Governing Disassembly

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Governing Disassembly

ABSTRACT *Without proper attention, houses disassemble. In public housing, property management regimes are charged with performing the repairs and maintenance necessary to combat this entropic tendency. This article argues that such governance regimes can accelerate housing's disassembly, through rules that restrict housing interventions, bureaucratic technologies that misrecognize housing failure, and processes that defer and delay necessary fixwork. It analyzes Indigenous housing in the Northern Territory of Australia, in terms of three specific legal-bureaucratic instruments and the temporalizations they constitute: the lease and promise; the tender and repetition; the condition report and waiting. The article considers the effects of these pairings in Alice Springs town camps and the challenge of thinking beyond bureaucratic housing regimes.*

KEY WORDS: Housing, policy, maintenance, temporality, property management

Without proper attention, housing disassembles. While housing breakdown is inevitable, its trajectory is hardly predictable. A pipe bursts, a toilet blocks, windows crack, an oven breaks, taps calcify, mold grows, formaldehyde exhales, rats chew, termites burrow, and any originary failure can manifest a series of distributed effects requiring intervention. To build a house is to seal the fate of perennial repairs and maintenance.

The form that housing remediation takes typically depends on legal tenure – the historical ossification of rights and obligations to repair broken things. Owner-occupiers with liquid capital employ a local tradesperson, or head to the hardware store and then perform some

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DIY. Tenants in private rentals debate whether to contact their landlord, weighing the

complaint against the threat of increased rent or eviction. Similarly, public housing tenants

might submit a request to the property manager responsible for maintaining their

accommodation to legal minimum standards. In all cases, residents are vulnerable to the skill

and depth of fixwork, the efficacy of guidelines and regulatory oversight, and the perpetual

but sporadic deconstruction of domestic environments.

This article is focused on public housing tenancies in the Northern Territory (NT) of

Australia. It provides a concrete analysis of particular legal-bureaucratic instruments

operating in a specific context: the Alice Springs town camps. Following Valverde (2015, p.

2), the language of 'concrete analysis' rather than case study aims to avoid any implication

that the description exemplifies general theoretical concepts or homogenous, coherent,

higher-level policy intentions. This is important because governance arrangements in Alice

Springs town camps are different to those at other NT town camps, and from arrangements at

other remote communities, in urban public tenancies, or on Indigenous homelands, let alone

other Australian state and territory jurisdictions. Generic policy instruments appear across

multiple contexts and are implemented according to common social and political goals.

However, the critical tendency to scale analyses to system-level explanatory forces such as

neoliberalism, late capitalism, settler-colonialism, and post-industrialism, while politically

useful, rarely illuminates how governance practically unfurls in particular places. Holding

such diagnoses at bay is significant not simply as a matter of accurate description, but on

behalf of understanding the networks into which alternative programs – reformist or radical –

might effectively intervene.

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This article argues that governance regimes are central to the poor condition of much state supplied Indigenous housing. In doing so, it models an argument for detailed attention to *how* technologies of governance accelerate housing breakdown. It responds to academic analyses that provide summations of the poor state of Indigenous housing in order to offer recommendations for new principles, guidelines, surveys, working groups, funding, and so on – as though the introduction of those reforms will be either easily won or actionable without compromise or novel ill-effects. This is not a rejection of the optimism inherent in proposals for more just or effective policies, or even, as Lea (2012, p. 120) aptly diagnoses, an argument about the 'remedial circularity' of self-sustaining government bureaucracy and academic critique. I argue that any such proposal must begin with a thorough understanding of the techniques of existing regimes and how these might be reformed, redeployed, or set aside in any newly proposed configuration. Call it staying with the trouble (Haraway, 2016), staying with the state (Lea, 2021), or wading through the banal detail of everyday governance. This requires attending to how the present is underpinned by conflicting legacies that orient and constrain the potential impact of contemporary policy and activism alike.

Through close analysis of the 2016 NT Public Accounts Committee *Inquiry into Housing Repairs and Maintenance on Town Camps*, this article considers how housing's disassembly is occasionally delayed, but more often accelerated and exacerbated by governance regimes. Attention to the detail of how property and tenancy management systems oversee the disassembly of housing focuses here on three specific legal-bureaucratic instruments and the temporalizations they constitute for houses and their tenants at Alice Springs town camps. These are the lease and promise; the tender and repetition; and the condition report and waiting. The description that follows shows how such techniques of attention and intervention can contribute to housing's entropy, suggesting pause for analyses that, by

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exposing government negligence, conclude a need for greater oversight. The conclusion

nevertheless reflects on the utility, if not inevitability, of those instruments for effective

housing governance.

Disassembly

In the United States, disinvestment from necessary repairs and maintenance accelerated the

dilapidation of public housing towers in a process of active neglect or '*de facto* demolition'

(Arrigoitia, 2014, p. 173). This process legitimated calls to condemn public housing and the

transition to a system of state subsidized vouchers for the private rental market

(Seicshnaydre, 2016). Much analysis of such phenomena situates their progress within

governments' increasingly neoliberal welfare policies, hastened by corporate lobbying for

profitable development (Goetz, 2013). In contrast, Indigenous housing in the Northern

Territory (NT) has in recent years shifted to a mostly public system. This system has been

subject to significant Commonwealth and NT government expenditure on residential

construction, under the 'Strategic Indigenous Housing and Infrastructure Program' (SIHIP),

the *National Partnership Agreement on Remote Indigenous Housing* (NPARIH), and the

ongoing 'Our Community. Our Future. Our Homes.' (OCOFOH) programs.

2007 was a pivotal year for this intensification of state involvement in Indigenous housing in

the NT, including the assumption of obligations as landlord that play out in Alice Springs

across the following decade. Housing in regional and remote communities that was

previously managed by Indigenous Community Housing Organizations (ICHOs) became the

object of Commonwealth, and quickly NT, governance via the Northern Territory National

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Emergency Response ('The Intervention'), and according to the broad goal of 'normalising'

social service provision. Under the guise of concern for child sexual abuse, the

Commonwealth government exempted Intervention measures from the protections of the

Racial Discrimination Act 1975 and without consultation passed a tranche of major reforms

in NT Indigenous communities (Altman, 2013). The breadth and ongoing impact of the

Intervention constitutes it as a critical event, in Das's (1997) terms, as one that involves the

annihilation and recreation of worlds, including Indigenous people's control over their

housing. While the programs and agreements listed above have increased housing stock and

marginally reduced crowding, a significant proportion of town camp and remote community

housing remains in poor condition and requires refurbishment or replacement (DHCD, 2017;

Commonwealth, 2017).

This article does not assess the relative outcomes for housing under community versus

government management. Instead, it considers one of the key recommendations of the

Commonwealth's (2017, p. 2) NPARIH review – 'an increased emphasis on planned cyclic

maintenance' to maintain existing housing stock – against one of the NPARIH's original

goals: to 'Implement robust and standardized Property and Tenancy Management (PTM) of

all remote Indigenous housing' (COAG, 2008). That is, it places the recent recommendation

alongside the near-identical commitment from a decade prior. These are not juxtaposed to

simply criticize government failure, but to highlight the distance between high-level policy

commitments (who but the most polemical commentator would argue against the need for

cyclical maintenance of public assets?) and everyday governance. Graham and Thrift (2007,

p. 5) suggest we might understand 'breakdown and failure as the means by which societies

learn and learn to re-produce', however there is nothing inevitable to such lessons. In political

announcements and policy design settings, property and tenancy management are often

subordinated to capital works, despite planned maintenance being long understood as necessary for sustainable Indigenous housing (Pholeros *et al.*, 1993). However, even as repairs and maintenance are increasingly proclaimed within policy frameworks and budgets, the disassembly of Indigenous public housing continues to be underpinned by the legal-bureaucratic instruments engendered by those governing regimes.

By disassembly, I mean the dilapidation, deterioration, decay, and breakdown that the housing assemblage experiences from the point of construction. Such changes in form convey the nature of housing as a *permeable membrane* that both shelters and sustains its inhabitants while subjecting them to the dynamic effects of building materials and the surrounding environment (Murphy, 2006; Shapiro, 2014). To paraphrase Braun and Whatmore (2010), this is the *stuff* of housing politics that exposes housing as always 'housing-in-action' (Jacobs *et al.*, 2011, p. 83). While housing metamorphoses are technically complex, unpredictable, multi-directional, and variously sensible, inevitable processes of disassembly can be deferred by effective property management. Paying adequate attention to *how* this form of quotidian governance unfolds, this article eschews extended engagement with a vast literature offering diagnoses for spatial zones of sacrifice, exploitation, and abandonment, and therefore relevant to the protracted radical contingency of certain Indigenous housing contexts in central Australia (Povinelli, 2011; Lerner, 2012). Spatial constraints also limit a thorough review of an expanding literature on infrastructural time, including analyses of developmental and extractive temporalities (Appel, 2018), and of the anticipatory character of infrastructural projects (Cross, 2015) – though such work informs the following discussion.

Instead, I turn to Vigh's description of crisis and chronicity to help frame the recent history of Northern Territory town camp housing. For many people, Vigh (2008, p. 6) argues, 'crisis is

endemic rather than episodic and cannot be delineated as an aberrant moment of chaos or a

period of decisive change'. As such, the 'temporal persistence of […] dysfunction' (Estroff in

Vigh, 2008, p. 10) forces people 'to make lives in fragmented and volatile worlds rather than

waiting for normalization and reconfiguration' (p. 8), attuning to and navigating disorder.

Applying this framing, we can see there is not simply a housing crisis in the NT; rather, the

instability, unpredictability, and continuity of housing insecurity is the long-term context

from which people (residents and property managers alike) interpret and act in the world.

This bears on determinations of acceptable standards, necessary oversight, timeliness, and

how dilapidated or cruddy something might become before housing's entropy is attended to.

While property and tenancy regimes instantiate an interventionist and stabilizing logic –

maintain assets and encourage resident sedentization – they have in fact contributed to this

perennial crisis-as-context. Such regimes have the potential to displace residents, not by

shifting them spatially (though they sometimes do), but by '[leaving] communities in a place

stripped of the very characteristics that made it inhabitable' (Nixon, 2011, p. 19). Such

characteristics include community control over housing and the self-determination this

affords First Nations people even where property management presents a practical challenge.

Narrowing from such useful abstractions as abandonment, slow violence, and ongoing crisis,

property and tenancy management involves legal-bureaucratic instruments which undermine

effective intervention through various obstructions, deferrals, delays, disincentives,

accelerations, and intensities. Policies enable generic instruments to unfurl in specific and

sometimes unruly ways (Lea, 2020), constituting particular temporalizations: that is,

organizing and ordering time according to the demands made of the subjects they govern.

