# INDIGENOUS HOME OWNERSHIP AND COMMUNITY TITLE LAND: A PRELIMINARY HOUSEHOLD SURVEY

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**Abstract:**
Home ownership is currently not an option for Indigenous people living outside of urban centres. This paper presents the results of a household survey conducted in four community settlements in Queensland revealing diverse understandings, aspirations and concerns for Indigenous home ownership. Discussion concludes that the development of a home ownership scheme will require rigorous policy analysis and innovative economic and cultural solutions.

**Key Words:**
Home ownership, Indigenous settlements, community title

## Introduction

Increasing attention is being drawn to creating economic development opportunities on remote Indigenous settlements (Pearson 2000). Central to modern economies is the premise that entrepreneurs accumulate and innovate when they have control over the return of the assets which they produce or improve. Economists (Rodrik 2000; deSoto 2001) argue that the establishment of secure property rights has been a key element in the onset of modern economic growth. This contrasts with discrete Indigenous settlements, where land is generally held in community title. Although rental housing is owned by the community, there is no private home ownership or private control of land for business development. Existing assets are inalienable and therefore have no capital value; as (Pearson 2001) rightly laments: "we are in a dead capital (poverty) trap".

Current housing on remote discrete Indigenous settlements consists of rental properties which are owned and managed by community organisations. Despite ever-increasing funding levels and technical interventions by government, there are intractable housing problems in these settlements with rental arrears, outstanding maintenance, overcrowding, homelessness, family stress and poor environmental health conditions. The Indigenous housing backlog remains elusively out of reach. Although gains are being made on some fronts, supply of new houses seems to barely match population growth (Memmott 2001). Solutions may never be found by preserving the status quo regardless of the resources directed to improve the system. Home ownership programs offer one opportunity to radically change the socio-economic environment of housing on community title land.

The potential for home ownership for Indigenous people living on community title land has not gone unnoticed. For some years, the Aboriginal Coordinating Council (ACC) has had a vision to make home ownership a practical reality on community title land (the ACC represents all Aboriginal Local

Government Authorities in Queensland, otherwise known as Community or DOGIT Councils). This aspiration has been echoed by the Island Coordinating Council in the Torres Strait (Memmott 1998). Most recently, the Cape York Justice Study (Fitzgerald 2001:365) recommended that the Queensland Government work with Aboriginal communities and the Cape York Land Council to develop options for private home ownership and access to land for business development. The Aboriginal and Torres Strait Islander Housing (ATSIH) unit of the Queensland Department of Housing is now in the process of investigating a viable home loan scheme.

There is also compelling international experience which supports these efforts. There are successful home ownership programs operating on community title land in other developed countries, particularly on Native American and Canadian Reservations (Moran 1997). In developing countries, it is emerging that there is considerable opportunity to alleviate poverty by formalizing previously unrealized forms of capital. In squatter settlements in Peru and elsewhere, legal title granted for self-built shanties has permitted home owners to sell, rent, guarantee and mortgage their way into an expanded market (deSoto 2001).

There are valid cultural and historical explanations for the dead capital trap on remote Indigenous settlements. Not only are traditional land-holding systems inherently communal in nature, but since the early 20th century, Indigenous land holdings have consistently been granted in inalienable freehold title to the benefit of Indigenous Islander people collectively, rather than to individuals. Governments and missionaries also maintained paternalistic policies which curtailed the ability of Aboriginal people to own or accumulate economic assets (Pearson 2001).

In Queensland, both DOGIT (Deed of Grant in Trust) and Aboriginal Shire lands are being transferred to inalienable freehold title under the *Aboriginal Land Act 1991* (Queensland). They are also being increasingly subjected to claims under the *Native Title Act 1993* (Commonwealth). In these two ways, both land and rights in land are increasingly being granted to language and tribal groups, whole cultural blocs (as in the case of the Wik in Cape York) and local clan groups. Whereas the Aboriginal town areas on these lands have been excluded in some of the native title claims (e.g. at Hope Vale, Aurukun), they are being included in others (e.g. at Kowanyama, Pormpuraaw). Even at Aurukun, despite the town area being excised out of the Wik Claim area, an Indigenous Land Use Agreement (ILUA) is being negotiated with the Aboriginal Shire Council. This agreement will include a requirement for consultation with local Traditional owners, especially with respect to local group rights for use of future housing development areas. If such native title claims are successful on these Aboriginal lands, those residents who want to build and own houses will most likely require approval from the native title holders to do so.

