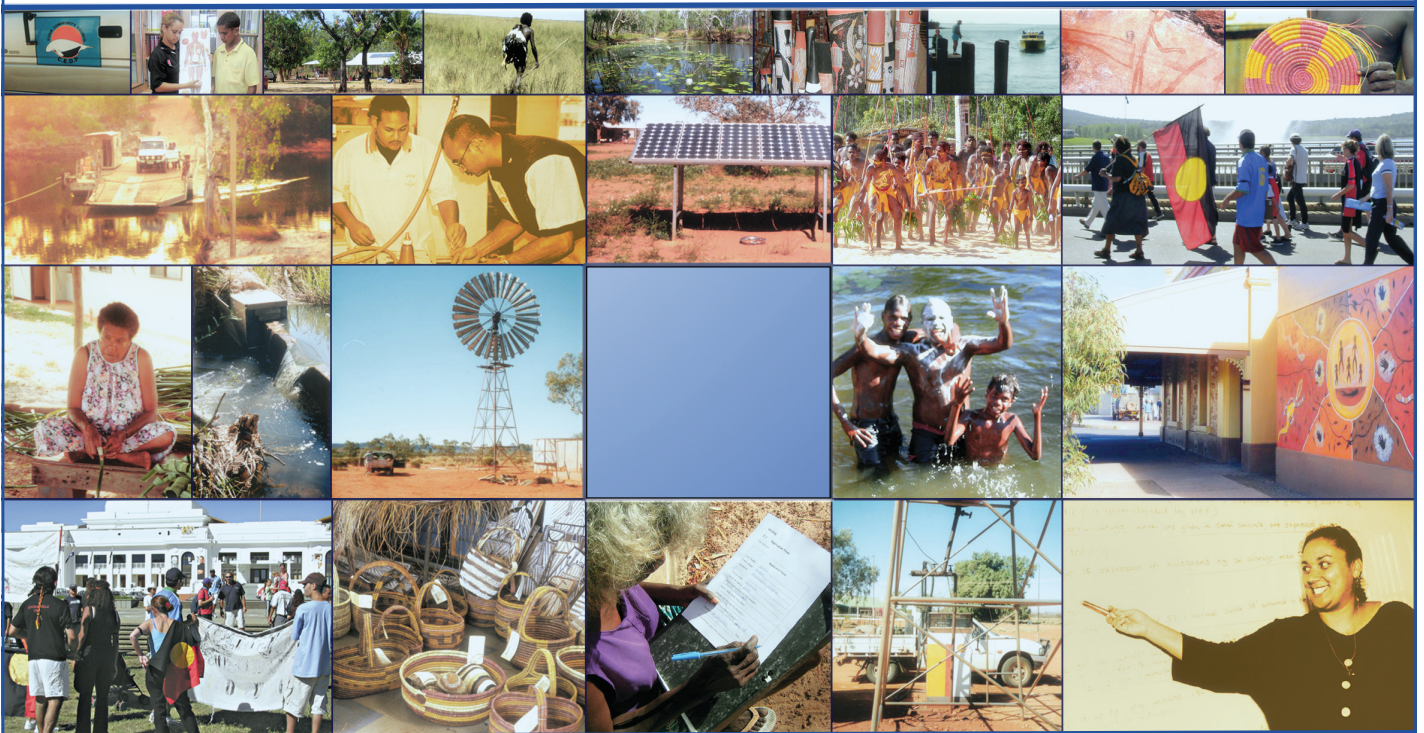


# EQUALITY AND DIFFERENCE ARGUMENTS IN AUSTRALIAN INDIGENOUS AFFAIRS: EXAMPLES FROM INCOME SUPPORT AND HOUSING

W. Sanders

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Enquiries may be directed to:

The Centre for Aboriginal Economic Policy Research  
Hanna Neumann Building #21  
The Australian National University  
Canberra ACT 0200  
  
Telephone 02-6125 8211  
Facsimile 02-6125 9730

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Professor Jon Altman  
Director, CAEPR  
The Australian National University  
January 2008

# Equality and difference arguments in Australian Indigenous affairs: Examples from income support and housing

W. Sanders

Will Sanders is a Senior Fellow at the Centre for Aboriginal Economic Policy Research, The Australian National University.

## ABSTRACT

This paper explores the complex and never-ending dialectic between equality and difference in Australian Indigenous affairs. It begins with examples from debates over the inclusion of Aboriginal people in the income security system in the 1960s and 1970s, and then explores Noel Pearson's contributions on this topic in the early 2000s, with his advocacy of a less 'passive' and responsibility-based welfare system. It notes ultimately how Pearson's contributions revisit difference arguments developed in the 1970s, arguments which led to the Community Development Employment Projects (CDEP) Scheme as an alternative to unemployment payments.

The paper then moves on to Aboriginal housing policy debates, first in the 1970s, then the 1990s and early 2000s. It argues that Aboriginal housing policy is dominated by an equality-based 'needs' agenda, but that in the 1970s and 1980s an alternative, appropriate housing agenda for remote areas based on difference arguments did gain some attention. The paper uses recent work on the measurement of Aboriginal housing need and a field-based study of Aboriginal camping in a small Northern Territory town to demonstrate how difference-based arguments have been losing ground to equality arguments in Aboriginal housing debates in recent years.

