to be met. In this context, harnessing the economic power of the Indigenous Estate may prove to be the long hoped-for ‘circuit breaker’ for remote Indigenous Australia, as well as benefiting all Indigenous Australians.

Section 3: Urban Indigenous Australia



Although some remote and very remote Indigenous social and community housing does exist, the growth of the Indigenous Housing Pool – in terms of Indigenous Community Housing Organisations (ICHOs) and State-owned and managed Indigenous housing (SOMIH) – is closely linked to cities and urban areas. The vast majority, around 80 per cent, of Indigenous Australians live in urban areas (see Map of Australia's Indigenous population by residence, 2016 in Biddle & Markham 2017b). Similarly, in 2016–17, 86 per cent of Indigenous mainstream social housing households, 97 per cent of those in community housing (ICHO and mainstream) and 86 per cent of SOMIH households were in major cities to outer regional areas (AIHW 2019a).

Small numbers of Indigenous households had begun migrating to urban areas during the Great Depression of the 1930s (Read 2000), with numbers picking up as Indigenous persons' right to movement was recognised with the end of the protection era. Emblematic of the opportunities sought in this move to the urban centres is the 1966 University of Sydney Bachelor of Arts degree awarded to Dr Charles Perkins AO, who became Australia's first Indigenous university graduate (The University of Sydney [n.d.]).

But there were new challenges in urban centres too, particularly the racist backlash Indigenous people experienced as they claimed the rights that other Australians took for granted. The 1965 Freedom Rides to Walgett, Moree, Kempsey and other NSW towns led by Perkins shone light on the entrenched racist attitudes facing the newly arrived Indigenous urban dwellers-to-be, which included bans on using civic halls, swimming pools, picture theatres and hotels (National Museum of Australia 2014).

Today, with about 80 per cent of Indigenous people living in urban settings, primarily in regional centres and major cities (AHMAC 2017:17), interpersonal and other forms of racism remain a feature of the urban Indigenous experience (Ferdinand, Paradies & Kelaher 2012). This is evidenced by several surveys conducted over the past decade in Melbourne (Ferdinand, Paradies & Kelaher 2012), Adelaide (Gallaher et al. 2009),

Darwin (Paradies & Cunningham 2012) and a regional Western Australian town (pop. 6000 but name suppressed; Larson et al. 2007).

Likewise, racial discrimination in the Australian private rental market has been a persistent feature. A 2019 Shelter SA survey of 100 Indigenous respondents on the private rental market found about 80 per cent had experienced, or witnessed someone experiencing, racial discrimination, with about 50 per cent afraid to report repairs or maintenance issues to private landlords in case they were blamed for the damage simply because they were Indigenous (Shelter SA 2019).

Repeat exposure to racism in life is associated with high and very high psychological distress among Indigenous Australians (Ferdinand, Paradies & Kelaher 2012), with further associations with trauma possible (based on research in US Black populations; Carter 2007). It is also important to recognise that intergenerationally transmitted trauma, and its attendant symptomatic behaviours, persists in Indigenous populations living in non-remote areas.

In some cases, the impacts of racism, broader wellbeing and mental health challenges, and trauma can be exacerbated by the absence of the SEWB protective factors associated with remote living. Indeed, while urban Indigenous people's physical health is generally better, mental ill-health (including substance use disorders) contributes significantly more to the Indigenous burden of disease in urban areas (AHMAC 2017:17).

On migration from more remote areas, some Indigenous households gravitated to town camps that were initially established on the fringes of towns during the protection era, particularly in the Northern Territory. Currently, there are 43 recognised town camps in Darwin, Katherine, Alice Springs, Tennant Creek and Elliott containing just under 700 dwellings (DLGHCD 2020; 2019:5). A 2016 review reported that despite challenging conditions, poor housing stock and temporary dwellings, town camps are valued by their residents, and more widely, as transition zones for Indigenous people from very/remote areas to connect with towns and family and kin within. Reflecting this, a \$25 million Town Camp Improvement Program has been started by Territory Housing (DLGHCD 2020).

Post the protection era, however, the majority of Indigenous migrants moved to towns, regional centres and capital cities, with many in the latter instance landing in inner city ‘slum’ rental housing. Here, despite dire conditions, solidarity was found and tight-knit Indigenous communities emerged within which political and intellectual fervour added momentum to the long-extant Indigenous rights movement. Housing precariousness fuelled a self-help Indigenous housing movement just as a lack of government concern resulted in the first Aboriginal medical and legal services. The first ICHOs – Sydney’s Redfern Block-centred (now) Aboriginal Housing Company (City of Sydney 2013) and the Melbourne-based, 300-member Victorian Aboriginal Cooperative Ltd (Read 2000:151) – were both established in 1973.

As discussed below, ICHOs have at various times been viewed with favour and then frowned upon by Australian governments – but they have survived. Currently, there are estimated to be about 330 ICHOs including those in more remote areas (NATSIHA 2018). Many are small and have less well-developed organisational governance, workforce capability and business systems than across the rest of the community housing sector. For these, organisational scale and operating subsidies might be inadequate to meet the costs of tenant needs and service provision, even with some sort of additional government funding (NATSIHA 2018).

ICHO peaks have also emerged, for example, the NSW Aboriginal Community Housing Industry Association (ACHIA [n.d.]). Recent focus has been on professionalising the ICHO sector including through the adoption of the National Regulatory System Community Housing as a condition of continuing funding (NRSCH [n.d.]). International community housing providers also now operate in the ICHO space. Aboriginal Community Housing Ltd, for example, was established as a subsidiary of International Community Housing Ltd in 2016 (ACHL [n.d.]), and manages 1800 Indigenous household dwellings nationwide.

Precarious housing and increasing population flows and cycles of visitors from more remote to urban areas all contributed to highly visible numbers of Indigenous rough sleepers in Australia’s major cities throughout the 1970s and 1980s causing significant concern and fear among some non-Indigenous commentators (Read 2000:138). Under pressure both from these and from Indigenous activists, jurisdictional governments began placing increasing numbers of Indigenous households in social housing. This eventually led to the development of SOMIH initially though dedicated Indigenous programs such as the 1984 Aboriginal Housing Rental Program.

Some jurisdictions have now consolidated a dedicated Indigenous social and community housing sector, separate from the mainstream, as can be seen in Table 4.



Housing precariousness [in inner city ‘slum’ rental housing] fuelled a self-help Indigenous housing movement... [with] the first ICHOs – Sydney’s Redfern Block-centred (now) Aboriginal Housing Company and the Melbourne-based, 300-member Victorian Aboriginal Cooperative Ltd – both established in 1973.



Table 4 ► Indigenous social and community housing sector

Victoria	The Aboriginal Housing Board of Victoria was established in 1981 to oversee the management of SOMIH and Indigenous-occupied mainstream social housing across the State. In 2016, 1500 properties valued at \$500 million were transferred to its successor body, Aboriginal Housing Victoria (AHV), which is now the State's Indigenous housing sector peak body. With 1556 properties housing 4000 people, it is the largest ICHO in the country (AHV [n.d.]). The Victorian Government has committed to provide additional social housing for Indigenous Victorians through a mainstream \$2.1 billion Homes for Victorians Strategy, in which a total of 6000 dwellings will be built (Housing Vic 2018).
New South Wales	A statutory NSW Aboriginal Housing Office was established in 1998. Since then the NSW Government has transferred title to the AHO of 5800 social housing properties as well as oversight responsibility for NSW ICHOs including those operated by LALCs (see above) (AHO [n.d.]). The AHO is implementing a 2018 Strong Family, Strong Communities: A strategic framework for Aboriginal social housing in NSW with Indigenous stakeholders (AHO 2018a). There are currently about 22,000 Indigenous households in the NSW social housing system in total (COAG CCFR 2018a:2). This suggests potential for property transfers to the AHO.
Tasmania	Aboriginal Housing Services Tasmania manages approximately 330 SOMIH. It is jointly managed by three Regional Aboriginal Tenancy Advisory Panels and Housing Tasmania (Tasmanian Government [n.d.]).
Queensland	A State Indigenous housing authority is to be established in 2020 following a year's stakeholder consultations that identified the need for one (Queensland Government 2019).

Other jurisdictions manage Indigenous social and community housing through mainstream arrangements: ACT Housing partners with the ACT Aboriginal and Torres Strait Islander Elected Body to provide oversight (ACT Government 2019); and, as discussed, the WA Housing Authority and Housing SA manage both urban and remote Indigenous social and community housing, with the latter advised by an Aboriginal Advisory Committee (Bassano 2019).

The Indigenous Housing Authority of the Northern Territory was established through a 1995 Territory-ATSIC bilateral partnership (ATNS 2006), but with ATSIC's 2005 demise, Territory Housing resumed jurisdictional control. Indigenous housing was located in one agency with Indigenous households accounting for 50 per cent of the body's urban tenancies and 99 per cent of its remote tenancies (COAG CCFR 2018b:2).

Section 4: Special measures and market intervention



The Commonwealth was obliged to step into the Indigenous health and housing space by the same international and domestic developments that heralded the end of the protection era. The 1948 Universal Declaration of Human Rights opens with a clear statement that all beings are born free and equal in dignity in rights, without distinction of any kind including race (UN 1948:Articles 1,2). The 1966 International Convention on the Elimination of all Forms of Racial Discrimination (ICEFRD) then encoded and elaborated on this (UN 1966). In particular, the latter obliges State parties (the Commonwealth) to address past racially discriminatory practices that have led to present-day socio-economic inequality and inequality of opportunity along racial lines, i.e., the need for differential treatment of racial groups as ‘special measures’ or affirmative action (UN 1966:Article 1.4).

The Commonwealth’s *Racial Discrimination Act 1975* enacted the ICEFRD and provided an additional foundation for special measures in Australia. However, by that time, the result of the earlier 1967 referendum had already granted the Commonwealth sufficient power to legislate specifically for the Indigenous population’s benefit (Parliament of Australia [n.d.].a). This was at a time when some, but not all, Australian States were acting to improve housing stock on the old mission and reserve sites. However, responses were at best piecemeal, non-systematic and at nowhere near the scale required.

Long before the referendum, the need for Commonwealth leadership had become apparent if anything like the scale of measures required to ‘fix’ Indigenous health and housing was to occur. This positioning also reflected international law that mandated responsibility for their nation’s human rights obligations to national governments – the parties that enter international treaties – regardless of federal arrangements.

But following the 1967 referendum, far from adopting anything like a systematic and at-scale approach to improve Indigenous housing, the Commonwealth generally instituted ‘ad hoc’ programs and jurisdictional and community grants (DPM&C 2017a:7, Table 1.1). A breakthrough in ending this approach is marked by the 1984 Commonwealth–State Housing Agreement, in which Australian governments were to provide more Indigenous social housing mostly in remote areas by funding and implementing a national Aboriginal Rental Housing Program to support housing construction, upgrades and house maintenance (McIntosh & Phillips 2001).

Further significant breakthroughs followed the establishment of the Aboriginal and Torres Strait Islander Commission (ATSIC) in 1990 as discussed in Text Box 3.



Following the 1967 referendum, far from adopting anything like a systematic and at-scale approach to improve Indigenous housing, the Commonwealth generally instituted ‘ad hoc’ programs and jurisdictional and community grants.



ATSIC had responsibility for the practical implementation of the 1989 National Aboriginal Health Strategy (NAHS), which dealt with both health and health services *and* housing and infrastructure programs in urban and remote areas (NAHS Working Party 1989). Achieving a vague 2001 ‘environmental equity’ target was set for the new body but it was not significantly heeded.

A 1990 Commonwealth–State agreement provided ATSIC with \$232 million over five years to implement the NAHS, with an extra \$171 million for housing and health infrastructure. The NAHS housing and infrastructure programs became part of a wider ATSIC Community Housing and Infrastructure Program (CHIP). Additional related roles included managing the Commonwealth’s part in the Aboriginal Housing Rental Program and consolidating the role of ICHOs within the Indigenous housing sector. All this took place within a broader Commonwealth agenda to maximise Indigenous self-determination across the board and to institute a national reconciliation process (ANAO 1999).

A 1992 Health Infrastructure Needs Survey guided ATSIC’s initial CHIP work. This was followed by the 1994 ABS National Aboriginal and Torres Strait Islander Survey, and ATSIC-commissioned ABS Community Housing and Infrastructure Needs Surveys (CHINS) in 1999 and 2001. CHINS was a complete enumeration of the housing and related areas in which ATSIC worked so as to gain a clearer picture of what was required: in ICHOs and discrete Indigenous communities it accounted for details of housing stock, management practices, financial arrangements, availability of water, electricity, sewerage, drainage and solid waste disposal, as well as other facilities such as transport, communication, education, sport and health services. A further and final CHINS survey took place in 2006 after ATSIC’s demise (ANAO 1999).

There were 60 (later consolidated to 35) ATSIC regional councils, grouped into 16 zones, that were responsible for electing a national commissioner. Each regional council developed regional plans that had a health, and housing and infrastructure focus. Until 1994, ATSIC allocated 500 grants of \$101 million in total of NAHS-identified funding (with \$61 million allocated for infrastructure and \$40 million for housing) on the basis of council recommendations. This was in addition to \$561 million of other CHIP funding, with 65 per cent of that going to infrastructure and municipal services (Australian National Audit Office 1999).

A 1994 evaluation of the NAHS reported it was ‘never effectively implemented’ due to underfunding by governments, a lack of political will and little accountability for implementation. This was due to the absence of meaningful partnerships between ATSIC and the main-stream health system, and because other portfolios, such as housing, essential services, education and local government, were not party to the NAHS implementation. It recommended that the ‘Commonwealth take a ‘leadership position’ in relation to the NAHS, which resulted in its funding being re-directed to a new Office of Aboriginal and Torres Strait Islander Health within the Department of Health (ATSIC 1994).

The evaluation estimated that the costs of meeting an Indigenous housing and essential services backlog would be \$2 billion in 1995 (ATSIC 1994). Turning to this area, it identified significant waste in the ‘scattergun’, regional council-recommended grants approach. But this funding stream was not redirected. In response, ATSIC began channelling the NAHS housing and

infrastructure funding through a Health Infrastructure Priority Projects program aimed at communities most in need, and sourced construction and maintenance contractors through competitive tendering (Australian National Audit Office 1999).

The evaluation also recommended ATSIC negotiate bilateral State and Territory Indigenous housing and infrastructure agreements with the goal

of pooling all available funding and streamlining jurisdictional responses, including by clarifying roles and responsibilities (Porter 2009). Building on the subsequent agreements, an era milestone is the 2001 statement, Building a Better Future – Indigenous Housing to 2010, which was negotiated between ATSIC and combined Australian governments (HMAC Standing Committee on Indigenous Housing 2001). The Statement established a national strategic three-pronged approach to addressing unmet Indigenous housing needs:

- + access to appropriate, affordable well-maintained social housing;
- + a sustainable and active ICHO sector acting in partnership with governments; and
- + policies and programs developed and administered with Indigenous communities and regions including through ATSIC Regional Plans.

Text Box 3
Indigenous
housing and health
under ATSIC
(1990–2005)

Part of Building a Better Future was a government requirement to report against a 'common reporting framework' based on the above approach. In addition, Housing ministers established a Standing Committee on Indigenous Housing to support the Statement's implementation, and several working groups including one to provide housing management training for ICHO staff (Porter 2009:5).

The changes recommended in the Statement were aimed at the 'system architecture' around Indigenous housing and infrastructure. No additional funding was provided apart from \$9 million over four years for the Fixing Houses for Better Health program using the 'Housing for Health' approach (see below). This was despite the Standing Committee accepting an additional 7600 houses in remote communities and 10,400 in urban areas by 2009 at its first meeting (Porter 2009:5). ATSIC was disestablished in 2005.



With ATSIC gone, a 2006 meeting of Housing and Indigenous Affairs ministers (at which Indigenous stakeholders had no representation) announced a new 'Indigenous housing system' whereby the Commonwealth would develop a national Indigenous housing policy with State and Territory implementation responsibility.



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Special measures and market intervention

With ATSIC gone, a 2006 meeting of Housing and Indigenous Affairs ministers (at which Indigenous stakeholders had no representation) announced a new 'Indigenous housing system' whereby the Commonwealth would develop a national Indigenous housing policy with State and Territory implementation responsibility. A retreat from ATSIC's previous support of ICHOs was also flagged (Porter 2009:5). In 2008 CHIP was replaced with the Australian Remote Indigenous Accommodation program. It reflected the new 'Indigenous housing system' priorities in which:

- + About 70 per cent of the total CHIP funding had gone to remote areas, and the balance to urban communities (Parliament of Australia 2001:135–7). In contrast, the Australian Remote Indigenous Accommodation program focused solely on remote area housing as the Commonwealth's domain (Porter 2009:6), a focus that continues to this day.
- + The retreat from ICHOs included providing incentives for them to sell housing stock to State public housing authorities or to community residents. Otherwise ICHOs were required to ensure that rent was paid so they were less government reliant (Porter 2009).
- + There was continuing support for Indigenous home ownership including by 'unlocking' communal land tenure. This would lead to the introduction of leasing possibilities on NT Land Rights Act communal land, with the consent of the Traditional Owners, and changes to the *Native Title Act* in 2006.