Following Bear (2016, p. 492), this is 'time as technique' (or *techne*) in housing governance,

where 'technologies of imagination … are acts of creative, skillful making that intervene in

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our experiences of the passage of time and senses of agency'. Apart from the lease, the

tender, and the condition report, there are numerous bureaucratic technologies involved in

property management: titles, tenancy agreements, rental ledgers, work orders, employment

contracts, construction standards, and so on. Bureaucratic instruments manipulate time to

bring particular social worlds into being: setting temporal limits for contracts, programs, and

eligibility; establishing the patterns and rhythms of interventions and their requirements;

resurrecting biographies and precedents to adjudicate in the present; manifesting conditions

of temporal scarcity or abundance; and revising, delaying, and accelerating the velocity of

governance in general.

The myriad ways that time might be manipulated by bureaucratic instruments indicate the

variability of property and tenancy management regimes, even within a jurisdiction. In the

NT, housing quality is chiefly governed by the *Residential Tenancies Act 1999* (NT), which

sets (undefined) standards for security, habitability, and cleanliness (Grealy & Lea, 2020).

Maintaining housing stock to meet legislative standards, where a residential tenancy

agreement is in place, is the chief requirement of property management. Pholeros and Phibbs

(2012) argue that best practice housing maintenance approaches include: utilizing the

National Indigenous Housing Guide; prioritizing safety and health issues; employing

environmentally appropriate materials and techniques; consulting with local communities and

employing local labour; and implementing multiple inspections to ensure high standards. Yet

any such list belies the empirical tribulations of instituting guidelines, establishing oversight,

training personnel, and guaranteeing funding to protect hard-won gains. In the NT, particular

challenges include access to licensed contractors, the cost of remote procurement, limited

rental revenue, employment and training requirements, population increase and mobility, and

environmental factors. Bureaucrats, service providers, asset managers, and maintenance

officers face such challenges within systems underpinned by contradictory logics regarding

the rights and obligations of residents to housing. The failure of property management to

combat disassembly is thus not simply attributable to an absence of effort or the malintent of

professionals involved, even if, as Lea (2012) argues, the reproduction of Indigenous

communities as anarchic is necessary to justify the continuity of government intervention.

The following section provides a concrete analysis of governance within a specific context:

the Alice Springs town camps. It is divided into three sub-sections that each pair a particular

legal-bureaucratic instrument with a related figure of temporal subjection: the lease and

promise; the tender and repetition; and the condition report and waiting. The lease, the tender,

and the condition report are governmental instruments designed to specify obligations for

housing provision, designate responsibility for remediating shortcomings, and survey the

state of those assets. These are instruments for managing the disassembling tendency of

housing, but which the analysis shows can actually accelerate breakdown.

Things Fall Apart

This analysis is based on the 2016 *Inquiry into Housing Repairs and Maintenance on Town*

Camps (hereafter Inquiry). The Public Accounts Committee (PAC) is designed to scrutinize

government spending, and this Inquiry was driven by the NT government obligation to

review town camp infrastructure every three years, alongside 'growing concerns about the

condition of housing on town camps and repairs and maintenance not being completed within

a reasonable period of time' (PAC, 2016i, p. 11). The NT government had assumed

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responsibility for some town camp housing following the Intervention, but had failed to meet

its review obligation for six years.

The PAC Inquiry sought:

> To inquire into and report on the repairs and maintenance of housing on town camps in
>
> the Northern Territory, with particular regard to:
>
> (a) Timeliness of completing repairs
>
> (b) Costs of repairs; and
>
> (c) Consistency, accessibility and efficiency of administrative arrangements (PAC,
>
> 2016i, p. 10).

Among numerous evaluations of NT housing, the Inquiry is unusual for its sustained

objectification of the systems charged with managing and maintaining housing. At the time of

the Inquiry, subleasing arrangements meant that the NT Department of Housing (hereafter the

department) was administratively responsible for housing at 17 town camps at Alice Springs

(including 284 houses), contracting third-party providers for housing management services.

Alice Springs is the largest town in Central Australia, situated about 1,500 kilometres from

the northern city of Darwin and South Australia's capital, Adelaide. Home to about 25,000

people, Alice Springs is a regional hub for surrounding remote communities and the town

camps on its immediate periphery. These camps emerged in the late-nineteenth century as

pastoralists displaced Indigenous people from their traditional country towards the town's

fringes. Aboriginal people were prohibited entry into Alice Springs from 1928 to 1964 unless

they possessed an employment permit, and town camps were destroyed at least four times

between 1929 and 1960 (Coughlan, 1991). Securing tenure to town camp lands surrounding

Alice Springs was a major political victory for Indigenous people, achieved through the serial

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recognition of individual housing associations as leaseholders from the 1970s onwards.

Vivian (2010, p. 15) describes that

> In contrast to the systematic cultural destruction imposed by church run missions and
> government settlements, [at town camps] children were not placed in dormitories,
> Aboriginal languages were not forbidden, cooking was not restricted to communal
> dining rooms and life was not regimented.

The Inquiry thus provides an important picture of the effects of state intervention that was not
requested, and which in the name of securing state access to assets has undercut hard-won
rights of Indigenous people.

This analysis of repair and maintenance regimes is mediated by the Inquiry's materials. In
addition to the *Report on Repairs and Maintenance of Housing on Town Camps* (PAC,
2016i), this includes 11 written submissions, transcripts of two days of public hearings,
answers to written questions and questions taken on notice, and associated media releases.
Such documentary genres effect obvious exclusions and provide variously reliable accounts
of town camp governance. But taken together these texts indicate the administrative obstacles
to adequate housing outcomes. It is tempting to characterize this analysis as an ethnography
of documents (Hull, 2012), but while the specificity and embeddedness of documents within
housing management is considered in detail, the chief focus is with looking through the
contents of paperwork rather than at the material forms of documentation (Kafka, 2009). That
said, the conclusion considers the Inquiry's role in instigating the NT government to meet its
review obligation, and thus the capacity of bureaucracy to reproduce itself through reform.

The Lease and Promise

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At Alice Springs town camps, the conditions in which property management regimes were established were significantly structured by local leasing arrangements, which were subject to significant reform through the Intervention. Under section 31 of the *Northern Territory National Emergency Response Act 2007* (Cth), the Commonwealth government compulsorily granted five year leases over 64 NT Aboriginal Communities. This was a radical departure from the governance of land and leasing under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) (*ALRA*) and the *Native Title Act 1993* (Cth). Until the early 2000s, Indigenous housing and municipal infrastructure was typically funded and often constructed by governments without formal property arrangements (Terrill 2009). A shift from this approach preceded the Intervention, through the cessation of the Community Housing Infrastructure Program (CHIP) and Commonwealth funding of Indigenous Community Housing Organizations (ICHOs), as well as via the Commonwealth government amendment to the *ALRA* to allow for 'township leasing', whereby the land on which an Aboriginal community sits is leased to the Commonwealth, which can then sublease sections of that land (Terrill, 2009). This 'secure tenure' policy was consolidated by the Intervention in 2007, under the *Memorandum of Understanding on Indigenous Housing Accommodation and Related Services*, and in the 2008 *National Partnership Agreement on Remote Indigenous Housing* (NPARIH), in which parties agreed that the Commonwealth would have no further responsibility for the delivery of Indigenous housing and infrastructure. Exemplifying a broader trend toward welfare 'conditionality' at both the levels of behaviorally-proscribed tenants and contractually-restrained state and territory governments (Nethercote, 2015), Commonwealth funding for Indigenous housing and infrastructure was made contingent on securing access to Indigenous communities via leases. In effect, this has resulted in 40-year subleases over housing precincts in remote communities and town camps to the (now) NT Department of Local Government, Housing and Community Development. Within such

arrangements, the department assumes legal responsibility for housing, including property

management and tenancies.

The Inquiry sought to sift through the muddle that this leasing revolution generated. At Alice

Springs in 2009, Aboriginal Housing Associations representing 14 town camps entered into

tripartite Living Area Subleases with the Commonwealth authority, the Executive Director of

Township Leasing (EDTL), and the Chief Executive Officer of the (then) NT Department of

Housing. The EDTL established a Housing Management Agreement (HMA) with the NT

government which transfers responsibility for 'all areas located within the town camp

boundary and captures all infrastructure, including housing, open spaces roads, parks and

community centres' (PAC, 2016i, p. 24). By the Inquiry, this situation applied in 17 town

camps, with subleases established for a period of 40 years. Despite this temporal horizon, the

Inquiry heard that the HMA had expired in 2012, subsequently operating as a periodical

agreement on a month-to-month basis. EDTL annual reports noted that the HMA's month-to-

month status meant capital works had not been able to progress in town camps, while the

HMA stipulated that individual tenancy agreements could not extend beyond its conclusion.

Thus the inability of the Commonwealth and NT governments to secure ongoing agreements

meant that residents were subject to insecure tenancy arrangements in contexts where

infrastructure provision was also impeded.

Tangentyere Council – an Aboriginal-controlled incorporated association that represents

Alice Springs town camp housing associations – has since its establishment in 1977 earned a

widely respected reputation as a community council and resource organization. Prior to the

Intervention, Tangentyere Council managed 199 houses across the town camps. Throughout

protracted negotiations during the Intervention period, Aboriginal Housing Associations

through Tangentyere Council resisted government pressure to sign a 99-year sublease to town

camp lands in exchange for 50 million dollars funding for housing and essential

infrastructure. The eventual 40-year sublease was agreed to following a commitment of 100

million dollars over five years. Lease negotiations included an eventual ultimatum put by the

Commonwealth that tenancies become the responsibility of the NT government or else the

Commonwealth would compulsorily acquire town camp land. Lawyers for Tangentyere

Council responded that, faced with compulsory acquisition, 'The loss of tenure to these lands

is something that is abhorrent to the housing associations and they could not run the risk that

it might occur' (in Graham, 2009). Although town camps subsequently received new houses,

refurbishments, and improvements to municipal infrastructure (PAC, 2016i), Tangentyere

Council conveyed that consent given under duress does not preclude refusal (see Simpson,

2016), stating that it

> remains of the opinion that the essential housing and services should not have come at
>
> the price of leasehold. Weighing up the extreme level of need of Town Camp residents,
>
> with the threat by the Commonwealth Government to compulsorily acquire the camps
>
> if they did not sign, the Housing Associations negotiated the best option available at the
>
> time, and agreed to sign the subleases. (Tangentyere Council, 2020)

The tying of housing and infrastructure funding to long-term leases forced the hand of many

communities into agreements like those thrust upon Tangentyere Council. Leasing under the

secure tenure policy required contract-making between radically unequal parties. Rental

revenues from Indigenous community housing are typically insufficient to cover house

insurance and repair and maintenance costs, underpinning a reliance on government subsidy

(Habibis *et al.*, 2019). The NT government is itself structurally dependent on Commonwealth

income via the redistribution of state and federal taxes. In this context, 40-year leases

represented a compromise from the original government demand for 99-year leases. But such

agreements were also established following Commonwealth impatience at ongoing

negotiations and the eventual threat of compulsory acquisition. That negotiations must

conclude was disputed by Tangentyere Council's lawyers, who responded to the

Commonwealth that 'It is simply incorrect to assert that time has run out. The timetable is

completely within your power to set, as indeed you have done throughout these negotiations'

(in Graham, 2009). Commonwealth control of both the clock and the purse strings in

negotiations was indicative of a wider phenomenon across this Intervention period wherein

the demand for secure tenure became conditional for government housing and infrastructure

funding, with the absence of leases exploited by governments to justify the delay of

infrastructural provision. This was a convenient application of the NPARIH clause on

'normalised service arrangements', interpreted as concerning the standardization of leases

rather than of living standards. Since the Intervention it has also proved empirically untrue

that leases are required for government-funded housing: after a decade of delay, houses were

constructed at Borroloola town camps without leases in place, while only 16 of 73 remote

communities received new houses under SIHIP with the majority receiving housing

refurbishments.