The paper laments the rather simplistic recent ascendancy of equality arguments in Aboriginal income support and housing debates, and suggests that Indigenous affairs in Australia would currently be improved by somewhat greater consideration of difference arguments.

**Keywords:** Equality, difference, appropriateness, justice, arguments, dialectic, Indigenous Affairs 1950-present, income support, housing, town camps.

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## INTRODUCTION

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Arguments about both equality and difference are widely deployed in Australian Indigenous affairs. Perhaps the most common are arguments about equality between Indigenous and other Australians which come in two characteristic forms: arguments for equality before the law and arguments for achieving equality in relation to socioeconomic outcomes. Rather than being mutually supportive, these two forms of equality argument are often in direct tension. If equality before the law does not produce the desired level of equality of socioeconomic outcomes, which of the two forms of equality should be prioritised and why? Difference arguments are often also important in trying to progress policy debates to a higher level of sophistication. These arguments too come in several forms. Arguments are often made about cultural and historical differences between Indigenous and other Australians, which are seen as justifying Indigenous-specific legal or policy instruments. Arguments are also made about the different circumstances of various Aboriginal people in diverse geographic locations, which drive policy instruments towards other forms of differentiation.

The dialectic between equality and difference arguments in Australian Indigenous affairs is, in many ways, never ending. Generally equality arguments are more readily accepted, but there is always some room for difference arguments to take hold and be persuasive (Sanders 2005). This is often because of the unintended consequence of equality arguments, or their obvious inadequacy in dealing with diverse and complex circumstances. Also other terms, like appropriateness and justice, can provide a third reference point for the dialectic, giving it greater subtlety and sophistication (Sanders 1998, 2004). Indeed relating equality and difference arguments to ideas of justice has long been a central concern of normative political theory (Walzer 1983; Young 1989). So it is little wonder that justice and its relationship to ideas of equality and difference is a major concern within Australian Indigenous affairs, as evidenced by the existence for the last decade and half of an Aboriginal and Torres Strait Social Justice Commissioner within the Australian Human Rights and Equal Opportunity Commission.

This paper gives some examples of the way in which equality and difference arguments in relation to Indigenous people have interacted in the policy areas of income support and housing over the last 40 or 50 years. In many ways, the paper follows my own research career. It begins with arguments around Indigenous people and the income support system in the period from the 1960s. It then notes Noel Pearson's arguments in this policy area in more recent years and compares his arguments with those of earlier years. The second section of the paper turns to Indigenous housing issues, as debated from the 1970s onwards. Finally the paper details some recent field-based research on informal Aboriginal town camping in a small Northern Territory town.

Since the first version of this paper was written in late 2006, much has happened in Australian Indigenous affairs. An assertive (and now former) Commonwealth Minister, Mal Brough, has acted on Noel Pearson's ideas for 'welfare reform' in Cape York. Minister Brough has also, in pursuit of child protection, imposed some even more radical changes on income support arrangements on Indigenous people in 'prescribed areas' of the Northern Territory. The paper does not try to cover these recent developments, but rather just notes that they have occurred and that they too could be fruitfully analysed for their use of equality and difference arguments.

## INCOME SUPPORT

When the Australian income security system was established during the first half of the twentieth century, 'aboriginal natives' were legislatively excluded from its provisions. This legislative exclusion was gradually broken down from the 1940s to the late 1950s and early 1960s in the name of equal rights and legal non-discrimination (De Maria 1986). But rather than being the end of a policy debate this was in fact more of a beginning. The questions which now needed to be answered related to how, in practice, Indigenous people would be included in the income support system, particularly in the remote areas of Australia.

In these debates, ideas about difference rapidly came to the fore. The circumstances of Indigenous people in remote areas were seen as very different from those of their counterparts in more settled areas and in the early 1960s this difference was seen as justification for paying the majority of the social security entitlement of Aboriginal people in remote areas through third parties on their behalf (Commonwealth Department of Social Services 1960, 1961). This 'failure to pay whole of benefits to Aborigines' in remote areas was then cited by critics who saw themselves as attempting to 'help the Aboriginal people to get real equality in social services' (Andrews 1964:1,4). The result in 1968 was a directive to the Commonwealth Department of Social Services from the Hon. W.C. Wentworth, the minister for both social services and Aboriginal affairs at the time, to move towards full direct payment of entitlement to Aboriginal individuals. But this was still far from the end of the matter.

In the 1970s, as these debates continued, one contribution from an Aboriginal officer of the Department of Social Security and his colleague referred to the situation in remote areas as a 'dilemma' and began as follows:

It is little exaggeration to say that since Aboriginals in the Alice Springs region have been officially recognised as equal, they are at a greater disadvantage than ever before. And the payment of Social Security benefits is a factor contributing to their continued dependency and inertia (Harris and Turner 1976: 1).

A reply to this contribution from a more senior officer of the Department noted that the authors seemed to be questioning the 'concept of equal treatment' and argued that 'any move away from equality in legal entitlement to social security benefits would be regressive' (Beruldsen 1976: 1).