Within a year, the 'leasing on land rights land' concept would provide the Commonwealth with a power it would use bluntly. The 2007 Northern Territory Emergency Response or Intervention was a reaction to the findings in the report *Ampe Akelyernemane Meke Mekarle: 'Little Children Are Sacred'*, which had reported high rates of Indigenous child sexual abuse in the NT associated with, among other things, overcrowded housing (Anderson & Wild 2007). The Commonwealth founded its intervention on a new legislated power for the compulsory acquisition of five-year head leases over 64 of 73 'prescribed townships' mostly located on NT Land Rights Act land held in trust. As Terrill notes, the compulsory nature of these 'leases', and the fact that the Australian Government could define the lease boundaries and fixtures, means they were 'unlike any form of conventional lease' (Terrill 2016:187–8).

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Special measures and market intervention

As head leaseholder for whole townships (with what amounted to exclusive possession), the Commonwealth landlord was in a position to 'take over' and supplant community self-governance by importing and accommodating administrators, government staff, police and so on (Terrill 2016:187–8). The leases also underpinned a new NT–Commonwealth \$500 million four-year Strategic Indigenous Housing and Infrastructure Program, with a goal target of 750 new builds and 2500 refurbishments to reduce overcrowding. With the leases in Commonwealth hands, the demolishing, building and/or refurbishing of housing or community amenities could occur with community voices sidelined (Porter 2009:7–8). In other words, the significant power of town-head leasing was used to undermine Indigenous self-governance in these communities. As a result, a later review identified the likelihood that the Intervention would contribute to psychological distress among affected residents (AIDA & CHETRE, UNSW 2010:45–7).

If the NT Emergency Response is an example of what a special measure should not look like, in 2007 a second and contrasting 'intervention' in the policy space – the Close the Gap strategy – also occurred (see Text Box 4). This 'intervention' would lead to the most ambitious ecological approach to Indigenous wellbeing, and one that encompasses health and housing, yet seen in Australia, but one that had effectively lapsed by around 2016, as discussed below.

Text Box 4

The rise and fall of Close the Gap strategy

In 2007, the Indigenous-led Close the Gap Campaign for Indigenous Health Equality promoted what it coined a 'Close the Gap' program for operationalising special measures under the ICEFRD (see p. XX) in Indigenous Australia. The program had in turn emerged from the 1990s international poverty alleviation space and was widely viewed as best practice (Calma 2005).

A guiding principle of these special measures was that they should not be imposed on racial groups, or the measures themselves will be racially discriminatory, which meant that a partnership-based approach was required. In the case of Indigenous peoples, the collective right to self-determination only added to that requirement (Calma 2005).

The Close the Gap program did not add anything to States' human rights obligations, but simply ordered special existing measures and other obligations into a program for application that included:

- + having national leadership;
- + establishing a partnership mechanism;
- + understanding and auditing the inequality gap;
- + setting an ambitious yet realistic target date for its closure;
- + planning for its systematic closure by setting milestones;
- + funding appropriately;
- + monitoring progress against the milestones and modify the plan if required;
- + stopping the special measure when equality is achieved; and
- + monitoring the ongoing situation (Calma 2005).

The Council of Australian Governments (COAG) adopted the program as 'Closing the Gap', with bipartisan support secured across every political party at the Commonwealth, State and Territory level, and captured in a *Closing the Gap Statement of Intent* (Holland 2018:12–3). This in turn became the basis of the 2008 COAG National Indigenous Reform Agreement, which (albeit imperfectly) translated the

program into national policy and includes the target, among others, to close the gap in life expectancy by 2030 (COAG 2008a).

It was, and remains, the most ecological approach to Indigenous wellbeing implemented to date. Strongly shaped by social determinants of health theory, it recognised that improvements in any of what it called the ‘building blocks’ of Indigenous wellbeing – Early Childhood; Schooling; Health; Healthy Homes; Safe Communities; Economic Participation; and Governance and Leadership – would contribute to improvements in the rest (COAG 2008a).

Each ‘building block’ was then attached to programs or billion-dollar national partnership agreements. For health, the most significant was the \$1.6 billion, 4-year National Partnership Agreement on Closing the Gap in Indigenous Health Outcomes 2009–2013 (COAG 2008b). For housing, the (eventual) \$5.4 billion National Partnership Agreement for Remote Indigenous Housing (NPARIH) became the single biggest government investment in Indigenous housing to date (DPM&C 2017a:10).

The NPARIH included all the States and the Northern Territory. In 2014, Victoria and Tasmania exited the NPARIH, as did NSW in 2016 following agreement that its remote housing needs had been met (NIAA [n.d.]). The NPARIH was then re-negotiated as the National Partnership on Remote Housing (NPRH) between the Commonwealth, Northern Territory, Queensland, South Australia and Western Australia. The NPRH ran until 30 June 2018 with \$776 million funding initially allocated for that two-year period, i.e. about \$338 million per year over four jurisdictions (NIAA [n.d.]).

The health national partnership ended with the 2012–13 financial year and, despite intense lobbying from both Indigenous health peak bodies and the Close the Gap Campaign, was not renewed (Holland 2018:22; COAG 2008a). Any of the programs that continued folded into the Commonwealth’s Indigenous Australians’ Health Programme and the wider Indigenous Advancement Strategy (Holland 2018:25; COAG 2008a).

In the 2015–16 federal budget, the NPRH was again re-shaped as the Remote Indigenous Housing Strategy (RIHS) with, in effect, reduced funding of \$1.1 billion over 3 years for the NPRH’s four jurisdictions, and with the return of NSW to the agreement (\$333 million per year over 5 jurisdictions). The RIHS included an additional focus on increasing Indigenous home ownership and accommodation in urban and regional areas for Indigenous Australians who relocate from remote communities for work or training (Gardiner-Garden 2016).

A 2016 evaluation of the NPARIH/NPRH/RIHS strategy-stream anticipated that, by 2018, 4000 new houses and 7500 refurbishments of remote Indigenous houses would have been delivered resulting in a significant decrease in the rates of overcrowded Indigenous housing in remote communities. Other benefits included significant Indigenous community employment and training opportunities in housing construction and maintenance (DPM&C 2017a:1).

The evaluation concluded that while much had been achieved the task ahead was still enormous, particularly as, instead of 50 years of stable leadership, successive and sector de-stabilising Commonwealth policy changes had been the norm – with the NPARIH/NPRH/RIHS strategy-stream as a striking example (DPM&C 2017a:6).

Despite this, the evaluation urged continuity. It estimated an additional 5500 homes were required by 2028 to reduce overcrowding in remote area housing to acceptable levels. Half of the additional need is in the Northern Territory alone, and this did not include estimates of what is needed in many regional centres, cities and so on (DPM&C 2017a:2). Clearly billions of dollars more were, and are, required. The evaluation finally warned that without further investment in this area to ensure maintenance, gains will be lost and investment to date wasted (DPM&C 2017a:15). In its place, however, an NT-specific 2018–23 National Partnership for Remote Housing Northern Territory was formulated, which limits the Commonwealth and NT to a \$1.1 billion over 5-years 50:50 partnership to build the equivalent of 650 three-bedroom houses (NIAA 2019).

The Commonwealth’s retreat from its obligation to oversee and lead the development of special measures where they are required, and its funding role, has left WA claiming it cannot afford to service many smaller Indigenous communities (see, e.g., Davidson 2014). This retreat resulted in a \$121 million one-off payment for remote Indigenous housing in 2018–19. These funds were to help the State transition to accepting full responsibility for its remote Indigenous housing requirements (NIAA [n.d.]).

The APY Lands are another area where overcrowding, sub-standard housing stock and associated poor health and community safety have been of concern for some decades. The Government of South Australia is dependent on the Commonwealth to fund responses to this situation, and under the NPARIH it received \$292 million for 241 new houses and 206 refurbishments (Habibis et al. 2016:39). As with WA, the Commonwealth also provided it with an additional ‘one off’ \$37.5 million in 2018–19 to support its transition to accepting full responsibility for remote Indigenous housing (NIAA [n.d.]).

Part 1 / Section 4

Special measures and market intervention

In July 2020 a renewed National Agreement on Closing the Gap was completed by Australian governments led by the Commonwealth and a coalition of Indigenous peak bodies working in partnership (NIAA 2020). Although an implementation component is not expected until 2021, the agreement identifies what might be understood as an ecology of 16 outcomes and targets in which reform and investment could be expected to make significant improvements in Indigenous health and wellbeing, wealth and housing outcomes.

The new agreement also touches on – for the first time in the Closing the Gap space – the Indigenous Estate. Table 5 below summarises the outcomes and targets from the new agreement that are particularly relevant to the ecology proposed in this report, but how these elements are to be integrated into an overarching approach is not yet clear. (As noted earlier, what is proposed here could make a significant contribution to thinking around this challenge.)

Table 5 ► Summary of 2020 National Closing the Gap targets relevant to the ecological model recommended in this report

Area	Targets
Health	Target 1 Close the Gap in life expectancy within a generation, by 2031.
	Target 14 Significant and sustained reduction in suicide of Aboriginal and Torres Strait Islander people towards zero.
Housing	Target 9 By 2031, increase the proportion of Aboriginal and Torres Strait Islander people living in appropriately sized (not overcrowded) housing to 88 per cent.
Wealth	Target 8 By 2031, increase the proportion of Aboriginal and Torres Strait Islander people aged 25–64 who are employed to 62 per cent.
Indigenous Estate	Target 15a By 2030, a 15 per cent increase in Australia’s landmass subject to Aboriginal and Torres Strait Islander people’s legal rights or interests.
	Target 15b By 2030, a 15 per cent increase in areas covered by Aboriginal and Torres Strait Islander people’s legal rights or interests in the sea.

NB: Table 5 is based on information in the 2020 National Agreement on Closing the Gap (NIAA 2020).

Market interventions

Most Australia's housing needs are met through a supply- and demand-based housing market. In relation to this, the Commonwealth has no constitutional legislative head of power to legislate directly about housing but can and does shape the housing market including through its banking and taxation heads of power. More significant is the Commonwealth's broad power under Section 96 of the constitution to make conditional grants of money to the States for any purpose that places it in a position to lead and shape almost any national policy area.

Commonwealth–State Housing Agreements, including the 2018–2023 National Health and Housing Agreement (NHHA), have been among the defining frameworks of federal relations since 1945 (McIntosh & Phillips 2001). Further to the NHHA, the States and Commonwealth have since completed bilateral schedules that require them to develop NHHA-aligned housing strategies and homelessness strategies or seek a formal approval from the Commonwealth that these were already in place (COAG CFFR 2018c).

Through the Commonwealth–State Housing Agreements, Australian governments provided safety nets or alternatives when and where housing market social utility fails. Following past decades of above-inflation housing price rises, particularly in major cities, the NHHA focus is on increasing supply and home-buyer incentivisation in an effort to keep home purchase as an option accessible to low- and middle-income buyers and to young people and/or 'first home buyers' (COAG CFFR 2018d).

With the original Closing the Gap Strategy hollowed out, and the 2020 renewed Closing the Gap Agreement yet to have an implementation component developed, Indigenous housing has been mainstreamed in the NHHA, with Indigenous Australians deemed an NHHA-priority cohort. But apart from vaguely worded outcomes – including 'improved [Indigenous] housing conditions' and 'an increase in the proportion of Indigenous Australians purchasing or owning their own home' – the agreement lacks both ambition and detail. As such, the States and Territories still do the heavy lifting in Indigenous housing (COAG CFFR 2018d).

Indigenous home ownership rates, while steadily increasing, remain significantly behind that of the non-Indigenous population. The 2016 Census indicated that of the estimated 263,037 Indigenous households it identified, about 100,000, or two in five, were homeowners or had a mortgage. This compared to 66 per cent in the general population (AIHW 2019a).

Indigenous home ownership correlated to increased Indigenous household wealth, particularly in urban areas. Taking Sydney as an example, employment rates (both full-time and part-time) for Indigenous people are significantly higher than the rest of Australia as are rates of educational attainment. The median weekly personal income is also higher at \$547 (compared to \$441) as is the median weekly household income of \$1488 (compared to \$1214). Likewise, home ownership is higher in Sydney with 13.7 per cent of Indigenous household dwellings owned outright (compared to 12.2% nationally), 27.6 per cent owned with a mortgage (compared to 25.9%) and 54.4 per cent rented (compared to 57.3%) – despite housing costs being higher (ABS 2017).

A special measure success story in this space is Indigenous Business Australia's Indigenous Home Ownership Program (IHOP) originally established within the ATSIC legislative framework. The IHOP supports Indigenous households that would not otherwise be able to secure loans in the mainstream banking system. Since 1990, there have been 19,500 IHOP home loans made, equating to \$2.3 billion in Indigenous household asset acquisition (IBA 2019a:44). Although the precise relationship is unclear, on paper this equates to roughly 20 per cent of the dwellings owned or being purchased by Indigenous households today.

In 2018–19, the IBA loaned about \$242 million to support 658 Indigenous first-home buyers of whom 642 were low-income earners. The IBA also works with its customers to secure home equity and a credit record to support their transitioning to mainstream lenders, with 6.4 per cent of IBA's home loan customers doing so in 2018–19 (IBA 2019a:44).

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Special measures and market intervention

The private rental market is the next ‘step’ on the housing spectrum. It has long been the subject of Australian governments’ attention as they want to ensure that rents are affordable to low-income earners and that tenancies offer some stability to households. A Commonwealth-led attempt to control rents was in place for some years during World War II, but in 1948 following a successful High Court challenge, and a subsequent failed constitutional referendum intended to provide it with the power to control rents, the Commonwealth ceased direct rental market intervention (Naismith 2018).

Today, State and Territory Residential Tenancy Acts regulate jurisdictional rental markets with mechanisms intended to balance landlords and tenant interests, and tribunals to adjudicate disagreements and hold rental bonds. Some Residential Tenancy Acts stipulate a standard form of tenancy agreement to establish the minimum rights and responsibilities of both landlords and tenants in areas such as payment of rent, rent arrears and increases, rental agreement terms, landlords’ access to premises, administration of security bonds and so on. Additional terms can be inserted into tenancy agreements (e.g. in relation to pets) provided they do not contravene jurisdictional Residential Tenancy Acts and other legislation. While similar in their broad domains, the Acts vary in detail.

Indirect Commonwealth intervention in this space includes increasing rental market supply by allowing landlords to ‘negatively gear’ rental property-related losses under its taxation head of power, and using its power to legislate a range of social supports and allowances (Parliament of Australia [n.d.]b). Based on the latter, Commonwealth Rent Assistance (CRA) is available to people claiming social security or pensions to subsidise their private rental costs or the rent paid to community housing providers (DSS 2019). This consists of a subsidy of 75 cents for every dollar of rent payable above a rent threshold (this varies according to dependants and so on) until a cap payment is reached (DSS 2019). In 2016–17, CRA was paid to almost 73,000 Indigenous ‘income units’, which are defined as ‘a person or a group of persons within a household who share command over income’, in this case involving at least one Indigenous person (AIHW 2019a).

Private rent assistance (PRA) is financial assistance provided directly by all State and Territory governments to low-income households (not limited to those receiving Commonwealth social supports and allowances) experiencing difficulty either securing or maintaining private rental accommodation. Typically, PRA is provided as a one-off form of support and includes bond loans, rental grants, rental subsidies and relief, and payment of relocation expenses. In 2016–17, about 15 per cent of PRA recipients were Indigenous households (about 14,000 households) (AIHW 2019d:v–vii,29).



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Summary tables of current Indigenous housing-related data are included over the next two-page spread. In broad terms, the following observations can be made using this and other data sources, as per the *Aboriginal and Torres Strait Islander People: Focus Report on Housing and Homelessness* (AIHW 2019d:v–vii):

- + In 2016, 38 per cent of Indigenous households and 66 per cent of other households owned or were purchasing their home. Rates of Indigenous households deemed in mortgage stress (costs over 30% of income) are dropping. Indigenous home ownership is steadily rising while non-Indigenous rates are falling; nonetheless, Indigenous rates are significantly lower.
- + The cost of private renting is increasing along with Indigenous renters deemed to be in rental stress (costs over 30% of income), up from 22 per cent in 2001 to 39 per cent in 2016.
- + Although the proportion of households in social housing is dropping, because of an increasing population, the actual number is increasing. The largest gap between Indigenous and other households is the proportion renting in social housing (21% vs 4% in 2016).
- + Conditions in social housing have also improved over the six years to 2018. Data show a fall in overcrowding among Indigenous households, and a rise in the proportion of Indigenous tenants who rated their dwellings as being at an ‘acceptable’ standard. However, as discussed, there is still a significant amount of work to be done particularly in remote areas.
- + The rate of Indigenous homelessness has decreased since 2006, which is predominantly due to the decrease in the number of Indigenous people living in ‘severely’ crowded dwellings. Nonetheless, the 2016 Indigenous homelessness rate is 10 times that of the non-Indigenous rate, mainly because of the still relatively high rates of severe overcrowding.
- + One in four specialist homelessness services clients are Indigenous. Of the 20,700 Indigenous clients who were homeless when they sought help from specialist homelessness services in 2017–18, 38 per cent (or 7200 clients) were assisted into stable housing: around 3800 clients into social housing and a further 3100 clients into private rentals.