Although the contemporary Indigenous tenure landscape is diversifying, the basis of land tenure will most likely continue to be held communally, in one form or another. Increasingly, native title rights are coming to coexist with other forms of Indigenous land ownership. If a home ownership scheme is to be feasible, it must find a way to operate without threatening the unique community heritage, rights and identity of local Indigenous groups.

An earlier scoping study (Moran 1999) described a complex set of issues associated with home ownership on community title land: inalienable tenure and native title; affordability and accessibility due to low income levels; closed housing markets with limited resale opportunities; special administration and housing management needs; and dealings with deceased estates. Given this complexity, ATSIH decided that the design of an appropriate model should be preceded by a survey of Aboriginal householders, to broadly address four topics: -
1. What exactly do people understand by home ownership?
2. Are people seeking security to the house or to the land underneath?

3.  Do people simply wish to be able to pass their houses on to their kids?  (If so, this might be possible through the existing rental program.)
4.  Are people still committed to home ownership after all of the limitations have been explained?

The current paper summarizes the findings from this survey in terms of each of the four topics, as stated above.  It draws from a longer technical report and analysis prepared by the authors for the ACC (Moran 2001).

## The Household Survey Method

The household survey was undertaken on engagement to the ACC, with funding from ATSIH, to assist ATSIH with its deliberations on home ownership policy.  The survey instrument was designed by the researchers in conjunction with housing and policy officers in the ACC and the Department of Housing.  Despite attempts to keep it as value-free as possible, in seeking to learn about the Indigenous values and knowledge of home ownership, it was inevitable that the survey was embedded with a number of assumptions and hypotheses.  A secondary objective of the field process was to verify or challenge these external perceptions.

The survey was conducted on a household basis in four remote Aboriginal community settlements in Queensland: Palm Island, Cherbourg, Kowanyama and Lockhart River.  The household survey instrument contained a mixture of 43 qualitative and quantitative questions.  Interviews were also undertaken with elected representatives and employees of Indigenous Councils and other representative organisations in these communities, given the important role that Councils will need to play in the administration and regulation of a home ownership scheme.

Household interviewees were selected from amongst (a) those people who were known to be interested in home ownership, and (b) those people who were sufficiently interested to volunteer to be interviewed.  Seventy-five interviews were conducted: 25 in Palm Island; 20 in Cherbourg; 13 in Kowanyama and 17 in Lockhart River.  (The total numbers of rental houses in each of these settlements were 298, 234, 159, and 108 respectively.)  The number of interviews did not equate to the total number of the households in each community with an interest in home ownership.  To determine this total number accurately, it would have been necessary to take a representative sample of all households in each community, which was beyond the budget for the project.  The samples taken were considered to be of an adequate size to be at least representative of those households interested in home ownership, which was adequate for the purposes of this study.  Considerable efforts were taken to promote the survey, both before and during each week long field visit.  Given the small size of each community, it can be assumed that most people with an interest in the home ownership either approached the interviewers or were nominated by others.

Responses to qualitative questions were analysed according to standard qualitative coding techniques (in Moran 2001).  Surveys were conducted with a higher percentage of women (60%) than men (37%), due to a bias towards household heads and elected leaders.  The median age of people interviewed was 42 years; the youngest was 21 and the oldest 87.  The average household size of those interviewed was five to six people.  Almost 90% of the households interviewed indicated that at least one person in the household earned a wage of some description.  (Given the stated sample bias towards those interested in home ownership, it is to be expected that the households interviewed would have had a regular household income.)