One of the big substantive issues within the social security system in the 1970s was whether Aboriginal people in remote areas should be eligible for unemployment benefit. The debate focused on the apparently universalistic eligibility criteria of being unemployed, being capable and willing to undertake suitable work, and having taken reasonable steps to obtain such work. Up to the 1970s, Aboriginal people in remote areas had been largely kept off unemployment benefit by the social security administration repeatedly arguing that their circumstances were different from other applicants and that they did not meet one or more of these criteria.

One version of this difference argument which kept Aboriginal people in remote areas off unemployment benefit was that they had no 'work history' and so were not so much 'unemployed' as outside the workforce. However, some Aboriginal people in remote areas did have a work history, albeit often at under-award rates of pay, and so this ground of difference faded. Another argument which developed was that Aboriginal people in remote areas were different because they lived away from established labour markets and therefore should be required to move to demonstrate their willingness to work. However the Whitlam Labor Government undercut this argument in 1973 by specifically issuing a policy guideline which stated that 'Aboriginal people living on settlements and missions' did not have to move from their community of residence in order to demonstrate a willingness and availability for work (Sanders 1985: 144). A third ground of difference then emerged which actually conceded that many Aboriginal people in remote areas



were probably technically eligible for unemployment payments but noted that this would be a majority of the local labour force, whereas elsewhere in Australia unemployment benefit was only paid to a small minority of those of workforce age at any one time as a short-term measure to facilitate labour market transition and adjustment (Sanders 1985: 146).

This last argument about difference seemed to stick and became the basis for an innovative program called the Community Development Employment Projects (CDEP) scheme which began in 1977. CDEP converted notional equivalents of the unemployment benefit entitlements of Aboriginal people in remote areas within the social security system into grants to Aboriginal organisations from the Commonwealth Department of Aboriginal Affairs. These grants were then used by Indigenous organisations to employ potential unemployment benefit recipients in part-time work.

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**CDEP:**  
Community  
Development  
Employment  
Projects

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Elsewhere I have written about the popularity of CDEP with Indigenous community organisations and its rapid growth from the mid 1980s, after some more difficult early 'pilot' years (Sanders 1988, 1993). I have also written about the way in which CDEP quite cleverly and subtly combined ideas about equal rights and difference through reference to a third term, appropriateness (Sanders 1998). That combination of ideas, however, had to be significantly reworked during the 1990s as CDEP expanded beyond remote areas to being a major Indigenous-specific program Australia-wide. No longer could the justification for the program be quite so much about remote area difference, it now also had to be about Aboriginal and Torres Strait Islander difference more generally from settler Australians (Sanders 1998, 2005).

Since the year 2000, the Cape York Aboriginal leader Noel Pearson has given a new prominence to these sorts of debates about the inclusion of Aboriginal people in remote areas in the income support system. In that year, in *Our Right To Take Responsibility*, Pearson wrote:

The Welfare-based economy of Aboriginal society is a consequence of our official incorporation as Australian citizens, though this was not the intention of the Australian electorate when it passed the 1967 Referendum which gave us nominal citizenship. We got the right to equal pay but on those terms we were no longer able to find employment (Pearson 2000a: 14).

In his Ben Chifley Memorial Lecture, also in 2000, Pearson argued that:

The irony of our newly won citizenship in 1967 was that after we became citizens with equal rights and the theoretical right to equal pay, we lost the meagre foothold that we had in the real economy and we became almost comprehensively dependent upon passive welfare for our livelihood. So in one sense we gained citizenship and in another sense we lost it at the same time. Because we find thirty years later that life in the safety net for three decades and two generations has produced a social disaster (Pearson 2000b).

On the basis of this analysis, Pearson has argued not for the withdrawal of income support payments from Indigenous people in remote areas, but rather for their reform towards a less 'passive' mode of delivery which would involve Indigenous individuals and families in 'acts of responsibility and reciprocity'.

There are a number of ways in which individuals who receive assistance from society can be committed to perform acts of responsibility and reciprocity.

The first and most important is to take care of oneself. At the most basic, but most important level this means taking responsibility for one's own health: eating healthy food, maintaining personal hygiene, seeking medical advice and proper medication when one is ill—and of course—not abusing alcohol or drugs or smoking....

At another level of personal responsibility comes education and self-improvement .... When we seek education we begin to look forward; we develop what has previously only been potential; we see further than our narrow surroundings; we realize that the future can be better and we gain the skills to make it so....

The second kind of responsibility that can be expected of individuals in society is towards one's family ... In practical terms this amounts to the responsibility to feed, protect, shelter, treat and educate. The responsibility to love, to set an example, to give direction, to reward initiative and support the aspirations of our children (Pearson 2000a: 85-6).

Pearson has also argued that reciprocity must be 'instituted ... at the local level' by Aboriginal people and 'their leaders, possibly in partnership with government', but that State and Commonwealth governments alone are 'too remote' from the Aboriginal citizens of places like Cape York to directly 'impose reciprocity principles' (Pearson 2000a: 86-7). In arguing this, Pearson briefly allowed himself to wonder whether Australian governments could 'successfully impose reciprocity' on any of their citizens in receipt of social security payments. But he quickly moved back from this equality-based argument to one which focused more on the difference of Cape York Aboriginal society:

Governments must allow this flexibility and we should see our objective as being aimed at restoring our traditional values of reciprocity—rather than imposing alien whitefella values (Pearson 2000a: 87).