Table 6 ► Summary housing data

All data taken from *Aboriginal and Torres Strait Islander People: Focus Report on Housing and Homelessness* (AIHW 2019d)³ and *Housing assistance in Australia 2019* (AIHW 2019e).

	Major cities 113,964 Indigenous households	Inner regional 68,358 Indigenous households	Outer regional 50,842 Indigenous households	Remote 12,905 Indigenous households	Very remote 16,970 Indigenous households
Ownership / Mortgage					
% of total Indigenous households in an area	National – 38.1% in 2016; increasing from 32% in 2001 (compared to 66.3% non-Indigenous in 2016)				
	40.4%	42.4%	39.2%	27.7%	9.9%
Mortgage stress (30% income)	About 1 in 5 in urban areas (decreasing)			About 1 in 4 in 'rural' areas (increasing)	
Overcrowded (% of total Indigenous households)	5.4%	5.4%	6.3%	6.7%	10.6%*
Private rental					
% of total Indigenous households in an area	National – 32.4% in 2016; increasing from 27.4% in 2001 (compared to 24.6% non-Indigenous in 2016)				
	36.2%	35.4%	32.5%	18.3%	5.8%
Rent stress (30% income)	42.5% privately renting in urban areas (increasing)			36% privately renting in 'rural' areas (increasing)	
Overcrowded (% of total Indigenous households)	9.4%	8.2%	9.9%	10.3%	13.2%
Social and community housing					
% of total Indigenous households	National – 21.5% in 2016; decreasing from 31.3% in 2001 (compared to 3.7% non-Indigenous in 2016)				
	17.3%	15.5%	19%	37.4%	69.1%
Overcrowded (% of total Indigenous households)	12.3%	11.5%	16.1%	25.7%	40.9%
Homelessness (2016)					
Rate per 10,000 Indigenous people	Decreasing in all areas				
	141.9	100.5	221.8	633.4	1639.5
Rate per 10,000 non-Indigenous people	40.2	27.3	35.3	47.9	110.2
Overcrowded households (2016)					
% of overcrowded Indigenous households across housing spectrum	11%	10.9%	14.7%	21.5%	45.8%
% reduction since 2001	-2.9%	-3.5%	-5.3%	-13.5%	-10.9%

³ Data specifically from pp. v, 20, 25, 34, 51, 61, 63; and Tables S2.7, S3.1, S3.3, S3.5, S3.6 S4.8.

Housing has 2 major structural problems		Housing has less than 4 functioning facilities						
Rising damp; major cracks in walls/floors; sinking/ moving foundations; sagging floors; walls/windows out of plumb; wood rot/termite damage; major electrical problems; major plumbing problems; major roof defects; other structural problems		Stove/oven/other cooking facilities; fridge; toilet; bath or shower; washing machine; kitchen sink; and laundry tub						
Indigenous household dwelling, 2018								
Social housing	28.9%	2.2%						
SOMIH	25.1%	1.2%						
ICHO	18.6%	2.3%						
Jurisdiction and total Indigenous households	NSW	Qld	SA	WA	Tas	NT	Vic	ACT
	96,907	76,302	14,976	27,320	11,748	12,993	24,238	3,319
Ownership / Mortgage								
38.1% of total Indigenous households in 2016, increasing from 32% in 2001 (compared to 66.3% non-Indigenous in 2016)								
Private rental								
32.4% of total Indigenous households in 2016, increasing from 27.4% in 2001 (compared to 24.6% non-Indigenous in 2016)								
Received PRA, 2016–17	14,044 Indigenous households received PRA; 15.4% of total (increasing)							
CRA, Indigenous income units, 2017	27,362	22,331	3,662	5,997	2,806	1,789	6,159	365
Indigenous % of total State CRA recipients	6.4%	6.7%	3.6%	5%	7.6%	25.6%	2%	2.2%
Social and community housing								
% total State Indigenous households	24.7%	21.7%	33.9%	36.8%	7.5%	34.8%	19%	28.8%
Indigenous households in Indigenous targeted social and community housing								
% total State Indigenous households	9.8%	11.2%	17.1%	9.7%	2.5%	17.3%	7.1%	none
ICHOs: households & % total State Indigenous households	4971 (5.2%)	5224 (6.9%)	928 (6.2%)	2704 (9.7%)	81 (0.6%)	1862 (17.3%)	1707 (7.1%)	none
SOMIH: households & % total State Indigenous households	4603 (4.6%)	3292 (4.3%)	1449 (10.9%)	none	222 (1.9%)	5120	none	none
Indigenous households in mainstream social housing and community housing								
% total State Indigenous households – social and CHP	14.9%	10.6%	16.7%	26.2%	5%	17.5% +	12%	29.2%
% total State Indigenous households – social housing	11.8%	9.1%	14.5%	24.5%	3.8%	17.5%	10.1%	28.4%
% total State Indigenous households – CHP	3.1%	1.5%	2.2%	2.7%	1.2%	n.a.	1.9%	0.4%

Jurisdiction and total Indigenous households	NSW 96,907	Qld 76,302	SA 14,976	WA 27,320	Tas 11,748	NT 12,993	Vic 24,238	ACT 3,319
Overcrowding across housing spectrum 2016								
Overcrowded Indigenous households	7,823	7,593	1,221	3,013	663	4,087	1,805	174
% of total Indigenous households	8.2%	10.2%	8.2%	11.4%	5.7%	32%	7.6%	5.3%
% of total non-Indigenous households	4.9%	2.6%	2.5%	2.1%	2.1%	5%	3.6%	2.5%
Indigenous people in overcrowded housing	26,401	33,097	5,023	15,137	2,108	26,629	5,123	479
% of Indigenous population	12.2%	17.75%	14.7%	19.9%	8.9%	50.9%	10.7%	7.4%
Homelessness								
Indigenous people deemed homeless on 2016 Census night	26,401	33,097	5,023	15,137	2,108	26,629	5,123	479
	2278	4450	936	2618	130	12,131 [22% NT Ind. pop]	783	
Specialist Homeless Services use								
SHS – 65,184 indigenous clients comprising 25.1% of total clients in 2017–18; rate ratio 9.4								
Reasons for attending: 24.6% domestic/ family violence (increasing); 20.9% housing crisis (increasing); 12.6% inadequate or inappropriate housing (decreasing); 9.6% financial difficulties (decreasing); housing affordability/stress 5.2% (increasing)								
Number of Indigenous clients	19,914	13,887	4,741	9,850	925	7,485	9,428	671
Indigenous as % of total clients	28.9%	9.8%	26.9%	42%	15%	83.2%	9.8%	17.5%
Rate ratio of non-indigenous usage	11.3	10.8	12.2	16.6	2.7	10.2	11.8	10.4

Part 2: The Proposal

Section 5: Rationale/Overview of Housing, Health and Wealth Associations



As discussed in the Preface, this report puts forward an ecological approach to realising the aspirations of Indigenous Australians for higher standards of health and housing, and of personal and collective wealth. It recognises that improvements in the areas of health, housing and wealth will not only lead to population-level betterment, but that these three are inextricably part of a larger ecology.

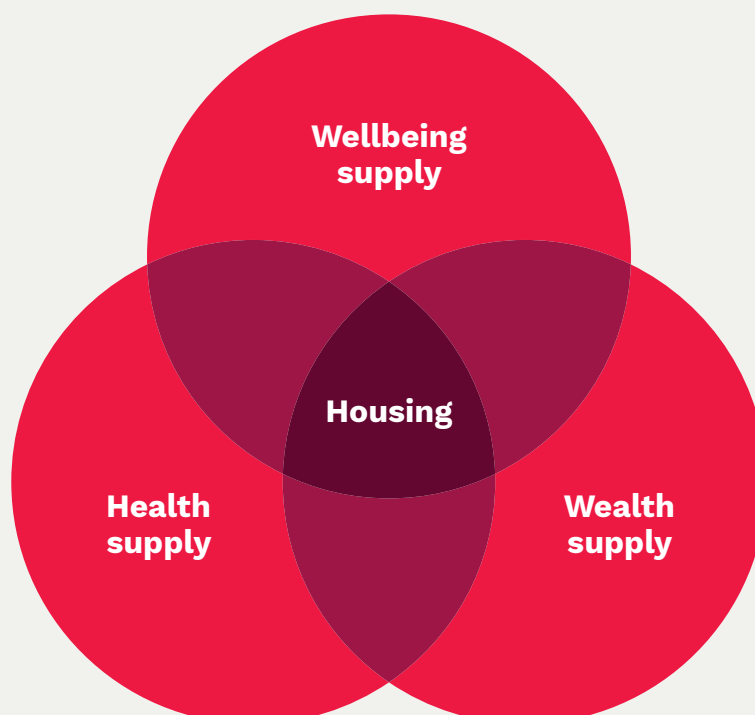
Although the ecological approach proposed here may be implemented independently, it could also be a strong foundation for the wider implementation of the July 2020 National Agreement on Closing the Gap (NIAA 2020), particularly in relation to projected outcomes for Indigenous health, housing and economic participation and the further expansion of the Indigenous Estate. However, the way in which the elements of the agreement are to be integrated into an overarching strategic and ecological approach

that is implementable is not clear at present. What is proposed here could make a significant contribution to thinking around this challenge.

The three-part ecology also supports a re-think as to what a dwelling or an Indigenous community actually is. Here, these things are conceived of as points of connection to supply chains. By illustration, it is not controversial to assert that contemporary Australian dwellings and communities should be connected to both a water and electricity supply, but this idea is extended here. This report proposes that when considering Indigenous dwellings or communities, three further connections are also deemed non-negotiable:

- + Connection to a wellbeing supply – family, kin, culture;
- + Connection to a health supply – health services, food, recreational facilities; and
- + Connection to a wealth supply – Internet, employment, training, enterprise (see Figure 1).

Figure 1 • The three-part ecology



Part 2 / Section 5

Rationale/Overview of Housing, Health and Wealth Associations

The following seven goals of the approach proposed here are based on the three-part ecology in this proposal are set out in Text Box 5.

Text Box 5 **Goals of a** **Housing, Health** **and Wealth** **ecological** **approach**

- 1** Maximising Indigenous self-determination – including, specifically, in the health, housing and wealth creation goals listed here.
- 2** Closing the Indigenous personal wealth gap by connecting Indigenous individuals, families and communities to the Australian ‘wealth system’ and home ownership.
- 3** Closing the Indigenous population wealth gap and achieving financial independence through a thriving Indigenous-controlled Indigenous Estate-based economy and Indigenous Housing Pool, and by further expanding both.
- 4** Ensuring the Indigenous population has stable, affordable, high-quality housing by:
 - maximising Indigenous home ownership;
 - eliminating racial discrimination in the private housing market; and
 - ‘unlocking’ economic, social and other potentials within the IHP.
- 5** Having zero Indigenous homelessness – including by a trauma-aware and informed IHP that is a gateway for trauma-reduction programs.
- 6** Closing the Indigenous health gap using the levers of housing, community planning, and household, community and population wealth creation.
- 7** Strengthening culture, social and emotional wellbeing and mental health.

In addition to the relationship between housing and wealth that is covered in Part 1, the relationships of the three parts of the ecology are discussed below.

Wellbeing and housing

Contemporary Indigenous thought leaders conceptualise their physical and mental health as inseparable from, and arising within, an ecology of cultural and other determinants called ‘social and emotional wellbeing’ (SEWB). In policy, the SEWB concept is accepted and articulated in the Australian Health Ministers Advisory Council-endorsed National Strategic Framework for Aboriginal and Torres Strait Islander Peoples’ Mental Health and Social and Emotional Wellbeing 2017–2023 (DPM&C 2017b). It is also, for the first time, recognised within the 2020 National Agreement on Closing the Gap (NIAA 2020).

Figure 2, extracted from this Framework, expresses SEWB as an ecology of physical and mental wellbeing (connection to body, mind and emotions) and cultural determinants (connection to family, kin, community, cultural, country and spiritual life). The SEWB ecology includes protective factors that have been discussed in relation to more remote community locations. Around this ecology are social, historical and political determinants that include housing and location, as well as factors that are corrosive to wellbeing.

An ongoing challenge in this space is how to support the elements of SEWB ecologies (family and kin relationships, cultural practices and so on) in urban and remote locations including through housing and community design and programs. It was indeed prescient that one of the first priorities of the Victorian Aboriginal Cooperative Ltd in 1973, for example, was to provide accommodation in urban Indigenous community areas where travelling family and kin could stay, because their visits kept social and familial networks strong (Read 2000:151).

Figure 2 ● A model of social and emotional wellbeing

(Gee et al. 2014:55–68)



Health and wealth

Social determinants are critical to population health, Indigenous or otherwise. That an overarching ‘wealth and health’ social gradient exists in human societies has long been a consensus position among epidemiologists – the wealthier a cohort, the healthier the cohort (WHO 2008) – with the following wealth-associated social determinants of health identified:

- + access to healthy food;
- + access to health services and medications;
- + lower exposure to stressful and traumatic events, and resultant mental ill-health;
- + educational attainment and health literacy;
- + employment and less sedentary lifestyles; and
- + a better start to life through good maternal health care and fewer numbers of low birth weight infants (AIHW 2016b).

Health and housing

Housing tenure is a critical contributing social determinant within the health and wealth gradient. Thus, when housing becomes ‘precarious’ – defined by researchers in terms of unaffordability, unsuitability, insecurity and combinations thereof – it tends to dominate among health determinants and overshadows other potentially protective factors such as employment, education and wealth (Mallett et al. 2011). In particular, evidence suggests that:

- + challenges to mental health are associated with unaffordable housing, poor-quality dwellings, and households more likely to have experienced a forced move; and
- + challenges to physical health are more likely in poorly maintained and overcrowded dwellings (Mallett et al. 2011).

Part 2 / Section 5

Rationale/Overview of Housing, Health and Wealth Associations

The associations between Indigenous health, housing and community infrastructure are well known. The now 30-year-old National Aboriginal Health Strategy shone such a light on dire housing and community conditions that these were the major focus of implementation efforts, and eventually became the bulk of NAHS-related spending (NAHS Working Party 1989). (See Table 7 for a summary of the evidence base regarding communicable diseases and their association with housing in contemporary Australia.)

But just as precarious housing can negatively impact on health and wellbeing, so too can secure housing have positive impacts. A 2019 Deloitte Access Economics evaluation of Indigenous Business Australia's (IBA) Indigenous Home Ownership Program (IHOP) included surveys of Indigenous homeowners that suggest the experience of home ownership, to the approximately 40 per cent of Indigenous households who currently own or are buying their homes, is generally positive. The evaluation found that:

- + just over 8 in 10 had a greater sense of safety for themselves, their family and property;
- + almost 9 in 10 reported improvements to their health associated with home ownership;
- + just under 7 in 10 were able to be more focused at work;
- + just over half reported increases in income as homeowners;
- + almost half were planning further education;
- + two-thirds reported their children as having an interest in further education;
- + respondents had greater feelings of perceived self-reliance;
- + about 7 in 10 felt they had more confidence in social interactions; and
- + just under 9 in 10 had confidence in the future (IBA 2020; IBA & Deloitte Access Economics 2019).

In summing up these findings, IBA found that 'funding Indigenous home ownership – to solve multiple obstacles to building generational wealth, education, employment, health and wellbeing, is indeed a cause for optimism, for all Australians' (IBA 2020).

It is important, however, not to overestimate the impact of housing outside of ecological approaches. On the one hand, a 2019 international systematic review of 39 quantitative studies on the relationship between housing and health showed consistently that housing refurbishment and modifications, the provision of adequate heating, improvements to ventilation and water supply were associated with improved respiratory outcomes, quality of life and mental health. Further, that the prioritisation of housing for vulnerable groups led to improvements in their health and wellbeing (WHO Europe 2005:5).

On the other hand, the review also noted that it was difficult to draw precise causal links between improved housing and improving health. This was because confounding factors associated with poorer housing also have health impacts, factors such as neighbourhood safety and amenities, access to health services, the reach of public health programs, household health literacy, unemployment levels and the amount of time spent in the home (i.e. more sedentary lifestyles) (WHO Europe 2005:5).

Nonetheless, two centuries of housing and environmental health reforms and innovations have contributed to population health improvements. In particular, communicable diseases associated with overcrowded and unhygienic housing have largely been consigned to historical memory in the developed world, albeit not among many Indigenous communities in Australia. This is discussed further in Table 7.