In Alice Springs, as across the NT, the lease has operated as a demand and a promise. The

leaseholder exchanges relative political autonomy for the promise of housing and

infrastructure, and the formalization of ongoing obligations to manage and maintain those

assets. Protracted lease negotiations have themselves contributed to housing dilapidation, by

delaying the institution of legal arrangements, funding, and staffing for repair work. But this

period of negotiation is also the temporal window during which commitments to funding and

services can be extracted from governments and after which such opportunity dissipates (Howey, 2020).

The emergency rhetoric and lawmaking underpinning the Intervention facilitated the production of leases under new norms for conditional infrastructural provisioning: no lease, no houses. This can be understood through Stoler's (2013, p. 8) description of imperial formations as 'states of deferral', establishing 'gradated forms of sovereignty' and offering promissory notes for future autonomy. However, the length of such sublease arrangements – 40 or 99 years – defers community autonomy in housing management into far-flung futures, even as shorter-term subordinate arrangements such as HMAs expire and generate negative implications for residents' tenancies and community infrastructure. The opening urgency of agreement-making transitions into governmental inertia, as the long-term temporal horizons of leases establish the continuity of unstable governance for town camps. For, as described above, a 40-year sublease garnered only five years of funding, with subsequent investment dependent on future negotiations. With this legal framework in place, the capacity (or willingness) of the NT government to fund future housing programs is contingent on renewed Commonwealth funding. This was evident at the twilight of the NPARIH in 2018, when protracted delays over funding arrangements between the Commonwealth and NT governments were resolved, (in the form of 500 million dollars of Commonwealth housing funding over five years), in the same week the NT government lifted its moratorium on exploration for hydraulic fracturing. As a particular legal instrument, the lease thus establishes the temporal context in which the NT government is responsible for town camp property and tenancy management, but where the available funding for meeting legislated obligations is far from guaranteed.

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The Tender and Repetition

The Inquiry examined the period 2010 to 2016, following the establishment of subleases for Alice Springs town camps in 2009. Across this period, the department subcontracted housing management services through a public tendering process, while remaining responsible for contract management, procurement, and service coordination. Because this model differed from the NT government's urban public housing management, the subcontracting model was justified through support for local employment. In order that it could remain involved in housing management on town camps and at the government request for an independent Indigenous-controlled community housing provider, Tangentyere Council, in collaboration with the Central Land Council and Healthabitat, established the Central Australian Affordable Housing Company (CAAHC) in 2009. Thus from 2010 to 2012, CAAHC held a contract to provide both property and tenancy management services. In 2012, the department split housing management services into property management (including repairs and maintenance) and tenancy management services, awarding separate contracts. There was no clear justification for this division, although Deputy CEO Mr Bamber told the Inquiry that 'One of the cons [of having a single housing manager] is you do not have that tension between the tenancy inspections, looking at work being done by the housing maintenance contractor' (PAC, 2016ii, p. 11). Alongside these major contracts, the department also employed panel contractors to perform specialized labour, relating to plumbing and gas, electrical, refrigeration, carpentry, and pest control work.

The tender process is the formal solicitation by government to procure non-government contractors for work it is unable or unwilling to do directly. This form of contractualism has been expanded through the winnowing of public sector expertise (Fisher, 1997). Clause 11 of

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the Alice Springs subleases established a formal requirement that the NT government 'must call for tender for the provision of housing management services in the Subleased Alice Springs Living Areas within 2 years and 6 months of the commencement of the first Alice Springs Living Areas Sublease' (PAC, 2016i, p. 25). This requirement is easily framed as neoliberal outsourcing. However, in this context it is not the dismantling of a centralized state welfare bureaucracy, but rather a transformation from a prior form of ad hoc outsourcing to Indigenous Community Housing Organisations (ICHOs) to a competitive tender process for government service contracts in which the remaining ICHOs are forced to participate. Abstractly, the tender promises the enactment of an ideal bureaucracy – emotionless, impersonal, dehumanized (Weber, 1978). A job description is developed, standards and metrics are set, and a reporting and audit structure is established. An objective department then assesses prospective contractors according to their competitive advantage in what department CEO Ms Clifford characterized as an 'open, transparent and public competitive process' (PAC, 2016ii, p. 3).

In practice at the Alice Springs town camps, this tender model maintained decentralized service provision while expanding government intervention in the minutiae of administration. In particular, the division between property and tenancy management established complicated procedures for reporting housing defects and having them repaired. During the period that property and tenancy management were divided between Ingkerreke Commercial and CAAHC respectively, CAAHC (2016, p. 6) narrated that a repair request would *ideally* proceed as follows:

1. Tenant reports repair to CAAHC (TM Contractor)

2. CAAHC reports repairs to Housing

3. Housing issues work order to Ingkerreke (PM Contractor)

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4. Ingerreke contact tenant and complete work

5. Ingerreke invoice Housing for work

6. Housing pay invoice.

This process lacked quality assurance mechanisms and produced inefficiencies, confusion over responsibilities, and miscommunications (Crabtree, 2016). Specifically, once CAAHC had reported a property issue to the department, it could not discern whether a job had been completed and was prohibited from directly contacting Ingkerreke, (CAAHC, 2016, p. 6). Conversely, Ingkerreke CEO Mr Mathison complained that requests would become 'bottlenecked' within the department: 'at 4 o'clock in the afternoon we may receive 20 or 30 orders in that 10 to 15 minute period . . . Friday afternoon, Monday morning, those sort of things' (PAC, 2016iii, p. 43). In such scenarios, tenants become the *de facto* point of continuity, communicating with separate tenancy and property managers and obliged to be always available. CAAHC (2016, p. 4) stated of the tenancy services contract that 'The arrangement was riddled with inefficiencies, double handling, red tape and processes that delayed good outcomes. Where CAAHC was expected to act with relative urgency there was little reciprocal urgency offered to us by NT Housing'.

The Inquiry describes that in only six years there were three configurations of contractors responsible for property and tenancy management. CAAHC held the initial contract for two years, before Ingkerreke and CAAHC held contracts lasting 37 months, which were superseded by 16 month contracts awarded to Tangentyere Constructions and Zodiac Business Services. At the hearings, department executives struggled to explain the inconsistent length of contracts (PAC, 2016ii, p. 18). The short length of contracts, and their month-to-month extension, has obvious implications for service providers' staff retention and development. Nonetheless, the tender process is serialized on the basis that, over a designated

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period, a competitor may become better placed to provide a service. While a cyclical repairs and maintenance regime establishes the routinized labour necessary for skills development and the storage of organizational knowledge (Jacobs *et al*. 2011), this system instead consolidates the bureaucratic and contractor capacities to audit reporting and re-tender for work. For public servants and service providers alike, it discourages an ethnographic understanding of the problems property management regimes aim to address by assessing performance against measurable indicators (Lea, 2012), including the execution of documentary requirements and busy work required by the contract (Gurran & Phibbs, 2016).

The repetition of tenders for housing contracts involves minor differences in contract conditions (Deleuze, 2001) – such as their length, remuneration, performance criteria, and extension provisions – as policies are refined and funding squabbles between governments occur. In determining who should be awarded a contract, cost and efficacy, including cultural appropriateness, will be different weighted. Thus in 2016 Zodiac Business Services tendered at less than half of the proposed costs outlined by the CAAHC and was awarded the tenancies management contract. CAAHC CEO Ms Langton defended the company's higher bid as the proper cost of town camp tenancy services:

> What we tendered for in our new service model was a very holistic service that
>
> included things like community engagement, support coordination, specialist debt
>
> collection, getting money through the door, and a range of other things that would
>
> have been pleasing for housing. (PAC, 2016ii, p. 52)

Tangentyere Council CEO Mr Shaw expressed further frustration that a for-profit 'book keeping company' had been awarded work over a local, Aboriginal-controlled housing organization with a stake in long-term community development: 'The concern that a lot of people have gotten is that they really want a generational socioeconomic framework so there

are social outcomes affixed to housing on the town camps' (PAC, 2016iii, p. 34). Against the

imagined vices of a monopoly service, the staccato repetition of the tender process

undermines any consolidation of proven processes, professional expertise, and local

relationships, all of which require time to accrue and are necessary to hold houses together.

The scheduled ends of short-term service contracts might be effectively managed by reliable

government oversight. But the Inquiry also described the extensive restructuring and

personnel turnover within the department responsible for overseeing the tender model.

Between 2012 and 2016, the department 'had four different Ministers, with the longest tenure

being 16 months, and it … had a different Chief Executive for each of its three Annual

Reports' (PAC, 2016i, p. 66). This dynamism is highlighted further by the *Report's* 'Table 5',

reproduced below as Figure 1. For inexperienced Ministers, executive staff, and mobile

bureaucrats, a new tender process can appear as an opportunity to rectify apparent neglect

with new arrangements, rather than the most recent instance of repeated reinvention that is

neglect's cause.

[Insert Figure 1 here]

The Condition Report and Waiting

The third and final legal-bureaucratic instrument that this article draws attention to is the

condition report, which the Inquiry also considered for its role in maintaining houses at Alice

Springs town camps. The housing condition report describes the state of the property via a

checklist of items completed by a tenancy manager. Its completion is underpinned by the

requirement to meet minimum standards specified in the *Residential Tenancies Act 1999*

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(NT). While typically completed at least at the commencement and conclusion of a tenancy, the tenancy services contracts at Alice Springs town camps also required quarterly property inspections. Pre-tenancy in particular, the condition report is the key technology by which a prospective tenant can identify housing faults and require their remediation prior to signing a tenancy agreement. After that, a tenant may identify a housing fault through direct contact with a tenancy manager, who would lodge a maintenance request with the department on the tenant's behalf. Following a tenancy's commencement, identified housing faults are more likely to be presumed related to tenant damage than housing's entropic tendency.

Empirically, the bargaining power of a prospective tenant is significantly undermined in Alice Springs town camps by severe housing undersupply and extensive public housing waiting lists. More than a straightforward instrument of representation (Hull, 2012), the utility of the condition report for tenants depends on what housing hardware is assessed and by what methods, and on the efficacy of remediation instigated by the identification of housing failures. An Inquiry submission by CAAHC (2016) described an instance at Larapinta Valley town camp where the department had declared pre-tenancy vacancy works completed but a young mother with two children arrived at her new house to the words 'Fuck you' graffitied across exterior walls (Figure 2). Another submission by the Central Australian Aboriginal Legal Aid Service (CAALAS, 2016, p. 4) described a client's situation at Hoppy's town camp where the condition report from May 2015 'recommended that, amongst other things, the cracks in the blockwork above the entry door and the sagging ceiling lining required rectification as a matter of priority for reasons of structural safety'. In December 2015, this tenant's ceiling collapsed onto her dining room table.