This is a classic example of the complex interplay of ideas about difference and equality in Australian Indigenous affairs.

Pearson (2000a) also had some interesting things to say about CDEP. Positively, he argued that CDEP was the 'result' of Aboriginal people 'recognising' from very early on the 'destructive nature of unemployment benefits as a perpetual source of income'. He noted that, being locally run by Indigenous organisations, CDEP was based on the 'reciprocity principles' which he advocated as the basis of welfare reform. However, he said that while CDEPs in some smaller communities (in 2000) were 'very successful', some in larger communities were 'not very distinguishable from the dole' (Pearson 2000a: 87). Picking up on this more negative tone, Pearson argued that CDEP had 'not achieved as much as it could have in terms of community development' because it was 'administered under welfarist governance structures' surrounded by other programs within the social security system which were 'not based on reciprocity but are located within the passive welfare paradigm'. To fix CDEP, Pearson argued 'we need to reinsert the original goals of reciprocity and responsibility' into the scheme and 'subject other government programs to similar principles' (Pearson 2000a: 88).

I will conclude this section of the paper by quoting two more passages in which Pearson has used ideas of difference in order to argue for welfare reform. In his Ben Chifley Memorial Lecture in 2000, Pearson argued that the 'great majority of Australians' experienced the welfare state as 'a great and civilising achievement ... which produced many great benefits', but that the people of his society had not experienced it this way:

It is just that our people have largely not experienced the positive features of mainstream life in the Australian welfare state—public health, education, infrastructure and other aspects which have underpinned the quality of life and the opportunities of generations of Australians. Of course some money has been spent on Aboriginal health and education. But the people of my dysfunctional society have struggled to use these resources for our development. Our life expectancy is decreasing and the young generation is illiterate. Our relegation to the dependence on perpetual passive income transfers meant that our people's experience of the welfare state has been negative. Indeed, in the final analysis, completely destructive and tragic (Pearson 2000b).



A year later, in the inaugural Charles Perkins Memorial Oration, Pearson put the same sentiment somewhat more colloquially and in a way which interestingly combined arguments about both equality and difference:

The predicament of my mob is that not only do we face the same uncertainty as all lower class Australians, but we haven't even benefited from the existence of the welfare state. The welfare state has meant security and an opportunity for development for many of your mob.... But the immersion of a whole region like Aboriginal Cape York into dependence on passive welfare is different from the mainstream experience of welfare. What is the exception among whitefellas—almost complete dependence on cash handouts from government—is the rule for us (Pearson 2001: 9).

This is a statement of difference which essentially revisits those made in the mid 1970s around the establishment of the CDEP scheme. It argues that a region and social group with majority, long-term reliance on income support payments requires a different approach from situations where such dependence is more minor and short-term.

With the developments of 2007 under former Minister Brough, it is interesting that CDEP is being maintained in Cape York, where Noel Pearson's attention is focused. However at that time it was proposed that CDEP be abolished in the Northern Territory, where it originated. This abolition is meeting considerable resistance and causing old arguments about difference and equality to be rehearsed yet again.

## HOUSING

While equality arguments in income support have generally been about equal rights before the law, in the housing area they have been constructed more in terms of an equality of 'need' in relation to standard socioeconomic outcomes. In 1990 I noted the way in which the Aboriginal housing policy sector constructed massive nationwide statistics of Aboriginal housing need based on the idea of applying equal housing standards nation-wide to both Aboriginal and settler Australians (Sanders 1990). As one report from the 1970s put it:

Such analyses assume that the minimum acceptable housing for Aboriginals is that which meets the same standards and regulatory by-laws that are generally applied for the European population in towns or cities (Scott 1973: para 4.16)

This equality-based construction of the issue was the dominant policy agenda of the Commonwealth Aboriginal housing sector as it emerged from the early 1970s. However there was also an alternative sectoral agenda focused on 'appropriate' housing and facilities for Aboriginal people in remote areas (Sanders 1990). In relation to the equality of standards assumption, the 1973 report argued that while 'valid for urban and provincial-urban situations', it 'cannot be applied to the areas of central and north Australia where large populations of Aboriginals live in tribal or semi-tribal circumstances' (Scott 1973: para 4.16). Following this difference argument, the report noted that Aboriginal needs in remote areas were 'more related to mobility, recognition of land tenure, maintenance of community health standards, than to provision of housing as understood by Europeans' (Scott 1973: para 4.5). Here then, as with unemployment benefits and the development of CDEP, was a classic argument about the difference of Aboriginal circumstances in remote areas and how this could justify an alternative, more appropriate policy approach.