Table 7 ► Four communicable diseases and their association with housing in Indigenous Australia

Communicable disease	Association with housing
<p>Scabies mite infestation causes an extremely itchy rash by allergic reaction. Scabies itself is relatively harmless, but vigorous scratching can damage the skin resulting in permanent marks (and resultant self-esteem issues) and providing an entry for opportunistic bacterial infections.</p>	<p>Scabies is highly contagious by person-to-person contact, including bed sharing, holding hands or mere proximity. Overcrowded housing increases contagion (Aung et al. 2018).</p>
<p>Trachoma is a bacterial infection of the eyes that if untreated can lead to blindness. Australia is the only high income nation with endemic trachoma. It is spread across 130 remote and very remote Indigenous communities in WA, SA and the NT (Kirby Institute 2018).</p>	<p>Trachoma spreads through personal contact (via hands, clothes or bedding) and by flies that have been in contact with infected eye and nasal discharges. Trachoma thrives in overcrowded dwellings in arid, dusty environments where poor waste disposal attracts swarms of flies (WHO 2020).</p>
<p>Rheumatic heart disease (RHD) kills Indigenous Australians at more than 20 times the rate of other Australians. Acute rheumatic fever (ARF) occurs by group A Streptococcus (GAS) bacterial infection. It is most common in children aged 5 to 14 years. RHD occurs as a complication of ARF usually after repeat exposure.</p>	<p>GAS bacterium spread through person-to-person contact particularly in unhygienic and overcrowded conditions. Preventing ARF re-infection is critical. The return of otherwise ‘cured’ people to dwellings with infected household members increases repeat infection potential (Holland & AMA 2016).</p>
<p>Chronic forms of otitis media (OM) can lead to permanent hearing loss and a range of brain-auditory processing capacity disorders that can affect development. Between 2009 and 2012, around 12 per cent of the approximately 5700 Indigenous children checked under the Northern Territory Emergency Response Child Health Check Initiative had chronic suppurative OM.</p>	<p>There are several varieties of otitis media, and many start with bacterial infections of the ear canal or respiratory tract. As above, unhygienic conditions and overcrowded houses are conditions in which these bacteria thrive. As per ARF, preventing OM re-infection is critical as OM-related damage to hearing is cumulative. Overcrowded dwellings increase the potential for re-infection (Holland & AMA 2016).</p>

Looking at health through the lens of housing, Healthabitat’s Housing for Health interventions are among the best known Indigenous Australian-specific examples, with a focus on reducing communicable diseases, including those outlined in Table 7. Housing for Health is a step-by-step methodology for improving living conditions in Indigenous communities and was first developed in the late 1980s in South Australia. The intervention involves an Aboriginal Survey Fix team simultaneously surveying houses and performing basic maintenance. Licensed tradespeople complete additional work as soon as possible within the funding constraints of the program. The approach focuses exclusively on improving the hardware in existing

Indigenous community housing stock (i.e. toilets, electrical repairs, hot water and washing facilities) for maximum health gains, particularly for children, rather than being a wider housing maintenance program.

An evaluation compared the Indigenous hospitalisation rates over 10 years (1998–2008) for ARF, scabies, intestinal infectious diseases and OM in NSW communities that had received Housing for Health interventions compared to those that had not. The evaluators calculated that the hospitalisation rates for all four diseases combined had decreased by 38 per cent in intervention communities, as opposed to a 3 per cent rise in rates in non-intervention communities (NSW Health 2010:21).

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Rationale/Overview of Housing, Health and Wealth Associations

But again, the precise association between better housing to improved health outside of an ecological set of changes is unclear. In the above, for example, a focused otitis media prevention health campaign that was underway at the same time obliged the evaluators to qualify the causal association between Housing for Health and OM reduction (NSW Health 2010:21).⁴

An example of equivocalness in the area is the *Australian Guideline for Prevention, Diagnosis and Management of Acute Rheumatic Fever and Rheumatic Heart Disease* (ARDH 2012). First, it argues against targeted health campaigns without coincident:

● ● ●
multidimensional [primary] health service capacity building and primordial prevention to ‘target environmental, economic, social and behavioural conditions, cultural patterns of living... that are known to increase the risk of [GAS infection]’...

But it also cautions:

● ● ●
... the available evidence does not support advocating for the primordial prevention of ARF/RHD, based on one or another specific environmental or social strategy... The broader context of alleviation of poverty and social and environmental disadvantage, along with improved housing, education, healthcare access and appropriate standards and quality of care, are likely to be key in addressing ARF/RHD, as well as many other [mostly Indigenous] health issues in our region. (ARDH 2012)

Table 8 summarises the housing and related challenges in Indigenous Australia, particularly in remote areas, and the associated housing challenges.

Table 8 ► Mapping housing and related challenges and associated health challenges in the health and wellbeing ecologies of Indigenous communities

Ecological element	Housing and related challenges as mediator to health challenges	Health challenges
Social/ place based determinants context	Access to employment and education opportunities	(See affordability/cost burden below) Sedentary lifestyles
	Lack of community safety	Violence-related injury and trauma/mental health impacts
	Exposure to toxic agents (also, in the home)	In utero and life-long impacts (lead/mercury poisoning) Acute episodes/mortality
	Access to affordable, healthy food	Poor diet/diabetes Malnourishment
	Uncontrolled presence of dogs	Dog attacks – injury

⁴ Specifically, hospitalisation rates for respiratory conditions declined 42%; intestinal infections, 43%; otitis media, 42%; and skin infections, 19%. The evaluators note that a 34% reduction in the hospitalisation rates for OM over the same decade in non-intervention communities may have resulted from the Two Ways Together Otitis Media initiative (2004–08). Due to this potential confounder, and the low numbers of separations for OM, the evaluators recommend a separate methodology be undertaken to evaluate the impact of Housing for Health on otitis media.

Ecological element	Housing and related challenges as mediator to health challenges	Health challenges
Social/ place based determinants context (cont.)	Specialist Homeless Services use	
	Dogs – Exposure to parasites in faeces, urine, fleas, contact with food, etc. Scavenging dogs spreading garbage	skin infections
	Environmental health – sewerage, garbage collection, potable water	trachoma
	Normalisation of high prevalence of disease in communities and among children – not seeking treatment as a result	RHD / ARF
	Challenged access to health care, particularly primary health care relative to need	otitis media
	Infected populations surrounding the household and infected household members leading to repeat exposure even after successful treatment in health services	Scabies
		tuberculosis
Health infrastructure and hardware	Disease vectors: flies, mosquitoes, rats, mites, fleas	paediatric chronic suppurative lung disease
	Damp, leaks, dust control, plumbing, electricity, sanitation, potable water ‘on tap’	acute post-streptococcal glomerulonephritis
	Challenged supports to personal and household hygiene: food storage, washing clothes and bedding and so on	<i>The above are also associated with mental health challenges and life course impacts</i>
Overcrowding	Communicable diseases are also associated with overcrowding	
	Stress	Mental health and wellbeing
	Maternal stress	Potential in utero impacts on child
	Exposure to stress-related AOD/violence/ bullying	ACEs with potential life-course impacts, trauma, mental health
		Injury/mortality
	Exposure to cigarette smoke	Asthma
		Smoking normalisation
	Sexual assault/sexual vulnerability	Teen more frequent pregnancies
		Sexually transmitted diseases
		Trauma/ injury

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Rationale/Overview of Housing, Health
and Wealth Associations

Table 8 ► Mapping housing and related challenges and associated health challenges in the health and wellbeing ecologies of Indigenous communities (cont.)

Ecological element	Housing and related challenges as mediator to health challenges	Health challenges
Suitability	Children – Challenges to education (place to do homework, etc.)	Longer term wellbeing
	Culturally informed patterns of home usage	(See overcrowding)
	Occupants living with disability	Stress, challenges to hygiene, isolation
	Older ages of occupants	Falls, ‘Granny burn-out’ as default child care provider, Isolation
Isolation from family and community	Lack of support raising children	
	Isolation from social and cultural support networks	Challenges re SEWB, stress
	Exposure to racism	
	Absence of SEWB protective factors	
Affordability/ cost burden	Financial stress	SEWB impacts – Relationship breakdown, domestic violence leading to injury, trauma and homelessness
	Cutbacks to food and health-related expenditure	Dietary impacts, chronic disease
	Evictions, foreclosures	Adverse childhood experiences (ACEs) with life-course impacts, trauma, mental health
Homelessness/ Involuntary frequent moving (see also overcrowding)	Maternal stress	In utero impacts on child
	Stress-related and other exposure to AOD/ violence/bullying	
	Sexual vulnerability	ACEs, SEWB, mental and physical health impacts
	Disrupts family and social networks	
	Disruptions to receipt of social service benefits, employment and education	
Homelessness – rough sleeping	Exposure to elements and unhygienic conditions	
	Food insecurity	ACEs, mental and physical health impacts
	Stress-related and other exposure to AOD/violence/bullying	
	Sexual vulnerability	

The most ambitious ecological approach to Indigenous wellbeing in Australia to date is the previously discussed 2008 Closing the Gap Strategy that had effectively ceased by around 2016. Without effective and integrated implementation, the 2020 National Agreement on Closing the Gap (NIAA 2020) still carries a risk of continuing the ongoing dissociation in Australian policy between Indigenous housing, health and wellbeing, and wealth generation. Indeed, there are currently few signs that health and housing, let alone wealth generation, will be addressed as an ecology – such as the approach proposed in this report.

Section 6: National Indigenous Housing, Health and Wealth Authority



In its ecological approach to Indigenous population housing, health and wealth creation, this proposal does not land on ‘whole of-government’ approaches as a solution, but rather *whole new ways of system operation*.

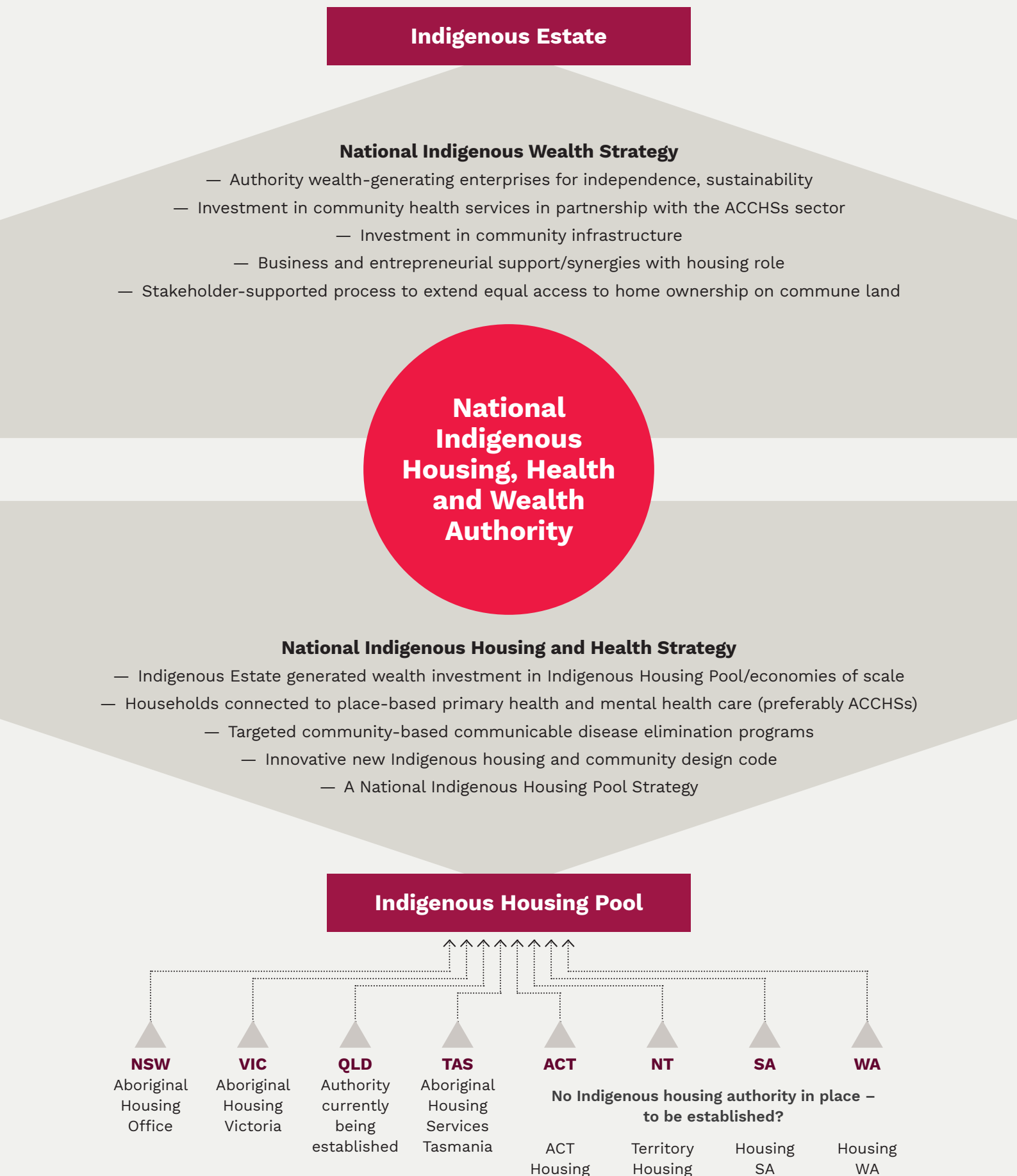
In this, a National Indigenous Housing, Health and Wealth Authority purposefully bridges and connects the Indigenous Estate and the Indigenous Housing Pool as illustrated in Figure 3. It does this by developing and implementing two strategies: A National Indigenous Wealth Strategy (see Section 7), and a National Indigenous Housing and Health Strategy (see Section 8).



Without effective and integrated implementation, the 2020 National Agreement on Closing the Gap still carries a risk of continuing the ongoing dissociation in Australian policy between Indigenous housing, health and wellbeing, and wealth generation.



Figure 3 ● The bridging role of a National Indigenous Housing, Health and Wealth Authority



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National Indigenous Housing, Health and Wealth Authority

The proposal is that the Authority *not* hold property rights in either the Indigenous Estate or the Indigenous Housing Pool, unless by purchase or mutual agreement with rights holders. Rather, its purpose is to oversee the development and implementation of the overall Indigenous housing, health and wealth ecology, and to maximise the economic potential of the Indigenous Estate.

In addition to strategy development and implementation, the Authority's roles could include:

- + Representing stakeholder voices by partnering with them to negotiate effectively with the newly formed National Federation Reform Council (also known as the 'National Cabinet') that replaced COAG and Australian governments in relation to Indigenous Estate and Indigenous Housing Pool-related matters, and in setting national Indigenous housing, wealth creation, health and/or homelessness strategic directions.
- + Partnering, as required, with:
 - Indigenous stakeholder bodies: e.g. National Aboriginal Community Controlled Health Organisation (NACCHO), Indigenous Land and Sea Corporation (ILSC), IBA, land councils, ICHOs, jurisdictional Indigenous Housing Authorities, native title groups and prescribed body corporates;
 - non-Indigenous bodies in an advisory or other capacity: e.g. National Shelter, Australian Housing Urban Research Institute (AHURI), field experts, architects and town planners; and
 - international and national businesses and entrepreneurs wanting to deal with the Indigenous Estate and/or the Indigenous Housing Pool, and to provide a national point of contact for these.
- + Establishing in partnership with AHURI a clearinghouse of best practice and innovation in housing, housing for health and wealth generation. This includes custodianship of the Indigenous Housing Design Guide (Australian Government 2007), which was last updated in 2007 and is becoming increasingly irrelevant including in relation to Anthropocene-associated climate change.
- + Managing an ongoing cycle of Indigenous Estate and Indigenous Housing Pool Health Service, Housing and Infrastructure Needs Surveys, which will generate future needs estimates. The contemporary Indigenous population is growing, and will continue to grow into the foreseeable future at a higher rate than the non-Indigenous population (ABS 2019c). What this means is that demand for Indigenous housing will only increase over time, and that responses to meet the need for more housing must stay ahead of this demand if they are to be successful. The aforementioned CHINS survey provides a historical precedent to inform decision making, identify priorities and change the footing of responses to date from 'catch up' to pre-emptive; in other words, predicting demand and meeting challenges before they become a crisis.
- + Managing the Aboriginals Benefit Account and other mining royalty schemes within the Indigenous Estate, with the agreement of relevant stakeholders.
- + Supporting the development of a national network of Indigenous-owned housing maintenance and home building private contractors. While not limited to working on the Indigenous Estate, contracts related to the Indigenous Estate would be conditional on having ongoing training, apprenticeship places and/or employment for Indigenous Estate community members. There are already successful Indigenous construction companies across Australia including those listed by Supply Nation (2020).
- + Negotiating economies of scale at the national level to provide cost benefits at the regional community level.
- + Monitoring racial discrimination in the private rental market and reporting to parliament every two years.

The Authority rationale

A specifically Indigenous-led Authority leading the development of the two strategies bridging the Indigenous Estate and the Indigenous Housing Pool – and overseeing the roll-out of the overarching ecology proposed here – is necessary for the following reasons.

Motivated Indigenous leadership and a ‘self-help’ approach to achieving housing and health equality has game-changing potential.

