Australian National University

LAYNHAPUY HOMELANDS HOUSING REPORT

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POLIS: The Centre for Social Policy Research
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Laynhapuy Homelands Housing Report

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Abstract

The Laynhapuy Homelands Aboriginal Corporation (Laynha), based in Yirrkala in the Northern Territory, commissioned this report to capture the state of current housing on the 32 homelands they service and to elucidate future needs. The study was developed in close consultation with the housing subcommittee of the Laynha Board. Key quantitative data was provided by Laynha and detailed case studies were undertaken in five homelands to provide insight into current living conditions, the aspirations of homelands residents and associated housing and infrastructure requirements.

Statistical data presented here shows that the population of homelands in the Laynha region has remained relatively stable over time. The data also reveal the extent to which housing stock and associated infrastructure is ageing. Case studies powerfully illustrate the realities of homeland living. In each of five sites, we provide a short anthropological history, infrastructure summary and some comment on current living conditions. HealthHabitat's '9 Healthy Living Practices' provide a lens through which to examine the amenity of houses in the case study homelands and to consider the implications for health and wellbeing. In each case study we highlight one development aspiration. These were derived through discussions with community and through an analysis of 'development priorities' emerging from ethnographic material. Findings reveal a dynamic and future-focused population, determined to make a contribution to the wider nation state from within their own cultural context and on their own terms.

Acknowledgements

This report is dedicated to Mr D. Mununggurr. He was a signatory to the Yirrkala Bark Petitions, a member of the team which constructed the first homelands houses, a leader committed to supporting families to return to Country, a person of strength and integrity throughout his very long life. With great respect we acknowledge his contribution to this report and are grateful for his help. May he rest in peace.

We have been assisted in this project by many people and are thankful to them all. To Barayuwa Mununggurr who is co-author of this report, we are grateful for your enormous help in organising and conducting fieldwork, sometimes in difficult circumstances when roads were rough and days were long. To Yananymul Mununggurr, Chairperson of the Laynhapuy Homelands Aboriginal Corporation, for your leadership and guidance, for your assistance with translation, for your hospitality and kindness during fieldwork at Garrthalala we are grateful. To other homeland leaders, emerging leaders and members of the housing subcommittee of the Laynha Board, Djambawa Marawili, Marrpalawuy Marika, Yinimala Gumana, Yindiri Guyula, Balku Wunungmurra, Yanbatji Mununggurr, we are grateful for your support and guidance in this work, for welcoming us to your Country and for helping us to understand your vision for the future.

To former Laynha CEO, Kerry Legge, and Operations Manager, Ryan Moroney, thank you for your support and for welcoming us in Yirrkala.

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Acronyms

ABC	Australian Broadcasting Corporation
ABS	Australian Bureau of Statistics
ACARA	Australian Curriculum, Assessment and Reporting Authority
ACCU	Australian Carbon Credit Unit
AHNT	Aboriginal Housing NT Aboriginal Corporation
AHURI	Australian Housing and Urban Research Institute
AIATSIS	Australian Institute for Aboriginal and Torres Strait Islander Studies
ALFA	Arnhem Land Fire Abatement (NT) Limited
ANAO	Australian National Audit Office
ANU	Australian National University
APONT	Aboriginal Peak Organisations Northern Territory
ASRAC	Arafura Swamp Rangers Aboriginal Corporation
ATSIC	Aboriginal and Torres Strait Islander Commission
BER	beyond economic repair
BGAC	Bäniyala Garraŋali Aboriginal Corporation
CALFA	Central Arnhem Land Fire Abatement (NT)
C-BATE	Community Based Aboriginal Teacher Education
CHINS	Community Housing and Infrastructure Needs Survey
CHP	community housing provider
CIPR	Centre for Indigenous Policy Research
CNOS	Canadian National Occupancy Standard
COAG	Council of Australian Governments
DEAL	Developing East Arnhem Limited
FaCSIA	Department of Families, Community Services and Indigenous Affairs (Australian Government)
GP	general practitioner
GST	Goods and Services Tax
HCH	Health Care Homes (Medicare program)
HHIP	Homeland Housing and Infrastructure Program
HLP	Healthy Living Practice (NT Healthy Homes program)
HLC	Homeland Learning Centre
HLCT	Homeland Learning Centre Teacher

km	kilometre
IER	Infrastructure and Equipment Register
Laynha	Laynhapuy Homelands Aboriginal Corporation
LHS	Laynhapuy Homeland School
MoU	Memorandum of Understanding
NDIS	National Disability Insurance Scheme
NGO	non-government organisation
NIAA	National Indigenous Australian Agency
NLC	Northern Land Council
NRSCH	National Regulatory System for Community Housing
NT	Northern Territory
NTCET	Northern Territory Certificate of Education and Training
PPH	potentially preventable hospitalisations
RSPCA	Royal Society for the Prevention of Cruelty to Animals
SRS	Schooling Resource Standard
km^2	square kilometre
TFHC	Department of Territory Families, Housing and Communities (NT)
VOQ	Visiting Officers Quarters
VT	Visiting Teacher
WALFA	Western Arnhem Land Fire Abatement (NT)

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Executive Summary

Yolŋu homelands are the locus of ancient cultural and ecological knowledge, of language, law and custom. They represent an integrated, strongly place-based, life-world. In the face of globalisation and its erosion of cultural diversity, the national and international significance of homelands cannot be overstated. The homelands movement was, and remains, a Yolŋu enterprise driven by a determination to protect and maintain people, culture, language and Country. Those drivers are as keenly felt today as they were in the 1970s. The homelands movement is an expression of self-determination, but since the earliest times it has attracted minimal external support or encouragement.

The Laynhapuy Homelands Aboriginal Corporation (Laynha), based in Yirrkala in the Northern Territory, commissioned this report to capture the state of current housing on the 32 homelands they service and to elucidate future needs. The study was developed in close consultation with the housing subcommittee of the Laynha Board. Key quantitative data was provided by Laynha and detailed case studies were undertaken in five homelands to provide insight into current living conditions, the aspirations of homelands residents and associated housing and infrastructure requirements.

To a great extent, homelands exist in a policy vacuum. This report begins by providing policy context essential to understanding both the current situation and 'best practice' for future development on homelands. It details funding schemes over time; the intersection of federal and territory policy frameworks; the regulatory environment governing social and homelands housing. It explores the lack of housing standards applicable to homelands housing. It considers the impact of investment in hub communities and exposes a chronic lack of parallel investment in homelands housing. It explores the issue of land tenure and the potential costs and benefits of homelands relinquishing the unique, communally held freehold title to land which was established by the *Aboriginal Land Rights (Northern Territory) Act 1976*.

Statistical data presented here shows that the population of homelands in the Laynha region has remained relatively stable over time. They also reveal the extent to which housing stock and associated infrastructure is ageing. While we analyse listed age and infrastructure from data gleaned from a variety of sources, it is crucial to note that the actual condition of housing is often much worse than infrastructure registers and data may show. On the ground houses are in varying states of condition and are highly affected by climatic and environmental factors, as well as seasonal and cultural changes in population.

Case studies powerfully illustrate the realities of homeland living. In each of five sites, we provide a short anthropological history, infrastructure summary and some comment on current living conditions. HealthHabitat's '9 Healthy Living Practices' provide a lens through which to examine the amenity of houses in the case study homelands and to consider the implications for health and wellbeing. Even if a house is classified as being in good structural condition, this does not indicate that the amenity of the dwelling is acceptable. Across all case study sites, there is no single house which enables all nine healthy living practices. Many enable none of the nine.

In each case study we highlight one development aspiration. These were derived through discussions with community and through an analysis of 'development priorities' emerging from ethnographic material. While we only highlight one major development aspiration or issue for each homeland, there are many commonalities across the case study sites. In particular, nearly all the respondents in this study aspire to **improved educational services and infrastructure, aged care and health, access to shops, land and sea management and associated development, security of land tenure arrangements, cultural tourism and art**. It is clear that these areas should be prioritised in development and infrastructure planning moving forward

as they provide a cultural and economic fit suited to the uniqueness of the homeland context. It is also clear that housing need and associated infrastructure is critical to supporting these development aspirations.

Homelands play a unique role in the maintenance and intergenerational transmission of language, culture, ecological and spiritual knowledge. As demonstrated in this study, this does not mean homelands are cultural museums. Homeland residents are artists who produce internationally collected art, they are award winning musicians and performing artists; they are rangers, integrally involved in developing innovative land management practices, bringing together traditional and cutting edge scientific knowledge systems to manage or mitigate climate change; they are teachers who work to develop pedagogies and teaching materials that are genuinely bi-cultural and shown to maximise student learning and engagement; they are tourism operators convinced that they have a role to play in communicating their culture to outsiders. Homeland leaders and residents are future focused and deeply committed to their cause. They aspire to live well and to make a meaningful contribution to contemporary Australia. Evidence presented in this report suggests that people will not leave their homelands, that populations will be stable or grow and that adequate levels of investment will be needed into the foreseeable future.

Key Findings

1. With relatively stable populations over time, deep cultural commitment to homelands, intergenerational determination to maintain customary and linguistic obligation, and despite difficult living conditions, it is clear that the population of the Laynhapuy homelands region will not abandon their homelands. This must be a first premise in government housing and infrastructure planning in this region.
2. The current state of housing in the Laynhapuy Homelands is a result of poor and inconsistent policy, chronic underfunding and lack of investment at both Federal and Territory levels.
3. Investment by the Federal Government in 2024 is a major opportunity to redress the unsatisfactory state of the housing stock in the Laynhapuy region. However, policy must allow for the provision of real community engagement and allow time for planning in order to maximise impact. We note that at the time of writing, in response to NTG invitation to provide budget estimates for housing and essential infrastructure works across all funded homelands, Laynhapuy is working to develop a Yolŋu-led house design. Design work is focussed on meeting cultural needs, maximising Healthy Living Practices, being customisable and cost effective to deliver across multiple homelands[1].
4. Overall, 6% of dwellings in the Laynhapuy homelands are classified in the data as being in poor condition, 50% are classified as being in fair condition and 44% are classified as being in good condition. However, actual condition of housing is often much worse than infrastructure registers and data may show. On the ground houses are in varying states of condition and are highly affected by climatic and environmental factors, as well as seasonal and cultural changes in population. Laynha reports that increase in construction costs coupled with a systematic decrease in maintenance funding makes improvement of dwelling conditions extremely difficult.
5. There is a great deal of variation in the condition of houses across the homelands. There is also no clear relationship between homeland population and the condition of housing in the homeland.

[1] Subsequent to this report being finalised, Laynhapuy has produced the *Laynhapuy Homelands Aboriginal Corporation Homelands Housing and Infrastructure Program 2025-2027*

6. Of the 149 houses for which a date of construction is recorded, 121 (81%) were built in 2000 or earlier and are thus at least 24 years old, and 108 (72%) were built in 1990 or earlier and are thus 35 years or older. All of the houses that are in poor condition were built in 1990 or earlier.
7. Based on the costs of building a three-bedroom house funded under the National Partnership (uprated for increases in the costs of house construction), a conservative estimated replacement cost per house amounts to $610,000. Using this method, the total cost of replacing the housing stock, then, is estimated to be about $94 million. A recent cost estimate for the replacement cost of a four bedroom house, with estimates undertaken by an independent Quantity Surveyor ranged between $1.284 - $1.926m.
8. All of the houses which are in poor condition require replacement or major upgrade. Using the Laynhapuy Infrastructure and Equipment costs estimates, the costs of replacing or repairing and upgrading houses that are in poor condition amounts to $3.3 million or, if the updated replacement cost is used, $5.5 million. For the houses which are in fair condition, i.e. they are at medium risk of failure within five years, the costs of replacing or repairing and upgrading them according to Laynhapuy cost estimates is $32.2 million. The cost of replacement using the updated replacement cost amounts to $47 million. Again (see findings 4 and 7), this estimate is likely to be well under actual costs and may be more than double the figures available in official data.
9. According to the data in the Infrastructure and Equipment Register, the cost of replacing non-dwelling homeland infrastructure in 2022–23 was estimated to be $59 million. We note that this estimate is also a likely understatement of actual cost. This non-dwelling infrastructure is essential in order for the homelands to be viable. (See also findings 4,7 and 8.)
10. The average population in each homeland is 32.3 with half of the homelands having a population of 15 or fewer. Across all the Laynhapuy homelands housing stock there is an average of 5.2 people per house. However, there are major differences in density per house between individual homelands, ranging between an average of 0.9 and 9.7 people per household.
11. Obtaining accurate population data for homelands in the Laynhapuy region to inform planning is extremely difficult. Residents exhibit patterns of ‘hyper mobility’ (Morphy 2007), categories such as ‘usual place of residence’ may exhibit undercount and housing stock is subject to extreme surges and changes in population for myriad reasons (Taylor & Bell 2011). These include ceremony, death, access issues, transport availability, infrastructure condition, housing availability, education and health service availability and season and cultural obligations. Contingencies for ‘exogenous shock’ to housing and infrastructure should be considered (see recommendations).
12. Development aspirations across the case studies were improved educational services and infrastructure, aged care and health, access to shops, land and sea management and associated development, security of land tenure arrangements, cultural tourism and art. It is clear that these areas should be prioritised in development infrastructure planning moving forward.
13. Maintaining or improving education and health services (especially Healthy Stores program) are seen as a priority development issue for homelands residents.
14. Water quality and power for associated infrastructure planning is a current priority area of infrastructure development need. Power costs are extremely high and a major area of need for development resourcing.
15. In this study there was no evidence that entering into a head-lease agreement or section 19 agreement (under the *Aboriginal Land Rights (Northern Territory) Act 1976*) had any beneficial effect on housing for

homelands in the Laynhapuy region and models of privatised ownership seem unfeasible for most homelands' residents.

16. Women consulted in this study have particular infrastructure needs based on cultural mores and associated health needs and should be considered as a separate consultation group for planning and infrastructure development.