This alternative housing policy agenda based on difference arguments underlay the development of an Aboriginal 'community' housing program by the Commonwealth which began to operate from the 1970s, primarily in remote areas but also, to a limited extent, Australia-wide. This alternative

agenda also underlay the development in northern and central Australia of formalised, but distinctive Aboriginal urban living areas, or town camps (Sanders 1984). These policy successes of the alternative, difference-based, appropriate housing and facilities agenda were, however, fragile and slight. In 1990 I mused on a number of 'reasons why the alternative agenda for Aboriginal housing in remote areas has remained on the margins' (Sanders 1990: 46). One reason was that Aboriginal people themselves, even in remote areas, tended when asked to say that they wanted standard suburban-style housing. However, as one of the more sophisticated advocates of the alternative housing agenda noted, this was often because issues of ongoing costs, like rent, were not raised. When such matters were raised in consultation processes with Aboriginal people, often more modest housing was sought (Ross 1987).

In the late 1990s I worked alongside the statistician who had become the Australian expert in constructing those massive nationwide statistics of Aboriginal housing need, based on standards of housing adequacy drawn from the Australian (and Canadian) settler cities (Jones 1994, 1999). In a group of three consultants with very different disciplinary and other backgrounds, we discussed the idea of possibly using Indigenous-specific standards and measures of housing need and also the idea of using different standards and measures in different parts of Australia. In the end, however:

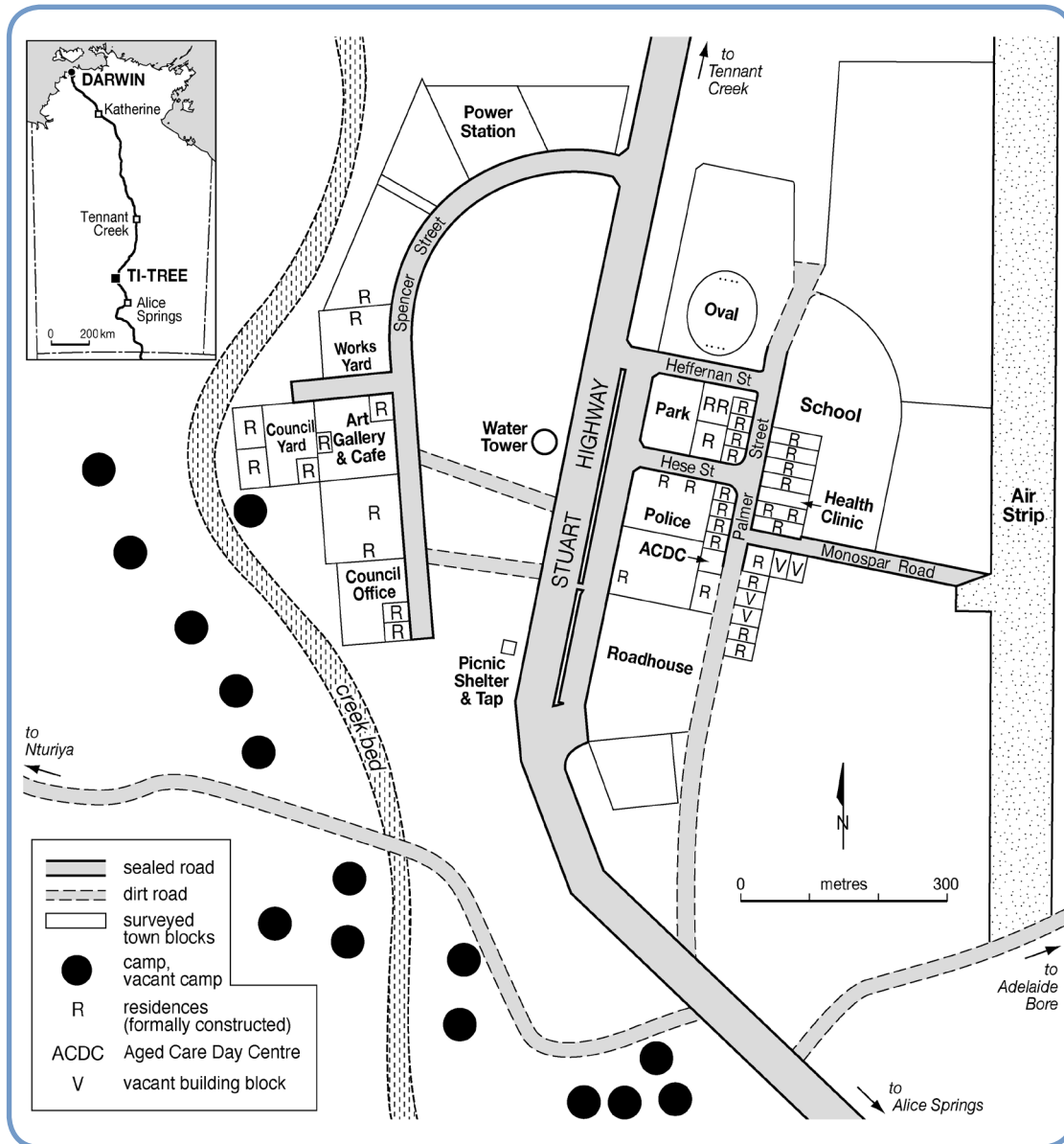
We decided these were untenable approaches. Despite differences both from non-Indigenous Australians and among themselves, Indigenous people would not, we believed, accept being treated differently among themselves or being set apart from non-Indigenous Australians in any housing needs analysis. Our solution was to adopt an Australia-wide multi-measure approach to housing need. This took its standards of need from the circumstances of the dominant non-Indigenous community in Australia. But it would look at several measures, in the anticipation that these might reveal different aspects of Indigenous housing need in different geographic circumstances (Neutze, Sanders & Jones 2000:1-2).