Kowanyama was included in the survey because of its history of home ownership.  About 85 perpetual leases were registered in Kowanyama during the late 1980s.  These leases are widely known as the 'Katter leases', after the Hon. Robert Katter who was the Minister for Aboriginal and Islander Advancement in Queensland who conceptualised and implemented the policy and scheme.  The

existing houses on these properties were sold to leaseholders. Many of these houses were already close to the end of their life cycle, and most have subsequently deteriorated to an unacceptable standard. Kowanyama Aboriginal Community Council is in the process of taking over these leases in order to replace the houses. This process has been very drawn out and legally complicated. At the time of the survey, homeowners were being offered a new house on the condition that they sign their lease over to Council. Further complications and delays have also arisen from dealings with deceased estates.

The data sets collected for Palm Island and Cherbourg are detailed and comprehensive, with a low percentage of missing data (7% and 5% respectively). The proportion of missing data from Kowanyama was less satisfactory (19%) and even more disappointing at Lockhart River (33%). These increasing percentages reflect the decreasing relevance of the survey instrument in Kowanyama and Lockhart River, which is discussed further below.

## A Diversity of Perceptions of Home Ownership

At Palm Island, there was a motivated and strong interest in home ownership. Most people had a good understanding of both the advantages and disadvantages of home ownership, yet still made an informed choice to purchase a home. About a quarter of the people indicated that they could not think of anything bad about owning a home. There were more entrepreneurial initiatives on Palm Island generally and home ownership was at times viewed from within this framework. The opportunity for young couples to escape from large households was sometimes seen as a motivating factor. At Cherbourg, there was also a strong interest in home ownership, although this was not expressed as strongly as Palm Island. This difference may be explained by the comparatively high standard of existing housing at Cherbourg, accompanied by less overcrowding. Rental tenants were also given the choice of house design and siting. Sixteen flats had just been built for young couples with their first child.

The survey results from Kowanyama and Lockhart River revealed different and complex understandings of the ownership of housing. The survey instrument was limited in its ability to capture this, because its design was predicated on the purchase of a house, similar to mainstream housing markets. Both communities generally had different understandings of the issues surrounding home ownership and they introduced other interesting and valid viewpoints.

At Kowanyama, there was only moderate interest in conventional home ownership amongst households and even less interest within Council. The negative impacts on households caused by the 'Katter leases' of the 1980s were still being resolved by Council. The Council's policy, that tenants have a right to stay in their long-term rental home, provided a form of security and may detract from motivation for a conventional home ownership scheme. Young couples were again interested in home ownership as an escape from overcrowded households, and an opportunity to avoid lengthy housing waiting lists.

There were also many customary practices in Kowanyama which would influence a home ownership scheme, including: -
1. The emphasis on extended family ownership of property rather than individual ownership.
2. House closing and opening rituals after a death and the customary practices of the handing over of the possessions of the deceased to particular kin.
3. Ownership of trees on town lots associated with birthing practices.
4. The claims by certain families to most of the community's mango trees which are sited where people's palm thatch huts were once located, scattered throughout the town.
5. Avoidance relationships between certain kin and its impact on the preferred location of households.
6. Traditional ownership of town land by local clan groups.

Interviews with Kowanyama Council and other community organisations suggested informal modes of home ownership already existed. Several key people in Council suggested that aspirations for home ownership in Kowanyama could be met through adjustments to the current Council levy housing system (whereby all adults pay a levy for community services, including house maintenance, in lieu of rental payments). It was argued that people already have undisputed ownership of certain houses in town, including the right to pass tenancies onto future generations. It followed that ownership could be promoted through fostering greater control over the house allocation process, including design consultation and siting of the house. Some people also felt that notions of home ownership might operate more at a community rather than a household level. Different understandings of home ownership emerged at Kowanyama, which were not strictly related to the private and economic advantages of conventional home ownership schemes.

At Lockhart River, there was only a moderate level of awareness about home purchase issues and even less within Council. However, young couples at Lockhart were favourable towards a home ownership scheme, once again to escape overcrowding and lengthy housing waiting lists. The impact of traditional practices was also reported at Lockhart River. Here houses (and tenancies) were sometimes passed down within customary clans. The locations of some houses were reported to correspond with the camping places of descendents from the time of the early establishment of the settlement. There was also a general awareness and sensitivity about the issue of traditional ownership of the land on which Lockhart River township is located.