Recommendations

1. It is recommended that housing and infrastructure planning at all levels (Federal, Territory and Local) for homelands in the Laynhapuy region proceed on the assumption that people will not leave their homelands, that populations will be stable or grow and that adequate levels of investment will be needed into the foreseeable future.
2. It is recommended that roll out of new funding by government must be done in close consultation with, and at a pace dictated by the Laynhapuy Homelands Corporation and the people of the region.
3. It is recommended that the Laynhapuy Homelands Corporation and Board give some consideration in future planning to the disparity between current housing stock condition and population distribution.
4. It is recommended (after consideration of recommendation 2 and 3) that priority for new housing funding be directed to replacement/major upgrades of stock rated as 'poor' noting that 43% of houses may move from 'fair' to 'poor' condition over the next 5 years with significant investment in repairs and upgrades and that 73% of the stock is over 35 years old.
5. It is recommended that the 'hyper mobility' and culturally driven surges of population be accounted for in infrastructure planning. Pressure on amenities and housing stock during ceremony and other 'exogenous shocks' to community was a theme across the case studies. Consideration of purpose built, large simple shelters with access to amenities should form part of development going forward.
6. It is recommended that planning for development should focus on improved educational services and infrastructure, aged care and health, access to shops, land and sea management and associated development, security of land tenure arrangements, cultural tourism and art.
7. It is recommended that maintaining and improving education and health services (especially Healthy Stores Program) be seen as priority for development effort by all levels of service provision.
8. It is recommended that power and water quality and associated infrastructure be prioritised in long-term infrastructure planning.
9. It is recommended that housing and infrastructure development *not* be tied to head-leasing agreements or changes to land tenure unless at the express wish of the homeland concerned and ensuring that principles of free, prior and informed consent are fully adhered to.
10. It is recommended that the particular cultural mores and health needs of women be seriously taken into account in planning and development and that women are treated as a separate group for consultation.

Introduction

> *I am an Aboriginal from mud, red mud. I am black, I am red, I am yellow, and I will not take my people from here to be in these other places. We want to stay on our own land. We have our culture, we have our law, we have our land rights, we have our painting and carving, we have our stories from our old people, not only my people, but everyone, all Dhuwa and Yirritja, we are not making this up.*
>
> Dr G. Gumana AO, of Gäṉgaṉ, quoted in the Australian Human Rights Commission Social Justice Report 2009, p. 139.

Almost since the beginning of the homelands movement, the adequacy of housing and infrastructure, and the funding stream required to improve and maintain it, has been a challenge.

Apart from the period from 1992 to 2006 – during which time the Aboriginal and Torres Strait Islander Commission (ATSIC) committed to community led and evidence-based housing programs – policy platforms have come and gone, but most show little evidence of having achieved real progress.

In 2007 a memorandum of understanding (MoU) was signed, shifting responsibility for homelands[2] in the Northern Territory (NT) from the Commonwealth to the NT Government from July 2008. The MoU also stipulated that no Commonwealth funding would be provided to construct new housing on homelands. Since that time, the NT Government policy has been to not provide funding for new housing on homelands. The limited housing that has since been built, has been funded either privately or by exception (NT Government Department of Territory Families, Housing and Communities [TFHC] 2021a, p. 20).

In its 2022 national election policies, the Australian Labor Party promised immediate funding for housing and essential services on NT homelands and to re-negotiate a new remote housing agreement for the NT, which properly supports homelands (Australian Labor Party 2022). Accordingly, the 2022–23 Federal Budget provided $100 million over two years to address urgent housing and infrastructure needs across NT homelands. Funds could be spent on the repair and maintenance of existing houses, but not on the construction of additional dwellings.

On March 12, 2024, Prime Minister Anthony Albanese announced $4 billion jointly funded by the Federal and NT Governments for remote housing. Importantly this funding included homelands. Of those monies, the Federal Government contributed $2.1 billion, about $844 million of which was new money, with the rest repurposed from other projects. This announcement was greeted by the Chief Executive Officer (CEO) of Aboriginal Housing NT Aboriginal Corporation (AHNT) as 'the most comprehensive investment package into the NT's remote housing and homelands sector', the impact of which 'cannot be overstated' (Australian Associated Press, March 12, 2024). At the time of writing, the processes and procedures determining how monies were to be spent under this new grant, were yet to be determined.

It is an uncontroversial finding of this research project that funding for housing on the homelands has for many years been inadequate. The announcement on March 12, 2024 of $4 billion for remote housing including – for the first time – homeland housing, was long overdue.

The Laynhapuy Homelands Aboriginal Corporation (Laynha), whose resource centre is in Yirrkala in the NT, commissioned this report to capture both the state of current housing on the 27 homelands they service[3] and to elucidate future needs. This report gives a sense of the aspirations people of the homelands have

[2] This report uses the term 'homeland', except for cases of direct quotes of or community identification as 'outstation'.
[3] As of 1 July 2024 this number has been reduced to 23

and some of the associated housing and infrastructure requirements that sit alongside those aspirations. The report also details challenges in the provisioning of housing on homelands and provides an important policy context essential to understanding both the current situation and 'best practice' for future development. This study was developed in close consultation with the housing subcommittee of the Laynhapuy Homelands Aboriginal Corporation Board.

Background

The Laynhapuy Homelands Context

In a study of housing on Yolŋu homelands, it is appropriate to begin by remembering that for approximately 49,900 of the last 50,000 thousand years, Yolŋu people lived on their own lands and according to their own laws and customs. In defining the meaning of the term 'homeland', W. E. H. Stanner reported to a House of Representatives Standing Committee on Aboriginal Affairs examining the social and economic circumstances of Aboriginal people living in homeland centres or outstations:

> No English words are good enough to give a sense of the links between an Aboriginal group and its homeland. Our word 'home', warm and suggestive though it be, does not match the Aboriginal word that may mean 'camp', 'hearth', 'country', 'everlasting home', 'totem place', 'life source', 'spirit centre', and much else all in one. Our word 'land' is too spare and meagre. We can now scarcely use it except with economic overtones unless we happen to be poets. The Aboriginal would speak of 'earth' and use the word in a richly symbolic way to mean his 'shoulder' or his 'side'. I have seen an Aboriginal embrace the earth he walked on. To put our words 'home' and 'land' together in 'homeland' is a little better but not much. A different tradition leaves us tongueless and earless towards this other world of meaning and significance… (House of Representatives Standing Committee on Aboriginal Affairs 1987, p. 5)

Similarly, some participants in this study felt that the word 'homeland' is not sufficient to convey the multi-layered richness of their deep connection to Country, capitalised here to include lore, language, culture and knowledge. Many writers have grappled with how to describe the homelands movement. Myers & Peterson (2016) characterised it as an example of 'an Indigenous life project', in which Indigenous people seek 'autonomy in deciding the meaning of their life independently of projects promoted by the state and the market' (p. 7). Morphy and Morphy (2016, p. 303) argue that:

> The development of outstations in eastern Arnhem Land allowed Yolŋu to re-emplace a regional system of relationships (Gurruṯu) that had been disrupted in the early decades of the twentieth century as the region came increasingly under Australian Government control.

Laynhapuy homelands are part of an ongoing movement with its beginnings in a resistance to bauxite mining and the development of the town of Nhulunbuy on Yolŋu lands in the late 1950s. Yolŋu Elders contested the Federal Government's plans to establish a 99-year lease and a mine on their land, and in 1963 sent a bark petition to the Australian Parliament in protest. Yolŋu failed to stop the mining, but the petition brought political attention that helped lead to the establishment of the *Aboriginal Land Rights (Northern Territory) Act 1976* (the Land Rights Act). The petition was also crucial in the High Court's 1992 *Mabo No. 2* decision, which overturned the notion of *terra nullius*. The fight for land rights mobilised Yolŋu to return to their clan homelands, which they felt were under threat. This eventually became known as the 'homelands movement'. The homelands movement predated the 'self-determination era' of policy led by the

Whitlam Labor Government, which came to power in 1972 (Morphy 2008). The Whitlam Government provided small ($10,000) establishment infrastructure grants to people returning to their lands.

Figure 1: Map with Homelands of the Laynhapuy Region

Source: Bulloch et al. 2019, p. 11.

Primary health and education delivery remained the responsibility of the states. Since the genesis of the homelands movement, successive NT governments have argued that the cost of providing homelands services is excessive and that the Federal Government should bear much of the cost. The Federal Government has, in return, always maintained that primary services are a state/territory responsibility, and that such costs should therefore be covered by federal–state fiscal arrangements through the Commonwealth Grants Commission. Support for homelands at a federal level has waxed and waned. For example, the Council of Australian Governments (COAG) noted in 2008 that while they will recognise Aboriginal and Torres Strait Islander peoples' cultural connections to homelands, any policy relating to this will avoid 'expectations of major investment in service provision' (COAG 2008, A–1). Contestation over service provision has dominated policy discourse about homelands but despite the vagaries of policy under a federated system, the ethos of homelands has survived. The homelands movement has always been

characterised by a rejection of assimilation and a broad recognition of Aboriginal land rights (Morphy 2008). The people of the homelands have maintained the goal of determining the nature and pace of development on their lands, including health and education service delivery. Simultaneously, homelands residents assert that a self-determined future entails the ability to live away from the destructive influences of alcohol and violence, which they see as characteristic of the larger townships. From a service provider's viewpoint, challenges for planning and delivering a homeland's housing program include population hyper-mobility, seasonal access problems, logistical expenses and cultural obligations that compete with mainstream notions and understandings of development (see Bulloch et al. 2019).

Laynha supports 27 homeland communities (see Figure 1) in the East Arnhem region, with approximately 1100 residents, in providing health, housing, community and infrastructure services. Prior to its establishment as a corporation in 1985, Laynha was managed by Yirrkala Danbul Association. Laynha supports Yolŋu in living self-determined lives on their ancestral homelands. The whole of the Arnhem Reserve is held under inalienable freehold title by the Arnhem Land Aboriginal Land Trust, which is a statutory body established under the Land Rights Act. The Land Trust holds land for the traditional owners, in accordance with the direction of the Northern Land Council (NLC). While freehold rests with the Land Trust, the land is held communally, reflecting the nature of traditional Aboriginal land ownership (Norberry & Gardiner-Garden 2006). Similarly, housing in homelands is 'usually communally owned', and, unlike social or community housing in other parts of Australia, is not subject to Federal or NT Government leasehold arrangements (NT Government TFHC 2023b).

Method

In this section, we describe the methods we used to undertake this study.

Ethical approval for this study was sought and received from the ANU Human Research Ethics Committee (2023/350). In line with the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) *Code of Ethics for Aboriginal and Torres Strait Islander Research* (2020), this project was undertaken in close partnership with the housing subcommittee of the Laynha Board. The study design and methodology were developed together. This is a mixed methods study, calling on quantitative data provided to the research team by Laynha and on qualitative data generated through engagement with a wide variety of research participants.

Quantitative data include archival records and accounts; data contained in Laynha's Maintenance log, 2020–2023; the Infrastructure and Equipment Register (IER) current for the 2023 year; the Municipal and Essential Services and Housing Maintenance Services financial report for July 1, 2021–June 30, 2023; and the Capital Program Performance and Financial Report 2022–23.

Qualitative data was produced through an extensive schedule of interviews and focus group discussions. These were conducted with:

- members of the Laynha housing subcommittee
- homeland residents
- Laynha employees
- Laynha Health employees
- parents, former students and former staff of Laynha Homeland Schools

- Yirralka rangers; homeland service providers (including staff responsible for running Community Development Programs in participating homelands), and
- staff from Buku-Larrŋgay Mulka (Indigenous community-controlled art centre located in Yirrkala).

Where Yolŋu participants were not contributing as part of their paid employment, they were paid $50 per hour for participation in the study. Participants were invited to indicate whether they would like to be identified or to remain anonymous in the final report. Where necessary to ensure an interviewee's anonymity, they are quoted in the combined findings and recommendations section of the report rather than by association with an individual case study community.

The housing subcommittee and Laynha management determined that the study should produce case studies of five different homelands which were selected to represent the three wards:

- Djalkiripuyŋu Ward: Gäṉgaṉ & Bäniyala
- Laynhapuyŋu Ward: Garrthalala & Bukudal
- Miyarrkapuyŋu Ward: Donydji.

The objectives of the case studies are to:

- to assess the adequacy of existing housing stock and infrastructure on the homelands
- to identify the cultural context and value of housing and infrastructure as well as the present needs and future aspirations of homelands families
- to understand the implication of these factors for housing and infrastructure development
- to develop a resource for Laynha as it develops and activates a housing and infrastructure strategy for homelands
- to assist Laynha in correctly prioritising the distribution of resources and attracting new funding and investment streams to support homelands communities.

It was determined from the beginning that fieldwork would be conducted by Marnie O'Bryan as lead researcher from the Australian National University (ANU), always accompanied by a community member. Laynha Deputy Chair, Barayuwa Mununggurr, volunteered to take on the role of co-researcher and assisted in all fieldwork and in the development of all case studies.

At the housing subcommittee Board meeting of August 2, 2023, ANU researchers Marnie O'Bryan and Bree Blakeman conducted a co-designed workshop producing a list of indicative interview questions to guide semi-structured interviews with homeland residents. A total of 45 interviews were conducted with residents and homeland leaders from across five homelands. A further 15 interviews were conducted with service providers and/or critical friends of homelands. In addition to interviews and focus group discussions, the research team also met with representatives from a number of external organisations including:

- Aboriginal Housing NT Aboriginal Corporation (AHNT)
- National Indigenous Australian Agency (NIAA)
- Ngurratjura Aboriginal Corporation (re National Regulatory System for Community Housing [NRSCH] registration)

- The Central Land Council (re bundled payments through Medicare/National Disability Insurance Scheme [NDIS] etc. for home improvements)
- Fulcrum agency (re Social Return on Investment methodology).

Where participants agreed, semi-structured interviews were audio recorded and transcribed using the artificial intelligence (AI) transcription application Cockatoo.com, with the express consent of interviewees. Transcriptions were reviewed and edited for accuracy and completeness. Where issues of interpretation arose, we are grateful for the assistance of Barayuwa Mununggurr, Yananymul Mununggurr and Marpulawuy Marika for their clarification of both meaning and emphasis. Transcripts were manually coded following well-established protocols (Clark et al. 2021) to identify emerging themes and insights.

Homelands Housing Policy

The timeline of changes to policy and funding entitlements relevant to Aboriginal housing in the NT is characterised by ebbs and flows according to political support for homelands but is driven primarily by issues of overcrowding, poor and limited housing stock and issues of infrastructure development which are consistent over time. From the first tranche of Commonwealth Government funding for Aboriginal housing in 1968, to current budgetary measures to address housing shortfall and improve living conditions for Aboriginal people living in remote Australia, problems to be addressed remain the same. Policy is shaped and reshaped in response to reoccurring complaints of overcrowding, lack of amenity to support healthy lifestyles, failing infrastructure and insufficient community control of housing. Policy platforms come and go but most show little evidence of having achieved real progress.

Despite the policy settings adopted, achieving parity of living standards for people living in remote community housing relative to those living in social housing in other parts of Australia remains an unrealised goal (Australian National Audit Office 2022; Productivity Commission 2023).

Homelands Housing under the Aboriginal and Torres Strait Islander Commission

The Hawke government established ATSIC through the *Aboriginal and Torres Strait Islander Commission Act 1989*. From then until its abolition in 2005, housing for Aboriginal people living in remote communities was largely delivered through an Indigenous-led model. ATSIC, Regional Councils and the former Indigenous Housing Authority of the NT worked together to administer Commonwealth and NT Government funding for remote housing. Local Community Councils largely managed tenancy and property management (NIAA 2022).