Although significant advances have been made over the past 60 years, progress in addressing Indigenous housing and health equality has, with some noteworthy exceptions, been piecemeal, slow and insufficient. Commonwealth potential to lead change following the 1967 Referendum has been inconsistently leveraged. Policy frameworks have been subject to partisan and ideologically driven change in a political system in which Indigenous Australians have a limited voice. As such, they are entitled to question whether continuing Commonwealth leadership is the best option for providing them with the long-term leadership, commitment and funding required to achieve population-level housing, health and wealth equality.

Our proposal is that the ultimate responsibility for Indigenous health and housing should be delegated to the Authority by the Commonwealth. The idea would be to support motivated (i.e. ‘taking it personally’) Indigenous leadership in the Indigenous housing, health, and wealth creation space. To that end, an Authority empowered with oversight responsibility to develop and connect two enormous existing collectively held assets – the Indigenous Estate and Indigenous Housing Pool – has the potential to be the ‘game-changer’.

To ensure cultural safety and build trust in ecology-related process, particularly when working with the potentially sensitive land usages and interests that comprise native title; the cultural and other interests and aspirations of communities; ACCHSs and other Indigenous stakeholders with their own right to self-determination at the jurisdictional, regional and community level.

The Northern Territory Emergency Response remains the best example of government misuse of power within an ostensibly ‘special measures’ context. Not

only did it override self-determination and community governance, but it also imposed a culturally unsafe set of conditions onto the residents of the prescribed communities.

Cultural safety in process is essential. The Authority proposed here would potentially deal with a range of culturally sensitive issues – including extending the benefits of home ownership to communally held land, and addressing/healing population trauma – which are not, and should not be, the domain of Australian governments. These are truly Indigenous affairs. This is particularly so in relation to ongoing efforts to unlock hard-won native title property interests. The process needs to be in Indigenous hands and should not result in Indigenous Estate losses. The Authority proposed here is intended as the vehicle to lead those discussions and implement stakeholder-supported strategic directions.

To support Indigenous ‘ownership’ and ‘buy in’ for the design, implementation, maintenance and ongoing evaluation and refinement of programs that may not be present if change is perceived as imposed, particularly from Australian governments.

Involving people in the design (co-design) and implementation of measures that affect them is not only good practice – by helping to ensure that they embrace and proactively support change – but is also in accordance with long-established human rights obligations in relation to Indigenous self-determination and leadership (Australian Human Rights Commission [n.d.]).

Authority models

Eddie Fry, Indigenous Land and Sea Corporation and Indigenous Business Australia Chairman, has shown significant thought leadership in unlocking the potential of the Indigenous Estate. Both the IBA and the ILSC combine wealth generation and culturally sensitive social investment in Indigenous community settings, with the IBA also supporting Indigenous home ownership. Further, both have achieved significant financial independence from the Australian Government.

The Indigenous Land and Sea Corporation (formerly Indigenous Land Corporation) is a Commonwealth non-profit statutory corporation established in 1994. The ILSC generates income to support acquisitions of Indigenous land, water and water-related rights, thereby unlocking the economic and other potential therein. In recent years, the ILSC has supported Indigenous people in acquiring land, starting businesses, building infrastructure, addressing health issues, boosting employment, and maintaining and revitalising culture (ILSC 2019b).

There have been significant amendments to the ILSC legislation and its effect since its inception. Of note, a (now) Aboriginal and Torres Strait Islander Land and Sea Future Fund (Fund), formerly managed by the ILSC, was transferred to the Australian Government's Future Fund Management Agency and Board of Guardians in 2018 (Department of Finance 2019). In 1994, the Fund received an initial payment of \$200 million, followed by an indexed \$121 million p.a. for the first 10 years of its operation (Sullivan 2009:19). A decade later, the ILSC began financially operating significantly independently of Australian Government allocations (relying mostly on Fund-generated money to do so) as intended by its legislation. As of 2010–11, the ILSC was guaranteed an indexed payment of \$45 million from the Fund to pursue its purposes (in 2018–19, \$53.3 million). The Fund was valued at just over \$2 billion in 2019 (ILSC 2019a:98).

Indigenous Business Australia was established in 1990 within the ATSIC legislative framework but, like the ILSC, has seen several changes. Overseen by the Minister for Indigenous Australians, the IBA has key performance indicators and targets that are attached to it providing financial assistance to:

Text Box 6
The Indigenous Land and Sea Corporation and Indigenous Business Australia

+ Indigenous households whose members would not otherwise be able to secure loans in the mainstream banking system (see Section 4). Through its workshops, the IBA also promotes home purchasing and its role in supporting Indigenous households (IBA 2019a:44).

+ Indigenous households in designated remote and very remote areas or where 99-year leases are available on Indigenous communal title land (IBA 2019b). In 2018–19, 77 Remote Indigenous Housing Loans were agreed (IBA 2019a:44), with the loan packages featuring: low deposit requirements (from as low as \$1500 depending on income); an IBA standard introductory interest rate loan with a longer introductory period and lower interest escalation rates; up to a \$13,000 grant to meet establishment costs. In addition, Remote Indigenous Homebuyer Grants of up to \$20,000 are possible for minor house renovations, repairs and maintenance (IBA 2019b).

+ Indigenous entrepreneurs. In 2018–19, \$48 million worth of IBA financial products was provided to 343 Indigenous businesses. This included 70 Start-up Finance Packages (grants and/or low interest loans to a cap of \$100,000) to a total value of \$5.1 million, including a \$1.5 million grant component (IBA 2019a:17). A key focus is its Strong Women, Strong Business program, with women now comprising 39 per cent of its business customers. The IBA also provides businesses with support in entering strategic partnerships, and through its workshops promotes entrepreneurialism and its services.

Like the ILSC, the IBA operates its finances significantly independently from the Australian Government, with the latter contributing \$23 million to 2018–19 home lending, less than 10 per cent of the total loaned that year (IBA 2019a:44).

Establishing an Authority

The Authority would need to be established through an amended (or the next iteration of) NHHA, or by a national partnership agreement. Either way – by Section 96 of the constitution or by the ‘race power’ – the Commonwealth can offer the national leadership that is essential for the Authority to flourish. Further, Commonwealth jurisdictional responsibility paves the way for both NT and ACT involvement.

It is also critical to get the States ‘on board’. To that end, it might be anticipated that South Australia and Western Australia would be open to system change on the grounds of affordability. This is because, as discussed, both have recently relied on Commonwealth support to address Indigenous remote housing needs. Queensland, NSW, Victoria and Tasmania on the other hand have already established Indigenous housing authorities within their jurisdictions and transferred housing stock to them. This suggests that, while sensitive negotiations

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inclusive of these authorities is essential, now is an excellent time to establish an overarching authority that builds on, supports and complements their work at the national level, and connects them to additional sources of income.

In turn, the establishment of a national authority might encourage the ACT, South Australia and Western Australia to create Indigenous housing authorities within their jurisdictions. This could also be achieved through the above NHHA process on the condition that jurisdictions without an Indigenous housing authority are required to establish one. Territory Housing is, arguably, already an Indigenous housing authority in that the majority of its clients are Indigenous; this is, however, subject to further consideration.

Funding

The Authority would aim to become financially independent of governments over time, and result in Australian Government savings in the following areas:

- + Health costs – particularly relating to potentially preventable ill-health and hospitalisations.
- + Population trauma-related costs – including reduced reliance on SHS, and even reduced rates of imprisonment, among other savings potentials.
- + Housing costs over time – as discussed, recent estimates are that around 5500 additional houses are needed across remote Australia, significantly more if urban and regional need is taken into account. As a very rough preliminary calculation (and noting the \$1.1 billion commitment by the National Partnership for Remote Housing Northern Territory 2018–23 to build 650 equivalent houses, and otherwise using this as a benchmark), if it is assumed we need to build at minimum 6500 additional homes over 10 years, this will cost \$11 billion (not factoring in inflation).

The above suggests that *at least* \$1.1 billion per year over 10 years, with a 50:50 funding commitment between Commonwealth and State and Territory governments, would be an appropriate level of funding for the new body. This would, of course, be subject to a comprehensive cost-benefit analysis and consideration of system ‘reinvestment’ potential.

Funding could also be supplemented by the skilful management and investment of the Aboriginals Benefit Account, which is currently administered by the Minister for Indigenous Australians. As discussed, when mining takes place on Indigenous Estate lands that are subject to the *Aboriginal Land Rights (Northern Territory) Act 1976* royalties are paid to the ABA. At 30 June 2019, ABA assets of just under \$1.1 billion were held in an investment portfolio. In 2018–19, the ABA had received \$426 million in royalties – a 25 per cent increase on the previous year due to rises in relevant commodity prices. Also in 2018–19, just under \$210 million in ABA funds were distributed, which included allocations to cover the operational costs of the four NT land councils (\$61 million in 2018–19), the Traditional Owner Royalty Associations in areas affected by mining (\$128 million), and the successful ABA grant applicants with allocations subject to the advice of an Indigenous advisory council (\$11 million) (DPM&C 2019).

The potential contribution of the ABA to Indigenous Estate housing and health is illustrated by the 2018–20 ‘one-off’ allocation of \$40 million to an ABA Homelands Project intended to improve homelands infrastructure. The four NT land councils are tasked with assisting homelands in the application process. As at 30 June 2019, 140 homelands had submitted proposals, with 62 approved for funding (DPM&C 2019).

Finally, longer term income for investment in housing is proposed to be generated by the skilful design and implementation of an Indigenous Estate-based National Indigenous Wealth Strategy, which is discussed in Section 7.

Section 7: National Indigenous Wealth Strategy



Unlocking the potential of the Indigenous Estate through an Authority-generated and implemented National Indigenous Wealth Strategy underpins the housing, health and wealth ecology proposed here.

Such potential has been unlocked before. In *Dark Emu*, Bruce Pascoe recounts the pre-contact, at-scale economic activities across the original Indigenous Estate that included areas devoted to agricultural activity, with dykes and dams for irrigation, and fishtrap-based aquaculture (Pascoe 2014:13ff,68ff). In this economy of abundance, personal or collective accumulation was not privileged. Rather excesses were shared and/or traded to provide a ‘civilising glue’ between groups and nations across a continent-wide ‘jigsaw’ of economic and cultural-linguistic worlds (Pascoe 2014:197ff).

Unlocking this potential again in a contemporary context is not only intended to provide a significant, independent income stream for Indigenous community development, services and programs on the Indigenous Estate, but also to benefit Indigenous

investors directly. This could occur at the community level through innovative platform cooperatives, and in businesses and households through increased training, education and employment opportunities. Ultimately, Indigenous population-wide benefits are intended by:

- + supporting an ambitious home ownership program that transitions people from private rental;
- + a private rental support program that transitions people from the Indigenous Housing Pool’s social and community housing; and
- + enough surplus IHP social and community housing stock to be effective in eliminating Indigenous homelessness (see Section 8).

The Indigenous Estate is the sum of Indigenous land act and native title-regained land interests presently covering an estimated 40 per cent of the continent (Fry & Taylor 2016:21) which will potentially grow to 60 per cent of the continent as a backlog of registered native title claims are resolved (ILSC 2019a:6). The NNTT’s [Map of the Indigenous Estate at 1 July 2020](#) shows a non-contiguous patchwork of ‘estates’ comprising legally established interests and registered claims (NNTT 2020a).



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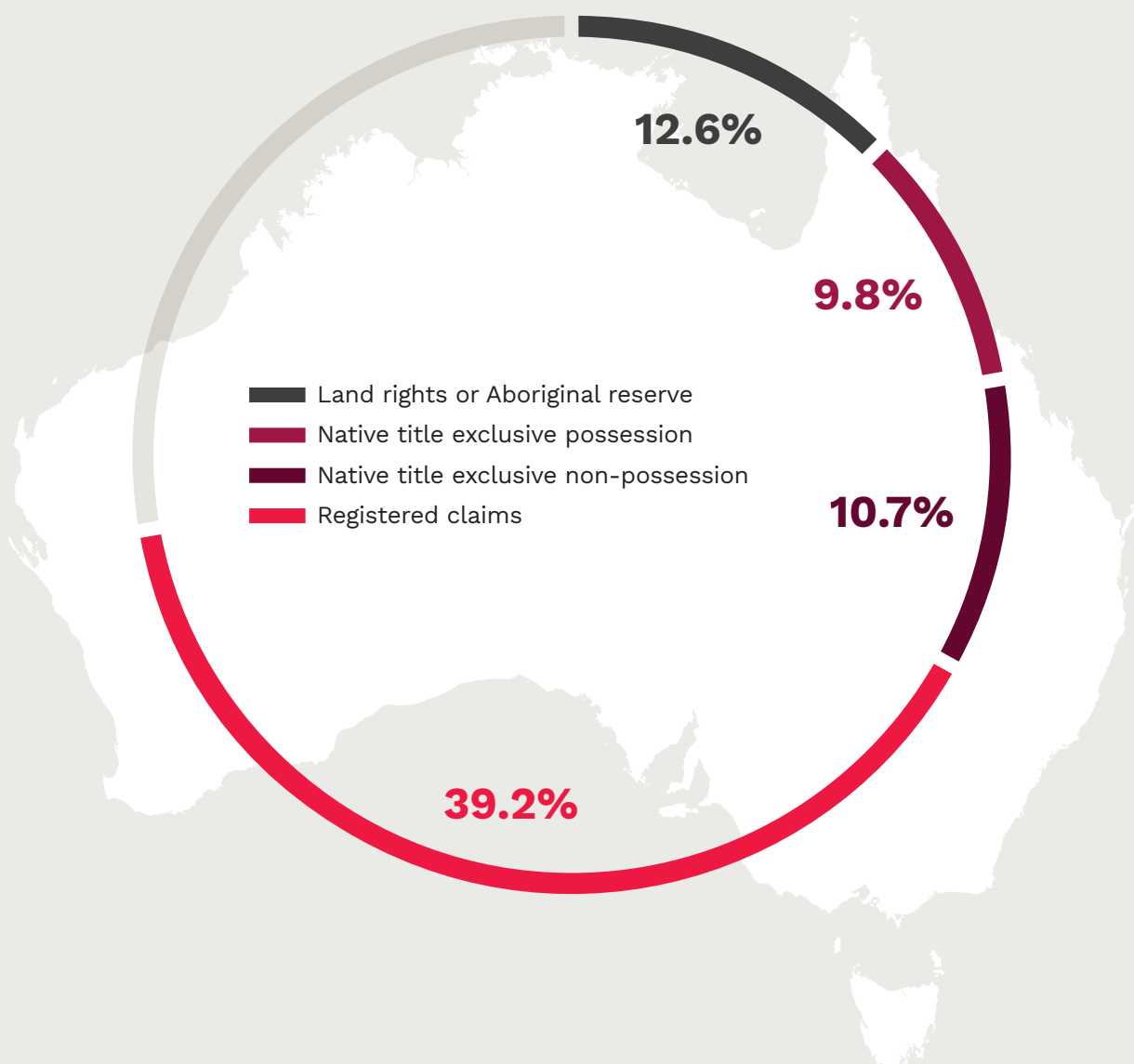
Figure 4 expresses these interests (at 2015) as contiguous fractions of the continent.

The Indigenous Estate includes tangible assets – land, waters, resources, fixtures located on or within it – and also intangible assets – cultural and intellectual property rights (Fry & Taylor 2016:21) – with different strategic approaches needed to realise potential wealth generation from each.

The Indigenous Forest Estate within the Indigenous Estate is already recognised by the Australian Government (ABARES 2019). This is where Indigenous land act rights lands, native title and recognised forest areas coincide. Of note, an eventual national system of Indigenous cultural fire-based and other forms of environmental maintenance activity could be commenced in such areas, with eventual continent-wide

Figure 4 ● The Indigenous Estate as a fraction of the Australian continental land mass

Based on figures provided by the Australian Law Reform Commission (2015).



reach as required. Calls for such a system have grown louder since the disastrous 2019–20 fire season, and would have significant Indigenous business, wealth generation and employment potential (see, e.g., Binge & Wymann 2020).

Although it is beyond this report's scope to assess the wealth and employment generation potential of the Indigenous Estate, points of reference include 2016 estimates of \$10–15 billion of investable assets being immediately available to kick-start a compounding Indigenous Estate-based wealth generation cycle (Fry & Taylor 2016:21).

Further, for areas almost or wholly within the Indigenous Estate, annual gross regional product (GRP) estimates point to even greater potential: Central Australia (NT only) – \$2.9 billion in 2018–19 (NT Government [2013a]); Far North Queensland – \$14.5 billion in 2016 (Trade & Investment Queensland [n.d.]); and the Kimberley – \$2.8 billion in 2018 (KDC 2019). Relatively old, but nonetheless illustrative, 2011 GRP estimates for other NT regions include: the Tiwi Islands – \$786 million (NT Government [2013b]); East Arnhem Land – about \$5.5 billion (NT Government [2013c]); Barkly (Tenant Creek-centred region) – \$2.15 billion; and Big Rivers (Katherine-centred region) – \$8 billion (NT Government [2013d]). These GRP figures include those that are mining generated, with royalties being paid to the Aboriginals Benefit Account as discussed in Section 6.