The survey at Lockhart River also revealed a strong community priority for outstation development (small family-based decentralised settlements). At the time of the survey, the outstation movement in Lockhart River was gathering momentum. Most people were interested in home ownership to the extent that it translated to housing development on their outstation. This clearly went beyond the scope of the survey and introduced a range of unique issues associated with outstation development, including provision of infrastructure and delivery of services in remote locations. Although these aspirations for home ownership on outstations are clearly legitimate, this does however present a quite different situation to purchasing houses on serviced allotments in the community township, as originally proposed by the survey, and as widely understood by the notion of 'home ownership'.

The existence of informal claims of home ownership of existing houses was evident across all four communities. Some households had undertaken their own improvements to the house and garden. Although most people preferred a new house, a significant number of people expressed their preference to purchase their current home. A few people indicated their preference to purchase a different existing house in the community to which they had an attachment in the past, e.g. where they had grown up.

## Closed Housing Market

All of the discrete Indigenous settlements in Queensland are located on communal title land held in trust by either the Community Council or an incorporated land trust. Unlike the mainstream Australian property market, the tenure is not alienable which creates effectively a closed housing market. There are valid cultural and historical explanations for this due to the communal nature of traditional Indigenous landholdings. It would also be necessary to restrict sales to within the community, so as to exclude external ownership and landlords, and to protect the principle of the land being held in perpetuity for the community. This effectively discounts the possibility of alienable freehold tenure.

The survey prompted interviewees to consider the implications of having a home ownership scheme on community title land. A slim majority of people were aware of the need to restrict sales to within the community. Most people agreed to this, although a few people from Palm Island and Cherbourg

had reservations.  More provocatively, the survey suggested that if the housing market is closed to buyers who are not community members, then it might not be possible for vendors to get the price that they originally paid for the house.  It was expected that this potential shortcoming of a closed housing market would be difficult for many people to accept.  Nonetheless, most people were either accepting or not concerned because they thought that they would never sell, preferring to pass the house on and keep it within the family or clan.

It is not surprising however that a number of people expressed their dissatisfaction.  It was difficult for this group of people to accept the fact that they may not get back what they initially paid for a house.  Whilst this happens occasionally in mainstream housing markets, it is almost guaranteed in the closed housing market of community title land.  As Pearson (2001) warns: "we don't want people breaking their backs to pay for homes to just end up owning dead capital".  To overcome this problem, it would be possible to create a controlled housing market, based on some predetermined valuation formula.  The local Community Council or Indigenous Housing Organisation would act as an intermediary for all sales and either revert the unit over to a rental unit or sell the property to another eligible community member.   This would effectively create a subsidised housing market, which is otherwise justifiable in terms of improved affordability, as discussed further below.

## Tenure Arrangements

In consideration of the nature of community title land, it may be necessary to explore formal home ownership regimes that do not threaten to alienate the land.  Various instruments of ownership that are detached from clear title to the land underneath have been developed in non-Indigenous communities.  The range of possibilities includes condominium strata title, equity co-operatives and community leasehold arrangements.  Legislation could be passed by Government which separates title to land from title to structures.

The survey explored the issue of the possible separation of ownership between house and land.  Interviewees were asked whether they would be happy to enter into an arrangement whereby they own their house, but not necessarily the land underneath.  The clear majority of respondents rejected this option.  Interviewees were also asked whether it would be acceptable if Council continued to own the land.  Again, the response confirmed that most people clearly were *not*.  People voiced their concerns about retaining control and security over their investment.  This was less prevalent at Kowanyama, which may be related to the current process of the Council taking back over the privately held 'Katter leases'.

One of the objectives of the survey was to ascertain whether people were seeking security to the house or the land underneath, due to obvious implications on the feasibility of different tenure arrangements.  Most people interviewed were clearly uncomfortable with the notion of separating ownership of the house from the land.  The question of separation of title should only be revisited if concerns about control and security are fully addressed.