[Insert Figure 2 here]

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The Inquiry described that in situations where housing faults were identified by a condition report, or through subsequent repair requests, delays in fixwork were often attributable to bureaucratic categories distinguishing breakdowns. The department used the categories 'emergency', 'immediate', 'urgent', and 'routine' to distinguish repairs, with the associated requirement that such work be attended to immediately, within four hours, two days, and ten days respectively. The department's former maintenance manual stated that

> Only that type of work which is related to your health, safety or security or which affects the structure of the property will be attended to in a responsive manner. All other maintenance requests will be deferred and completed in a planned way depending on the priority and availability of funding. (PAC, 2016i, pp. 37-38).

Submissions noted that once property and tenancy management contracts were separated, work was rarely completed within time requirements and tenants often 'lived with the housing defect for not just months, but years' (CAAHC, 2016, pp. 2-3).

The accounts in the Inquiry showed that it takes sustained tenant vigilance to determine and pursue incomplete work orders. In addition to bottlenecks for work orders, delays were also attributed to a departmental perception that certain defects, such as broken doors, were presumed *a priori* caused by tenant damage (rather than fair wear and tear), and thus no work order was delivered to the property manager (PAC, 2016i, p. 40). Such adjudications were opaque, with the property manager unaware of any items from a tenancy manager maintenance request left off their work order. Ingkerreke CEO Mr Mathison suggested that the department 'had a policy I suppose, for lack of better words, where tenant damage was not being responded to' (PAC, 2016iii, p. 43). He described that

> If somebody rang up CAAHC and reported an incident and said look there is a broken
>
> door, broken tap and a broken light switch. By the time it gets to us we might have
>
> gone out and fixed the broken light switch and tap, but maybe not the door because it
>
> was assumed that it was deemed tenant damage. (PAC, 2016iii, p. 43)

Even where domestic hardware is recognized as damaged, tenants were frustrated by the

unwillingness of the department to generate work orders for broken air conditioners, hot

water services, and stoves. The former maintenance manual deemed 'A stove with one of

four elements working [to be] partially operable and therefore [it] won't be replaced' (PAC,

2016i, p. 37).

Delays in attending to housing failures are significant in accelerating related breakdowns and,

where a house becomes uninhabitable, breakdowns in neighbors' houses as residents shift

and crowding increases. In a different context, the remote community of Galiwinku, NT,

Inquiry submissions made by the North Australian Aboriginal Justice Agency (NAAJA,

2016, p. 25) described that the department responded to a housing complaint regarding a

broken door by advising that a contractor would only fly to that remote community when 20

to 30 doors required fixing, as 'non-urgent repairs'. In the meantime, residents must live in

insecure properties, an issue also identified by Tangentyere Council (2016, p. 47): 'We have

no security at all. We have made formal complaints about the flimsy screens and the fact that

they can be easily cut and opened by hand'. Both the end of a lease and scheduled inspections

are liable to attribute such breakdowns to tenant damage. CAALAS (2016) noted that arrears

for public housing repairs, often alleged and recorded without proof of tenant responsibility,

have the effect of impeding tenants' subsequent applications for public housing, generating

bureaucratic disputes years later. This failure to respond to breakdowns responsively effaces

the contribution of domestic crowding (itself an effect of housing undersupply and delays in

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approving tenancies) to the accelerated dilapidation of housing, which is instead interpreted as tenant damage.

In this context, the Inquiry describes how some tenants cease reporting housing failures and that waiting becomes a deterrent to pursue public housing altogether. The CEO of another housing provider told the Inquiry that 'If you do not fix things quickly people stop reporting' (PAC, 2016iii, p. 4), while Tangentyere Council CEO Mr Shaw described that 'We don't have any confidence in the process or in the Territory Housing as our landlord. Our members have given up ringing and reporting repairs and maintenance issues now' (Tangentyere, 2016, p. 3). In seeking to have the faults specified on condition reports remedied, the property management regime in Alice Springs town camps depends on a presumption that tenants have unlimited time to perform the 'sub-waits' (Whelan, 2019, p. 9) of housing fixwork: calling the department and Centrelink, pursuing legal representation, and waiting for housing maintenance officers, even while new breakdowns accrue. This expectation that residents wait also applies to new tenancies, following pre-tenancy inspections and the completion of condition reports. CAAHC (2016, p. 8) described to the Inquiry that five tenants continued to wait for their housing despite having paid their security deposits and first month's rent three months earlier. Hoag (2014, p. 411) characterizes this as 'dereliction', where waiting assumes the form of 'a liminal state between the policy and the practice of that policy'. While tenants waited, houses stood empty, or eventually attracted the homeless into informal tenancies (PAC, 2016i). In this context, condition reports are necessary to determine the inadequacies of housing in relation to legislative standards. However, operationalized within the governance regimes at Alice Springs town camps, they are just as likely to justify perennial delays for landlord repairs and maintenance, or to constitute evidence used for claiming tenant damage in the future.

Beyond Bureaucracy?

This article has described how particular legal-bureaucratic instruments employed within housing management at Alice Springs town camps exacerbate housing's entropy. These instruments generate particular temporalizations: circumscribing periods of action and inaction, requiring routines and repetitions, and structuring legal obligations and social relations in housing governance. The lease offers the promise of government housing and infrastructure provision but demands that communities submit to long-term regimes of perennial system change. The tender establishes the hypothetical potential for the most effective service providers to be contracted, and the freedom to discontinue such arrangements, but its repetition undermines staff retention, service continuity, and the development of Indigenous corporations with a stake in community development. The condition report is the foremost protection for residents against the provision of rental properties that are unsafe or uninhabitable, yet it has functioned as a means of displacing liability for housing failures onto tenants. The reliability and length of Commonwealth and NT government funding agreements bear on the impact of each of these instruments – locking traditional owners into potentially unfunded agreements, underpinning whether contracts for service provision are long enough to develop effective systems and relationships, and determining whether there are sufficient resources to respond to residents' requests for necessary fixwork.

Noting how such instruments disrupt and delay satisfactory housing situations for town camp residents, Tangentyere Council's (2016) submissions made a case for a return to community-

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controlled housing. This alternative governance model haunts much of the Inquiry's description of state failures to maintain Indigenous housing, and how systems might be reformed. PAC member MLP Wood mused that 'Historically we seem to go around in circles sometimes with housing. Housing associations were quite the in thing many years ago' (PAC, 2016ii, p. 29). Community control is back at the forefront of policy discourse in the NT, including in the department's (2020) recent housing strategy which commits to a long-term transfer of housing services to Aboriginal organisations. More immediate is the demand by the four land councils for the government to support a new Aboriginal-controlled housing model, overseen by a new statutory body and involving regional housing organizations (CLC, 2020). Research on community land trust principles for Indigenous housing (Crabtree *et al*., 2016), and the Groote Archipelago Local Decision Making Agreement, offer alternative models to existing government management of housing on town camps.

Any shift to community-controlled housing in Alice Springs town camps is nevertheless unlikely to cease forms of bureaucratic housing management, including the use of the instruments described above. In its most tenant-centered application, a condition report remains the means by which housing is surveyed to determine necessary repairs for increased resident health outcomes. In other Australian jurisdictions, community-controlled housing providers regularly tender for work where internal expertise is limited. Subleasing arrangements would require significant legal negotiation or dispute to be set aside. Bureaucracy does not disappear with community control, though its impact on the rhythms of social production could be significantly reformed. Drawing on the analysis here, further work might investigate the role of tenders and condition reports in proposed community housing models, including how these can be implemented in ways that enable improved outcomes for tenants.

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However, the convention to conclude with speculative proposals for alternative arrangements should be curbed here, to sustain attention to path dependencies, ongoing agreements, sunk costs, and institutionalized concerns. Government departments do not typically relinquish control or pursue their own redundancy, except where a problem is deemed especially difficult to manage, and thus attractive to outsource. Perennial evaluation and proposal also hold things in place. Thus on the second day of the Inquiry's public hearings the then-Country Liberal Party coalition government announced an independent review of NT town camps. The review's due date was scheduled six months from this announcement, two months following an upcoming election. Its remit would be broader than the PAC Inquiry terms of reference, in which CLP members of parliament had chosen not to participate. This review would finally satisfy the government's obligation under the town camp subleases. Awarding the tender to a private consultancy firm and subcontracted again, this work led in 2017 to the *Living on the Edge: Northern Territory Town Camps Review* (DHCD, 2017), released in 2018 due to its unwieldy 16,000 pages. *Living on the Edge* is an unparalleled survey of NT infrastructure, at times meticulous in its record of the poor state of town camp housing and infrastructure. Yet for many Indigenous people living in houses surveyed as substandard, the review is, also, a bureaucratic technique of delay. As Tangentyere Council CEO Mr Shaw put it at the Inquiry hearings: 'A lot of Aboriginal people – and I am joined here by my board – are fed up and have had enough of reviews. . . Reviews are not worth the paper they are written on, as far as they are and I am concerned' (PAC, 2016iii, p. 29). Because there is no escaping bureaucracy for effective Indigenous corporations working to hold governments to their promises, Tangentyere Council had nonetheless 'been pursuing this review for years' (p. 25).

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Governing Disassembly

ABSTRACT *Without proper attention, houses disassemble. In public housing, property management regimes are charged with performing the repairs and maintenance necessary to combat this entropic tendency. This article argues that such governance regimes can accelerate housing's disassembly, through rules that restrict housing interventions, bureaucratic technologies that misrecognize housing failure, and processes that defer and delay necessary fixwork. It analyzes Indigenous housing in the Northern Territory of Australia, in terms of three specific legal-bureaucratic instruments and the temporalizations they constitute: the lease and promise; the tender and repetition; the condition report and waiting. The article considers the effects of these pairings in Alice Springs town camps and the challenge of thinking beyond bureaucratic housing regimes.*

KEY WORDS: Housing, policy, maintenance, temporality, property management

Without proper attention, housing disassembles. While housing breakdown is inevitable, its trajectory is hardly predictable. A pipe bursts, a toilet blocks, windows crack, an oven breaks, taps calcify, mold grows, formaldehyde exhales, rats chew, termites burrow, and any originary failure can manifest a series of distributed effects requiring intervention. To build a house is to seal the fate of perennial repairs and maintenance.

The form that housing remediation takes typically depends on legal tenure – the historical ossification of rights and obligations to repair broken things. Owner-occupiers with liquid capital employ a local tradesperson, or head to the hardware store and then perform some

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DIY. Tenants in private rentals debate whether to contact their landlord, weighing the complaint against the threat of increased rent or eviction. Similarly, public housing tenants might submit a request to the property manager responsible for maintaining their accommodation to legal minimum standards. In all cases, residents are vulnerable to the skill and depth of fixwork, the efficacy of guidelines and regulatory oversight, and the perpetual but sporadic deconstruction of domestic environments.