In 1992–93, ATSIC created the Community Housing and Infrastructure Program (CHIP) to improve the living environment of Indigenous Australians. CHIP was ATSIC's second largest expenditure program, and its funding focused on the following five elements: housing, infrastructure, municipal services, the National Aboriginal Health Strategy, and program support.

ATSIC provided supplementary funding to locations where it was determined that the states, Territories and local governments were not funding an appropriate level of service. The range of housing and infrastructure services funded under CHIP was broad and included the provision and maintenance of water, sewerage, power services; waste-water management; dog control and rubbish collection; town planning; airstrips, road and dam building; research; renewable energy; home ownership incentives; and community housing construction, repairs and maintenance. CHIP funding was allocated by grants. Expenditure for the

10 years 1990–2000 totalled $1.987 billion (Australian Government Department of Families, Community Services and Indigenous Affairs [FaCSIA] 2006).

ATSIC was committed to working from an evidence base. In 1999 the first Community Housing and Infrastructure Needs Survey (CHINS) was produced by the Australian Bureau of Statistics (ABS 1999) on behalf of ATSIC, followed by a second two years later. In relation to outstations/homelands, the survey included a range of topics including:

- community population and general facilities
- drinking water source, restrictions and quality
- electricity source and interruptions
- sewerage system, overflows and drainage
- rubbish collection and disposal
- road and air access
- communications
- access to education, health and sporting facilities
- community housing (ABS 2002).

In relation to housing, the 1999 survey revealed that across the Miwatj region (which includes homelands now under Laynha control), there were 1133 distinct dwellings, of which 31.95% required major repairs or replacement (ABS on behalf of ATSIC 1999).

A review of ATSIC was commissioned in 2003 and Indigenous Affairs Minister Amanda Vanstone stated that the review had concluded that ATSIC has not connected well with Indigenous Australians and was not serving them well. In 2005 ATSIC was dissolved.

Remote Housing in the Post-ATSIC Era: 'The Intervention'

Two years later, in 2007, the Howard Government commissioned Price Waterhouse Coopers to review CHIP (FaCSIA 2007). The review recommended that public housing services for Aboriginal and Torres Strait Islander people should be facilitated by governments, rather than by the Indigenous community housing sector.

This was one of a series of initiatives implemented by both the Australian and NT Governments which centralised services and decision-making power. Amongst its many features, the Howard Government's 'Northern Territory Emergency Response', also known as 'The Intervention', marked the end of Aboriginal housing – which moved from a model based on self-management to a public housing model managed by the NT Government.

Parallel to the Australian Government changes, the NT Government developed its own reform agenda, resulting in the establishment, from July 1, 2008, of shire councils amalgamating many of the small community organisations which had, up to that time, run municipal services in remote communities. In September 2008, the Australian and NT Governments signed a MoU on *Indigenous Housing, Accommodation and Related Services* in recognition of the need to improve housing standards and 'close the gap' on Indigenous disadvantage in the NT. Importantly, the MoU effected a transfer of service provision to outstations and homelands from the Australian Government to the NT Government.

Transfer of Responsibility to Homelands

In 2015, the responsibility for providing municipal and essential services in homelands was also transferred to the NT Government for a one-off payment of $155 million, cashed out from a 10-year funding deal between the Commonwealth and the NT Government which had been set to provide funding for homelands until 2023. In the same year, the NT Government committed $1.1 billion into remote Aboriginal community housing and an additional $426 million into essential land servicing and infrastructure for remote communities to be delivered through *Our Community. Our Future. Our Homes*. For the purpose of this policy, homelands did not fall within the definition of remote community. No provision was made for housing on homelands.

On March 2019 the NT and Australian Governments signed the *National Partnership for Remote Housing NT* (NIAA 2019), securing $550 million in Australian Government funding from July 1, 2018–June 30, 2023. Funding was later extended to June 30, 2024 and at the time of writing, a new agreement was being negotiated.

Since the demise of CHIP, policy approaches to housing provision have been marked by high turn-over and short funding cycles and the allocation of resources has been consistently inadequate to deliver meaningful improvement in the liveability of homes and homelands.

2021 Review of the Homelands Policy and Programs

In 2021, signalling a change of attitude to homelands by the NT Government, the Department of Territory Families, Housing and Communities (TFHC) undertook a review of the Homelands Policy and Programs. The review document and its recommendations were designed to inform the development of a draft new Homelands Policy. For the first time since the abolition of ATSIC in 2005, the review included an examination of opportunities to fund the construction of new houses, including new housing in homelands, in locations with 'economic development potential and to address issues of overcrowding' (TFHC 2021a, p. 3). The following year, in 2022, the NT Government launched their first Community Housing Growth Strategy to transform the way social and affordable housing is delivered.

The Strategy has three objectives:

- to improve the long-term sustainability of the social and affordable housing system in the NT
- to increase community housing sector-led asset renewal and new housing supply
- to strengthen communities through improved asset and tenancy outcomes, place making and renewal.

In addition to the *Our Community. Our Future. Our Homes*. program, other funding streams are provided from time to time to support remote housing. One example is the 2018 commitment of the Australian Government for $550 million over five years through the National Partnership for Remote Housing Northern Territory 2018–2023. These monies were to deliver additional capital works, and property and tenancy management services. Once again, none of funded activities extended to the support or improvement of housing on homelands. Instead, relatively small funding allotments for specific purposes have been made available, with service providers required to complete time consuming and uncertain grant applications. An example of such an opportunity was a funding round of $40 million which was made available through the Aboriginals Benefit Account to fund investment in homelands infrastructure in October 2018. Only invited bodies were eligible to apply for grants, with allocations capped at $100,000, $500,000 or $1,000,000 respectively, unless monies would be used to benefit a number of homelands.

Closing the Gap Priority Reforms

Indigenous policy in the NT does not stand in isolation but runs in parallel with the Commonwealth and with COAG's Closing the Gap agenda. The National Agreement on Closing the Gap (2020) was developed in partnership between Australian governments and Aboriginal and Torres Strait Islander peak organisations. It identifies four 'Priority Reforms' and 17 socioeconomic outcomes across a range of life areas including health, education, employment, housing, safety and strength in culture and language. Priority reforms include formal partnerships and shared decision-making (Priority Reform 1); and building the community-controlled sector (Priority Reform 2) (Joint Council on Closing the Gap 2020).

Socioeconomic outcomes with particular relevance to the homelands include:

- Outcome 8: Strong economic participation and development of people and communities
- Outcome 9: People in secure, appropriate, affordable housing that is aligned with their priorities and need
- Outcome 10: Adults are not overrepresented in the criminal justice system
- Outcome 11: Young people are not overrepresented in the criminal justice system
- Outcome 13: Families and households are safe
- Outcome 14: People enjoy high levels of social and emotional wellbeing
- Outcome 15: People maintain a distinctive cultural, spiritual, physical and economic relationship with their land and waters
- Outcome 16: Cultures and languages are strong, supported and flourishing (Productivity Commission 2023, p. 11).

In relation to housing (Outcome 9), two targets are identified:

- Target 9a: By 2031, increase the proportion of Aboriginal and Torres Strait Islander people living in appropriately sized (not overcrowded) housing to 88 per cent
- Target 9b: By 2031, all Aboriginal and Torres Strait Islander households:
    - within discrete Aboriginal and Torres Strait Islander communities receive essential services that meet or exceed the relevant jurisdictional standard;
    - in or near to a town receive essential services that meet or exceed the same standard as applies generally within the town (including if the household might be classified for other purposes as a part of a discrete settlement such as a 'town camp' or 'town-based reserve').

Increasingly, support for homelands is being positioned as a human right and this is evident in current political discourse. In its 2022 election pitch, the Australian Labor Party published details of its commitment to First Nations Peoples (Australian Labor Party 2022). It observed that 'in the Northern Territory, the Liberals have systematically withdrawn housing support for homelands, which are culturally important places and home to around 10,000 Aboriginal Territorians'. To reverse this trend, Labor promised to deliver an immediate boost of $100 million for housing and essential services on NT homelands and to re-negotiate a new remote housing agreement for the NT, which properly supports homelands, when the then current agreement expired in mid-2023. This was followed by an announcement on March 12, 2024 of $4 billion for remote housing jointly funded by the Australian and NT Governments, and including – for the first time – homeland housing.

Housing Standards and Regulation

Governments at all levels increasingly acknowledge that the crisis in remote housing, which reflects a larger crisis in social housing throughout the country, is exacerbated by the lack of adequate regulation. Sub-standard housing has well established implications for health and wellbeing which create risk for government as well as for residents.

To some extent, homelands houses exist in a policy vacuum. Houses on homelands are 'buildings outside of building control areas' (NT Government 2024). No building permit is required in the construction of dwellings and there has never been an obligation to engage a registered building contractor. There are no building codes, standards (other than voluntary) or regulations applicable to the construction of houses on Land Trust land. In many ways, this reflects the history of the homeland movement and the autonomy which homeland leaders brought to the enterprise of establishing homelands in the 1970s. At that time families built traditional bark shelters. Over time these were replaced with houses, but the regulatory framework under which they stand has never been changed.

Whereas in hub communities, new houses are constructed on parcels of land over which a s.19 lease (under the *Aboriginal Land Rights (Northern Territory) Act 1976*) has been granted to the NT Government, this is not the case in the homelands. In Yirrkala, the NT Government is the landlord of houses. It therefore has final responsibility for housing safety and amenity and can levy rent through the application of the *Residential Tenancies Act 1999* (NT). By contrast, in homelands, residents are not compelled to pay rent and live as of right in houses assigned to them by traditional owners under the kinship, or gurruṯu, system. They are encouraged to make voluntary contributions to the upkeep of the property but are not required to do so.

Tenancy confers a range of rights and obligations, one benefit of which is that tenants have legal recourse when houses are not properly maintained or fail to meet minimum standards. In 2016, 70 residents from the remote community Santa Teresa, brought a class action against the NT Government for failing to maintain their public housing. The case was brought under the *Residential Tenancies Act 1999* (NT). This avenue is not available to homeland residents because they are not tenants.

National Regulatory System for Community Housing

The National Regulatory System for Community Housing (NRSCH), a joint initiative of Commonwealth, State and Territory Governments, represents the national system for the regulation of community housing providers (CHPs) operating across New South Wales, Queensland, South Australia, Tasmania, Australian Capital Territory and the NT.

The key objectives of the NRSCH are to:

- provide a consistent regulatory environment to support the growth and development of the community housing sector
- pave the way for future housing product development
- reduce the regulatory burden on housing providers working across jurisdictions
- provide a level playing field for providers seeking to enter new jurisdictions.

Currently there is no obligation for CHPs, of which Laynha is one, to be registered with the NRSCH, although it may be in their best interests to do so. During the course of this research project, researchers were advised by one senior bureaucrat that, in the future, it is possible that government policy and funding

agencies may make registration a precondition for receiving funding or investment, and for delivering funded housing services (N. E. pers. comm., November 30, 2023).

In the NT, NRSCH registration is identified as a 'key system enabler' and a 'crucial threshold for CHPs to achieve in order to support sustainable services and effective services'. Although registration as a NRSCH-accredited CHP is voluntary, the Community Housing Growth Strategy (TFHC 2022a) advises that sector growth will be structured around the NRSCH (p.14). As a CHP under the NRSCH, Laynha would be obliged to adhere to standards set out under the scheme. This alone would impose a considerable administrative burden on the organisation, but more significantly, registration would require Laynha to comply with standards set by the National Regulatory Code (NRSCH 2022). In relation to housing assets, the Code stipulates that:

The community housing provider manages its community housing assets in a manner that ensures suitable properties are available at present and in the future, particularly in relation to the following:

1. determining changing housing needs and planning asset acquisitions, disposals, and reconfiguration to respond (strategic asset management)
2. setting and meeting relevant property condition standards
3. planning and undertaking responsive, cyclical and life-cycle maintenance to maintain property conditions (asset maintenance)
4. planning and delivering its housing development program (asset development) (NRSCH 2022).

The question arises as to whether Laynha would ever have capacity to comply with the code. This study demonstrates that the organisation is almost entirely dependent on receiving adequate funding from government for the maintenance and upkeep of houses on homelands. As has been demonstrated over the last 20 years, where that funding has not been available, Laynha's capacity to ensure the safety and liveability of houses on the homeland is badly compromised.

In reality, NRSCH registration is irrelevant to Laynha's current sphere of operation, except insofar as it may have responsibilities in relation to assets over which a s.19 lease exists or should a sublease under s.19A township lease be granted. Notwithstanding this, and in anticipation of expanding its business model in relation to properties it holds in Nhulunbuy and/or Yirrkala, Laynha is currently working towards being registered.

If and when Bäniyala enters into a s.19A township lease with Bäniyala Nimbarrki Land Authority Aboriginal Corporation as the leaseholder (see Bäniyala case study, below), decisions would have to be made as to who would then service that homeland. The Federal Government has already provided support to build governance and operational capacity of the Bäniyala Garraŋali Aboriginal Corporation (BGAC) including the employment of a Town Manager, but whether BGAC would have capacity to assume responsibility for the repair and maintenance of assets is another question. Should BGAC seek to delegate this to Laynha, and should Laynha agree to take on this responsibility, NRSCH registration would become relevant.

As a registered provider, Laynha would be qualified to assume responsibility for leasehold assets, but their capacity to ensure that assets comply with the code would be entirely reliant on receiving adequate funding to do so. At this point, the only available funding stream is from government.

Compliance with the code assumes that existing housing stock in Bäniyala can be made compliant with, and all new houses will be built to, national minimum standards. This raises technical issues which are

beyond the remit of this report. Its capacity to comply with the code may produce complex consequences for Laynha, not the least of which is how they ensure equity in resource allocation between Bäniyala and other homelands.

Housing Standards and Priority Works

On April 23, 2023, AHNT advised service providers that as part of the $100 million Commonwealth investment into NT homelands, $54 million had been allocated for urgent housing and infrastructure upgrades across homelands. To support the delivery of this investment, AHNT requested service providers to identify priority works relevant to improving housing, municipal and essential infrastructure in their respective homelands. They were asked to prioritise:

- homelands with a population over 50 (then working toward smaller homelands from there)
- housing and infrastructure in average/poor condition which required investment beyond regular repairs and maintenance
- access to education and other services
- housing and infrastructure within a proximity of a regional community – noting that homelands can reduce pressure off housing and other resources.
- works to respond to key audit findings (noting that at the time the NT Government had not publicly released finding from its audit; N. E. AHNT email, April 28, 2023).