Beyond this, the survey did not explore tenure arrangements in detail.  The feasibility of different tenure arrangement will be not be determined by community consultation alone, but rather to a large extent, by legal matters concerning deceased estates, native title, and current State and Federal legislations.  This is not to suggest that tenure issues are not strongly relevant to community interests and governance; indeed, it would be difficult to think of an issue which is more pressing.  Rather, there are legal ramifications which must first be resolved before further community consultation can proceed.  A number of tenure options should then be taken back to the community for further discussion.

It stands to reason that the key consideration with tenure should be 'control' rather than 'ownership'.  Formal property rights do not count for much if they do not confer rights of control.  Similarly,

sufficiently strong control rights may be acceptable even in the absence of formal property rights. The international experience here is again relevant. Township and village enterprises in China are an example in which control rights have spurred entrepreneurial activity despite the absence of clearly defined property rights. This is not simply a matter of legislation. In practice, control rights are upheld by a combination of legislation, private and public enforcement, and custom and tradition and they may be distributed more narrowly or more diffusely than property rights (Rodrik 2000).

## Importance of Passing the House down to Future Generations

One of the objectives of the survey was to address a commonly held perception, that people are mostly interested in home ownership such that they can pass their house onto future generations. A question in the survey specifically targeted this issue. Over 75% of responses indicated that this was very important, which was the most consistent and strongest response to any question (and especially so for Palm Island, Kowanyama, and Lockhart River).

Despite the strength of this response, the question was leading, so it was necessary to verify the response against a more open-ended question. A separate question enquired generally about the good things that might come with owning, rather than renting a house. Although the relative importance of the "pass onto future generations" aspiration was prevalent in the responses to this question, other positive attributes of home ownership were also emphasised such as control, pride and economic benefits. It is concluded that aspirations for home ownership cannot be summarised as "simply a wish to pass the house on to their kids", although this is certainly an important factor.

## General Understandings of Home Ownership

A series of questions were asked to understand the level of understanding of home ownership on community title land, particularly to guide the design of a viable home ownership scheme. These questions included (a) a comparison between the positive and negative values of renting and purchasing, (b) the time and economic commitment for home purchase, (c) the need for a good rental payment history to be eligible for such a scheme, (d) responsibility for repairs, maintenance and other costs, and (e) the impact of such a scheme on household mobility.

The interviewees were first asked to describe positive aspects of renting their current home. Most people identified either "cheap rent" or "no responsibility for maintenance" as good things about renting. Interviewees were then asked to describe negative aspects. Close to half of the respondents indicated a problem with their current house, either due to a lack of maintenance or poor design and construction. A significant number of responses referred to "dead money", with respondents arguing that their past rent payments could have already bought their house. Interestingly, a small but significant number of respondents were concerned that their rental home might be assigned to another person if they left the community for an extended period. This was due to their strong attachments to particular houses often expressed by improvements to the house and garden.

Interviewees were then asked to describe the positive advantages that might arise from owning, rather than renting, their home. The majority of responses related to improved control and security, including freedom to choose the design, make improvements, decide who lives there, pass on to future generations, and to not lose the house if the family left the community. A proportion of responses also related to self-esteem and pride. Only a small proportion of responses related to the perceived economic advantage of home ownership, such as being able to better negotiate loans and obtain mortgages. A number of informants predicted that home ownership would be an incentive for people to take better care and pride in their houses. Interviewees were then asked to describe negative aspects. Most responses could be sorted into three categories: (a) land related issues, including native title issues, and the problems of negotiating a preferred house location, (b) the added responsibility for maintenance, insurance, rates, natural disasters, and (c) the additional costs and repayments. The diversity and sophistication of the response to this question suggested that people

had a good understanding of the implications of home ownership. This was especially evident in Palm Island and Cherbourg. A significant number of responses from Palm Island indicated that there was "nothing bad" about home ownership.

The survey then focused on a range of specific issues. Interviewees were asked if they had thought about the proposition that when one buys a house one normally becomes responsible for repairs, maintenance, insurance, and even rates. The vast majority of people (77%) were also aware of this additional responsibility associated with home ownership. Most people indicated that they would either do the repair themselves or get someone to help them, depending on the nature of the repair or maintenance job required.