This article is focused on public housing tenancies in the Northern Territory (NT) of Australia. It provides a concrete analysis of particular legal-bureaucratic instruments operating in a specific context: the Alice Springs town camps. Following Valverde (2015, p. 2), the language of 'concrete analysis' rather than case study aims to avoids any implication that the description exemplifies general theoretical concepts or homogenous, coherent, higher-level policy intentions. This is important because governance arrangements in Alice Springs town camps are different to those at other NT town camps, and from arrangements at other remote communities, in urban public tenancies, or on Indigenous homelands, let alone other Australian state and territory jurisdictions. Generic policy instruments appear across multiple contexts, and are implemented according to common social and political goals. However, the critical tendency to scale analyses to system-level explanatory forces such as neoliberalism, late capitalism, settler-colonialism, and postlate-industrialism, while politically useful, rarely illuminates how governance practically unfurls in particular places. Holding such diagnoses at bay is significant not simply as a matter of accurate description, but on behalf of understanding the networks into which alternative programs – reformist or radical – might effectively intervene.

This article argues that governance regimes are central to the poor condition of much state supplied Indigenous housing. ~~Through close analysis of the 2016 NT Public Accounts Committee *Inquiry into Housing Repairs and Maintenance on Town Camps*, it considers how housing's disassembly is occasionally delayed, but more often accelerated and exacerbated by housing management systems. This article~~In doing so, it models an argument for detailed attention to *how* technologies of governance accelerate housing breakdown~~.~~. It responds~~as a response~~ to academic analyses that ~~offer~~ provide ~~cursory~~ summations of the poor state of Indigenous housing in order to offer recommendations for new principles, guidelines, surveys, working groups, funding, and so on – as though the introduction of those reforms will be either easily won or actionable without compromise or novel ill-effects. This is not a rejection of the optimism inherent in proposals for more just or effective policies, or even, as Lea (2012, p. 120) aptly diagnoses, an argument about the 'remedial circularity' of self-sustaining government bureaucracy and academic critique. I argue that any such proposal must begin with a thorough understanding of the techniques of existing regimes and how these might be reformed, redeployed, or set aside in any newly proposed configuration. Call it staying with the trouble (Haraway, 2016), staying with the state (Lea, 2021), or wading through the banal detail of everyday governance. This requires attending to how the present is underpinned by conflicting legacies that orient and constrain the potential impact of contemporary policy and activism alike.

Through close analysis of the 2016 NT Public Accounts Committee *Inquiry into Housing Repairs and Maintenance on Town Camps*, this article considers how housing's disassembly is occasionally delayed, but more often accelerated and exacerbated by governance regimes. Attention to the detail of how property and tenancy management systems oversee the disassembly of housing focuses here on ~~The complexity of housing governance, and indeed~~

~~the potential for effective interventions that would reform existing practices, is considered by~~ ~~focusing on housing in Alice Springs town camps in terms of~~ three specific legal-bureaucratic instruments and the temporalizations they constitute for houses and their tenants <u>at Alice Springs town camps. These are</u>: the lease and promise; the tender and repetition; <u>and</u> the condition report and waiting. <u>The description that follows shows how such techniques of attention and intervention can contribute to housing's entropy, suggesting pause for analyses that, by exposing government negligence, conclude a need for greater oversight.</u> ~~In contrast to analyses that perform the maneuver of critical exposure and demand greater oversight, this article suggests that techniques of attention can contribute to housing's entropy.~~ The conclusion <u>nevertheless</u> reflects on the utility, if not inevitability, of those instruments for effective housing governance ~~and the generative potential of substandard housing for ongoing interventions~~.

Disassembly

In the United States, disinvestment from necessary repairs and maintenance accelerated the dilapidation of public housing towers in a process of active neglect or '*de facto* demolition' (Arrigoitia, 2014, p. 173)<u>. This process</u>~~,~~ legitimat<u>ed</u>~~ing~~ calls to condemn public housing and the transition to a system of state subsidized vouchers for the private rental market (Seicsnaydre, 2016). Much analysis of such phenomena situates their progress within governments' increasingly neoliberal welfare policies, hastened by corporate lobbying for profitable development (Goetz, 2013). In contrast, Indigenous housing in the Northern Territory (NT) has in recent years shifted to a mostly public system. This system has been subject to significant Commonwealth and NT government expenditure on residential

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construction, under the 'Strategic Indigenous Housing and Infrastructure Program' (SIHIP),

the *National Partnership Agreement on Remote Indigenous Housing* (NPARIH), and the

ongoing 'Our Community. Our Future. Our Homes.' (OCOFOH) programs.

2007 was a pivotal year for this intensification of state involvement in Indigenous housing in

the NT, including the assumption of ~~legal~~ obligations as landlord that play out in Alice

Springs across the following decade. Housing in regional and remote communities that was

previously managed by Indigenous Community Housing Organizations (ICHOs) became the

object of Commonwealth, and quickly NT, governance via the Northern Territory National

Emergency Response ('The Intervention'), and according to the broad goal of 'normalising'

social service provision ~~(Howey, 2014)~~. Under the guise of concern for child sexual abuse,

the Commonwealth government exempted Intervention measures from the protections of the

Racial Discrimination Act 1975 and without consultation passed a tranche of major reforms

in NT Indigenous communities (Altman, 2013). The breadth and ongoing impact of the

Intervention constitutes it as a critical event, in Das's (1997) terms, as one that involves the

annihilation and recreation of worlds, including Indigenous people's control over their

housing. While the programs and agreements listed above have increased housing stock and

marginally reduced crowding, a significant proportion of ~~Indigenous~~ town camp and remote

community housing ~~is still~~remains in poor condition and requires refurbishment or

replacement (DHCD, 2017; Commonwealth, 2017).

This article does not assess the relative outcomes for housing under community versus

government management. Instead, it considers one of the key recommendations of the

Commonwealth's (2017, p. 2) NPARIH review – 'an increased emphasis on planned cyclic

maintenance' to maintain existing housing stock – against one of the NPARIH's original

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goals: to 'Implement robust and standardized Property and Tenancy Management (PTM) of all remote Indigenous housing' (COAG, 2008). That is, it places the recent recommendation alongside the near-identical commitment from a decade prior. These are not juxtaposed ~~in order~~ to simply criticize government failure, but to highlight the distance between high-level policy commitments (who but the most polemical commentator would argue against the need for cyclical maintenance of public assets?) and everyday governance. Graham and Thrift (2007, p. 5) suggest we might understand 'breakdown and failure as the means by which societies learn and learn to re-produce', however there is nothing inevitable to such lessons. In political announcements and policy design settings, property and tenancy management are often subordinated to capital works, despite planned maintenance being long understood as necessary for sustainable Indigenous housing (Pholeros *et al.*, 1993). However, even as repairs and maintenance are increasingly proclaimed within policy frameworks and budgets, the disassembly of Indigenous public housing continues to be underpinned by the legal-bureaucratic instruments engendered by those governing regimes.

By disassembly, I mean the dilapidation, deterioration, decay, and breakdown that the housing assemblage experiences from the point of construction. Such changes in form convey the nature of housing as a *permeable membrane* that both shelters and sustains its inhabitants while subjecting them to the dynamic effects of building materials and the surrounding environment (Murphy, 2006; Shapiro, 2014). To paraphrase Braun and Whatmore (2010), this is the *stuff* of housing politics that exposes housing as always 'housing-in-action' (Jacobs *et al*., 2011, p. 83). ~~shows housing to be less solid than the term 'structure' connotes.~~ While housing metamorphoses are technically complex, unpredictable, multi-directional, and variously sensible, inevitable processes of disassembly can be deferred by effective property management. Paying adequate attention to *how* this form of quotidian governance unfolds,

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this article eschews extended engagement with a vast literature offering diagnoses for spatial

zones of sacrifice, exploitation, and abandonment, and therefore relevant to the protracted

radical contingency of certain Indigenous housing contexts in central Australia (Povinelli,

2011; Lerner, 2012). Spatial constraints also limit a thorough review of It also sidesteps an

expanding literature on infrastructural time, including analyses of developmental and

extractive temporalities (Appel, 2018), and of the anticipatory character of infrastructural

projects (Cross, 2015) – though such work informs the following discussion.

Instead, I turn to Vigh's description of crisis and chronicity to help frame the recent history of

Northern Territory town camp housing. For many people, Vigh (2008, p. 6) argues, 'crisis is

endemic rather than episodic and cannot be delineated as an aberrant moment of chaos or a

period of decisive change'. As such, the 'temporal persistence of […] dysfunction' (Estroff in

Vigh, 2008, p. 10) forces people 'to make lives in fragmented and volatile worlds rather than

waiting for normalization and reconfiguration' (p. 8), attuning to and navigating disorder.

Applying this framing, we can see there is not simply a housing crisis in the NT; rather, the

instability, unpredictability, and continuity of housing insecurity is the long-term context

from which people (residents and property managers alike) interpret and act in the world.

This bears on determinations of acceptable standards, necessary oversight, timeliness, and

how dilapidated or cruddy something might become before housing's entropy is attended to.

While property and tenancy regimes instantiate an interventionist and stabilizing logic –

maintain assets and encourage resident sedentization – they have in fact contributed to this

perennial crisis-as-context. Such regimes have the potential to displace residents, not by

shifting them spatially (though they sometimes do), but by '[leaving] communities in a place

stripped of the very characteristics that made it inhabitable' (Nixon, 2011, p. 19). Such

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characteristics include community control over housing and the self-determination this affords First Nations people even where property management presents a practical challenge.

Narrowing from such useful abstractions as abandonment, slow violence, and ongoing crisis, property and tenancy management involves legal-bureaucratic instruments which undermine effective intervention through various obstructions, deferrals, delays, disincentives, and accelerations, and intensities. Policies enable generic instruments to unfurl in specific and sometimes unruly ways (Lea, 2020), constituting particular temporalizations: that is, organizing and ordering time according to the demands made of the subjects they govern. Following Bear (2016, p. 492), this is 'time as technique' (or *techne*) in housing governance, where 'technologies of imagination … are acts of creative, skillful making that intervene in our experiences of the passage of time and senses of agency'. Apart from the lease, the tender, and the condition report, there are numerous bureaucratic technologies involved in property management: titles, tenancy agreements, rental ledgers, work orders, employment contracts, construction standards, and so on. Bureaucratic instruments manipulate time to bring particular social worlds into being: setting temporal limits for contracts, programs, and eligibility; establishing the patterns and rhythms of interventions and their requirements; resurrecting biographies and precedents to adjudicate in the present; manifesting conditions of temporal scarcity or abundance; and revising, delaying, and accelerating the velocity of governance in general.

The myriad ways that time might be manipulated by bureaucratic instruments indicate the variability of property and tenancy management regimes, even within a jurisdiction. In the NT, housing quality is chiefly governed by the *Residential Tenancies Act 1999* (NT), which sets (undefined) standards for security, habitability, and cleanliness (Grealy & Lea, 2020).