Service providers were also asked to use the Healthabitat '9 Healthy Living Practices' (HLPs) as a guide to assist identifying priority works.

Housing Standards: Housing for Health

In recognition of the nexus between housing and health discussed above, effective September 2020, the TFHC established 'Healthy Homes', a remote housing and repairs maintenance program. It is an adaptation of Healthhabitat's Housing for Health, a program to improve the liveability and increase the lifespan of existing houses centred on human health and hygiene. Healthy Homes integrates nine HLPs into the delivery of housing services across remote communities and selected town camps. These principles are derived from local, national and international health research (Healthhabitat 2023) and have been identified as critical to improving health in Aboriginal communities.

In order of priority, the nine HLPs are:

1. **Washing people** – ensuring there is adequate hot and cold water and that the shower and bath work.
2. **Washing clothes and bedding** – ensuring the laundry is functional with separate taps for the washing machine and tub.
3. **Removing wastewater safely** – ensuring drains aren't blocked and that the toilets are working.
4. **Improving nutrition, the ability to store, prepare and cook food** – assessing the ability to prepare and store food, making sure the stove works and improving the functionality of the kitchen.
5. **Reducing the negative impacts of overcrowding** – ensuring infrastructure (particularly hot water systems and septic systems) can cope with the actual number of people living in a house at any time.

6. **Reducing the negative effects of animals, vermin or insects** – on the health of people, for example, ensuring adequate insect screening.
7. **Reducing the health impacts of dust** – to reduce the risk of respiratory illness.
8. **Controlling the temperature of the living environment** – looking at the use of insulation and passive design to reduce the health risks, particularly to small children, the sick and the elderly.
9. **Reducing hazards that cause trauma** – being non-life-threatening issues.

The Healthy Homes program includes the delivery of remote property and tenancy management services for 73 remote communities, 18 Alice Springs town camps, and 7 Tennant Creek community living areas. While homelands housing is not included in the program, it is nonetheless relevant insofar as it provides a standard against which houses and homeland environments (as described by residents) can be measured. In one of the case studies that follow (Gäṉgaṉ case study, below), housing and the liveability of homelands are assessed by reference to these standards.

Homeland Housing and Investment in Hub Communities

Over the last 20 years, both NT and Australian Governments have consistently prioritised investment in hub communities. In the case studies that follow, this phenomenon is raised as an issue of concern across all homelands. In some places the drift to hub communities is such that the viability of those nearby homelands, with resources drawn away from them, is threatened. For that reason, it is important to contextualise the case studies which follow by reference to policy relating to investment in hub communities. Co-research Barayuwa Mununggurr explains:

> They provide money for houses or [for people to] get a job with a main town. Then they have a house that's being built in town, a remote house they call it, and move into that. And then there is no returning home. When my house is being built at [my homeland], I will move back [but] that's what happened to many of my people. They come back to Yirrkala because of no housing [on their homeland]. They don't fix houses and then houses have been defunded. You know, we talk about the new houses, it's just nobody seems to be listening (B. M. pers. comm., Yirrkala, December 5, 2023).

This issue was acknowledged in the NT Government's 2021 review of the homelands policy. A key theme to emerge from stakeholder submissions in that project was the need for new homelands housing to disrupt the migration of homelands residents to hub communities and urban centres. This trend exacerbates the overcrowding of housing in those places, and leads to poorer outcomes (TFHC 2021, p. 3).

In the Miwatj region, significant government investment has been made in the adaptation of existing homes and the construction of new homes in Yirrkala and to a lesser extent Gunyangara communities under the *Our Community. Our Future. Our Homes.* program. In Yirrkala, a total expenditure of $29.1 million has been spent on house construction or modification since September 2017 (which is when 'baseline' data was collected) however this has done little to alleviate overcrowding.[4] Despite the construction of 32 new

[4] Overcrowding is calculated using the Canadian National Occupancy Standard (CNOS). This definition provides a measure of the number of people per bedroom for each home, taking into account the size and composition of the household. The bedroom requirements for CNOS are:

- no more than two people per bedroom
- children aged under 5 of the same or different genders can share a bedroom
- children aged over 5 and under 18 of the same gender can share a bedroom
- children aged over 5 of different genders should not share a bedroom
- couples and their children should not share a bedroom
- single household members aged over 18 should have their own bedroom.

homes, adding 129 new bedrooms to existing housing stock, overcrowding has been reduced by less than 2%. In Gunyangara, a total expenditure of $1.9 million over seven years of the program delivered nine houses under construction at the time of writing, and seven homes under extension. Meanwhile, overcrowding has risen from 48.1% to 65.4% (NT Government 2023). In Yirrkala, 129 extra bedrooms have been delivered at an average cost of $225,581 per room. For reference, in Gapuwiyak, the cost per bedroom averages $217,582. This has been a longstanding problem: at the Aboriginal Peak Organisations Northern Territory (APONT) Housing forum held in Darwin in March 2015, forum participants reported that the supply of new housing under the National Partnership Agreement on Remote Indigenous Housing was not meeting the expectation or needs of communities. In particular, they reported that there was:

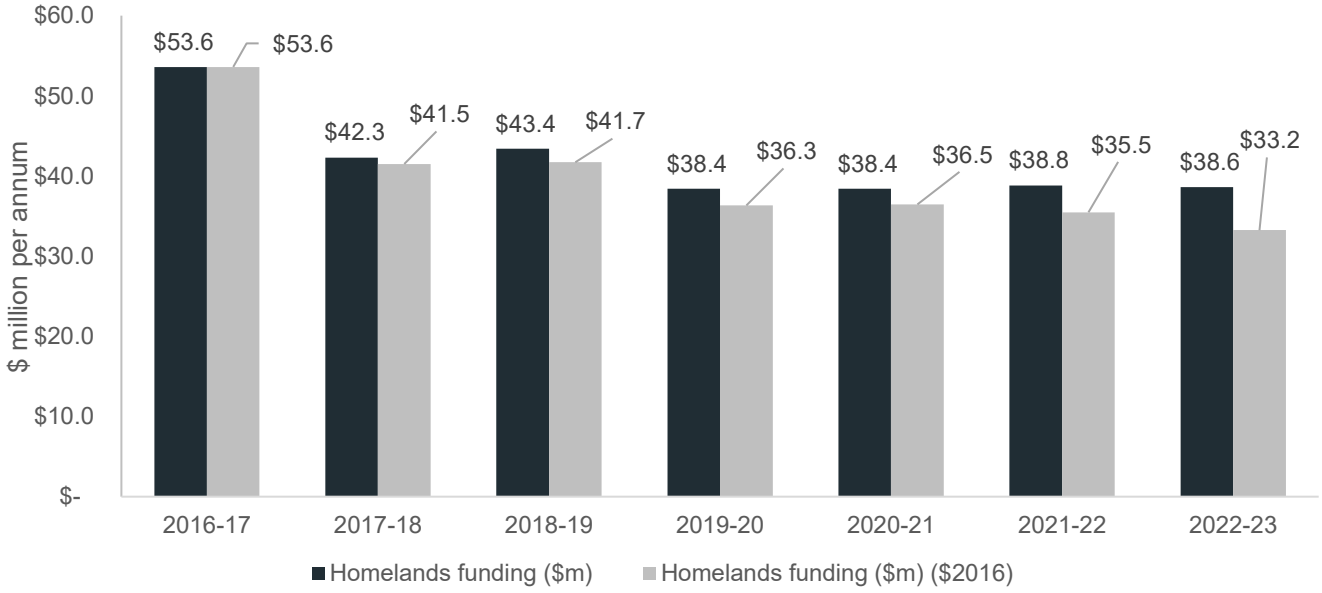
> …no financial transparency – communities could not tell if the houses were constructed efficiently. The funding allocation against number of houses built seems to indicate that the dwellings were in fact very expensive. In the face of continued overcrowding there was a feeling that more houses might have been delivered with a more efficient procurement strategy (APONT 2015, p. 14).

Although funding is currently flowing to homelands, history tells us that this is unlikely to be a sustained investment. Apart from the longstanding moratorium on building new houses in homelands, over the past seven years, the NT Government has steadily reduced its funding for homelands repairs and maintenance, municipal and essential services and capital improvements by 28% – from $53.6 million in 2016 to $38.6 million in 2023 (AHNT 2023). When the funding is converted to contemporary dollar terms the fall in the real value of the NT Government funding between 2016–17 and 2022–23 was 38% (see Figure 2).

Inevitably, such a significant reduction in funding has caused difficulties for service providers whose responsibility it is to repair and maintain houses. This is true for Laynha, whose staff report significant tension arising between themselves and homeland residents when insufficient resources mean that essential repair and preventative maintenance works are not undertaken. Further, Laynha reports that they are required to keep repairing houses which should have been demolished long ago. They are often blamed, by homelands residents as well as by outside observers, for the lack of amenity in houses when they have no financial capacity to deliver real improvements for residents (anonymous pers. comm., Yirrkala, October 13, 2023).

The CNOS requires knowledge of the age, sex and relationship status of all tenants within a household, as well as the number of bedrooms in the dwelling. Households for which complete dwelling utilisation information is not available are excluded from this measure. Where these requirements are not met a home is considered overcrowded (see https://ourfuture.nt.gov.au/accountability-and-reporting/data-definitions).

Figure 2: NT Government homelands funding, 2016–17 to 2022–23, Actual dollars and $2016



Notes: Converted to $2016 using the Consumer Price Index.
Source: AHNT 2023, p.10.

As we move into what is potentially a reinvigorated policy setting for homelands housing provision, it is crucial to note the policy history of homelands housing has been one of piecemeal funding, neglect at federal and territory levels and systemic issues of poor infrastructure provision. These policy settings have been combined with culturally-blind funding provision and approaches antithetical to the self-determined nature of homelands development.

As AHNT notes:

> … the Department of Territory Families, Housing and Communities (TFHC) homelands program is so inadequate that the needs of homelands will never be met. Aboriginal homelands service provider organisations find it impossible to properly design proactive maintenance schedules and are restricted to delivering a mostly reactive approach to housing and infrastructure repairs and maintenance. Over many years, as housing and essential infrastructure has deteriorated on homelands, service providers have been forced to apply band-aids on top of older band-aids – to patch up dwellings that would be considered beyond economic repair (BER) if located in an urban area or one of NT's 73 remote communities (AHNT 2023, p. 11).

In this report, as we detail the current Laynhapuy homelands housing situation, this historical policy context must be remembered.

Land Tenure and Housing

Aboriginal Land Rights (Northern Territory) Act 1976

The entire Arnhem Reserve is held under inalienable freehold title by the Arnhem Land Aboriginal Land Trust, which is a statutory body established under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) (the Land Rights Act). The Land Trust holds land for the traditional owners, in accordance with the direction of the NLC. While freehold rests with the Land Trust, the land is held communally, reflecting the nature of traditional Aboriginal land ownership (Norberry & Gardiner-Garden 2006). Similarly, housing in homelands is usually communally owned (NT Government Department of Territory Families, Housing and Communities 2023b). However, as previously noted, there is a lack of policy clarity around this.

Homelands housing is not included in the NT's remote public housing system. This contrasts with hub communities like Yirrkala and Gapuwiyak, where s.19 leases have been issued to the NT Government.[5] Housing in hub communities is classified as public housing, with the NT Government as the landlord. Tenants enter into a public housing agreement with the government. For this reason, protections offered by the *Residential Tenancies Act 1999* (NT) can be invoked by residents. Rent in hub communities is calculated on a per-room basis: in Yirrkala rental in 2024 is calculated at $70 per week per bedroom. Rent for houses with more than four bedrooms is capped at a weekly payment of $280 (TFHC 2024b). Where a tenant is required to pay more than 30% of their income on rent, they are defined as being 'in rental stress' (Australian Institute of Health and Welfare [AIHW] 2023).

Where requisite agreement has been reached, homelands residents have never been constrained in how they choose to use their land. Since its inception, the Land Rights Act has contained provisions which

[5] **Section 19: Dealings etc. with interests in land by Land Trusts**
Sections 19, 19A and 20 of the Land Rights Act govern how Land Trusts may deal with or dispose of any estate of interest in land. Section 19(1) provides that a Land Trust may only deal with or dispose of any estate or interest in land vested in it in accordance with ss.19, 19A and 20 of the Land Rights Act. This provision gives effect to traditional Aboriginal law and custom with respect to land ownership – that the land is inalienable. The remaining provisions of s 19, and the provisions of ss 19A and 20 subtract from that principle.
Section 19(2) of the Act provides that, with the consent of the Minister, and at the direction of the relevant Land Council (here the NLC), a Land Trust may grant 'an estate or interest' in land to an Aboriginal individual or an Aboriginal corporation. While the expression 'estate or interest in land' has a broad meaning and includes all forms of land tenure, it is also defined in s.19(11) to include the grant of a mining lease or licence. However, ss.19(12) stipulates that a Land Trust is not authorised to convey a fee simple interest in land, unless the land is conveyed to another Land Trust or is surrendered to the Crown. In that way, s.19(12) reinforces the principle that Aboriginal land governed by the Land Rights Act is inalienable.
There are three reasons that an estate or interest may be granted under s.19(2):

- for residential purposes use by an Aboriginal person, their family or their employee;
- for use in the conduct of an Aboriginal business; or
- for any purpose calculated to benefit a community or group for whose benefit the Land Trust holds the land.

Section 19(3) goes on to provide that an estate or interest in land may also be granted to the Commonwealth, the NT or an Authority created by the Government for any public purpose. Homeland residents are familiar with this mechanism: s.19 leases granted to the NT Department of Education to operate schools on homelands are examples of an estate or interest created for a public purpose. This provision ensures that any investment the NT Department of Education makes in particular infrastructure can only be used for the public purposes stipulated in the lease, in this case, activities associated with providing or supporting the provision of education.
Section 19(4A) allows the grant of estates or interests to any person for any purpose. This provision means that individuals are entitled to apply for a s.19 lease over their own home. This was intended to provide protection to residents with non-traditional affiliations to the land (House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs 1999). Although many homeland residents are not traditional owners, at this time none has chosen to take out a s.19 lease over their own home. One explanation for this is financial. Having a s.19 lease requires tenants to pay rent to traditional owners, whereas otherwise residents may make 'voluntary contributions' to support the upkeep of their home.
Rent or licence payments are paid into the Land Council's land use trust account. The Land Trust then distributes those payments in full to, or for the benefit of, the traditional Aboriginal owners affected by the agreement.
Where an estate or interest granted under s.19 is for a period of up to 40 years, the Land Council has power to grant the lease or licence. If the estate or interest in land is for a period of more than 40 years, the consent of the Minister is also required.
Section 19(8) stipulates that the grantee of an estate or interest is not permitted to transfer his or her interest, or grant to another person an interest that is dependent on the grantee's interest, without the consent of the relevant Land Council and, if the grantee's estate or interest required Ministerial consent, without the consent of the Minister. This means that the leases issued under s.19 may not be used as security for borrowing without the consent of the Land Council and the Minister (if applicable).

contemplate non-traditional uses of the land. Initially, these were premised on the informed consent of traditional owners and were closely hedged by approval mechanisms designed to safeguard the interests of traditional owners. Controversially, over time, these safeguards have been weakened, which is discussed further below in relation to 2006 amendments to the Land Rights Act.