This multi-measure approach was, intellectually, the best we could do in trying to balance ideas of difference and equality. It also proved acceptable to Indigenous and other interests in and around the Australian housing policy sector and, over time, became the officially-endorsed government approach (HMAC Standing Committee on Indigenous Housing 2001; Northern Territory Government 2004; Standing Committee on Indigenous Housing 2004).

The multi-measure approach did indeed reveal different aspects of Indigenous housing need in different geographic circumstances. Affordability measures emphasised need in urban areas, while adequacy measures demonstrated remote area need (Neutze, Sanders & Jones 2000; National Centre for Social Applications of Geographic Information Systems 2003). So the multi-measure approach did work as a way of at least opening up some area for debate around ideas of difference in housing needs, both among Indigenous Australians and between Indigenous Australians and others. However, to this day massive nationwide-need statistics based on equality arguments and adequacy measures still tend to capture and dominate Indigenous housing policy debates. The alternative—an appropriate housing and infrastructure agenda for remote areas based on difference arguments—still struggles for recognition and has, I would argue, actually been losing ground in recent years.

To illustrate this last point, it should be noted that part of (former) Minister Brough's assertive action of 2007 has been to abolish the Commonwealth's 30 year old Aboriginal community housing program. The Minister has also moved to 'normalise' Aboriginal urban living areas in northern and central Australia: that is, turn town camps into more standard, equalised housing estates. Trends in this direction have been underway for some time, but were accelerated under Minister Brough. To illustrate this, I will conclude by recounting some observations from recent field-based work focused on the small Northern Territory town of Ti Tree, on the Stuart Highway 200 kilometres (kms) north of Alice Springs in central Australia.

**Fig. 1. Map of Ti Tree, Northern Territory, Australia**



## ABORIGINAL CAMPING IN A SMALL NORTHERN TERRITORY TOWN

Since 2004, I have been working with my colleague Sarah Holcombe on a governance research project with the Anmatjere Community Government Council (ACGC) based in the small Northern Territory roadside town of Ti Tree. As well as being the local governing body for Ti Tree, ACGC provides local government for nine outlying wards covering discrete Aboriginal settlements. In a classic federal arrangement each ward of ACGC has two representatives, even though the populations of the wards range from 300 people to below 50. ACGC is also slightly asymmetric as a federal structure, requiring one year residence for voting or standing for office in the discrete Aboriginal community wards, but only three months residence in the roadside town ward. This asymmetric residence requirement reflects the fact that a significant number of non-Indigenous people involved in service employment live in the roadside town of Ti Tree, some of whom

**ACGC:**  
Anmatjere  
Community  
Government  
Council

come and go in quite short periods of time. Indeed Ti Tree town is, in some ways, a predominantly non-Indigenous residential enclave in a surrounding population that is predominantly Indigenous. Of Ti Tree's 35 or so formally constructed residences, only about five are occupied by local Indigenous people (see Fig. 1). Historically, housing for Indigenous people has largely been built in the outlying discrete Aboriginal settlements, the closest of which is 9 kms out of town, another 17 kms and several more of which are 50 kms away. These outlying settlements, however, only have very basic levels of servicing. So their populations tend to come and go from Ti Tree on an almost daily basis in the course of doing shopping, accessing health and education facilities and also accessing income support payments through the Rural Transaction Centre and Centrelink agency office run by ACGC.

Perhaps not surprisingly some of this surrounding Indigenous population of approximately 1,000 people within a 100 kms radius ends up staying in Ti Tree in a string of informal camps spread out along the creek on the west side of town (see map). These camps consist of informal, self-made dwellings of various degrees of permanence with no reticulated water or electricity supply. A study of these camps which we undertook in conjunction with ACGC in 2005 identified resident populations over a ten month period ranging from 25 to 80 or 100 people (Sanders & Holcombe 2006). The 25 core residents, in six household camps, were there throughout the study period and regarded the camp as their home. Five of these core residents were public sector employees who worked in Ti Tree but did not currently have access to housing as part of their employment conditions. Another nine or ten of the constant residents were elderly or disabled people who relied on the ACGC's Aged Care Day Centre in Ti Tree to assist them to meet some of their other daily living requirements, such as jerry cans for water. Beyond these 25 core long-term residents, others who had access to housing in outlying discrete Aboriginal settlements came and went from the camps over various periods of time during the study period depending on events and circumstances in those settlements and on their service needs in Ti Tree town. In total we identified almost 130 people who stayed in the 15 or so camps over the 10 month period.

A few other things need to be said about these camps, arising from this study. The first is that most residents of the camps regarded them as a good place to live, close to the services of Ti Tree town, but not 'boxed up' like the whitefellas in the houses in the compact residential estate on the eastern side of town (see map). Being spread out and a bit away from the whitefellas meant that people could live there with their dogs and have family come and go without getting complaints from the neighbours. People were aware that two households of Aboriginal public housing tenants in the eastern residential subdivision were having some trouble meeting tenancy rules and with complaints from neighbours. Most campers, when asked if they would be interested in housing in the town, said they would prefer to stay where they were and have some better services and amenities developed there. There was, however, some conservatism among campers about such development: they were concerned that a better level of services in the camps might attract more of their countrymen currently living in outlying settlements. However, there was a desire to gently explore the possibility of better services in the camps, like reticulated water and ablution facilities, and possibly also some residential buildings.