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Maintaining housing stock to meet legislative standards, where a residential tenancy agreement is in place, is the chief requirement of property management. Pholeros and Phibbs (2012) argue that best practice housing maintenance approaches include: utilizing the *National Indigenous Housing Guide*; prioritizing safety and health issues; employing environmentally appropriate materials and techniques; consulting with local communities and employing local labour; and implementing multiple inspections to ensure high standards. Yet any such list belies the empirical tribulations of instituting guidelines, establishing oversight, training personnel, and guaranteeing funding to protect hard-won gains. In the NT, particular challenges include access to licensed contractors, the cost of remote procurement, limited rental revenue, employment and training requirements, population increase and mobility, and environmental factors (Fien & Charlesworth, 2012). Bureaucrats, service providers, asset managers, and maintenance officers face such challenges within systems underpinned by contradictory logics regarding the rights and obligations of residents to housing. The failure of property management to combat disassembly is thus not simply attributable to an absence of effort or the malintent of professionals involved, even if, as Lea (2012) argues, the reproduction of Indigenous communities as anarchic is necessary to justify the continuity of government intervention.

The following section provides a concrete analysis of governance within a specific context: the Alice Springs town camps. It is divided into three sub-sections that each pair a particular legal-bureaucratic instrument with a related figure of temporal subjection: the lease and promise; the tender and repetition; and the condition report and waiting. The lease, the tender, and the condition report are governmental instruments designed to specify obligations for housing provision, designate responsibility for remediating shortcomings, and survey the

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state of those assets. These are instruments for managing the disassembling tendency of

housing, but which the analysis shows can actually accelerate breakdown.

Things Fall Apart

~~The following~~This analysis is based on the 2016 *Inquiry into Housing Repairs and*

Maintenance on Town Camps (hereafter Inquiry). The Public Accounts Committee (PAC) is

designed to scrutinize government spending, and this Inquiry was driven by the NT

government obligation to review town camp infrastructure every three years, alongside

'growing concerns about the condition of housing on town camps and repairs and

maintenance not being completed within a reasonable period of time' (PAC, 2016i, p. 11).

The NT government had assumed responsibility for some town camp housing following the

Intervention, but had failed to meet its review obligation for six years.

The PAC Inquiry sought:

> To inquire into and report on the repairs and maintenance of housing on town camps in
>
> the Northern Territory, with particular regard to:
>
> (a) Timeliness of completing repairs
>
> (b) Costs of repairs; and
>
> (c) Consistency, accessibility and efficiency of administrative arrangements (PAC,
>
>   2016i, p. 10).

Among numerous evaluations of NT housing, the Inquiry is unusual for its sustained

objectification of the systems charged with managing and maintaining housing. At the time of

the Inquiry, subleasing arrangements meant that the NT Department of Housing (hereafter the

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department) was administratively responsible for housing at 17 town camps at Alice Springs (including 284 houses), contracting third-party providers for housing management services.

Alice Springs is the largest town in Central Australia, situated about ~~fifteen hundred~~1,500 kilometres from the northern city of Darwin and South Australia's capital, Adelaide. Home to about 25,000 people, Alice Springs is a regional hub for surrounding remote communities and the town camps on its immediate periphery. These camps emerged in the late-nineteenth century as pastoralists displaced Indigenous people from their traditional country~~lands~~ towards the town's fringes. Aboriginal people were prohibited entry into Alice Springs from 1928 to 1964 unless they possessed an employment permit, and town camps were destroyed at least four times between 1929 and 1960 (Coughlan, 1991). Securing tenure to town camp lands surrounding Alice Springs was a major political victory for Indigenous people, achieved through the serial recognition of individual housing associations as leaseholders from the 1970s onwards. Vivian (2010, p. 15) describes that

> In contrast to the systematic cultural destruction imposed by church run missions and government settlements, [at town camps] children were not placed in dormitories, Aboriginal languages were not forbidden, cooking was not restricted to communal dining rooms and life was not regimented.

The Inquiry thus provides an important picture of the effects of state intervention that was not requested, and which in the name of securing state access to assets has undercut hard-won rights of Indigenous people ~~to their world~~.

~~The following~~This analysis of repair and maintenance regimes is mediated by the Inquiry's materials. In addition to the *Report on Repairs and Maintenance of Housing on Town Camps* (PAC, 2016i), this includes 11 written submissions, transcripts of two days of public

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hearings, answers to written questions and questions taken on notice, and associated media releases. Such documentary genres effect obvious exclusions and provide variously reliable accounts of town camp governance., Bbut taken together these texts indicate the administrative obstacles to adequate housing outcomes. It is tempting to characterize this analysis as an ethnography of documents (Hull, 2012), but while the specificity and embeddedness of documents within housing management is considered in detail, the chief focus is with looking through the contents of paperwork rather than at the material forms of documentation (Kafka, 2009). That said, the conclusion considers the Inquiry's role in instigating the NT government to meet its review obligation, and thus the capacity of bureaucracy to reproduce itself through reform.

The Lease and Promise

At Alice Springs town camps, the conditions in which property management regimes were established were significantly structured by local leasing arrangements, which were subject to significant reform through the Intervention. Under section 31 of the *Northern Territory National Emergency Response Act 2007* (Cth), the Commonwealth government compulsorily granted five year leases over 64 NT Aboriginal Communities. This was a radical departure from the governance of land and leasing under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) (*ALRA*) and the *Native Title Act 1993* (Cth). Until the early 2000s, Indigenous housing and municipal infrastructure was typically funded and often constructed by governments without formal property arrangements (Terrill 2009). A shift from this approach preceded the Intervention, through the cessation of the Community Housing Infrastructure Program (CHIP) and Commonwealth funding of Indigenous Community Housing Organizations (ICHOs), as well as via the Commonwealth government amendment

to the *ALRA* to allow for 'township leasing', whereby the land on which an Aboriginal

community sits is leased to the Commonwealth, which can then sublease sections of that land

(Terrill, 2009). This 'secure tenure' policy was consolidated by the Intervention in 2007,

under the *Memorandum of Understanding on Indigenous Housing Accommodation and*

Related Services, and in the 2008 *National Partnership Agreement on Remote Indigenous*

Housing (NPARIH), in which parties agreed that the Commonwealth would have no further

responsibility for the delivery of Indigenous housing and infrastructure. Exemplifying a

broader trend toward welfare 'conditionality' at both the levels of behaviorally-proscribed

tenants and contractually-restrained state and territory governments (Waquant, 2009;

Nethercote, 2015), Commonwealth funding for Indigenous housing and infrastructure was

made contingent on the securing of access to Indigenous communities via leases. In effect,

this has resulted in 40-year subleases over housing precincts in remote communities and town

camps to the (now) NT Department of Local Government, Housing and Community

Development. Within such arrangements, the department assumes legal responsibility for

housing, including property management and tenancies.

The Inquiry sought to sift through the muddle that this leasing revolution generated. At Alice

Springs in 2009, Aboriginal Housing Associations representing 14 town camps entered into

tripartite Living Area Subleases with the Commonwealth authority, the Executive Director of

Township Leasing (EDTL), and the Chief Executive Officer of the (then) NT Department of

Housing. The EDTL established a Housing Management Agreement (HMA) with the NT

government which transfers responsibility for 'all areas located within the town camp

boundary and captures all infrastructure, including housing, open spaces roads, parks and

community centres' (PAC, 2016i, p. 24). By the Inquiry, this situation applied in 17 town

camps, with subleases established for a period of 40 years. Despite this temporal horizon, the

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Inquiry heard that the HMA had expired in 2012, subsequently operating as a periodical

agreement on a month-to-month basis. EDTL annual reports noted that the HMA's month-to-

month status meant capital works had not been able to progress in town camps, while the

HMA stipulated that individual tenancy agreements could not extend beyond its conclusion.

Thus the inability of the Commonwealth and NT governments to secure ongoing agreements

meant that residents were subject to insecure tenancy arrangements in contexts where

infrastructure provision was also impeded.

Tangentyere Council – an ~~Indigenous~~Aboriginal-controlled incorporated association that

represents Alice Springs town camp housing associations – has since its establishment in

1977 earned a widely respected reputation as a community council and resource organization.

Prior to the Intervention, Tangentyere Council managed 199 houses across the town camps.

Throughout protracted negotiations during the Intervention period, Aboriginal Housing

Associations through Tangentyere Council resisted government pressure to sign a 99-year

sublease to town camp lands in exchange for 50 million dollars funding for housing and

essential infrastructure. The eventual 40-year sublease was agreed to following a commitment

of 100 million dollars over five years. Lease negotiations included an eventual ultimatum put

by the Commonwealth that tenancies become the responsibility of the NT government or else

the Commonwealth would compulsorily acquire town camp land. Lawyers for Tangentyere

Council responded that, faced with compulsory acquisition, 'The loss of tenure to these lands

is something that is abhorrent to the housing associations and they could not run the risk that

it might occur' (in Graham, 2009). Although town camps subsequently received new houses,

refurbishments, and improvements to municipal infrastructure (PAC, 2016i), Tangentyere

Council conveyed that consent given under duress does not preclude refusal (see Simpson,

2016), stating that it

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remains of the opinion that the essential housing and services should not have come at

the price of leasehold. Weighing up the extreme level of need of Town Camp residents,

with the threat by the Commonwealth Government to compulsorily acquire the camps

if they did not sign, the Housing Associations negotiated the best option available at the

time, and agreed to sign the subleases. (Tangentyere Council, 2020)

The tying of housing and infrastructure funding to long-term leases forced the hand of many

communities into agreements like those thrust upon Tangentyere Council. Leasing under the

secure tenure policy required contract-making between radically unequal parties. Rental

revenues from Indigenous community housing are typically insufficient to cover house

insurance and repair and maintenance costs, underpinning a reliance on government subsidy

(Habibis *et al.*, 2019). The NT government is itself structurally dependent on Commonwealth

income via the redistribution of state and federal taxes. In this context, 40-year leases

represented a compromise from the original government demand for 99-year leases. But such

agreements were also established following Commonwealth impatience at ongoing

negotiations and the eventual threat of compulsory acquisition. That in process negotiations

must conclude was disputed by Tangentyere Council's lawyers, who responded to the

Commonwealth that 'It is simply incorrect to assert that time has run out. The timetable is

completely within your power to set, as indeed you have done throughout these negotiations'

(in Graham, 2009). Commonwealth control of both the clock and the purse strings in

negotiations was indicative of a wider phenomenon across this Intervention period wherein

the demand for secure tenure became conditional for government housing and infrastructure

funding, with the absence of leases exploited by governments to justify the delay of

infrastructural provision. This was a convenient application of the NPARIH clause on

'normalised service arrangements', interpreted as concerning the standardization of leases

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rather than of living standards. Since the Intervention it has also proved empirically untrue that leases are required for government-funded housing: after a decade of delay, houses were constructed at Borroloola town camps without leases in place, while only 16 of 73 remote communities received new houses under SIHIP with the majority receiving housing refurbishments.