In 2006, the Land Rights Act was amended to include a new s.19A to enable 'head-leases' (also referred to here as township leases) to be granted by a Land Trust to an 'approved entity' over 'townships'. In the first instance, s.19A leases were to be entered into and administered by the Executive Director of Township Leases (s.20C). A township lease must run for at least 40 years and no more than 99 years. Forty-year leases can include a provision that they can be extended, but the original lease cannot run for more than 99 years in total. The section provides that at least 20 years before the lease expires, it can be replaced by the award of another lease to the same entity and on the same terms, over the same or other land.

At the time the 2006 Bill was proposed, the expectation was that land tenure changes under s.19A would provide mainstream style tenure in the form of long-term individually transferable sub-leases (Australian National Audit Office [ANAO] 2010; Brough 2006a). Land tenure changes were described as necessary because the land tenure of community titled land, with fee simple being vested in a Land Trust administered by a Land Council, did not provide sufficient security for potential lenders (Brough 2006; Hughes 2007). Conversely, in his 2006 submission to the Senate Community Affairs Legislation Committee commenting on the proposed inclusion of s.19A in the Land Rights Act, Tom Calma warned that he was 'seriously concerned about the workability' of the proposed amendments. He expressed concern that:

- the ALRA amendments had been made without the full understanding and consent of traditional owners and Indigenous Northern Territorians
- that the very intention of the amendments was to reduce the capacity for Indigenous people to have decision making influence over their lands
- that if implemented there is a high probability that the amendments would have a range of negative impacts on Indigenous peoples' rights and interests to their land (Calma 2006).

In particular, Calma expressed deep disquiet over s.19A (3), arguing that the provision does not provide a sufficient threshold of protection:

> The proposed 99-year leasing provision of s.19A will have the practical effect of alienating Indigenous communal land. If implemented, head leases will mean that traditional owners relinquish control over decision-making processes relating to their ancestral lands for up to four generations. While a lease is not alienation in fact, there is no doubt that it will have the effect of alienation in practice. Traditional owners will lose the ability to speak for country, and leases will legitimate non-traditional people in townships in a way that may cause or entrench conflict (Calma 2006).

In her analysis of leasing reforms on Aboriginal land in the NT, Weepers (2021) notes that despite the stated intent of township and other such leases being to promote private economic development, the vast majority (~90%) of township subleases and s.19 leases over Central Land Council land have been taken out by Commonwealth, NT and local government entities, with the remainder largely taken up by non-government organisations (NGOs) – many of which provide contracted quasi-governmental services, for example, running Community Development Programs (Weepers 2021, p. 23). Weepers argues that the major economic effect of leasehold reforms, rather than promoting private enterprise, has been an increased income stream for traditional owners from rental payments, the majority of which is directed to community beneficial projects run by the Land Councils or organisations incorporated under the *Corporations*

(Aboriginal and Torres Strait Islander) Act 2006. She observes that the net effect of land reforms so far has been to *entrench* the role of governments and land councils, rather than promoting private sector alternatives (Weepers 2021, pp. 21–23; see also Haughton 2021, p. 27).

There are a range of barriers known to impact home ownership aspirations of First Nations people in remote Australia. These include high levels of unemployment; intergenerational welfare dependency; low individual and household incomes; high construction costs; limited access to employment opportunities; limited access to credit and poor credit histories; a lack of family savings or capital; and low awareness about what actions are necessary to secure and maintain a loan (ANAO 2010). Section 19A leases do nothing to change these realities.

In theory, community residents can obtain a loan to buy or build their own home in the township through a long-term home ownership sublease. In reality, barriers are high and incentives to do so are limited. As people living on land held under the Land Rights Act, homelands residents live in their homes free of charge, although they are encouraged to make 'voluntary payments' which contribute to upkeep of the house. Houses on homelands are depreciating assets. Maintenance, currently the responsibility of Laynha (or other homeland service providers) and funded by the NT Government, is expensive. Attracting private sector funding for housing remains aspirational.

The Gumatj Experience

The Gumatj traditional owners in Gunyaŋara, in partnership with the NLC, first proposed and advocated for a s.19A, 99-year township lease to be held directly by a local Aboriginal-owned corporation. While they saw advantages to moving away from communal land tenure, Gumatj leaders were concerned that having s.19A leases administered by the Federal Government's Executive Director of Township Leasing represented the loss of control of their own lands. An alternate 'Community Entity Model' was developed at the request of traditional owners, who argued that they already had strong local organisations with business and development experience and that they wanted to strengthen local decision making in their community. On October 24, 2017 the Gunyaŋara township lease was executed with a commencement date of December 1, 2017. The Gunyaŋara township lease was the first township lease held by a traditional owner corporation (Ŋarrariyal Aboriginal Corporation, Gunyaŋara Township Lease, 2024). In 2019, Ŋarrariyal Aboriginal Corporation worked with Social Ventures Australia to develop a masterplan for Gunyaŋara to identify land uses, areas for potential future development and particular industries that the Board were interested in pursuing. While a recognised homeland for Yolŋu, the NT Government classifies Gunyaŋara as a community. As such, Gunyaŋara does not receive any homelands funding but is eligible for a range of housing and infrastructure development opportunities offered by either the NT or Commonwealth Governments which are not available to other homelands.

There are a number of other factors which differentiate Gunyaŋara from Laynha homelands. Unlike most other clans, the Gumatj clan has a steady and reliable income source derived from mining royalties and from various economic enterprises those royalties have enabled. Wise investment over years means that Gumatj have established a range of businesses which support local employment and provide training opportunities. Royalty monies will continue to flow until 2053: under the 2011 *Rio Tinto Alcan Gove Traditional Owners Agreement* between Rio Tinto Alcan and Rirratjiŋu, Gumatj and Galpu traditional owners, the Northern Land Council and the Commonwealth Government, traditional owners will receive between $15 million and $18 million a year until 2053 (ATNS 2024). In addition to a 42-year lease of the bauxite mine site, alumina refinery and Nhulunbuy township on the Gove Peninsula, the agreement provides for a range of financial, environmental management, cultural awareness, business development and employment and

training benefits for the traditional owners of the area (ATNS 2024). The agreement means that traditional owners enjoy a range of financial, contractual, asset and employment benefits. These include:

- funded construction projects, including medical, retail and residential developments
- employment opportunities for Yolŋu people across the region
- opportunities for Indigenous owned companies to act as contractors for construction (ATNS 2024).

In terms of economic benefits accruing as a result of the s.19A township lease, immediate advantages included:

- The Federal Coalition Government contributed $2.5 million under the Economic Development Fund to support subdivision and employee housing in Gunyaŋara, in addition to a $5.3 million employee housing project (NLC 2018).
- Under s.19A, any existing s.19 leasehold interests in a township automatically convert to a sub-lease under the head-lease. When the s.19A head-lease came into force, all existing sub-lessees become liable for rental payments to be made to Ŋarrariyal Aboriginal Corporation.
- The s.19A township lease removed the need to go through the NLC to gain approval for developments, thereby speeding up development projects.

The suggestion that a s.19A township lease creates economic opportunity through an up-front payment is problematic. The claim is based on the assumption that these monies will generate or kickstart broader economies of scale. Here, the unique position of the Gumatj clan cannot be overlooked. Whereas mining royalties have enabled Gumatj to explore a varied range of business opportunities over decades, in non-royalty homelands the economy largely centres on government funding for service delivery and/or welfare payments. There are no broader revenue streams and very limited opportunities for employment.

There is currently no evidence to show that a s.19A township lease would automatically be the catalyst for economic growth. In homelands where traditional owners already generate independent revenue through tourism, fishing, arts and cultural experiences or other means, these initiatives do not require a s.19A township lease.

A township lease grants the head lessee a propriety interest over land for 99 years. As soon as the head-lease is approved, control over that land passes from traditional owners to the leaseholder who is either an ‘approved entity’ under the Land Rights Act, or the Executive Director of Township Leases (a federal government official). Over the course of the leasehold, it is not unlikely that the identity of the head lessee might change, but under no circumstances will land revert to the Land Trust while the lease is still in operation. While some Yolŋu leaders we interviewed believe that the advantages of taking a s.19A township lease outweigh the risks associated with doing so, others are of the view that the pressure to alienate communally held land verges on expropriation. They see this as a fundamental attack on their land rights. They argue that signing away their rights to land, even under the Local Entity model described above, is an abrogation of their duty to past and future generations.

The definition of social or community housing in the NT is limited to housing which is owned by the government or a community housing provider and leased to the occupants as tenants. People living in social or community housing enjoy the rights and protections offered by the *Residential Tenancies Act 1999* (NT) and the National Regulatory Code for social housing which establish mandatory minimum standards (NT Government 2024b; NRSCH 2022).

These protections are not available to people living in the homelands, notwithstanding the monies used to build and maintain homelands housing is overwhelmingly provided by government. In effect, the unique collective freehold title established by the Land Rights Act, means that government is not obliged to ensure that houses are built and maintained to certain basic standards. However, should the land on which a house stands be alienated from the Indigenous estate under a township lease and rented back to the occupant, legislative protections would apply. While alienation under s.19A is for a time-limited period, in practice this will usually be permanent.

With the exception of situations where mining royalties provide a reliable income stream, or where traditional owners have secured philanthropic assistance, funding for homelands housing comes exclusively from government. Current policy could deny homelands' houses the status of social housing on the basis that there is no tenancy agreement in place. In other parts of Australia, investment in social, community or affordable housing is not contingent on land tenure agreements. Were the same standards and entitlements deemed to apply to homelands housing as to other social and affordable housing in Australia, this would possibly result in eligibility for a wide range of funding entitlements.

Overview of Housing Stock and Other Infrastructure in the Laynhapuy Region

This section provides an overview of the housing and other infrastructure serviced by Laynhapuy based upon the data generated and maintained by Laynhapuy. The key data sources drawn upon are:

- The 2019–20 Laynhapuy Homeland Aboriginal Corporation Infrastructure and Equipment Register. The register provides a list of all infrastructure and equipment on the homelands. A range of information is recorded for each item on the Infrastructure and Equipment Register (IER) including category of infrastructure, specific type of infrastructure/equipment, a description of the infrastructure/equipment, an assessment of its condition (poor, fair, good), installation year, years until major repairs and the estimated replacement cost of the infrastructure.
- Annual Occupancy and Population Survey 2022–23 report. This report is completed annually by Laynhapuy for the NT Government. The report provides data on the number of residents (including children) living in each funded dwelling. It also provides information on the distance of each homeland from Yirrkala, accessibility, type of power and water supply as well as several other data items.[6]

There are some inconsistencies between the different sources of data. This is not surprising given the nature of the reports and while attempts have been made to produce data on a consistent basis, this has not always been possible and there are some differences in the numbers reported in this paper depending upon the source of data used.

Housing, Infrastructure and Population

This section provides an overview of the current housing stock and condition and other infrastructure in the homelands serviced by Laynha.

[6] It must be noted that this is the best data we were able to obtain. Field work observations and recent builds on homelands in the region suggest there may be large discrepancies in actual quality and costs of housing stock versus listed costs in official data.

The population and number of dwellings in each homeland are provided in Table 1. The total population recorded was 808 and there were 154 houses.[7] The average population in each homeland is 32.3 people. There are big differences in the population of the homelands with about half the homelands having a population of 15 or less and the four largest homelands accounting for 52.3% of the total homelands population. There are differences in the average number of persons per house across the homelands, varying from 0.9 in Buymarr to 9.7 in Djarrakpi. The 2022–23 Occupancy Report did not record anyone living in Bawaka, Burrum or Yudu Yudu[8] (see Table 1).

7 Excluding houses in the Infrastructure and Equipment Register with a condition reported as Beyond Economic Repair (BER) or Unserviceable(U/s) (not in use or not operational).
8 Laynha is not the service provider for Bawaka homeland. At the time of writing, Burrum and Yudu Yudu were not funded homelands, although Laynha has requested that they be reinstated.

Table 1: Population and number of houses by homeland, 2022–23

	Population	Number of dwelling poor/fair/good	Average number of persons per house
Bawaka	0	3	0.0
Burrum	0	2	0.0
Yudu yudu	0	4	0.0
Baygurrtji	2	1	2.0
Dhamiyaka	2	1	2.0
Buymarr	6	2	3.0
Dhupuwamirri	6	2	3.0
Mirrnatja	7	4	1.8
Gurkawuy	9	3	3.0
Yalakun	9	3	3.0
Yanungbi	9	2	4.5
Balma	11	5	2.2
Dhuruputjpi	12	4	3.0
Barrkira	13	4	3.3
Rurrangala	14	5	2.8
Bunhanura	15	2	7.5
Bukudal	16	5	3.2
Barraratjpi	23	4	5.8
Raymangirr	26	6	4.3
Djarrakpi	29	3	9.7
Gutjangan	37	4	9.3
Donydji	39	9	4.3
Gurrumuru	44	7	6.3
Garrthalala	54	10	5.4
Gan Gan	78	13	6.0
Wandawuy	84	13	6.5
Dhalinybuy	117	13	9.0
Bäniyala	146	20	7.3
Total	**808**	**154**	**5.2**

Notes: Not all houses are recorded as having anyone living in them in the 2023 Occupancy Report. This table excluded dwellings listed in the Infrastructure and Equipment Register that are classified as being BER or U/s None of the excluded dwellings had any people recorded as living in them in the 2023 Occupancy Report. The calculation of the overall average number of persons per house excludes homelands which had no population recorded in the 2022–23 Occupancy Report.
Source: 2022–23 Infrastructure and Equipment Register and 2022–23 Occupancy Report.