'Unlocking' the Indigenous Estate is a metaphor for an Indigenous-led process that works with Indigenous communally owned land and dwelling titles in ways that allow for market forces to operate beneficially but without threatening the integrity of the Indigenous Estate itself or harming the wellbeing of its residents.

An exemplar of the kind of investments a National Indigenous Wealth Strategy might support is again provided by the Indigenous Land and Sea Corporation. This oversees an Agribusiness Investment Program that invests in a range of Indigenous agribusinesses, including horticultural, aquacultural and livestock industries, and in Indigenous niche foods (ILSC 2019c).

The ILSC holds an additional \$126 million in investment properties generated from past surpluses (ILSC 2019a:98), and has also acquired a number of assets. Some of these are run as stand-alone subsidiary businesses, including:

- + National Centre of Indigenous Excellence in Redfern, Sydney – a valued community wellbeing strengthening asset much used by the Sydney Indigenous community (NCIE 2020).
- + Voyages Indigenous Tourism Australia – operating the Ayers Rock Resort, currently with 32 per cent Indigenous staff (up from 1% on acquisition). This has been achieved by establishing an accredited hospitality training program aimed at local Indigenous young people and based in the resort (ILSC 2019d).
- + National Indigenous Pastoral Enterprises – comprising 14 livestock businesses mostly in northern Australia but including a Bruny Island (off Tasmania) sheep operation. In 2019, it held 53,000 head of livestock valued at \$26.5 million. In 2016, 65 per cent of its product was sold overseas, thereby directly connecting Indigenous Australia to the international economy (Goodwin 2016).

An inaugural ILSC National Indigenous Land and Sea Strategy 2019–22 was published following extensive consultation with Indigenous stakeholders. The Strategy is supported by four Regional Indigenous Land and Sea Strategies for each of the enormous ILSC regions that divide the continent: South West, South East, Northern Australia and a region designated as Australian Desert (ILSC 2019e).

The aforementioned Eddie Fry has proposed a process for developing a wider strategy to unlock the wealth potential of the Indigenous Estate. We believe that this process should be adopted as the basis for the development of a National Indigenous Wealth Strategy. The Fry process is favoured because of its ambition to account for the aspirations and cultural and social and emotional wellbeing of Indigenous Estate residents. Table 9 is a summary of the main proposals (Fry & Taylor 2016:21).

Table 9 ► Developing a National Indigenous Wealth Strategy for the Indigenous Estate

Understand the Indigenous Estate	<p>While there have been many studies on particular regions or landholdings, a structured identification or assessment of the assets of the Indigenous Estate is required. This needs to be coupled with an understanding (driven by appropriate consultation) of the aspirations and opportunities desired by Indigenous communities and groups within their respective regions or landholdings. Once this has been achieved, we can establish an enabling ecosystem/framework for Indigenous economic development and the Estate can be grown by, and in line with, the aspirations of Aboriginal and Torres Strait Islander groups and communities.</p>
Establish consistent, national, enabling framework for economic development	<p>To allow Aboriginal and Torres Strait Islander people the full opportunity to protect and, if they wish, to develop or harness their respective interests in the Indigenous Estate, a framework is needed that enables the potential of these assets to be realised. Such a framework should establish the mechanisms and support the structures needed to enable Aboriginal and Torres Strait Islander people:</p> <ul style="list-style-type: none"> — to establish governance structures that are sufficiently agile to participate effectively in economic and investment activity, while also reflecting cultural and community needs and expectations; — to develop the commercial capability necessary to make informed strategic, investment and commercial decisions; and — to access capital and advice from aligned partners who can work effectively alongside Aboriginal and Torres Strait Islander people. <p>In addition, it must:</p> <ul style="list-style-type: none"> — articulate the role of each key institution, agency and segment in the spectrum of Indigenous economic development, and its inter-relationship with the others; and — identify the resources, skills, products and services required for each player to be fully effective as an enabler of the economic aspirations of Indigenous Australians.
Ensure policy settings are enabling, not inhibiting	<p>Current policy settings for economic development of the Indigenous Estate do not articulate a clear framework and can impose requirements seen to inhibit economic activity rather than enable it. For example, in certain circumstances organisations are often compelled to incorporate under prescriptive governance regimes that are compliance driven rather than commercially agile. The weight of effort necessarily then goes to meeting reporting and related obligations, rather than making strategic and/or commercial decisions, let alone growing economic development. Many organisations are simply not resourced or are ill-equipped to operate in these contexts, so are caught in a cycle of compliance, audit and reporting, rather than growth.</p> <p>Similarly, royalty arrangements have often limited the ability of Indigenous communities to make risk-based commercial decisions that suit their circumstances. Instead, the agreements have enforced the use of an external trustee or adviser with a deliberately conservative mandate, and with incentives/drivers that are not always well aligned with community aspirations.</p>

Plan for sustainability	<p>Over several decades, there have unfortunately been many examples where communities or organisations have lacked a long-term plan for the use and development of their assets. The consequences of this have been wide ranging. In some case, funds have been disbursed or applied for short-term needs, or invested into local, high-risk businesses or activities with no amounts set aside for longer term use or intergenerational benefit. In other cases, the activities undertaken by such organisations have been opportunistic and reactive, and misaligned with community expectations.</p> <p>Where funds have consistently been used for the short term or are locked in an illiquid local business or an asset prone to distress, the capital base of the organisation affected is depleted permanently. This is particularly stark in cases where the funds have arisen from a land use or other agreement in which there has been an ‘asset swap’ or ‘conversion of interest’, with the group exchanging inherent rights to an asset (lands, waters, related rights and/or intellectual property) for financial gain (primarily cash) or other rights.</p> <p>It is becoming increasingly apparent that establishing an appropriate plan, and subsequently an asset base that provides for financial sustainability, can often better position organisations to meet community expectations (whether relating to community development or otherwise) over the long term.</p>
Invest in building true commercial capability	<p>Building commercial capability allows Indigenous groups and communities to test, challenge and change the (often imposed) structures to which they are subject. Within the Indigenous Estate, there are too few examples where commercial capability has been fostered genuinely and sustainably, with the focus instead being on coursework and training. Commercial capability cannot be developed solely in the abstract. Rather, it is best developed in the context of, and integrated into, real and tangible projects. A good example of this is where groups have co-invested in real ventures and been called upon to plan for, and make decisions about, how their money will be invested or used, and how the underlying assets and businesses are managed.</p>
Improve access to appropriate commercial expertise and advice	<p>Generally, communities have not been able to access the most appropriate and highest quality advice needed to engage in commercial activity. This is due to a lack of understanding of the opportunities within Indigenous Australia, the small asset base of many organisations, and the remoteness and other barriers to effective engagement experienced by a lot of Indigenous communities,</p> <p>As the Indigenous Estate becomes better understood, and as corporate and wider segments have become increasingly engaged with Indigenous Australia, this has started to change. However, there is still much room for improvement.</p>
Ensure that institutions, policies and structures that manage and regulate access to Indigenous landholdings are used creatively and flexibly	<p>Mechanisms exist, and have indeed been utilised, to lease and otherwise make land available where native title rights and interests or statutory land rights exist for commercial activity (where desired). The institutions, policies and structures that manage and regulate access to and with Indigenous landholdings need to create certainty, while balancing risk and reward, if they are to achieve the outcomes being sought. Accordingly, we must look to existing laws, such as the flexibility afforded by the ‘Indigenous Land Use Agreement’ Scheme within the <i>Native Title Act 1993</i> (Cth), to create this certainty (Federal Register of Legislation [n.d.]).</p> <p>Agreements concluded under the ILUA provisions can be remarkably flexible and cover a wide array of matters, including to support commercial activities, or to provide long-term, binding and legally enforceable rights to an individual. Similar outcomes can be achieved via existing provisions in statutory land rights schemes.</p>

Part 2 / Section 7

National Indigenous Wealth Strategy

Many of the proposals listed here are also consistent with the Indigenous Estate development-specific recommendations in KPMG's *Collaborative Ideas for Igniting the Indigenous Economy*, including the need:

- + To declutter – and create a clear, concise and consistent framework to ensure that each key institution/agency or sector participating in Indigenous economic development understands its strategic role, required capabilities, areas of focus, and interrelationship to other key stakeholders.
- + To map the links between the Indigenous Estate and the broader Australian economy – for the benefit of Aboriginal and Torres Strait Islander people.
- + To allow Aboriginal and Torres Strait Islander people to choose governance mechanisms that are fit for purpose – so they can focus on achieving both financial and social impact.
- + To identify consistent and robust measures of success and impact – which in turn will engender greater accountability.
- + To develop mechanisms for ensuring Aboriginal and Torres Strait Islander people work together – to share experiences and leverage their collective scale to access commercial advice, solutions and partnerships that might otherwise not be available to them individually (KPMG 2016:21).

The potential of Indigenous investors, businesses and entrepreneurs working respectfully within the Indigenous Estate to generate wealth should not be underestimated; it is there to harness. The *Top 500 Aboriginal and Torres Strait Islander Corporations 2015–16* report counted 2688 Indigenous businesses registered with the Office of the Registrar of Indigenous Corporations (ORIC 2017). Of these, ORIC valued the Top 500's combined assets at \$2.4 billion (increasing 8.1% in value over the previous year) and with an income of \$1.92 billion. The 10-year average annual income growth of the Top 500 was 8.3 per cent, well above inflation. Thirty-four per cent were NT-based with a combined income of \$903 million, an average of \$5.31 million per corporation. The Top 500 employed 11,000 Indigenous employees and included a range of Indigenous-specific essential service providers, notably health services (ORIC 2017:1).

The above is in addition to the harder-to-measure beneficial impacts of non-ORIC registered Indigenous businesses. Some light is shed by Supply Nation, a non-profit organisation that aims to grow Indigenous businesses (defined as 50% minimum Indigenous ownership) through their promotion across the Australian economy. Supply Nation currently has more than 1500 Indigenous businesses (ORIC-registered and other) in its Indigenous Business Direct directory (Supply Nation 2018).

In 2018–19, \$48 million worth of IBA financial products were provided to 343 Indigenous businesses. This included 70 Start-up Finance Packages (grants and/or low interest loans to a cap of \$100,000) to a total value of \$5.1 million, including a \$1.5 million grant component. A focus of the IBA is its Strong Women, Strong Business program, as women are now 39 per cent of its business customers (IBA 2019a:17).

The 2015 Australian Government Indigenous Procurement Policy (IPP) is an example of how all governments can support Indigenous businesses, on the Indigenous Estate and otherwise, to increase Indigenous employment, wealth creation and attendant benefits. Currently, the IPP requires 3 per cent of Commonwealth contracts and 1 per cent of the value of all its contracts to be with Indigenous businesses. The latter is set to increase by 0.25 per cent each year to 3 per cent in 2027–28. Since the inception of the IPP, about 17,000 contracts have been awarded to around 1800 Indigenous business with a combined contract value of \$2.5 billion (DPM&C [n.d.]).

Likewise, the Indigenous Estate and the IHP should also be a means for supporting Indigenous businesses as well providing investment opportunities for Indigenous and other investors (as appropriate). Similarly, targets to increase the number of Aboriginal construction and maintenance contractors hired for all new builds and/or maintenance contracts could, for example, be initially set at a minimum of 50 per cent. This follows established practice, as previously mentioned with the \$1.1 billion NT-specific 2018–23 National Partnership for Remote Housing Northern Territory, which mandates that governments contracting work with Indigenous businesses set a 40–46 per cent Indigenous target workforce (NIAA [n.d.]).

The following is based on information supplied on the Bamboo Import Europe website (Bamboo Import Europe 2019).

In addition to mud brick, green building possibilities across the Indigenous Estate include the viability of locally sourced cob, gabion walls modified for community buildings, strawbales, rammed earth, and wholly or partly underground construction – all of which are particularly energy efficient and well suited to keeping housing cool in increasingly hot areas.

Bamboo plantations could be developed on the Indigenous Estate to provide locally grown and processed bamboo that is engineered by Indigenous businesses for construction

Text Box 7
The Indigenous Estate as the location of innovative green building techniques and materials industry

by being compressed and/or laminated on site. Moso bamboo (*Phyllostachys edulis*) is the hardest of the bamboo species and strong enough to take the place of wood or steel. It reaches its 20-metre maximum height in months but takes four years before it is ready to harvest. However, stems can be selectively extracted while new shoots are sent up at regular intervals. Once established there is no need to replant a forest, thereby further reducing costs over time. The industry has a relatively small carbon footprint that could be minimised further by connecting all enterprises to solar power.

Bamboo forestry at economies of scale are particularly viable in wet, usually tropical areas where bamboo grows rapidly.

Further, the Authority could research approaches to new builds that emphasise use of locally sourced materials in more remote areas, in part, to minimise transport costs but also to foster further innovation and enterprise across the Indigenous Estate. An excellent example of this is the thriving Indigenous-controlled mud brick-making enterprise Bawinanga Mud Bricks based at Maningrida (Bawinanga Aboriginal Corporation 2020). Another innovative enterprise is the use of Moso bamboo in building, as explained in Text Box 7 above.

Additional wealth-generating strategic responses to support the ecology proposed here could include:

- + Carbon recapture-based enterprises, including managing vegetation to increase carbon storage or reduce greenhouse gas emissions (Foley 2016). The Aboriginal Carbon Foundation already supports carbon farming projects, and connects communities who supply carbon credits with organisations seeking to offset their carbon pollution (Aboriginal Carbon Foundation 2020).
- + Supply chains and economies of scale to support significant increases in food affordability and quality (particularly fresh food) across the Indigenous Estate. This could include market garden businesses where viable, and/or the development of Indigenous transportation companies potentially using renewable power generated by the Indigenous Estate (see Text Box 8, next page) to reduce costs.

- + In partnership with the ACCHS sector, and/or by negotiation with State health services, innovative place-based businesses utilising Internet, outreach and Medicare Benefit Schedule items to provide services by innovative models such as a ‘fee per community’ basis.

The restoration of the Indigenous Estate has been, to date, largely dependent on vacant Crown land being available to return. Although the land is of extraordinary cultural significance to Traditional Owners, from an economic perspective what remains of the Indigenous Estate lands are the ‘left-overs’.

But there is a way to flip this paradigm – by harnessing its wind and solar potential to power a significant portion of Australia and some of our near neighbours. In this way, the Indigenous Estate could be transformed from what is now deemed the least economically productive land into the most valuable, the green energy equivalent of an oil field in the old ‘pre-green’ paradigm. The economic potential of such projects is huge, and Text Box 8 discusses the possibilities raised by connecting Indigenous communities not only to the domestic economy and energy markets but also to the international market. This would not only benefit the Indigenous population but make a major contribution to the wider Australian economy and to the reduction of Australia’s ‘carbon footprint’.



A major part of the National Indigenous Housing and Health Strategy proposed in this report is a National Indigenous Housing Pool Strategy focused on... [increasing] the supply to the Indigenous Housing Pool by two strands of activity.



Text Box 8
The Indigenous Estate and at-scale renewable energy generation

A current exemplar of this potential are the plans to build Sun Cable, the world's largest solar farm, outside of Tenant Creek in the NT. If developed as planned, a 10-gigawatt capacity array of panels will be spread across 15,000 hectares backed by battery storage to ensure it can supply power around the clock. Overhead transmission lines will send electricity to Darwin and plug into the NT grid, but the bulk will be exported via a high-voltage direct-current submarine cable snaking through the Indonesian archipelago to Singapore. The developers say it will be able to provide one-fifth of the island city-state's electricity needs, replacing its increasingly expensive gas-fired power source and significantly reducing its carbon footprint (Morton 2019).

Wind also offers enormous potential as the basis of renewable energy generation across the Indigenous Estate, with a similar ability to connect Indigenous communities to both the domestic and international

economy. The potential for this is suggested by plans for the Pilbara region, which is currently being proposed as the location for the 'Asian Renewable Energy Hub'. Originally, the plan was to send

electricity generated by one of the world's largest wind turbine farms to Indonesia via sub-sea cable. Since first mooted, however, the consortia are now planning to use readily accessible wind and solar energy to power a 'green hydrogen' generation facility. This will involve the building of a 6500 square kilometre (about half the size of greater Sydney) energy farm comprising 2/3 wind turbines and 1/3 solar panels. As promoted, this will create 3000 construction and 400 operational jobs. About 1/5 of the energy produced is earmarked to power the mining industry in the north of Western Australia, with the balance used to manufacture green hydrogen for export to Japan and South Korea. Both the economic and carbon footprint reduction possibilities are enormous (Morton 2019).

Section 8: The National Indigenous Housing and Health Strategy



The National Indigenous Housing Pool Strategy

A major part of the National Indigenous Housing and Health Strategy proposed in this report is a National Indigenous Housing Pool Strategy focused on what is defined as the Indigenous Housing Pool as set out in Text Box 9.