Interviewees were asked whether they would expect Council to have an ongoing role to assist them after they had begun to purchase their house. The clear majority of people (63%) expected Council to do so. This trend was more prevalent in Kowanyama and Lockhart River. An open-ended question then explored the role Council should have. About one third of responses indicated that Council should have an ongoing role with repairs and maintenance. This is not surprising given the lack of private tradespersons operating in remote communities. Most people, especially at Kowanyama and Lockhart River, indicated that they would be prepared to pay Council for maintenance and other services.

Although most households (53%) interviewed expressed their preference to purchase a new house, a significant proportion (41%) indicated their preference to purchase their existing house. This was highest in Cherbourg, presumably due to the higher standard of housing there. Most people who indicated a preference to purchase their current house stated either that it was a new or recently renovated house or that it would need to be repaired or renovated first. People who indicated a preference to purchase a new house commonly raised problems with the design, condition or location of their current house. In choosing the preferred location for a new house, some preferred to build out of town. This would raise potential problems with servicing remote allotments and conflicting native title rights. Home ownership schemes may therefore need to be limited to within the community township area and/or to serviced sites, where native title implications are reduced.

The survey explored the relationship between the purchase price, and the period and level of repayments. Most people were aware of the financial principles of home ownership. Interviewees were asked how many years were needed to buy a home. Responses varied from 3 to 30 years with a median time of 12.5 years. A number of interviewees commented that the length of time depended entirely on the value of the house, the repayment levels and the age of the person buying the house. People were asked if they thought that this amount of time to buy their house would stop them moving around as much as they would like. Most of the people indicated this would not be the case. Many people commented that they could always get a family member to stay in the house if they left the community. Some people were attracted to home ownership for this very reason; i.e. they would be able to leave the community without their rental housing unit being reallocated to another family. The survey also asked people when they would like to buy their own home. The vast majority of people (80%) indicated either as soon as possible or in the next year or two.

Another question asked interviewees how important it was to have a regular source of income for buying a house. Clearly, people were well aware of this need. Interviewees were then asked whether purchasers should have a good rental history to qualify. Most people also recognised this importance. (This question was not applicable at Kowanyama due to the operation of a levy system there.) Nevertheless, a number of respondents sounded warnings about taking this requirement too far, and the need to consider the full rental history of the applicant as well as other personal achievements of saving and buying.

A series of questions explored (with only partial success) the level of repayments that home purchasers could afford in a home ownership scheme. The median level of affordable repayments was stated to be approximately $80 per week, which may be exaggerated. The early Scoping Study Report (Moran 1999) estimated that affordable level of repayments would be approximately $39 per week. Further assessment of household income levels and expenditure patterns is required to assess the affordability level for loan repayments. This could begin with a detailed analysis of census and other available housing data to better understand household income characteristics and distribution across the four communities. It is however clear that the ability of households to afford the costs of loan repayments and maintenance is limited. The issue of affordability will be critical, and if not mitigated, the vast majority of the community will be excluded from home ownership. These include retired people, people who are towards the end of their working career, and people who receive social security payments or CDEP salaries.

If home ownership is going to be an option for most people, subsidies will be required to improve the affordability of home ownership programs across a broader community level. Subsidies could also be utilised to reduce the problems of valuations in a closed housing market. This could be justified in light of the current high level of funding provided for the management and replacement of rental housing units. The scoping study (Moran 1999) provided several different subsidised finance and valuation models, including a depreciated lease-to-purchase, subsidised mortgage, interest free mortgage, subsidised repayment, and schemes which reduce building costs.

It should also be noted that an identified survey finding, which was not specifically addressed by any particular question, was the view that compensation should be paid or otherwise recognized for various wrongs incurred under the suppressive and unjust history of Aboriginal legislation in Queensland (see Kidd 1997), or alternatively for a lifelong history of faithful rental payment. The demands for compensation in lieu of purchasing were particularly strong in Cherbourg and Palm Island, but were also heard in other communities. It is possible that such claims could be settled with offers of subsidised home ownership schemes.