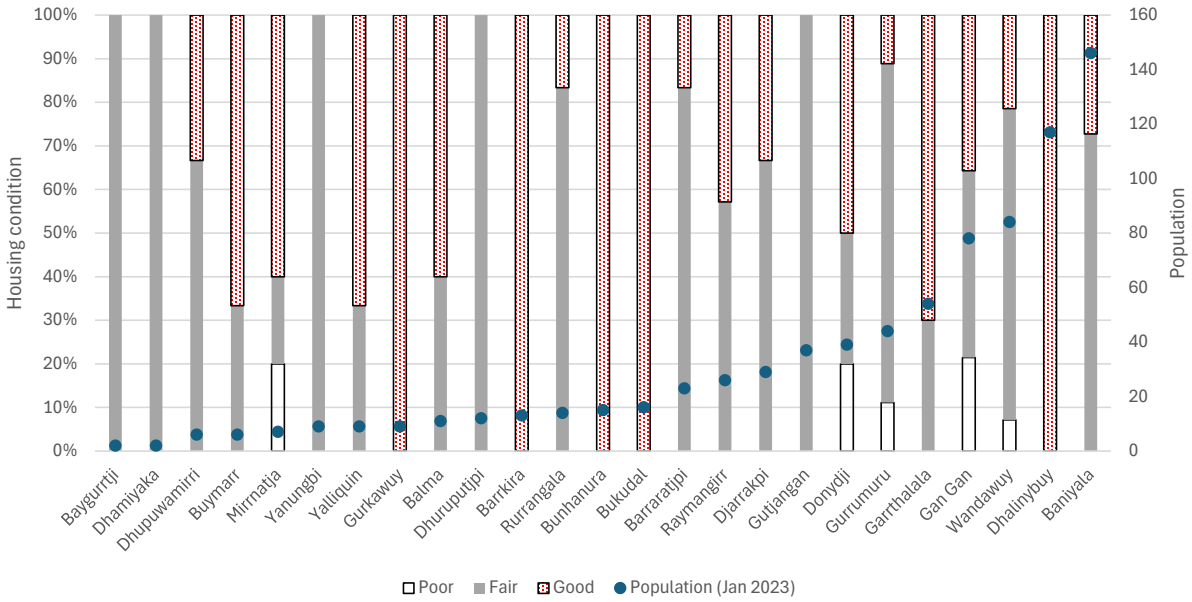
The IER classifies infrastructure condition as being poor, fair or good. The descriptors for each condition category are as follows:

- **Good**: Acceptable performance and/or low risk of failure within 5 years and/or only routine or minor work is required to maintain the asset
- **Fair**: Adequate performance and/or medium risk of failure within 5 years and/or may require more frequent maintenance
- **Poor:** Asset not functional and/or high risk of failure and/or requires immediate maintenance (Centre for Appropriate Technology (2016).

Overall, 6% of dwellings in the Laynhapuy homelands are classified as being in poor condition, 50% are classified as being in fair condition and 42% are classified as being in good condition.[9]

There are differences in the condition of the housing stock across the homelands. Figure 3 shows the proportion of houses in each homeland that are classified as being in poor condition the proportion in fair condition and the proportion in good condition. Also shown in Figure 3 is the population of each homeland. There is a great deal of variation in the condition of houses across the homelands. There is also no clear relationship between homeland population and the condition of housing in the homeland. For example, of the three homelands with the largest populations, 100% of houses in Dhalinybuy are in good condition, in Wandawuy 7.1% of houses are in poor condition, 71.4% are in fair condition and 21.4% are in good condition and in Bäniyala 72.7% of houses are in fair condition and 27.3% are in good condition.

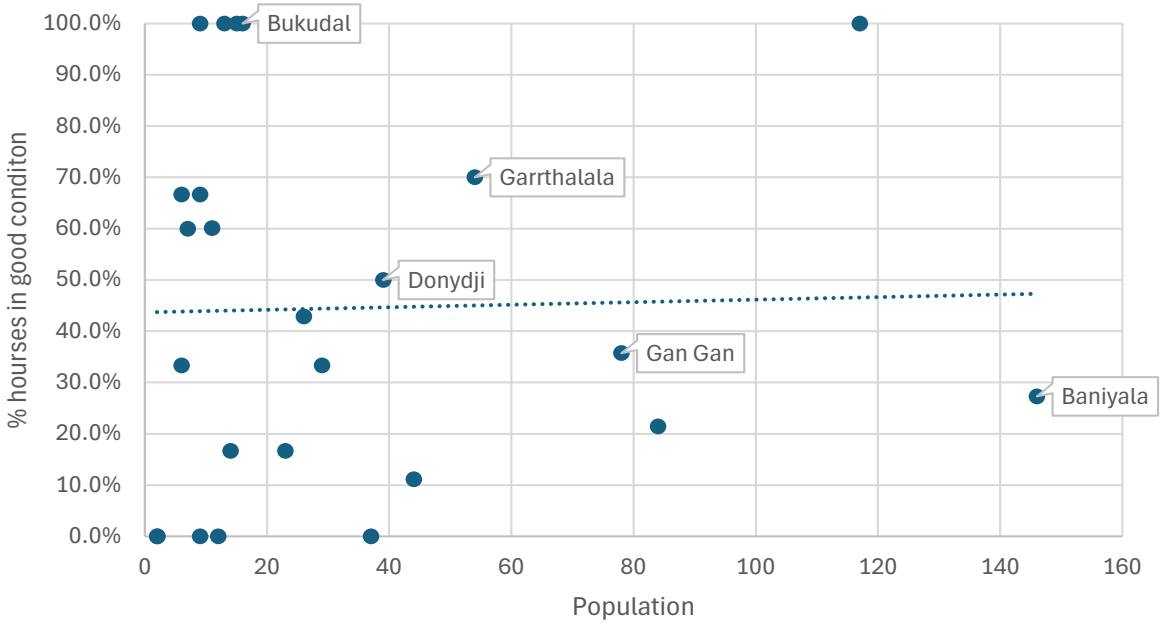
Figure 3: Housing condition and population by homeland



Source: 2022–23 Infrastructure and Equipment Register and 2022–23 Occupancy Report.
Note: Yalliquin is also known as Yalakun

[9] These figures are for dwellings which condition is classified as being 'poor', 'fair' or 'good' and excludes dwellings which are classified in the inventory as being BER or U/s.

Figure 4: Proportion of houses in homeland in good condition by population of homeland, 2024



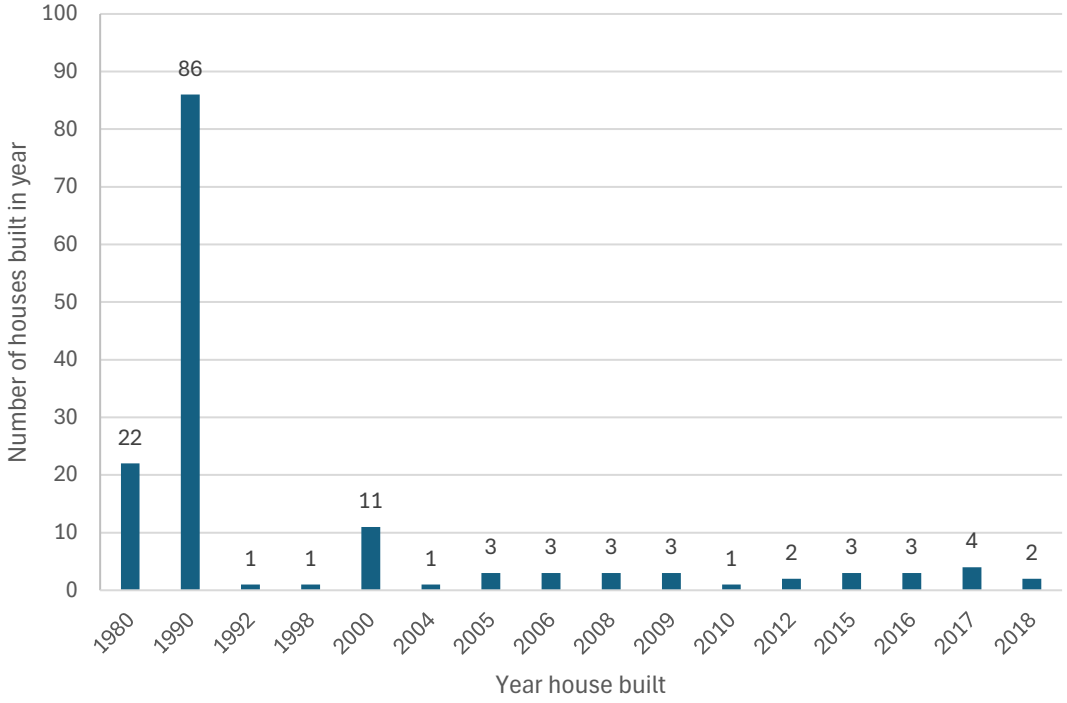
Source: 2022–23 Infrastructure and Equipment Register and 2022–23 Occupancy Report.

The lack of relationship between housing quality and the population in each homeland is shown in Figure 4 which plots the proportion of houses in a homeland that are in good condition against the population of the homeland.

Year of construction

The year of construction of the housing stock is shown in Figure 5. It appears that for earlier years an approximate date of construction is recorded in the IER with 22 houses being recorded as being built in 1980, 86 houses recorded as being built in 1990 and 11 houses recorded as being built in 2000. The housing stock is ageing, particularly given the heavy occupancy of many of the dwellings, the challenges of maintenance in remote locations and the harsh climate. Of the 149 houses for which a date of construction is recorded, 121 (81%) were built in 2000 or earlier and are thus at least 24 years old and 108 (72%) were built in 1990 or earlier and are thus 35 years or older.

Figure 5: Year of construction of houses



Source: 2022–23 Infrastructure and Equipment Register.

The condition of houses by the year in which they were built is shown in Table 2. It clearly shows there is a relationship between the age of the house and current condition, with older houses being in worse condition on average. For example, of houses built in 1980, 18% are poor, 50% fair and 32% good compared to houses built after 2000 of which 0% are poor, 25% are fair and 44% are good.

Table 2: Housing condition by year built, Laynhapuy homelands, 2022–2310

	Build year				
	1980	1990	1991–2000	2001+	Total
House condition			Number		
Poor	4	4	0	0	8
Fair	11	52	6	7	76
Good	7	30	7	21	65
Total	22	86	13	28	149
			Per cent		
Poor (%)	18	5	0	0	5
Fair (%)	50	60	46	25	51
Good (%)	32	35	54	75	44
Total (%)	100	100	100	100	100

Source: 2022–23 Infrastructure and Equipment Register.

[10] Subsequent to conducting the analysis here, an NT Government representative and Laynha Operations Manager undertook homelands visits to update housing condition assessments. Updated condition reports reveal that despite being classified as in 'good' condition, houses in Dhalinybuy, Bukudal, Bunhanura, Barrkira, and Gurkawuy do not satisfy any of the HLP standards.

Housing stock replacement cost

According to the Laynhapuy housing data which informs this report, the total replacement cost of all the houses on the inventory is about $70 million. As a replacement cost this has now been shown to be an underestimate. For example, according to the ANAO (2022) Performance Audit Report on Remote Housing in the Northern Territory[11] the approximate cost of houses under the National Partnership Agreement on Remote Indigenous Housing and the National Partnership on Remote Housing programs between 2013 and 2018 was $620,000. As reported by the ANAO in the National Partnership signed in March 2019, the average cost for a three-bedroom house funded under the National Partnership was $519,230 ($173,077 per bedroom) [12].

Building construction costs have increased significantly since 2019 and so the actual replacement cost in 2024 will be significantly higher. For example, according to the ABS Produce Price Indexes, output prices for house construction in the NT increased from 108.1 for the March quarter 2019 to 127.2 in the March quarter 2024 – which translates into an increase in costs of 17.6%. Simply taking the 2019 National Partnership cost and uprating it by the increase in NT house construction costs results in a 2024 cost of $610,615 or a total cost of $94 million[13].

These estimates are indicative only and are conservative, but they do illustrate the scale of the housing and infrastructure in the Laynhapuy homeland and the future investment which will be required.

Infrastructure other than dwellings

The number of each type of infrastructure by broad type of infrastructure (housing, municipal, sewerage, water and other) is reported in Table 3, showing the range and number of infrastructure.

In total there are 1218 separate infrastructure items on the IER. This highlights the challenge in maintaining this infrastructure which is spread across 32 homelands covering an area of over 12,000 square kilometres (km^2), much of which is difficult to access.

The 2022–23 IER records the cost of replacement/repair/upgrade of this infrastructure as being $59.1 million, comprising $29.2 million for municipal, $14.4 million for sewage, $9.9 million for power, $5.5 million for water, $108,000 for housing other than the dwelling and $85,000 for the other category. Again, this is a conservative estimate and significantly understates the actual cost of improving infrastructure.

[11] https://www.anao.gov.au/work/performance-audit/remote-housing-the-northern-territory
[12] More recently, Laynha has undertaken a cost estimate exercise for a four bedroom house replacement cost as part of the HHIP funding proposal, with estimates undertaken by independent Quantity Surveyor. Estimated costs ranged between $1.284 - $1.926m.
[13] Note that the National Partnership Agreement estimates are based on approximate costs for building at scale in remote communities. In reality, the cost of construction in remote homelands is significantly higher. Furthermore, the design of houses for homelands would likely be different following extensive consultation and collaborative design with Yolngu in each place.

Table 3: Inventory of infrastructure other than dwellings by broad category of infrastructure, Laynhapuy homelands, 2022–23

Category	Housing	Municipal	Other	Power	Sewerage	Water
			Number of infrastructure items			
Ablution block					112	1
Absorption trenches					99	
Access road		23				
Airstrip		23				
Array stand						1
Batteries				35		
Bore						1
Bore casing						28
Bore generator						6
Bore headworks						22
Bore pump						2
Community solar				1		
Distillation system						1
Dwelling	166			10		
Effluent a		1				
Effluent disposal area					5	
Electrical controls				14		3
Electrical reticulation				16		
Fencing		2		9		5
Firebreak		12				
Generator		1		23		2
Honda generator						3
Honda petrol water pump						1
Internal roads		23				
Kitchen absorption trenches					6	
Other	9	44	4	13	3	2
Other buildings	2	61		20	2	
Pit toilets					69	
Power/water						1
Pressure pump						3
Rubbish tip		25				
Septic tank					90	
Skid steer loader (wheeled)		1				
Solar panels				36		29
Submersible bore						26
Tank					10	53
Tank stand				4		30
Water pump						2
Windsock	22					

Source: 2022–23 Infrastructure and Equipment Register.

Case Studies

In this section of the report, we provide case material and across five homelands. In each of the sites we provide a short anthropological history, infrastructure summary and some comment on current conditions. In each we also highlight one development aspiration for each homeland. These were derived through discussions with community and through an analysis of 'development priorities' emerging from ethnographic material. While we only highlight one major development aspiration or issue for each homeland, there are many commonalities across the case study sites. In particular, nearly all the respondents in this study share a commonality of development aspiration based around **improved educational services and infrastructure, aged care and health, access to shops, land and sea management and associated development, security of land tenure arrangements, cultural tourism and art**. It is clear that these areas should be prioritised in development infrastructure planning moving forward as they provide a cultural and economic fit suited to the uniqueness of the homeland's context. It is also clear that housing need and associated infrastructure is critical to supporting these development aspirations.