The overarching concern of this part of the proposal is to increase the supply to the Indigenous Housing Pool by two strands of activity.

+ 17,900 Indigenous community housing program dwellings (7% of all Indigenous households).

+ 9600 Indigenous SOMIH household dwellings (4% of all Indigenous households).*

+ Other Indigenous household dwellings on communally held Indigenous native title or land rights land.

* Excludes relevant NT Housing (AIHW 2016)

Text Box 9 Indigenous Housing Pool, 2016–17

Table 10 ► Closing the Gap framework for new builds

National leadership	The National Indigenous Housing, Health and Wealth Authority in partnership with jurisdictional Indigenous housing authorities
Partnerships	Land councils, ICHOs, jurisdictional native title groups, PBCs
Understand and audit the new builds need	Ongoing cycle of Indigenous Estate and IHP Health Service, Housing and Infrastructure Needs Surveys, that includes future needs estimates.
Target date	See Section 6 – Tentative proposal is 10 years
Plan for its systematic closure including setting milestones	<ul style="list-style-type: none"> — Prioritise communities most in need within a new build and repair program. Use Surveys to assess need but, based on previous estimates, expect at least 5,000 new builds or equivalents needed. — Maximal transition of mainstream social and community housing to the IHP. — Transition as many of these households as possible to private rental. — Transition as many private rental households to home ownership. — Extend the benefits of home ownership to the Indigenous Estate. — Use surplus IHP housing stock from the above to eliminate Indigenous homelessness. — Develop a trauma-aware and trauma-informed Indigenous housing sector to prevent homelessness.
Fund appropriately	See Section 6 – Tentative proposal is \$11 billion
After	Maintain housing stock in monitoring and repair cycle, and proactively meet additional need (see Section 7 for the inclusion of this within the Indigenous National Wealth Strategy).

Table 11 ► Overview of National Indigenous Housing Pool Strategy

	Homelessness	Indigenous Housing Pool	Private rental	Home ownership
Strand 1: Increase supply		Housing transitioned from mainstream social and community housing into the IHP New builds		
Strand 2: Maintenance and transitioning to increase supply	Trauma-aware and trauma-informed housing sector prevents homelessness	Maintenance Transitioning households out of the IHP frees up social and community housing for homeless people including those in severely overcrowded housing	Private rental support to transition people from the IHP on to home ownership and/or new build support Home ownership equivalence on communal land title	

In Strand 1, supply will be Increased through:

a Maximal transition of housing from mainstream social and community housing to the Indigenous Housing Pool

In 2016, mainstream community housing providers supplied 5800 Indigenous household dwellings, which equated to 1 in 13 community housing households and 2 per cent of all Indigenous households (AIHW 2019d:33). These are prime candidates for a transition to the IHP. In particular, this includes the upwards of 5000 Indigenous NT households in mainstream social housing (including those managed by Territory Housing) that are reported as being on the Indigenous Estate.

b New builds

The proposal is to utilise the ‘Closing the gap’ methodology (see Text Box 4), which is presented as a framework in Table 10 including in relation to reducing overcrowding as per the 2020 National Agreement on Closing the Gap (NIAA 2020).

Strand 2 aims to free up dwellings in the IHP across the housing spectrum with the goal of being able to house all homeless Indigenous people and households including those experiencing severe overcrowding. This will be achieved by:

- + Transitioning IHP households to private rental, and households in private rental to home ownership. This can be done through an expanded IHOP or additional house buyer or private rental support programs operated by the Indigenous Housing Health and Wealth Authority, including on communal title land (see Conclusion).
- + Using surplus IHP housing stock from the above to house Indigenous homeless people including those in severely overcrowded dwellings
- + Preventing Indigenous homelessness by having a trauma-informed Indigenous housing sector that is able to connect those challenged by housing precariousness and homelessness to mental health and other services to help them stay housed.

The Strategy could be connected to targets that include:

- + a minimum 42 per cent increase in national Indigenous home ownership to equal the rate within the general population;
- + the number of households enjoying the benefits of home ownership on the Indigenous Estate;
- + mainstream social and community housing transitioning to the IHP;
- + transitioning as many IHP households as possible to private rental; and
- + zero Indigenous homelessness within an ambitious yet realistic timeframe.

A further consideration here is the potential consolidation and professionalisation of ICHOs as discussed in the Text Box 10.

The National Regulatory System for Community Housing (NRSCH) was introduced in 2011 to set standards and is now being used in NSW as a standard for ICHO operations. In NSW, ICHOs are required to be registered with the AHO in order to receive assistance from it, with registration to be determined by the AHO. Under the AHO

Text Box 10
Strengthening
the ICHO
sector

Registration Policy 2018, the registration system is via the NRSCH, or alternatively for LALCs the aligned NSW Local Scheme (NSWLS). ICHOs currently registered with the AHO will

be required to apply for registration under the NRSCH or the NSWLS. A four-year period has been given to allow Aboriginal Community Housing Programs time for preparation with the expectation that all providers will have applied for registration under the NRSCH or the NSWLS by December 2022 (AHO 2018b).

Health and wellbeing elements of the National Indigenous Housing and Health Plan

As discussed, the proposal presented here is that every household within the Indigenous Housing Pool, and more broadly as possible, is connected to a ‘wellbeing supply’ and to a ‘health’ supply. The following summary list contains further elements for consideration at the household and community level.

Housing and community planning to support physical health

Climate control – trees/shelter

Dust control

Sporting facilities

Health hardware for hygiene – the primordial prevention of communicable diseases

Health-compatible canine populations

Healthy community environments

Structurally safe housing

Connecting to police presence as required – personal safety

Health hardware – re food storage options, working toilets

Connecting to healers

Household-level health interventions for communicable diseases (with household empowerment focus)

Community-wide health interventions

Health literacy and public health campaigns

Part 2 / Section 8

The National Indigenous Housing and Health Strategy

As before, in relation to increasing the number of health services, clinics and so on the proposal is to utilise the Closing the Gap methodology, presented as a framework in Table 12.

Connection to sources of wellbeing and culturally aligned housing design

The need to deliver culturally appropriate housing and community innovations has been the subject of many reports and so is not discussed here other than to note its importance. In particular, such innovations should aim to allow for familial and kin connections to be maintained, including by providing accommodation for visitors. A summary of considerations is set out in Table 13

Table 12 ► Closing the Gap Framework for Connecting Health Services to Housing

National leadership	The National Indigenous Housing, Health and Wealth Authority in partnership with NACCHO and Gayaa Dhuwi (Proud Spirit) Australia
Partnerships	Regional-level ACCHSs and Regional indigenous Housing and Health Boards (see Section 9): as appropriate, END RHD campaign, Fixing Houses for Better Health program.
Understand and audit the new builds need	Ongoing cycle of Indigenous Estate and Indigenous Housing Pool Health Service, Housing and Infrastructure Needs Surveys that include future needs estimates.
Targets	The targets here should relate to health inputs not health outcomes – these already exist from the Closing the Gap Strategy. Targets in particular could be connected to population health worker ratios and reflect the requirement for place-based health service delivery (i.e. close household distance to health services, or health service reach into communities and/or households through proactive outreach).
Plan for its systematic closure including setting milestones	In line with the <i>National Aboriginal and Torres Strait Islander Health Plan Implementation Plan</i> Strategy 1A develop a methodology to map health needs, workforce capability and service capacity across the Indigenous Estate and within the IHP. Focus will be targeted to areas with poor health outcomes and inadequate services. A systematic assessment of health outcomes/needs, workforce capability and service capacity is then undertaken to inform the development of the core services model, future workforce requirements, and investment and capacity building priorities (Australian Government 2015:10). The above could be connected to workforce–population ratio targets.
Fund appropriately	Based on achieving the targets and the planning process.
After	As per the above Survey, proactively plan to meet emerging health needs.

Table 13 ► Cultural, social and emotional wellbeing considerations for housing

Household	Community
Housing for mental health	
<ul style="list-style-type: none"> — Mental health service outreach to households — Stopping overcrowding — Financial stress and housing; avoidance of foreclosures; evictions 	<ul style="list-style-type: none"> — Placed-based accessible mental health services — Community housing and amenities that are responsive to population mobility — Alcohol bans/dry communities (remote/discreet)
Housing for cultural, social and emotional wellbeing	
<ul style="list-style-type: none"> — Housing that is responsive to, and accommodates, Indigenous cultural norms around usage — Housing that is responsive to, and accommodates, diverse Indigenous need including aged people and people with disability, etc. 	<ul style="list-style-type: none"> — Urban communities – strengthening the connections and networks among otherwise dispersed families and households — Cultural and community centres in urban centres — Connecting young and other people to Country – including urban centres

An innovative approach to co-designing culturally aligned architecture in Indigenous communities has been pioneered recently on Groote Eyland. Traditional Owners have directly employed an architecture firm, the Perth-based Fulcrum Agency led by Kieran Wong, to deliver housing solutions that work culturally for them. This new way of working, with directions coming straight from Traditional Owners and the ultimate occupants rather than government agencies, follows decades of failed government-imposed housing solutions (Brown 2019).

A particular concern has been to support social or ritual moiety relationships, whereby various members cannot share what would normally be common spaces, such as bathrooms. The architect has even placed visual barriers between houses to ensure that outward viewpoints towards neighbouring homes are not inappropriate. Housing also has to be ‘elastic’ and able to respond to change: for example, a marriage in the family can shift the group dynamics quite dramatically. This is done in part by houses being designed with multiple entry and exit points to support avoidance relationships as they evolve, without necessarily having to start again with new housing (Brown 2019).

Homelessness elements of the National Indigenous Housing and Health Plan

There are two planks to the approach proposed:

- a** Increase supply of social and community housing (as discussed above).
- b** Trauma-informed Indigenous Housing Pool, health and homelessness services (connected to the above health services).

Although further investigation is needed to identify the precise relationship between homelessness and trauma, as discussed previously, trauma-associated behaviours are strongly associated with the use of SHS. Nationally, family and domestic violence is, for both the Indigenous and non-Indigenous populations, the leading cause of homelessness for women with children. And while the numbers of Indigenous clients seeking assistance is slightly lower than the mainstream, the gap does not provide any room for complacency. If anything, the data suggest the housing system is not meeting the needs of Indigenous women, who in 2014–15 were 32 times as likely to be hospitalised due to family violence as non-Indigenous

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women (AIHW 2019f). Given the roughly equal use of SHS by the Indigenous population and the enormous disparity in family violence hospitalisation rates, the likelihood that Indigenous women are simply not seeking SHS in response to family violence must be considered.

In this way, the proposal segues with the recent NHHA. In this, both the NSW Aboriginal Housing Office (Schedule E1) and ACT Housing (Schedule E7) are seeking to embed holistic and trauma-informed care throughout the homelessness sector and ensure there are treatment pathways (COAG CFFR 2018a; 2018e).

A further possibility for renewable energy production at the community level, even on a small scale, across the Indigenous Estate is suggested by Bangladesh's innovative swarm electrification project. In this, solar panels are installed on a household's roof and connected to a local energy grid. Participants then use a 'SOLbox' home battery to store electricity

Text Box 11 **Swarm** **Electrification**

(the ones made in Bangladesh at-scale cost US\$30) and generate a communal energy market. To purchase electricity, participants draw on the grid to transfer electricity to their

SOLBox in exchange for a system credit that is repaid when they sell power that is contributed back to the grid. And there is otherwise the potential to generate income by selling excess power to the grid, including national grids when connected. Four million homes in Bangladesh have installed solar panels and the swarm electrification project is the fastest growing solar home system in the world (Bhattacharya 2016).

Future-proofing the health of housing

In general, and across Australia, housing should be able to remain cool and habitable in the face of rising temperatures. In particular, the greening of communities and placement of shade trees may be expected to increase in importance as a result. Seasonal migration between communities might also be expected to continue as one way of coping with increasing temperatures.

Longer and more widespread droughts may challenge Indigenous community water supplies and habitability in new ways. Similarly, the location of coastal communities to rising sea levels may need to be addressed, particularly in the Torres Strait Islands where some communities have already been challenged by such. Housing should also be built to withstand weather extremes, including of heat and cold, wind and flood, and, where required, an increased frequency of cyclones and bushfires.

Finally, emerging housing and health associations should be considered at the design stage. With 'tropical' diseases carried by mosquitoes expected to migrate south, for example, housing that can repel the admission of mosquitoes should be designed in anticipation. Environmental health practice too may need to adapt to a range of emerging situations. These could be linked to targets, for example, the one set by NSW Aboriginal Housing Office that 35 per cent of its housing stock has air-conditioning by 2022 (AHO 2018a).

Powering communities

Through new builds and retrofitting, the Indigenous Housing Pool should provide energy-efficient housing that aims to minimise the use of carbon fuel-generated power to cool and/or heat, refrigerate food and so on. The use of wind, solar and other renewable sources of power should be an integral part of housing and community design. See Text Box 11 regarding the use of energy grids to power communities.

This too could be linked to targets, as the NSW Aboriginal Housing Office has also done with its target that 65 per cent of its housing stock will be solar powered by 2022 (AHO 2018a).

Extending the benefits of home ownership to communally held land

A potential task for the proposed National Indigenous Housing, Health and Wealth Authority would be to oversee a national, consistent approach to opening up land under communal title to the benefits of home ownership while preserving the integrity of the Indigenous Estate. As previously discussed, cultural safety in such a process is critical and the Authority is well placed to have oversight responsibility for this.

To date, efforts by Australian governments have been piecemeal and seemingly inconsistent with evidence. For example, a 2014 Deloitte Access Economics *Review of the Roles and Functions of Native Title Organisations* reported that a significant number of PRBs aspired to become housing providers and/or otherwise leverage their native title to improve and/or construct housing stock on their lands (Deloitte Access Economics 2014). Yet the Australian Government has argued that Traditional Owners and native title groups have been blocking development and housing improvements on native title land and amended the *Native Title Act 1993* (Cth) to weaken its effectiveness (Stacey & Fardin 2011).

The amendment stripped Traditional Owners of the right to negotiate in instances where government bodies, including local governments, seek to construct, maintain or otherwise use for government administrative/service purposes social and other housing and related infrastructure. Section 24JAA mandates that government bodies are only required to notify relevant Traditional Owners and native title groups of their intention to undertake such activity and ‘consult’ with them. This means that, as long as Act-defined processes are followed, activity can proceed even if these groups were to object. The only other requirement is that the government body in question must provide the Federal Attorney-General (responsible for native title) a report on the notification and consultation process.

Some jurisdictions have long allowed for the conversion of communally held land (but not native title) to freehold, for example, under the *Aboriginal Land Rights Act 1983* (NSW) (NSW Legislation 2019). Other developments including on lands rights act lands are discussed in Table 14.

Table 14 ► Developments allowing conversion of communally held land to freehold

Native Title Act 1993 (Cth)	<p>An important concept of the <i>Native Title Act 1993</i> (Cth) is a ‘future act’: with ‘future’ being any time after the 1 January 1994 commencement of the Act; and ‘act’ being a proposal from any party to deal with native title land in a way that affects native title. A future act will be invalid to the extent that it affects native title unless it is Act-compliant. The <i>Native Title Act 1993</i> (Cth) protects the right of Traditional Owners and native title groups to negotiate on future acts, but with some exceptions, and not to the extent of unilaterally blocking a future Act (Attorney-General’s Department [n.d.]).</p> <p>Traditional Owners and native title groups must be formally notified of a potential future act by an Act-required government-issued Section 29 notice. They then have up to six months to negotiate with the other parties by ILUA processes with access to mediation support if required. If agreement is not reached in six months, any party can ask the Native Title Tribunal to arbitrate a binding decision as to whether the future act should go ahead or not, and if so on what terms (NNTT 2016).</p> <p>Particularly in relation to resource development, a jurisdictional government also has the right to legislate alternatives to the ‘right to negotiate’ or to seek an exemption from the right to negotiate pending a Section 43 publicly available determination by the relevant Commonwealth minister (currently the Attorney-General). As long as these processes are followed, such future acts can proceed even if Traditional Owners and native title groups object (Attorney General’s Department n.d).</p>
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Table 14 ► Developments allowing conversion of communally held land to freehold (cont.)