Almost all of the quantitative questions designed to explore people's expectations and commitment to home ownership were answered positively. People were found to be generally informed about the added responsibilities and costs although this was more evident in Palm Island and Cherbourg than in Kowanyama and Lockhart River. Other qualitative questions revealed rich and diverse responses on issues from all four communities, Most of the households interviewed also had some appreciation of both the advantages and pitfalls of home ownership on community title land. This is not to suggest that education and other support will not be required, but it does suggest that most households were in a position to make informed choices. This did not apply to everyone, but home ownership will never be the aspiration of all, nor will all applicants be eligible (as is the case for the rest of Australia).

The survey clearly dispelled any concerns regarding the level of awareness at a community level of the complexity of home ownership on community title land. Indeed, if anything, the survey instrument underestimated the level of complexity, which suggests that external stakeholders also have something to learn.

## Conclusions

There are a significant number of households in Cherbourg and Palm Island who are in a position to make an informed choice to purchase their home. It is expected that similar aspirations might also be found on other Queensland DOGIT communities such as Woorabinda, Hope Vale and Yarrabah. This aspiration is a strong demonstration of initiative and economic self-determination which deserves support. It is concluded that a home ownership scheme should be trialed in Palm Island and Cherbourg on a small scale. As the project is implemented and lessons learnt, the project could be

expanded to include other households in these communities, and then offered to other communities. Given the different expectations and constraints of different households and communities, the design of a home ownership scheme should be flexible enough to accommodate a range of community situations. This will largely only be possible through the devolution of authority and resources to Community Councils to permit them to regulate the scheme locally.

The survey results from Kowanyama and Lockhart River do suggest, however, that home ownership may not be a priority for all communities in Queensland, at least not in the conventional sense of purchasing a house on a serviced allotment in town. Other options could potentially be found which might satisfy broader community definitions of 'home ownership'. This will require further in-depth research, community consultation and innovative solutions.

Home ownership for Indigenous people living on community title could profoundly alter the economic and social fabric of Indigenous community settlements in Queensland, and perhaps Australia. Despite the many calls for home ownership, from remote outstation groups to peak representative bodies like the ACC, there are as many calls for caution. The complexity surrounding the issues is undeniable and must be approached with care and rigour. Clearly, this is evident in the Kowanyama experience. Past attempts at home ownership there proved to be ill conceived and poorly implemented. The design of a home ownership scheme should learn from the 'Katter leases' in Kowanyama, including: -
1. It was a government initiative pushed by the external stakeholders, rather than the community itself (the Council had only recently been established and was still inexperienced).
2. The houses sold were already old and close to the end of their life cycle.
3. People did not understand that maintenance was their responsibility; there was no education program or other support provided to homeowners.
4. Land dealings for deceased estates and/or transfer of the lease back to Council were not resolved from the onset.

The current survey has probably raised as many questions as it has answered. It has identified culturally specific dimensions to home ownership which go well beyond the usual economic basis of mainstream home ownership. It is certainly clear that it will not be possible to simply transpose mainstream home ownership models. Although the household survey found a general awareness of the limitations and pitfalls of home ownership, a significant number of households had a genuine and committed aspiration to own their own house. The path to achieve this may not be easy, but considering the problems of the current system of community rental housing, and the lack of an economic base in remote communities, the potential for positive change is significant.

An aim of this survey was to inform a design process by the Queensland Department of Housing to develop a home ownership scheme(s). The design process should address the following key issues: -
1. For most, the aim of a home ownership scheme must be seen, not primarily as an economic investment, but one of security (and eventually a low cost) of occupation, which will carry across generations within a descent group. However, a second aim of the scheme should be to provide home owners with a capacity to borrow money for other enterprises, and from outside of the Indigenous sector (as requested by a small number of people at Palm Island); i.e. to convert community assets from what is currently 'dead capital' in the wider economic system to viable 'currency' so as to be able to secure loans (Pearson 2001). This is a most challenging aspect that requires micro-economic analysis and identification of potential loan schemes, either existing or to be realized.
2. In order to prevent external landlords, it will be necessary for the housing market to be closed to those outside of the community. This would include the development of house valuation techniques for a closed housing market (probably linked to replacement or renovation costs).