In order to provide further context for the case study homelands, Table 4 provides summary information on population, housing stock and other infrastructure for each of these homelands. Table 5 provides a more detailed breakdown of the non–housing infrastructure for each case study homeland.

Table 4: Summary of population, housing and other infrastructure, case study homelands

	Homeland				
Housing and other infrastructure	Bäniyala	Bukudal	Donydji	Gäŋgaŋ	Garrthalala
Population	146	16	39	78	54
Number of dwellings	20	5	9	13	10
Number of dwellings not U/S or BER	20	5	9	13	10
Condition of dwellings					
Poor	0	0	0	2	0[14]
Fair	15	0	4	6	4
Good	5	5	5	5	6
Non-dwelling infrastructure					
Municipal	22	9	13	18	14
Other	1	0	0	0	0
Power	8	8	11	9	7
Sewerage	62	7	18	26	36
Water	18	8	12	18	15

Note: U/s = Unserviceable ; BER = Beyond Economic Repair .
Source: 2022–23 Infrastructure and Equipment Register and 2022–23 Occupancy Report.

Table 5 summarises the infrastructure other than dwellings in the five case study homelands.

[14] This number does not accord with ethnographic observation during the fieldwork period of September 15–18, 2023, during which two houses were reported as having been deemed to be unliveable at Garrthalala although families were living in both (Y. M. pers. comm., Garrthalala, September 16, 2023).

Table 5: Inventory of infrastructure other than dwellings, case study homelands, 2022–23

	Homeland				
Category	Bäniyala	Bukudal	Donydji	Gäŋgaŋ	Garrthalala
	Number of infrastructure items				
Ablution block	16	3	7	13	8
Absorption trenches	15	3	6	1	13
Access road	1	1	1	1	1
Airstrip	1	1	1	1	1
Array stand	0	0	0	0	0
Batteries	0	1	0	0	0
Bore	0	0	0	0	0
Bore casing	2	1	1	2	2
Bore generator	0	0	1	0	0
Bore headworks	2	1	0	2	2
Bore pump	0	0	1	0	0
Community solar	0	0	0	0	0
Distillation system	0	0	0	0	0
Dwelling	20	5	9	13	10
Effluent area	0	0	0	0	1
Effluent disposal area	1	0	0	1	1
Electrical controls	1	0	0	1	0
Electrical reticulation	1	1	1	1	2
Fencing	3	0	0	1	1
Firebreak	1	0	1	1	1
Generator	0	0	0	0	0
Honda generator	0	0	0	0	0
Honda petrol water pump	0	0	0	0	0
Internal roads	1	1	1	1	1
Kitchen absorption trenches	0	0	0	0	0
Other	7	3	3	6	3
Other buildings	14	3	5	9	6
Pit toilets	7	1	1	1	5
Power/water	0	1	0	0	0
Pressure pump	1	0	0	1	1
Rubbish tip	1	1	1	1	1
Septic tank	14	0	4	9	9
Skid steer loader (wheeled)	0	0	0	0	0
Solar panels	2	3	1	2	2
Submersible bore	2	1	0	2	2
Tank	0	0	0	0	0
Tank stand	4	0	2	1	1
Water pump	0	0	1	0	0
Windsock	0	0	0	0	0

Source: 2022–23 Infrastructure and Equipment Register.

Bäniyala (aka Yilpara)

History and Orientation

Bäniyala (also called Yilpara) is a Yirritja homeland of the Maḏarrpa clan, situated in the northern Blue Mud Bay area (see Figure 6). People returned to Bäniyala in the early days of the homelands movement in 1970s. In the words of Senior Traditional Owner of Bäniyala, Djambawa Marawili:

> That was a place where our old fellows decided to go back to their own backyard. We call it backyard, where the song lines are, where the patterns are, where the stories are, where the sand sculptures are, where the arm bands are, where the dilly-bags are, where they have been formed. And that is where all the secrets for that country are. Singing is not enough, but if you get more further in, you'll have a lot of activities (D. M. pers. comm. Yirrkala, October 4, 2023).

Figure 6: Bäniyala (also called Yilpara)

Source: James Holman as reproduced in *The Guardian*, Sunday May 7, 2023.

A major spiritual theme for the area is Bäru, the crocodile, a Maḏarrpa ancestor. Garraŋali, nearby, is Bäru's sacred nesting site. Djambawa Marawili has been a powerful advocate for his homeland since he was a young man. He describes his sacred duty to protect Country:

> The land has everything it needs, but it could not speak. It could not express itself, tell its identity, so it grew a tongue. That is the Yolŋu. That is me. We are the tongue of the land. Grown by the land so it can sing who it is. We exist so we can paint the land. That is our job. Paint and sing and dance so the land can feel good and express its true identity. Without us, it cannot talk, but it is still there. Only silent. (Marawili, in Wanambi et al. 2022, pp. 40–41).

Speaking of the early homelands movement, Djambawa explains how the elders returned back to 'their soil and the particular songlines of each place'. Prior to settling at Bäniyala, he says:

> …we didn't hear the true sacred stories about our sacred Law. We would just roam about gathering bush foods and managing the land and camping out. But we did not know the exact stories of the sacred Law. … When we finally returned to Yilpara, my old man Wakuthi told us that this was our homeland. He spoke of a particularly sacred spot nearby. At first I thought he said djalkurrk, and I thought he was talking about the orchid that grows on the tree that we use for bark as a varnish… In reality he was referring to a sacred knowledge – a deep name I had not heard before (Marawili, in Wanambi et al. 2022, p. 45).

Djambawa stresses the importance of being physically located on country in order for traditional knowledge to be maintained and passed from generation to generation:

> When the homeland expanded here at Yilpara, our sacred Law resurfaced. It came to the surface to show itself – that is, from this place Gunmurrutjpi, or Ngulpam, or Gäkawili or Yakutja. It emerged from there, and from that time on, that is how we learned (Marawili, in Wanambi et al. 2022, p. 46).

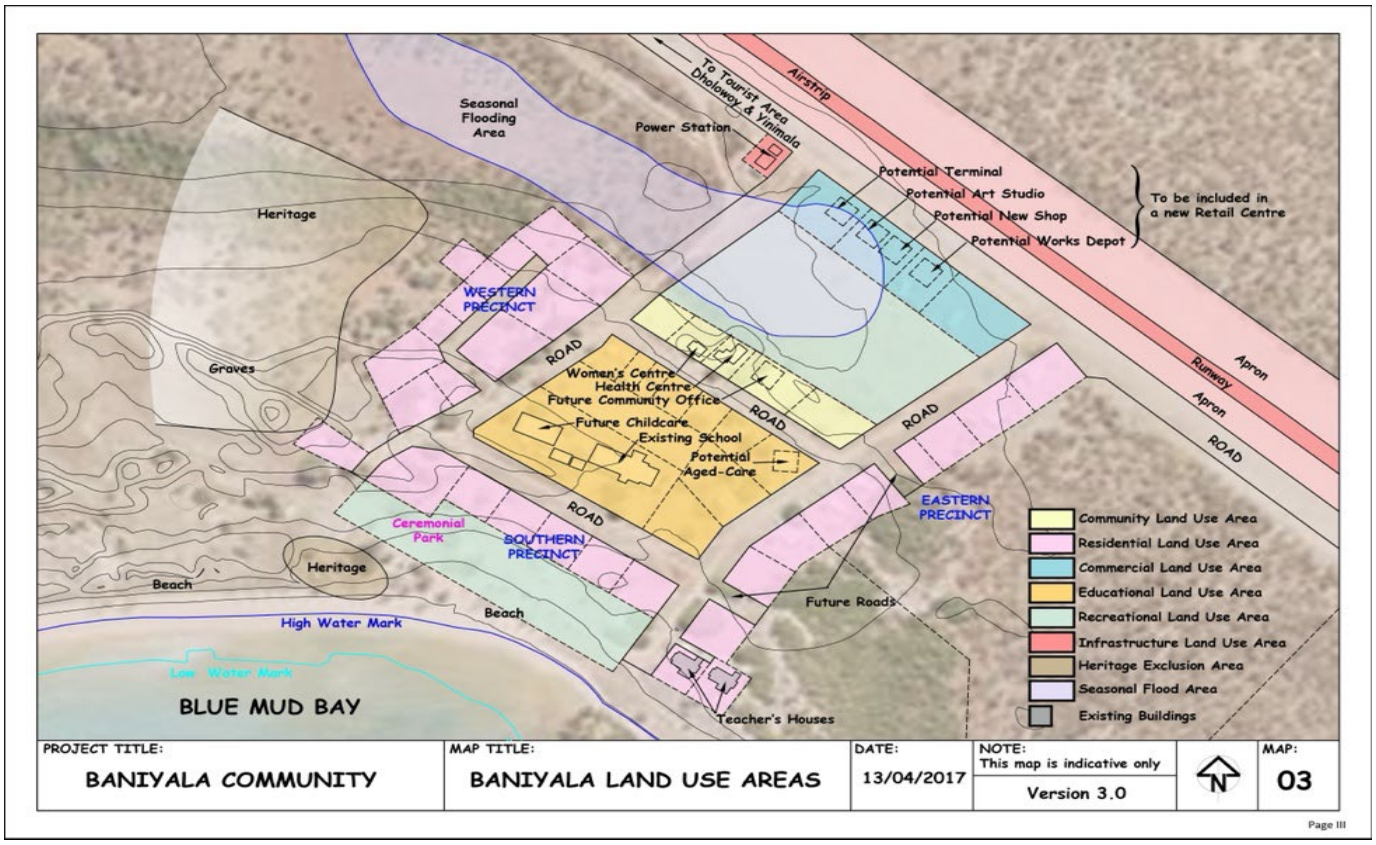
In 2008, the High Court of Australia handed down its decision in what has become known as the Blue Mud Bay case. The central issue in the case was whether rights to land under the Land Rights Act also confers rights to exclude outsiders from tidal waters, and in particular people holding a licence under the Fisheries Act (NT). During the High Court hearing, counsel for the NT stated that these issues are 'of true significance because [this case] applies to some 84 to 88 per cent of the coastline' of the NT. For the first time, the court held that pursuant to the Land Rights Act, land in the intertidal zone (the area between high and low water marks including river mouths and estuaries) in the NT could be claimed and recognised as Aboriginal land. If only for the length of the affected coastline, the Blue Mud Bay case has been described as 'one of the most important Aboriginal land rights decisions in Australian history' (Butterfly 2017). Djambawa describes this decision as a direct result of his people's commitment to Bäniyala:

> This knowledge was brought into the courts, turned into legal language, and sea rights were given to us from afar by the Federal Court. And so today there are two laws: one law that comes from the Queen, all the way from England; and another that comes from us: sacred Law that stands on top. But the Queen's law gave us the opportunity to take back control of our sea rights, to care for all the Sea Country (Marawili, in Wanambi et al. 2022, pp. 42–43).

Just as the courts provided an avenue for the protection of sea country, so too Djambawa believes that land tenure systems can be invoked to sure up the future of Bäniyala, and potentially other Djalkiripuyngu homelands. To this end, he has been proactive in advancing towards a private ownership model of housing enabled under s.19A of the Land Rights Act.

Like all homelands, the population of Bäniyala fluctuates. Ceremony; season; health and age-related issues; housing availability and liveability; education and employment opportunities; time of life; cultural and leadership responsibilities; inter or intra family conflict: all have an impact on people's movement over the course of the year and the life course (Morphy 2010).

Figure 7: Bäniyala Land Use Areas



Note: This map was produced as part of a cadastral survey and completion of the Bäniyala subdivision for the purposes of the s.19A Township Lease.
Source: James Holman, Djalkiripuyngu Aboriginal Corporation, October 24, 2023.

Development Issue: Land Tenure and Housing in Bäniyala

For nearly the last two decades Bäniyala has been engaged in a struggle to utilise policy levers, particularly around tenure arrangements, to elicit better funding for housing (as well as other development aspirations including better education and health).

The leadership of Bäniyala have been proactive in engaging with the state to broker what they see as the best possible deals for the homeland. This is evidenced by their willingness to alter land tenure by signing onto a 99-year lease; by their proactive engagement in Local Decision Making processes; by exploring commercial opportunities through tourism and the arts; by investing energy in partnerships and relationships with non-Indigenous philanthropy; and through the development of alternative governance structures.

To the same end, they have been pioneering innovative approaches to housing and infrastructure development for more than a decade. This includes the construction (by Rotary) of private houses for rent (2010); seeking delegation of decision making powers from the NLC under (then) s.28A of the Land Rights Act (supported by a Federal Government grant of over $1 million) and more recently the execution of a head-lease of the 'township' under s.19A (2013–current); the construction of houses for workers (2019); using Local Decision Making processes to negotiate co-contribution by NT Government of $3 for every $1 raised in Blue Mud Bay homelands (2018–2022); joint ventures to improve housing management (2023); and activation of the art sector to raise funds for families to live with strong culture in proper houses on country (2023).

Notwithstanding the sustained efforts of traditional owners to drive change and improve the standard of living in community, the amenity of houses in Bäniyala remains unchanged. Of the 19 funded houses in Bäniyala, one is described as being in 'poor' condition; 15 in 'fair' condition; and three (all funded and constructed using private sector resources) as being in 'good' condition. Six of the 19 were due for major repair or replacement in 2020 but this did not eventuate. Ten will fall due for major investment by 2025, with the remaining three houses due for the same by 2030. Ad hoc and sub-standard renovation of housing in Bäniyala, as in all the case study homelands, can be attributed to a number of systemic issues. Primary amongst these is inadequate funding allocations made by both NT and Federal governments over many years and the prohibition against the construction of new houses on homelands.

In a letter to Minister Selina Ubo, NT Minister for Housing and Homelands, dated April 23, 2023 (provided by J. Holman, email of October 24, 2023) seeking seed funding for housing development in Bäniyala, Djambawa Marawili outlined community frustration at the lack of support available to support improved housing in Bäniyala. He explained that public funds available for housing development in hub communities and on leasehold land were inaccessible for homelands. He explained that in 2011, the community had applied for a s.19 lease in order to satisfy the latter requirement, but it was refused by the NLC in 2012. Access to housing finance was also limited as public funds were only available for public housing built on leases in 'growth towns'.