Our reports to ACGC on the camps noted that the biggest obstacle to providing reticulated water and other services to the camps was land tenure (Sanders & Holcombe 2006, 2007), as the camps were on unallocated crown land. We suggested to ACGC that if they were interested in thinking about reticulated services and other development for the camps they would probably need to begin by applying for some change of land tenure. In discussions with Northern Territory Government officials about these camps, however, it became apparent that there was no great enthusiasm for such land tenure change and servicing of the camps within that Government's lands administration. Their arguments against such change were an interesting combination of ideas about difference, equality, history and policy.

The basic argument against land tenure change and formalised development of the camps was that such difference-based ideas for Aboriginal urban living areas had been tried 20 years ago in nearby places like Alice Springs and Tennant Creek and were now regarded as a failure, which was not to be repeated. This history of difference-based arguments leading to town camps—which were currently regarded as failures—was clearly informing current Northern Territory Government policy against the establishment of any new Aboriginal urban living areas. The equality argument was that, if anything was to be done about these camps, it should be the provision of standard suburban housing for Aboriginal people by an extension of the compact eastern residential subdivision within Ti Tree. Indeed planning for such an extension has been slowly occurring, despite the fact that in our study the majority of the campers lucidly explained why they would prefer not to move over into houses in town and would prefer instead to have the camps very carefully developed. Only one group of campers who we interviewed in the study expressed interest in a house on the east side of town, and we helped them apply for public housing.

These town camping issues are not new. They are a central part of the alternative agenda within the Indigenous housing policy sector identified above, based on difference and appropriateness arguments. Back in 1982 the House of Representatives Standing Committee on Aboriginal Affairs conducted an inquiry and published a report entitled *Strategies to Help Overcome the Problems of Aboriginal Town Camps*. That report noted that some town camps had already achieved some degree of recognition through securing appropriate land tenure and some greater degree of reticulated servicing. It also supported more such recognition as a way of providing 'alternative style accommodation' for Aboriginal people either visiting or more permanently living in towns (House of Representatives Standing Committee on Aboriginal Affairs 1982: xii). In 1984 in reviewing that report I optimistically wrote that, after a long history of being treated with opprobrium in Australian public life, Aboriginal town camping appeared 'poised on the threshold of political legitimacy' (Sanders 1984: 148).

Over 20 years later, I would have to say that the legitimacy of Aboriginal town camping has not progressed. Town camps which were newly recognised in the late 1970s and early 1980s have been engaged in a holding operation since and, to my knowledge, no new camps have since been recognised. The prospect for having an Aboriginal urban living area formally recognised on the west side of Ti Tree would currently appear almost non-existent. The difference arguments which supported the recognition of town camps in earlier years have been gradually losing ground to some rather simple and simplistic equality arguments about housing, joined in more recent years by historical policy failure arguments. To me this is an unfortunate development, as I believe that town camps offer Aboriginal people a wider range of sustainable options for urban living in northern and central Australia. Both town camps and standard suburban dwellings in compact residential estates ought to be available to Aboriginal people through diverse policies supported by a combination of both equality and difference arguments. We need both types of arguments in Aboriginal housing debates in order to justify a range of choices and policy instruments.

## CONCLUSION

The dialectic between equality and difference arguments in Australian Indigenous affairs is clearly complex and forever developing. In conjunction with other ideas, like justice and appropriateness, equality and difference are some of the most central terms of Indigenous affairs policy debates. In the policy areas of income support and housing and town camps, difference-based arguments which are sensitive to context and support Indigenous-specific and remote-area-specific policy instruments would appear in recent times to be losing ground. Equality arguments, which are often very general and somewhat simplistic, would appear conversely to be on the rise. Indigenous-specific and area-specific policy instruments, like the CDEP scheme and Aboriginal community housing and town camps, are as a consequence somewhat

out of favour and currently under attack. There is, however, always some room for manoeuvre. My own judgment is that Indigenous affairs in Australia would be improved by a somewhat greater consideration of difference arguments and a somewhat more critical approach to equality arguments.