In Alice Springs, as across the NT, the lease has operated as a demand and a promise. The leaseholder exchanges relative political autonomy for the promise of housing and infrastructure, and the formalization of ongoing obligations to manage and maintain those assets. Protracted lease negotiations have themselves contributed to housing dilapidation, by delaying the institution of legal arrangements, funding, and staffing for repair work. But this period of negotiation is also the temporal window during which commitments to funding and services can be extracted from governments and after which such opportunity dissipates (Howey, 2020).

The emergency rhetoric and lawmaking underpinning the Intervention facilitated the production of leases under new norms for conditional infrastructural provisioning: no lease, no houses. This can be understood through Stoler's (2013, p. 8) description of imperial formations as 'states of deferral', establishing 'gradated forms of sovereignty' and offering promissory notes for future autonomy. However, the length of such sublease arrangements – 40 or 99 years – defers community autonomy in housing management into far-flung futures, even as shorter-term subordinate arrangements such as HMAs expire and generate negative implications for residents' tenancies and community infrastructure. The opening urgency of agreement-making transitions into governmental inertia (Howey, 2020), as the long-term temporal horizons of leases establish the continuity of unstable governance for town camps.

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For, as described above, a 40-year sublease garnered only five years of funding, with

subsequent investment dependent on future negotiations. With this legal framework in place,

the capacity (or willingness) of the NT government to fund future housing programs is

contingent on renewed Commonwealth funding. This was evident at the twilight of the

NPARIH in 2018, when protracted delays over funding arrangements between the

Commonwealth and NT governments were resolved, (in the form of 500 million dollars of

Commonwealth housing funding over five years), in the same week the NT government lifted

its moratorium on exploration for hydraulic fracturing. As a particular legal instrument, the

lease thus establishes the temporal context in which the NT government is responsible for

town camp property and tenancy management, including that such housing meets legislated

standards, but where the available funding for achieving thismeeting legislated obligations is

far from guaranteed.

The Tender and Repetition

The Inquiry examined the period 2010 to 2016, following the establishment of subleases for

Alice Springs town camps in 2009. Across this period, the department subcontracted housing

management services through a public tendering process, while remaining responsible for

contract management, procurement, and service coordination. Because this model differed

from the NT government's urban public housing management, the subcontracting model was

justified through support for local employment. In order that it could remain involved in

housing management on town camps and at the government request for an independent

Indigenous-controlled community housing provider, Tangentyere Council, in collaboration

with the Central Land Council and Healthabitat, established the Central Australian

Affordable Housing Company (CAAHC) in 2009. Thus from 2010 to 2012, CAAHC held a

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contract to provide both property and tenancy management services. In 2012, the department

split housing management services into property management (including repairs and

maintenance) and tenancy management services, awarding separate contracts. There was no

clear ~~departmental~~ justification for this division, although Deputy CEO Mr Bamber told the

Inquiry that 'One of the cons [of having a single housing manager] is you do not have that

tension between the tenancy inspections, looking at work being done by the housing

maintenance contractor' (PAC, 2016ii, p. 11). Alongside these major contracts, the

department also employed panel contractors to perform specialized labour, relating to

plumbing and gas, electrical, refrigeration, carpentry, and pest control work.

The tender process is the formal solicitation by government to procure non-government

contractors for work it is unable or unwilling to do directly. This form of contractualism has

been expanded through the winnowing of public sector expertise (Fisher, 1997). Clause 11 of

the Alice Springs subleases established a formal requirement that the NT government 'must

call for tender for the provision of housing management services in the Subleased Alice

Springs Living Areas within 2 years and 6 months of the commencement of the first Alice

Springs Living Areas Sublease' (PAC, 2016i, p. 25). This requirement is easily framed as

neoliberal outsourcing. However, in this context it is not <u>the dismantling of</u> a centralized state

welfare bureaucracy ~~that has been dismantled~~, but rather~~,~~ a transformation from a prior form

of ad hoc outsourcing to Indigenous Community Housing Organisations (ICHOs) to a

competitive tender process for government service contracts in which the remaining ICHOs

are forced to participate. Abstractly, the tender promises the enactment of an ideal

bureaucracy – emotionless, impersonal, dehumanized (Weber, 1978). A job description is

developed, standards and metrics are set, and a reporting and audit structure is established.

An objective ~~employer~~ <u>department</u> then assesses prospective contractors according to their

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competitive advantage in what department CEO Ms Clifford characterized as an 'open, transparent and public competitive process' (PAC, 2016ii, p. 3).

In practice at the Alice Springs town camps, this tender model maintained decentralized service provision while expanding government intervention in the minutiae of administration. In particular, the division between property and tenancy management established complicated procedures for reporting housing defects and having them repaired. During the period that property and tenancy management were divided between Ingkerreke Commercial and CAAHC respectively, CAAHC (2016, p. 6) narrated that a repair request would *ideally* proceed as follows:

1. Tenant reports repair to CAAHC (TM Contractor)

2. CAAHC reports repairs to Housing

3. Housing issues work order to Ingkerreke (PM Contractor)

4. Ingerreke contact tenant and complete work

5. Ingerreke invoice Housing for work

6. Housing pay invoice.

This process lacked quality assurance mechanisms and produced inefficiencies, confusion over responsibilities, and miscommunications (Crabtree, 2016). Specifically, once CAAHC had reported a property issue to the department, it could not discern whether a job had been completed and was prohibited from directly contacting Ingkerreke, (CAAHC, 2016, p. 6). Conversely, Ingkerreke CEO Mr Mathison complained that requests would become 'bottlenecked' within the department: 'at 4 o'clock in the afternoon we may receive 20 or 30 orders in that 10 to 15 minute period . . . Friday afternoon, Monday morning, those sort of things' (PAC, 2016iii, p. 43). In such scenarios, tenants become the *de facto* point of continuity, communicating with separate tenancy and property managers and obliged to be

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always available. CAAHC (2016, p. 4) stated of the tenancy services contract that 'The

arrangement was riddled with inefficiencies, double handling, red tape and processes that

delayed good outcomes. Where CAAHC was expected to act with relative urgency there was

little reciprocal urgency offered to us by NT Housing'.

The Inquiry describes that in only six years there have beenwere three configurations of

contractors responsible for property and tenancy management. CAAHC held the initial

contract for two years, before Ingkerreke and CAAHC held contracts lasting 37 months,

which were superseded by 16 month contracts awarded to Tangentyere Constructions and

Zodiac Business Services. At the hearings, department executives struggled to explain the

inconsistent length of contracts (PAC, 2016ii, p. 18). The short length of contracts, and their

month-to-month extension, has obvious implications for service providers' staff retention and

development. Nonetheless, the tender process is serialized on the basis that, over a designated

period, a competitor may become better placed to provide a service. While a cyclical repairs

and maintenance regime establishes the routinized labour necessary for skills development

and the storage of organizational knowledge (Jacobs *et al*. 2011), this system instead

consolidates the bureaucratic and contractor capacities to audit reporting and re-tender for

work. For public servants and service providers alike, it discourages an ethnographic

understanding of the problems property management regimes aim to address by assessing

performance against measurable indicators (Lea, 2012), including the execution of

documentary requirements and busy work required by the contract (Gurran & Phibbs, 2016).

Theis repetition of tenders for housing contracts involves minor differences in contract

conditions (Deleuze, 2001) – such as their length, remuneration, assessment performance

criteria, and extension provisions – as policies are refined and funding squabbles between

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governments occur. In determining who should be awarded a contract, cost and efficacy,

including cultural appropriateness, will be different weighted. Thus in 2016 Zodiac Business

Services tendered at less than half of the proposed costs outlined by the CAAHC and was

awarded the tenancies management contract. CAAHC CEO Ms Langton defended the

company's higher bid as the proper cost of town camp tenancy services:

> What we tendered for in our new service model was a very holistic service that
>
> included things like community engagement, support coordination, specialist debt
>
> collection, getting money through the door, and a range of other things that would
>
> have been pleasing for housing. (PAC, 2016ii, p. 52)

Tangentyere Council CEO Mr Shaw expressed further frustration that a for-profit 'book

keeping company' had been awarded work over a local, ~~Indigenous-run~~Aboriginal-controlled

housing organization with a stake in long-term community development: 'The concern that a

lot of people have gotten is that they really want a generational socioeconomic framework so

there are social outcomes affixed to housing on the town camps' (PAC, 2016iii, p. 34).

Against the imagined vices of a monopoly service, the staccato repetition of the tender

process undermines any consolidation of proven processes, professional expertise, and local

relationships, all of which require time to accrue and are necessary to hold houses together.

The scheduled ends of short-term service contracts might be effectively managed by reliable

government oversight. But the Inquiry also described the extensive restructuring and

personnel turnover within the department responsible for overseeing the tender model.

Between 2012 and 2016, the department 'had four different Ministers, with the longest tenure

being 16 months, and it … had a different Chief Executive for each of its three Annual

Reports' (PAC, 2016i, p. 66). This dynamism is highlighted further by the *Report's* 'Table 5',

reproduced below as Figure 1. For inexperienced Ministers, executive staff, and mobile

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bureaucrats, a new tender process can appear as an opportunity to rectify apparent neglect

with new arrangements, rather than the most recent instance of repeated reinvention that is

neglect's cause.

[Insert Figure 1 here]

The Condition Report and Waiting

The third and final legal-bureaucratic instrument that this article draws attention to is the

condition report, which the Inquiry also considered for its role in maintaining houses at Alice

Springs town camps. The housing condition report describes the state of the property via a

checklist of items completed by a tenancy manager. Its completion is underpinned by the

requirement to meet minimum standards specified in the *Residential Tenancies Act 1999*

(NT). While typically completed at least at the commencement and conclusion of a tenancy,

the tenancy services contracts at Alice Springs town camps also required quarterly property

inspections. Pre-tenancy in particular, the condition report is the key technology by which a

prospective tenant can identify housing faults and require their remediation prior to signing a

tenancy agreement. After that, a tenant may identify a housing fault through direct contact

with a tenancy manager, who would lodge a maintenance request with the department on the

tenant's behalf. Following a tenancy's commencement, identified housing faults are more

likely to be presumed related to tenant damage than housing's entropic tendency.

Empirically, the bargaining power of a prospective tenant is significantly undermined in

Alice Springs town camps by severe housing undersupply and extensive public housing

waiting lists. More than a straightforward instrument of representation (Hull, 2012), the

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utility of the condition report for tenants depends on what housing hardware is assessed and

by what methods, and on the efficacy of remediation instigated by the identification of

housing failures. An Inquiry submission by CAAHC (2016) described an instance at

Larapinta Valley town camp where the department had declared pre-tenancy vacancy works

completed but a young mother with two children arrived at her new house to the words 'Fuck

you' graffitied across exterior walls (Figure 2). Another submission by the Central Australian

Aboriginal Legal Aid Service (CAALAS, 2016, p. 4) described a client's situation at Hoppy's

town camp where the condition report from May 2015 'recommended that, amongst other

things, the cracks in the blockwork above the entry door and the sagging ceiling lining

required rectification as a matter of priority for reasons of structural safety'. In December

2015, this tenant's ceiling collapsed onto her dining room table.