3. Sale of houses to third parties (i.e. other than the first owner and the Council) may be possible in certain communities, but would have to be restricted to at least the permanent Indigenous members of the community, and possibly further to within particular social groups, such as extended families, descent groups, clans or language groups, as defined locally by the Community Council. There may in fact be scope for a number of Community groups to each form a separate Co-operative and hold shared title to a number of houses.

4. In order to preserve community heritage and native title rights, the base land tenure of the house blocks cannot be alienated. It is possible that an acceptable mode of leasehold tenure could be devised which gives adequate security and control. However, Indigenous Land Use Agreements (ILUAs) are likely to be required under the Native Title Act as a prerequisite to such.

5. The level of repayments required under the scheme should match people's ability to keep up with repayments and maintenance. Home owners will also need insurance against events such as cyclones, fire and vandalism. Council may also require private landholders to pay rates and other charges.

6. Each Council must consider how repairs and maintenance will occur so as to take a proactive approach to sustaining environmental health, and consider building this into the design of the scheme. One option for consideration would be for owners to pay a levy into a special fund which the Council administers.

7. To prevent the situation which arose with the 'Katter leases', procedures will be required in the event of; (i) a house falling into disrepair and/or becoming a health risk; (ii) a household defaulting on their repayments; and (iii), a house owner dies without any family or heir apparent. This may require procedures whereby a Council can take back ownership of a house. Existing houses should also be upgraded to an acceptable standard of construction and finish before being offered for sale.

8. Location of home owner units will be determined by the availability of serviced blocks and people may not be able to get their preferred location.

9. Decision-making processes, especially land matters, should be devolved to the local level.

The Full Council of the ACC reviewed the findings from the preliminary household survey and endorsed the report's conclusions and recommendations. The ACC is of the view that once the Queensland Department of Housing has developed working models for home ownership schemes, these options need to be taken back to the communities for feedback and further consultation (Sands 2001). The viability of a home ownership scheme at a community level can then be further tested and refined.

## References

deSoto, H. 2001, *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else*, Bantam, London.

Fitzgerald, T. 2001, 'Cape York Justice Study, Volume Two: The situation of Cape York Indigenous Communities', Queensland Department of Premier and Cabinet, Brisbane.

Kidd, R. 1997, *The Way We Civilise: Aboriginal Affairs - the untold story*, University of Queensland Press, St Lucia.

Memmott, P. 1998, 'Report on Community Housing Management Workshops for the Island Coordinating Council', Aboriginal Environments Research Centre, University of Queensland, Brisbane.

Moran, M. 1997, 'Technology and Health in Indigenous Communities: USA, Canada and Australia', Winston Churchill Memorial Trust. Available from http://www.mfmoran.com.

Moran, M. 1999, 'Home Ownership for Indigenous People Living on Community Title Land in Queensland: Scoping Study Report', Aboriginal Coordinating Council, Aboriginal and Torres Strait Islander Commission. Available from http://www.mfmoran.com.

Moran, M., Memmott, P., Stacy, R., Long, S. & Holt, J. 2001, 'Home Ownership for Indigenous People Living on Community Title Land in Queensland: Preliminary Community Survey', Aboriginal Environments Research Centre, Aboriginal Coordinating Council, Aboriginal and Torres Strait Islander Housing. Available from http://www.mfmoran.com, Brisbane.

Pearson, N. 2000, 'Our Right to Take Responsibility', Noel Pearson and Associates, Cairns.

Pearson, N. 2001, 'Feature Review of 'The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else', *JAS Review of Books,* vol. 1, Available from http://www.api-network.com/jasreview.

Rodrik, D. 2000, 'Institutions for High Quality Growth: What They Are and How to Acquire Them', *Studies in Comparative International Development,* vol. 35, no. 3, pp. 3-31.

Sands, B. 2001, 'Community Home Ownership Options under Consideration', *Aboriginal Coordinating Council Newsletter,* May 2001.

**Acknowledgements:**