## REFERENCES

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- Andrews, S. 1964. 'Social Service benefits still denied to Aborigines' Council for Aboriginal Rights, Coronation Press, Melbourne.
- Beruldsen, J. 1976. 'The Aboriginal Dilemma: a reply', *Social Security Quarterly*, Summer: 1–4.
- Commonwealth Department of Social Service 1960. 'Social Service Benefits and Aborigines', *Social Services Journal*, 13 (1): 3.
- Commonwealth Department of Social Services 1961. 'New Deal for Aborigines', *Social Services Journal*, 14 (2): 4.
- De Maria, W. 1986. 'White welfare, black entitlement: the social security access controversy, 1939–59', *Aboriginal History*, 10 Part 1: 25–39.
- Harris, G. and Turner, L. 1976. 'The Aboriginal dilemma', *Social Security Quarterly*, Autumn, 1–4.
- House of Representatives Standing Committee on Aboriginal Affairs 1982. *Strategies to Help Overcome the Problems of Aboriginal Town Camps*, Parliament of the Commonwealth of Australia, Canberra.
- Housing Ministers Advisory Committee (HMAC) Standing Committee on Indigenous Housing 2001. *Building a Better Future: Indigenous Housing to 2010*, HMAC Standing Committee on Indigenous Housing, Sydney.
- Jones, R. 1994. *The Housing Need of Indigenous Australians, 1991*, CAEPR Research Monograph No. 8, CAEPR, ANU, Canberra.
- 1999. *Indigenous Housing: 1996 Census Analysis*, Aboriginal and Torres Strait Islander Commission, Canberra.
- National Centre for Social Applications of Geographic Information Systems 2003. *Indigenous Housing Need: Homeless, Overcrowding and Affordability 2001 Census Analysis*, Report to the Aboriginal and Torres Strait Islander Commission, Canberra.
- Neutze, M., Sanders, W. and Jones, R. 2000. 'Estimating Indigenous housing need for public funding allocation: a multi-measure approach' *CAEPR Discussion Paper No. 197*, CAEPR, ANU, Canberra, available at: <<http://www.anu.edu.au/caepr/discussion.php>>.
- Northern Territory Government 2004. *National Issues in Indigenous Housing 2004/05 and Beyond*, Position Paper, Department of Community Development, Sport and Cultural Affairs, Darwin.
- Pearson, N. 2000a. *Our Right to Take Responsibility*, Noel Pearson and Associates Pty Ltd, Cairns.
- 2000b. 'The Light on the Hill', Ben Chifley Memorial Lecture, 12 August, Bathurst Panthers Leagues Club, Bathurst.
- 2001. 'On the human right to misery, mass incarceration and early death', The Charles Perkins Memorial Lecture, 25 October, University of Sydney, Sydney.
- Ross, H. 1987. *Just for Living: Aboriginal Perceptions of Housing in Northwest Australia*, Aboriginal Studies Press, Canberra.
- Sanders, W. 1984. 'Aboriginal town camping, institutional practices and local politics', in J. Halligan and C. Paris (eds), *Australian Urban Politics*, Longman Cheshire, Melbourne.
- 1985. 'The Politics of Unemployment Benefit for Aborigines: Some Consequences of Economic Marginalisation', in D. Wade-Marshall and P. Loveday (eds), *Employment and Unemployment: A Collection of Papers*, Australian National University North Australia Research Unit, Darwin.

- 1988. 'The CDEP scheme: Bureaucratic politics, remote community politics and the development of an Aboriginal 'workfare' program in times of rising unemployment', *Politics*, 23 (1): 32–47.
- 1990. 'Reconstructing Aboriginal housing policy for remote areas: How much room for manoeuvre?' *Australian Journal of Public Administration*, 49 (1): 38–50.
- 1993. 'The rise and rise of the CDEP scheme: An Aboriginal 'workfare' program in times of persistent unemployment', *CAEPR Discussion Paper No. 54*, CAEPR, ANU, Canberra, available at: <http://www.anu.edu.au/caepr/discussion.php>.
- 1998. 'Citizenship and the Community Development Employment Projects scheme: Equal rights, difference and appropriateness', in N. Peterson and W. Sanders (eds), *Citizenship and Indigenous Australians: Changing Conceptions and Possibilities*, Cambridge University Press, Melbourne.
- 2004. 'Indigenous Australians and the rules of the social security System: Universalism, Appropriateness and Justice', *Australian Journal of Public Administration*, 63 (3): 3–9. (Also available as *CAEPR Discussion Paper No. 212* at: <http://www.anu.edu.au/caepr/discussion.php>).
- 2005. 'CDEP and ATSIC as bold experiments in governing differently—but where to now?', in D. Austin-Broos and G. McDonald (eds), *Culture, Economy and Governance in Aboriginal Australia*, Sydney University Press, Sydney.
- and Holcombe, S. 2006. *The Ti Tree Creek Camp Study: Reports to Anmatjere Community Government Council*, CAEPR, ANU, Canberra, available at [http://www.anu.edu.au/caepr/ICGP\\_publications.php#reports](http://www.anu.edu.au/caepr/ICGP_publications.php#reports)
- and Holcombe, S. 2007. 'The Ti Tree Creek Camp Study: A Contribution to Good Governance', *Ngiya: Talk the Law*, 1 (June), 72–92.
- Scott, W.D. and Co. 1973. *Housing Needs in the Australian Aboriginal and Torres Strait Island Populations*, A Report for the Commonwealth Department of Aboriginal Affairs, Canberra.
- Standing Committee on Indigenous Housing 2004. *Multi-Measure Modelling of Indigenous Housing Need*, Standing Committee on Indigenous Housing, Brisbane.
- Walzer, M. 1983. *Spheres of Justice: A Defence of Pluralism and Equality*, Blackwell, Oxford.
- Young, I. 1989. *Justice and the Politics of Difference*, Princeton University Press, Princeton, New Jersey.