[Insert Figure 2 here]

The Inquiry described that in situations where housing faults were identified by a condition

report, or through subsequent repair requests, delays in fixwork were often attributable to

bureaucratic categories distinguishing breakdowns. The department used the categories

'emergency', 'immediate', 'urgent', and 'routine' to distinguish repairs, with the associated

requirement that such work be attended to immediately, within four hours, two days, and ten

days respectively. The department's former maintenance manual stated that

> Only that type of work which is related to your health, safety or security or which
>
> affects the structure of the property will be attended to in a responsive manner. All
>
> other maintenance requests will be deferred and completed in a planned way
>
> depending on the priority and availability of funding. (PAC, 2016i, pp. 37-38).

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Submissions ~~Tangentyere Council (2016, p. 11)~~ noted that once property and tenancy management contracts were separated, work was rarely completed within time requirements and tenants often ~~'''Work was rarely carried out within the required time frames'. CAALAS (2016, pp. 2-3) described that 'Tenants often complain they have~~ lived with the housing defect for not just months, but years~~.~~' (CAAHC, 2016, pp. 2-3).

The accounts in the Inquiry showed that it takes sustained tenant vigilance to determine and pursue incomplete work orders. In addition to bottlenecks for work orders, delays were also attributed to a departmental perception that certain defects, such as broken doors, were presumed *a priori* caused by tenant damage (rather than fair wear and tear), and thus no work order was delivered to the property manager (PAC, 2016i, p. 40). Such adjudications were opaque, with the property manager unaware of any items from a tenancy manager maintenance request left off their work order. Ingkerreke CEO Mr Mathison suggested that the department 'had a policy I suppose, for lack of better words, where tenant damage was not being responded to' (PAC, 2016iii, p. 43). He described that

> If somebody rang up CAAHC and reported an incident and said look there is a broken
> door, broken tap and a broken light switch. By the time it gets to us we might have
> gone out and fixed the broken light switch and tap, but maybe not the door because it
> was assumed that it was deemed tenant damage. (PAC, 2016iii, p. 43)

Even where domestic hardware is recognized as damaged, tenants were frustrated by the unwillingness of the department to generate work orders for broken air conditioners, hot water services, and stoves. The former maintenance manual deemed 'A stove with one of four elements working [to be] partially operable and therefore [it] won't be replaced' (PAC, 2016i, p. 37).

Delays in attending to housing failures are significant in accelerating related breakdowns and, where a house becomes uninhabitable, breakdowns in neighbors' houses as residents shift and crowding increases. In a different context, the remote community of Galiwinku, NT, Inquiry submissions made by the North Australian Aboriginal Justice Agency (NAAJA, 2016, p. 25) described that the department responded to a housing complaint regarding a broken door by advising that a contractor would only fly to that remote community when 20 to 30 doors required fixing, as 'non-urgent repairs'. In the meantime, residents must live in insecure properties, an issue also identified by Tangentyere Council (2016, p. 47): 'We have no security at all. We have made formal complaints about the flimsy screens and the fact that they can be easily cut and opened by hand'. Both the end of a lease and scheduled inspections are liable to attribute such breakdowns to tenant damage. CAALAS (2016) noted that arrears for public housing repairs, often alleged and recorded without proof of tenant responsibility, have the effect of impeding tenants' subsequent applications for public housing, generating bureaucratic disputes years later. This failure to respond to breakdowns responsively effaces the contribution of domestic crowding (itself an effect of housing undersupply and delays in approving tenancies) to the accelerated dilapidation of housing, which is instead interpreted as tenant damage.

In this context, the Inquiry describes how some tenants cease reporting housing failures ~~altogether, letting history be their guide as to whether it is worth the effort and the wait~~ and that. wWaiting becomes a deterrent to pursue public housing altogether. The CEO of another housing provider told the Inquiry that 'If you do not fix things quickly people stop reporting' (PAC, 2016iii, p. 4), while Tangentyere Council CEO Mr Shaw described that 'We don't have any confidence in the process or in the Territory Housing as our landlord. Our members have given up ringing and reporting repairs and maintenance issues now' (Tangentyere, 2016,

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p. 3). In seeking to have the faults specified on condition reports remedied, the property

management regime in Alice Springs town camps depends on a presumption that tenants

have unlimited time to perform the 'sub-waits' (Whelan, 2019, p. 9) of housing fixwork:

calling the department and Centrelink, pursuing legal representation, and waiting for housing

maintenance officers, even while new breakdowns accrue. This expectation that residents

wait also applies to new tenancies, following pre-tenancy inspections and the completion of

condition reports. CAAHC (2016, p. 8) described to the Inquiry that five tenants continued to

wait for their housing despite having paid their security deposits and first month's rent three

months earlier. Hoag (2014, p. 411) characterizes this as 'dereliction', where waiting assumes

the form of 'a liminal state between the policy and the practice of that policy'. While tenants

waited, houses stood empty, or eventually attracted the homeless into informal tenancies

(PAC, 2016i). In this context, condition reports are necessary to determine the inadequacies

of housing in relation to legislative standards. However, operationalized within the

governance regimes at Alice Springs town camps, they are just as likely to justify perennial

delays for landlord repairs and maintenance, or to constitute evidence used for claiming

tenant damage in the future.

Beyond Bureaucracy?

This article has described how particular legal-bureaucratic instruments employed within

housing management at Alice Springs town camps exacerbate housing's entropy. These

instruments generate particular temporalizations: circumscribing periods of action and

inaction, requiring routines and repetitions, and structuring legal obligations and social

relations in housing governance. The lease offers the promise of government housing and

infrastructure provision but ~~compels~~ demands that communities ~~to~~ submit to long-term regimes of perennial system change ~~that lack short-term funding guarantees~~. The tender establishes the hypothetical potential for the most effective service providers to be contracted, and the freedom to discontinue such arrangements, but its repetition undermines staff retention, service continuity, and the development of Indigenous corporations with a stake in community development. The condition report is the foremost protection for ~~public housing~~ residents~~tenants~~ against the provision of rental properties that are unsafe or uninhabitable, yet it has functioned as a means of displacing liability for housing failures onto tenants. The reliability and length of Commonwealth and NT government funding agreements bear on the impact of each of these instruments – locking traditional owners into potentially unfunded agreements, underpinning whether contracts for service provision are long enough to develop effective systems and relationships, and determining whether there are sufficient resources to respond to residents' requests for necessary fixwork.

Noting how such instruments disrupt and delay satisfactory housing situations for town camp residents, Tangentyere Council's (2016) submissions made a case for a return to community-controlled housing. This alternative governance model haunts much of the Inquiry's description of state failures to maintain Indigenous housing, and how systems might be reformed. PAC member MLP Wood mused that 'Historically we seem to go around in circles sometimes with housing. Housing associations were quite the in thing many years ago' (PAC, 2016ii, p. 29). Community control is back at the forefront of policy discourse in the NT, including in the department's (2020) recent housing strategy which commits to a long-term transfer of housing services to Aboriginal organisations. More immediate is the demand by the four land councils for the government to support a new Aboriginal-controlled housing model, overseen by a new statutory body and involving regional housing organizations (CLC,

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2020). Research on community land trust principles for Indigenous housing (Crabtree *et al.*, 2016), and the Groote Archipelago Local Decision Making Agreement, offer alternative models to existing government management of housing on town camps.

ASetting aside the important issue of who is the landlord for Indigenous housing on country that First Nations people never ceded, we should note that anyny shift to community-controlled housing in Alice Springs town camps is nevertheless unlikely to cease forms of bureaucratic housing management, including the use of the instruments described above. In its most tenant-centered application, a condition report remains the means by which housing is surveyed to determine necessary repairs for increased resident health outcomes. In other Australian jurisdictions, cCommunity-controlled housing providers organizations regularly tender for work where internal expertise is limited, such as architecture, construction, IT, and environmental health. . Subleasing arrangements would require significant legal negotiation or dispute to be set aside. Bureaucracy does not disappear with community control, though its impact on the rhythms of social production could be significantly reformed. Drawing on the analysis here, further work might investigate the role of tenders and condition reports in proposed community housing models, including how these can be implemented in ways that enable improved outcomes for tenants.

However, the convention to conclude with speculative proposals for alternative arrangements should be curbed here, to sustain attention to path dependencies, ongoing agreements, sunk costs, and institutionalized concerns.
Such analysis is nonetheless too speculative, too typical of the academic conclusion, and too divorced from existing trajectories, sunk costs, and institutionalized concerns. Government departments do not typically relinquish control or pursue their own redundancy, except where

a problem is deemed especially difficult to manage, and thus attractive to outsource. Perennial evaluation and proposal also hold things in place. ~~Lea (2015, p. 383) notes that 'development interventions do not seek redundancy. There is no part of settler-colonial governance that seeks its own disappearance.'~~ Thus on the second day of the Inquiry's public hearings the then-Country Liberal Party coalition government announced an independent review of NT town camps. The review's due date was scheduled six months from this announcement, two months following an upcoming election. Its remit would be broader than the PAC Inquiry terms of reference, in which CLP members of parliament had chosen not to participate. This review would finally satisfy the government's obligation under the town camp subleases ~~and it required its own tender process~~. Award__ing the tendered__ ~~ed~~ to a private consultancy firm and subcontracted again, this work led in 2017 to the *Living on the Edge: Northern Territory Town Camps Review* (DHCD_,_ 2017), released in 2018 due to its unwieldy 16,000 pages. *Living on the Edge* is an unparalleled survey of NT infrastructure, at times meticulous in its record of the poor state of town camp housing and infrastructure. Yet for many Indigenous people living in houses surveyed as substandard, the review is, also, a bureaucratic technique of delay. As Tangentyere Council CEO Mr Shaw put it at the Inquiry hearings: 'A lot of Aboriginal people – and I am joined here by my board – are fed up and have had enough of reviews. . . Reviews are not worth the paper they are written on, as far as they are and I am concerned' (PAC, 2016iii, p. 29). Because there is no escaping bureaucracy for __effective__ Indigenous corporations __working to hold governments to their promises__, Tangentyere Council had nonetheless 'been pursuing this review for years' (p. 25).

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Table 4:   Length of tenure of the Department of Housing's Executive Team as identified within Annual Reports[188]

Housing	Years CEO	No of Exec	1 year	2 years	3+ years
2015	0 Clifford	10	2	0	0
2014	0 Bradford	10	2	1	1
2013	0 McGill	12	5	3	1
DHLGRS					
2012	2 Davies	22	9	8	?
2011	1 Davies	17	13	?	?

Figure 1. Dynamic oversight, reproduced from PAC (2016i, p. 67).

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Figure 2. Declared ready for tenants, reproduced from CAAHC (2016, p. 8)

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