<p>Queensland</p>	<p>Ninety-nine-year leases have long been possible on Deed of Grant in Trust land, <i>Aboriginal Land Act 1991</i> (Qld) land and <i>Torres Strait Islander Land Act 1991</i> (Qld) land in Queensland, but the process for obtaining a lease was cumbersome and uptake low (Terrill 2015). The <i>Aboriginal and Torres Strait Islander Land (Providing Freehold) and other Legislation Amendment Act 2014</i> (Qld) amended DOGIT, ALA and TSILA land legislation to ease the process permitting the partition of these lands into lots (allotment) in ‘urban areas’ (Parliament of Queensland 2014). In this way, they could be converted both into 99-year leases and to ordinary freehold land in urban areas. The process is as follows:</p> <ul style="list-style-type: none"> — First, the landholding body must develop a local freehold policy stating eligibility criteria for scheme entry, a pricing policy, and a community and/or native title holder consultation process to oversee the allotment or subdivision of the areas in question. Following the consultations, a <i>freehold instrument</i> setting out the allotments and describing the consultation process must be approved by the relevant minister. Parties have the right to object to the allotment schedule (Terrill 2015). To date, 7500 allotments have taken place according to Queensland’s Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP 2019). — Once a freehold instrument is in place, people who are eligible can apply to the landholding body for a grant of ordinary freehold. By law, only Aboriginal and Torres Strait Islander people and their spouses and former spouses are eligible, but further requirements can be added to local freehold policies, for example, that an applicant must have lived in a community for 10 years. However, once a grant of freehold has been made, it can then be sold to any person, corporation or entity. It is only the initial grant that is restricted (Terrill 2015).
<p>Northern Territory</p>	<p>As discussed, the NT Emergency Response was largely based on the mandatory imposition of five-year community leases with the Commonwealth as landlord. These have now been replaced with:</p> <ul style="list-style-type: none"> — Community housing precinct leases of between 20 and 40 years that place the NT Government (Territory Housing) as landlord, thereby requiring it to manage and maintain the properties. Territory Housing then re-leases individual houses and land back to households. Such leases are inheritable and tradable (Habibis et al. 2016:34). — Up to 99-year whole-of-township leases administered by an Act-established Executive Director of Township Leasing on behalf of the Commonwealth to support community development and to provide a foundation for infrastructure leases and security for private companies wanting to establish businesses in remote communities (Habibis et al. 2016). <p>Lease income and expenditure on NT lands right act land is included in ABA arrangements. In 2018–19, \$2.2 million in lease income was paid to the ABA (DPM&C 2019:Table 1.2.2), with \$1.8 million being returned to traditional owners under head lease arrangements (DPM&C 2019:Table 19.2). Against this, ABA made allocations of \$650,000 to cover the costs of new leases; about \$2.8 million to cover lease-associated NIAA costs; and \$5.5 million for the work of the Executive Director of Town Leasing who holds town head leases (DPM&C 2019:Table 1.2.2). As a wealth generator at least, leasing arrangements seem to be small in scale and with high overheads.</p>

Otherwise, providing social housing is possible including through ILUAs dedicated to ‘social housing infrastructure’. Currently, a search of the National Native Title Tribunal ILUA register shows 24 ‘social housing’ ILUAs across Queensland (whereby State social housing is provided on land leased for that purpose in communities), the bulk being on Torres Strait Islands (NNTT 2020b).

A further seven ‘infrastructure and housing’ ILUAs have been agreed: one in the NT; two in Western Australia, including one for the provision of electricity; and four in Queensland (NNTT 2020b). Reflecting calls for housing to meet Indigenous SEWB needs, one of the latter’s purposes included providing housing that could accommodate frequent out-of-town visitors (Read 2000:151).

ILUAs, and indeed land rights act land, can also be adapted to Community Land Trusts (CLTs) as discussed in Text Box 12. These have the advantage of preserving the underlying title, while allowing property rights in the dwellings on the title.

The financing of property purchases on CLTs could be made easier through dedicated CLT loan packages by the Authority or IBA, similar to those arrangements already in place for purchases in remote areas. In 2018–19, IBA agreed 77 Remote Indigenous Housing Loans (IBA 2019a:44). These packages feature low deposit requirements (from as little as \$1500 depending on income), lower interest escalation rates and a grant of up to \$13,000 to meet establishment costs. Additional Remote Indigenous Homebuyer Grants of up to \$20,000 are also possible for minor house renovations, repairs and maintenance (IBA 2019b).

The following is based on work by the Australian Housing and Urban Research Institute (AHURI 2018b).

By establishing a CLT it is possible to separate land title from dwelling ownership. The CLT is based on a lease for land and rent paid on that lease, although these costs can be subsidised (or even charged as ‘peppercorn’ rent) for low-

income households so as to make dwelling ownership possible. The dwelling on the lease is transferrable as property, independently of this title.

Text Box 12 Community Land Trusts

CLTs offer householders many of the benefits of home ownership, including control over a dwelling, security of tenure, transfer of occupancy rights, and the potential for some asset wealth building. The ground leases on which the homes are built are inheritable, and properties on leased land can be bought and sold at prices determined by a resale formula spelt out in each CLT’s ground lease.

Section 9: Towards the Indigenous EcoDistrict – Regional Health and Housing Boards and Regional Housing and Health Plans



As discussed, a milestone in addressing the English population health crisis associated with the Industrial Revolution was the United Kingdom's *Public Health Act 1848* that placed the supply of water, sewerage, drainage and housing sanitation under community-controlled Local Boards of Health. As discussed in Text Box 13, this seminal reform demonstrated an early 'ecological approach' to improving public health by addressing housing, environmental and other living conditions simultaneously.

The value of a regional approach is also demonstrated by ATSIC's Regional Councils. When functioning, the eight to 12-person strong councils were elected for three-year terms, with a full-time Chair and Deputy Chair elected from among the councillors to provide regional- to national-level connection (Pratt & Bennett 2004).

An initial function of the Authority would be to lead an Indigenous Estate regionalisation co-design process to arrive at regional boundaries. These would account for Indigenous cultural and experiential perspectives on regions, knowledges and the kinds of relationships that can generate innovation and economies of scale both within an area and among interconnected areas (Lee & Eversole 2019). It may be that the process is

Text Box 13 The United Kingdom's Public Health Act 1848 and Local Boards of Health

The following is based on the work of Fee & Brown (2005).

The *Public Health Act 1848* created a General Board of Health as a central administrative authority. Under this were Local Boards of Health that could be formed in two ways:

- + By a petition of one-tenth of the inhabitants of a parish or place with a defined boundary.
- + By the General Board if the death rate exceeded 23 per 1000 per annum in any place. In this case, a superintending inspector appointed by the General Board would hold an inquiry into the sewerage, drainage, supply of water, state of burial grounds and other matters relating to the sanitary condition of the town, and where necessary define boundaries for the district of the local board.

Where the boundaries of a proposed local health board's district were the same as an existing geographical unit of some sort, the appointment of a Local Board of Health was straightforward. Where a new district required delineation, the General Board of Health created one provisionally, to be eventually confirmed by Parliament. Members of a Local Board of Health were either selected by the equivalent of

today's local council or elected by owners of property and by ratepayers within the region.

The powers and duties of a Local Board of Health were enumerated in the Act and (among others) included:

- + To employ surveyors.
- + To employ an officer of health who had to be a qualified doctor.
- + To appoint a sanitary inspector to investigate complaints and take action against 'nuisances', such as unsanitary dwellings, the accumulation of refuse and sewage, smoke dust and smells and industrial emissions, polluted water, noise, poor food, and so on.
- + To take over ownership of all public sewers in its district. Where private sewers operated for profit, the local board could purchase them.
- + To clean the streets in its district by removing dust, ashes, rubbish, filth, dung and soil.
- + To supply water if a private company could not provide the service.
- + To purchase land to benefit population health.

largely confined to areas where housing is not already regionalised. As previously discussed, for example, NSW is already divided into 120 or so smaller LALCs, while the NT land council divisions are comprised of about 120 or so ALTs.

Regardless of how they are determined, the Regional Councils should be incorporated and able to contract with local businesses and organisations including mainstream health services.

The main purpose of the Regional Councils is:

- + To provide a conduit of regional information and advice to the National Indigenous Housing, Health and Wealth Authority regarding the regional Indigenous Housing Pool and opportunities for investment.
- + To develop and implement with local indigenous stakeholders (ACCHSs, land councils, PBCs, ICHOs and others) Regional Indigenous Housing and Health Plans that both regionally and at the community level adapt the National Indigenous Housing and Health Plan and processes, including the delivery of the previously discussed ecology to households in the IHP.

Indigenous regional governance arrangements have been the subject of significant consideration, particularly in relation to a potential Indigenous ‘National Voice’ that connects to regional bodies. Examples of these can be found in the submissions discussed within the Australian Government *Joint Select Committee on Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples Report* (Parliament of Australia 2018). These are of direct relevance to potential Indigenous regional governance and planning bodies on the Indigenous Estate, and include the need for gender balance and youth representation, as well as the accommodation of Traditional Owners, family clans, cultural and language groups, those from the Stolen Generations and other interests.

Regionalisation suited to Indigenous needs might include adopting historical language and cultural boundaries (see *AIATSIS Map of Indigenous Australia*, Horton 1996), existing Indigenous Estate administrative units (such as that of the Northern Territory land councils) or other foundations.

Options to inform the regionalisation of the Indigenous Estate include:

- + Indigenous Land Use Agreement boundaries – in particular where such might limit the proposed Authority’s capacity and so these areas can be treated discretely – see [Map of Indigenous Land Use Agreement boundaries as at 1 July 2020](#) (NNTT 2020c).
- + Existing Local Government Areas.
- + Primary Health Network or Local Hospital Network regions to support access to health care within the ecology proposed here.
- + The ABS’s Australian Statistical Geographical Standard Indigenous Structure that derives from Australia-wide Indigenous Locations, which are generally small communities with a minimum population of 90 (ABS 2016A). Useful larger units to consider include:
 - Indigenous Areas – aggregated Indigenous Locations in medium-sized geographical units that provide a balance between spatial resolution and increased granularity of attribute data ([search for 2016 Indigenous Area \(IARE\)](#), ABS 2016b).
 - Indigenous Regions – aggregated Indigenous Areas to form larger geographical units loosely based on the 35 former ATSIC regional councils. They do not cross State and/or Territory borders ([search for 2016 Indigenous Region \(IREG\)](#), ABS 2016b).
- + The National Indigenous Australian Agency’s (formerly Department of the Prime Minister and Cabinet’s) regional network.
- + The ongoing (if uncertain) development of an Indigenous National Voice to Parliament that potentially includes regional representative structures (Parliament of Australia 2018).

Planning itself could be guided by template plans that are adapted to local circumstances, such as the ILUA templates developed by the Local Government Associations of Queensland and of South Australia (NNTT 2011:10). These templates are effectively checklists that ensure the ecological elements in any district are present or that their absence is being addressed. An example of such an ecological checklist is included in Table 15.

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Towards the Indigenous EcoDistrict – Regional Health and Housing Boards and Regional Housing and Health Plans

Table 15 ► Example checklist for use in district planning

Item	Potential planning directions
Housing	
Zero overcrowding and homelessness	<ul style="list-style-type: none"> — Plan to meet need systematically with target number of bedrooms per capita district population — New builds – business opportunities — Locally sourced materials supplied at scale – business opportunities — District level transitioning from the Indigenous Housing Policy
Housing maintenance to health supporting standards	<ul style="list-style-type: none"> — Business opportunities – Indigenous-owned maintenance companies — Innovative building practices and materials — Dust and pest control
Housing utilities maintained	<ul style="list-style-type: none"> — Business opportunities – economies of scale working with other districts
Co-designed culturally supportive housing – avoidance relationships supported	<ul style="list-style-type: none"> — Screening between houses? — Sub-districts — Housing elasticity – can adapt over time
Climate responsive	<ul style="list-style-type: none"> — Innovative housing design — Trees to provide shade and to/ tie in with carbon recapture — Locally generated, electricity-powered air conditioning
Child safe and child health friendly	<ul style="list-style-type: none"> — Child-height sinks to support face washing
Disability friendly	<ul style="list-style-type: none"> — Involve in co-design processes
Aged person friendly	
Environmental	
Potable water supply	<ul style="list-style-type: none"> — Local governance and business, employment and training opportunities?
Dog control	
Garbage disposal	
Sewage disposal	

Item	Potential planning directions
Health	
Access to healthy, affordable food	<ul style="list-style-type: none"> — Local market gardens? — Economies of scale with other districts – low-cost transport of goods and people in and out of the district utilising renewable energy powered vehicles? — Business opportunities — Cooperatives
Access to primary health care and outreach – including to a range of health professionals	<ul style="list-style-type: none"> — Health worker – population ratios? — Walking distance to health services as a measure? — Outreach and innovative place-based service delivery
Health services with mental health capabilities and aligned with Indigenous SEWB-based health concepts	<ul style="list-style-type: none"> — Employment and business opportunities? — ACCHSs — Access to medications — Cultural healers
Maternal health and early childhood services	
Health services connected to trauma-informed homeless services and places of refuge as required	
Proactively address challenges to health	<ul style="list-style-type: none"> — Health programs – smoking cessation, etc. Communicable disease programs – as required
Wellbeing	
Households connected up in urban areas, particularly sole parents and the aged	<ul style="list-style-type: none"> — Transport — Facilities — Technology
Cultural and community facilities and opportunities to practise culture	
Sporting facilities	
Facilities to accommodate visitors	<ul style="list-style-type: none"> — Business opportunities?
Proactively address challenges to wellbeing	<ul style="list-style-type: none"> — Community policing — Alcohol restriction measures — Mental health promotion

Table 15 ► Example checklist for use in district planning (cont.)

Item	Potential planning directions
Place-based and other wealth generation Supported by the National Indigenous Housing, Health and Wealth Authority	
Housing – electricity generation by solar, wind and other power sources	— Swarm generation — Opportunities to contribute to the grid and/or provide cheap power for electric vehicle use
Access to place-based education, employment and business opportunities	— Establishment of viable, sustainable businesses — Land maintenance – carbon recapture? — International and domestic partners and/or investors? — ‘Green economy’ opportunities — Remote employment opportunities — Distance education — Platform cooperatives — Access to Internet and phone network — Education spaces
Connection to wider economy	— Transport to employment and education – Roads — Low-cost transport of good and/ people in and out of the district

The Indigenous eco-district, planned at the district level under the oversight of Regional Health and Housing Boards, is based on co-design processes and community empowerment to accommodate the ‘housing for culture’ and ‘housing for wealth’ dimensions. This approach needs to be achieved within an overarching ecological framework and be supported by the wealth-generating expertise and investment capacity of the National Indigenous Housing, Health and Wealth Authority.



Housing is central to creating opportunities for improving participation in land, kinship and cultural activities, and facilitating language, spiritual connectedness and engagement with Country.



Conclusion: Indigenous Innovation in an Age of Acceleration

Australia finally seems to be coming to terms with its past, present and future. For some, it is a time to celebrate and look forward. For others, it has been an opportunity to reflect on a fraught history that, for Aboriginal and Torres Strait Islander peoples at least, includes displacement, forced assimilation and widespread destruction of languages and cultures. These experiences have perpetuated multigenerational impoverishment.

This is why we are taking an ecological approach to Indigenous concepts of housing, health and wealth creation and asserting Aboriginal and Torres Strait Islander people's capacity for innovation. This innovation is critical to creating new solutions to address the complex social problems in contemporary Australian society. The nexus between Indigenous people's experience of abundance, the mainstay of pre-contact life and living, depended on secure housing, as this facilitated access to Country and culture and participation in the economy.

Aboriginal and Torres Strait Islander peoples have always invented ways to flourish, from the times they lived in villages that were replenished with complex water management systems, sophisticated housing, stone quarries, and seed-grinding and storage arrangements. Not only were these villages functional, but they were places of solace and comfort, fundamental to food production and cultural economies, and marked the movement towards agricultural reliance. Housing, health and wealth have been the mainstay of Aboriginal and Torres Strait Islander peoples' construction, ingenuity and food production. Such a legacy is often erased in the impoverished national debate about access to social or community housing that lacks the aesthetic proportions, tasteful positioning and social harmony, which previously featured in our eco-precincts across the country.

This proposal aims to secure our future health and wellbeing in the face of an uncertain future. Climate change, new technologies, systems and actions, the future impact of global megatrends and reductions in the availability of public good funding will require an increase in the tolerance for innovation led by

Indigenous people. The housing sector will need to engage with new funding systems for increasing housing stock, encouraging home ownership and creating current and future generational wealth through housing.

Those responsible for implementing quality housing outcomes for families and communities are often 'invisible' to outsiders. And yet, as is known in these communities, housing is central to creating opportunities for improving participation in land, kinship and cultural activities, and facilitating language, spiritual connectedness and engagement with Country.

Housing has always been, and will remain, an important determinant that provides the space and place for Aboriginal and Torres Strait Islander peoples to experience connection, love and an appreciation for the cultural ways of achieving wellbeing. Together, housing, health and wealth creation systems generate a deep appreciation for the '60,000 years of genius' that has seen civilizations grow and prosper:



Aboriginal and Torres Strait Islander people did build houses, did cultivate and irrigate crops, did sew clothes, and were not hapless wanderers across the soil, mere hunters and gatherers. Aboriginal and Torres Strait Islander people were intervening in the productivity of this country and what has been learned through that process over many thousands of years will be useful to us all today (Pascoe 2014:156).

This is the collective heritage of Australia's First Nations. Housing has provided the foundations for living on this continent for millennia and will be important in guiding 21st-century living so we can all thrive, flourish and prosper. Re-engaging with housing, health and wealth creation is essential for the acquisition of skills, ecological sustainability and building technologies that are likely to greatly impact the future wellbeing not only of Aboriginal and Torres Strait Islander peoples, but of all Australians.

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