Taking out a township lease and creating individual sub-leases over plots of land under s.19A of the Land Rights Act represents a radical departure from traditional norms of communal title, but Djambawa is convinced that it also represents an opportunity. He has long since lost patience with systems and funding schemes which work to the detriment of homelands (pers. comm., MO'B fieldnotes, October 10, 2023). While Djambawa's 99-year lease to build his house on his traditional lands was eventually granted in 2013, he still could not register it for a commercial or public loan because a town subdivision had never been completed for Bäniyala, or indeed any homeland in the NT.[15]

Should a s.19A township lease over Bäniyala eventually be executed, this will unlock a range of funding entitlements. In particular, the immediate forward payment of 10 years' rental will provide a lump sum to Bäniyala Nimbarrki Land Authority Aboriginal Corporation and through that entity to BGAC, for investment back into community. Over the longer term, these monies will need to be repaid. Whereas Gumatj Corporation (see policy section), for example, was able to draw on their significant capital and income resources to service the debt they incurred in this way, the economy in Bäniyala is entirely reliant on government payments.

The other significant advantage of entering a township lease is that national minimum standards for social housing will apply to houses which are leased to residents in Bäniyala. Failure to comply with the requirements of the National Regulatory Code for social housing, and with the *Residential Tenancies Act 1999* (NT) is likely to open avenues of recourse through the law, as was the case for residents of Santa Teresa who were awarded compensation by the High Court in 2023. In this case, should houses be constructed and leased to residents by the head lessee, BGAC would assume ongoing responsibility for compliance with minimum standards.

Proponents of privatisation claim that individual ownership of land will result in higher rates of economic growth and improved housing in remote Indigenous communities by providing incentives for individuals or families to raise finance, establish business ventures and build and maintain housing (Hughes 2007). This study demonstrates, however, that beyond government offering financial incentives, some of them short-

[15] A cadastral survey of Bäniyala has now been completed, see Figure 7, above (J. Holman, email October 24, 2023)

term, the economic equation remains unchanged. The inherent difficulty for an individual seeking to secure finance for housing development, especially where the individual is the recipient of welfare payments, continues to present an insurmountable barrier. While the up-front payment of 10 years of notional rental payments, delivered as a lump sum to the community entity holding the township lease, creates opportunity for development, it also presupposes an income stream to enable the capital sum to be repaid.

In his recommendation to the 2006 amendment of the Land Rights Act introducing s.19A, Aboriginal and Torres Strait Island Human Rights Commissioner, Tom Calma cautioned:

> Economic development opportunities for Indigenous people are contingent on state and territory governments implementing legislative changes that will enable long term individual leases on Aboriginal land. This begs the question: for whom are economic development opportunities designed? If economic development is aimed at Indigenous community members, then programs such as the IBA, CDEP and good renters programs apply. Why then the need to make such sweeping and long-term amendments to ALRA [the Land Rights Act]? It would appear that the ALRA amendments have a specific design to open up economic opportunities for non-Indigenous interests on Indigenous land and in Indigenous communities (Calma 2006).

The question then arises as to whether homeland residents have any other mechanism to compel governments to provide the same generous funding for which they would become eligible should they enter leasehold agreements. Calma argues further that if the provision of essential services is withheld pending agreement to head-lease agreements, this may constitute racial discrimination under s.9 of the *Racial Discrimination Act 1975*.

Examining the full complexities of Bäniyala's engagement with state policy and legal mechanisms is beyond the scope of this report and worthy of dedicated research on its own. What is clear from *this* study is that while the political and ideological contestation around housing policy in homelands has persisted across the last two decades, little has changed in the quality or availability of housing for the residents of Bäniyala.

Housing and infrastructure issues in Bäniyala

Sanitation in Bäniyala

As on other case study homelands, while ablution blocks have generally been fitted with solar hot water units which enable people to wash in hot water, kitchen sinks are all serviced by cold water only. Beyond the health implications of washing dishes in cold water, it also means that any fats washed down the sink coagulate. Drains block quickly because they are not washed through with hot water. In at least one home in Bäniyala, black water (sewage) had seeped from a pit toilet into the home's grey water system, creating a significant health risk. The treatment of grey water – defined as wastewater from shower, bath, laundry, hand basins and kitchen areas – is essential to the prevention of disease (Khalife et al. 1997). In March 2023, the TFHC announced the allocation of $1 million across the East Arnhem Region to improve house effluent waste management systems and improve conditions for homeland residents by reducing the potential risk of effluent waste systems failures and by assessing the integrity of all effluent waste infrastructure and undertaking minor repairs (TFHC 2023a).

Reducing the negative effects of animals, insects and vermin

Laynha staff report feeling frustrated that their capacity to take a proactive approach to maintenance is severely curtailed by the lack of funds (anonymous pers. comm., Yirrkala, March 12, 2024). One issue of

particular concern is the lack of resources available to support a regular and context appropriate vermin and pest control program. In Bäniyala, research participants and Laynha staff reported that termites infect every house in the community. Another recurring problem is that bush rats frequently eat through wiring in houses and infrastructure. While providing a reliable power supply is a challenge more generally, unsafe wiring creates a life-threatening situation which necessitates a priority response. Again, the urgency of the problem necessitates a reactive approach to repairs and maintenance which does nothing to address the underlying problem.

Controlling the temperature of the living environment

Houses in Bäniyala are all made of corrugated iron and older houses have timber frames. Rotary-built structures have a steel frame and Colourbond sheeting. Many have had work done to enclose verandas. Newly enclosed rooms are typically not lined and no power is run to them: pre-existing fixtures (e.g., a previously external light) service the new room, but no cooling is provided. Whereas once verandas enabled passive cooling through cross-ventilation, houses have been rendered less thermally efficient by renovations. These renovations were done at the request of the residents with insufficient funding.

Other infrastructure in Bäniyala

Bäniyala Store: Infrastructure to support healthy living practices by improving nutrition

The Bäniyala store was initially run through BGAC as a commercial enterprise. In 2020 the decision was made by the community to change the shop delivery model because BGAC did not have a programme to subsidise food effectively. In 2020, Medicare's trial of a new bundled payment model enabled Laynha Health to use unspent Medicare funds to open healthy stores (see Health, Homeland Stores, below, for a longer discussion on this topic). Although the funding model was later discontinued, Laynha has retained responsibility for running the stores, now at a financial loss, despite receiving support for logistics and freight from Sea Swift (Laynhapuy Homelands Corporation Blog, October 9, 2020).

Despite its strategic importance to community, Bäniyala shop is described in Laynha's IER as being in 'fair' condition. Coreena Molony elaborates on this, describing the existing Bäniyala shop as being made of fibrocement with a corrugated roof, a cement floor and no windows. An air-conditioning unit was installed some time ago as it was 'just so hot,' but the diesel generator is unreliable and prone to break down:

> Bäniyala shop is one of the oldest buildings in community. As old as the houses if not older… and not protected from the elements very well. We've had multiple issues with power… That affects the fridges, the freezers, the point of sale system, the WiFi, so that we can't use the efpost machines. Trying to manage that is really quite difficult and it changes. Nothing ever really stays stable. And the buildings are just old. This one here, Bäniyala, is not insulated. I'm not sure how long the stores will be going for when the buildings are that bad. The community try to do a few little things, like paint them and stuff. But community standards, even they think that it's in pretty bad shape. So, that's saying something… It needs to be bulldozed, to be honest. It leaks in the wet season. Environmental health and safety standards are pretty [shocking] (C. M. pers. comm., Bäniyala, October 11, 2023).

Consistent with this account, work has been progressing for some years to replace the store building. In 2016, Layhna completed ground works for the relocation of the store, but the prohibition on constructing new buildings in homelands means that no capital has been available to progress this priority. In 2019, BGAC commissioned a regional tourism plan and new website, and sought assistance from the Australian Army and Indigenous Land and Sea Corporation to improve the Bäniyala Shop and coastal facilities to

support retail and tourism operations. To this end, BGAC has lodged a s.19 leasehold application with the NLC, and construction of the shop is anticipated to commence in 2024.

Education infrastructure in Bäniyala

Until the beginning of 2010, Bäniyala Garraŋali School was known as Yilpara Homeland School and was a part of the Yirrkala Homelands Schools network and serviced by the 'hub and spoke' model which that school operates. Under the Homeland Schools model, visiting teachers from Yirrkala Homelands School spent three days each week at Bäniyala. School administration, resource and curriculum development work was conducted in Yirrkala for the benefit of all homelands schools (for further discussion see Garrthalala case study). Leaders in Bäniyala felt that having a teacher based full-time in community was of paramount importance and made the decision to secede from the Homelands Schools Network. In 2008 the NT Department of Education built two houses on the homeland for teachers so that by 2009 the school had two full-time, five days a week, teachers for the first time. In January 2010, Bäniyala Garraŋali School was formally gazetted as an NT Government school and a Teaching Principal was appointed.

In 2010, the NT Department of Education expended $2 million to construct a new, well-appointed school building (Legislative Assembly of the NT 2010). Built around a large breezeway, which is the only outdoor undercover area in community, the facility includes four fully airconditioned classrooms; a large room used as a library, assembly room, office, and kitchenette; and ablution facilities. The new school building was commissioned in a ceremony held in 2011. The quality of the building and sophistication of the fit-out are in marked contrast to school buildings on other case-study homelands.

Figure 8: Bäniyala School, 2010

Source: Facebook (accessed January 15, 2024).

The Australian Curriculum, Assessment and Reporting Authority (ACARA)'s MySchool website reports that in 2022, Bäniyala Garraŋali School received $96,012 from the NT Government for capital expenditure and that accumulated capital expenditure over three consecutive years amounted to $390,694. By contrast, the Laynhapuy Homelands School, with an enrolment in 2024 of approximately 150 students and operating Homeland Learning Centres in Dhalinbuy, Garrthalala, Gäŋgaŋ, Biranybirany, received $0 capital expenditure in 2022 and an accumulated capital expenditure over three consecutive years of $139,589 (ACARA 2024): that constitutes approximately one-third of the capital expenditure made to the stand-alone Bäniyala Garraŋali School. In 2023, the final NT Government funding for Bäniyala Garraŋali School was $475,225, calculated at a rate of $16,091 per student (29.5 students; NT Department of Education

2024). NT Government funding for the Laynhapuy Homelands School in the same timeframe was $1,812,496, calculated at $15,992 per student (114 students; NT Department of Education 2024).

The previous school building has been repurposed as the Garraŋali Homelands Learning Centre. It is now used as a music room for the school and for adult/community programs. Programs presented there have included workshops to support community members to obtain driving licences, budgeting workshops, and sewing workshops.

Houses and infrastructure as a pathway to employment: Construction of short stay accommodation for workers

The Homelands Housing Development Program began in 2007 with planning for construction of a Visiting Officers Quarters (VOQ) in Bäniyala as part of a Shared Responsibility Agreement between the Australian Government, Bäniyala community, Laynhapuy Homelands Association Incorporated, the NT Department of Education and Training and Sydney Cove Rotary Club (see Figure 9). FaHCSIA contributed $358,000 (Goods and Services Tax [GST] excl.) in June 2007 for the construction of visitor accommodation, training facilities and the upgrade of essential services to support the buildings. The funding was provided to Laynha through a funding agreement. Sydney Cove Rotary Club assisted in the construction of this facility as part of the Shared Responsibility Agreement (Australian Government Department of Families, Housing, Community Services and Indigenous Affairs 2009).

Figure 9: Visiting Officers Quarters at Bäniyala, constructed 2007

Source: Neil Lanceley, 2011.

A three-bedroom, two-bathroom facility was built in 2007, with a full commercial kitchen and space for training and workshops. Residents of Bäniyala contributed semi-skilled labour to the project and construction was completed in nine weeks. The building team were presented with Rotary ‘Pride of Workmanship’ awards.

The larger social return on investment to flow from employing local community members on the VOQ project is still evident 17 years after the centre was built. The VOQ is a versatile accommodation facility for service providers and businesses to operate for short periods from Bäniyala, as well as the location most frequently used for Community Development Program training and development programs. When they

participate in these, community members employed in building the facility continue to take satisfaction in their work. There are photos on the wall there of the people who worked on the project and the pride that they have in building that VOQ (see Figure 10) is very evident (MO'B field notes, 5 October 2023).

Figure 10: Photos from the construction of the Bäniyala Visiting Officers Quarters, 2007

Note: Currently displayed in the facility.
Source: M. O'Bryan, 2023.

In interviews with younger community members in Bäniyala, it was clear that they would also like the opportunity to be involved in future building projects. Apart from the skills they would learn and the opportunity for stable employment, they expressed a strong desire to contribute to their own homeland. Asked if he would like to build houses 'in the homelands', one young man who did not want to be identified replied: '*Build houses yes, but just here, not other places*' (Anonymous pers. comm., Bäniyala, October 12, 2023).

Cost effective housing: BGAC assets

Until 2019, the only houses available for workers in the Djalkiripuyŋu homelands were those built in 2008 by the NT Government for permanent teacher accommodation in Bäniyala. There remained a critical shortage of accommodation for workers in homelands, which in turn created a barrier to the development of sustainable businesses and economic growth, particularly for Yolŋu people living in Bäniyala and the surrounding homelands. For this reason, BGAC, through its Economic Development Fund, committed to build two two-bedroom houses to be utilised by local workers in Bäniyala as part of the Houses for Homelands Workers Project. BGAC and Indigenous Community Benevolent Fund each committed $100,000

to contribute to construction of workers houses in Bäniyala. Co-funding was sought from the Economic Development Fund administered by Developing East Arnhem Limited (DEAL), an independent not-for-profit established to facilitate investment and economic development opportunities in East Arnhem between traditional owners, local organisations and businesses, governments, and investors. In all, $500,000 was raised to deliver this project.

For a total cost of $250,000 per dwelling, two two-bedroom houses were constructed incorporating improvements to the design of the rental houses built in 2012. These houses are raised off the ground, and built of corrugated iron. They are fully insulated, airconditioned, have a separate kitchen, laundry, bathroom and toilet, and a large, covered deck looking out to Blue Mud Bay. They provide local accommodation for the BGAC General Manager, and are available for rent to service providers and others working in Bäniyala.

Arts and cultural maintenance in Bäniyala

In addition to the sacred and cultural sites in and around the homeland, Bäniyala is home to a number of important Yolŋu artists whose works have been recognised nationally and internationally.

Figure 11: Djambawa Marawili working in the Bäniyala art studio

Source: M. O'Bryan, 2023.

The existing arts studio consists of a single-room, unlined corrugated iron building which sits on stumps in the central precinct of community (see Figure 11). There is no storage facility in the building, and it is not

temperature controlled beyond cross-ventilation provided by two doors. The centre was originally house #39 and adapted in 2006 at the behest of Djambawa Marawili. It is described as being in 'poor' condition (Laynhapuy Homelands Aboriginal Corporation IER Report 2022–23). The floor, where artists sit to work, is made of chipboard. Every surface is crawling with termites which bite the artists as they work. There is a small, covered veranda at the front of the building. The facility is used by some artists, whereas others choose to work from home.

The Bäniyala masterplan envisages an expanded art studio with space to create large artworks, display these works, run town and tourist workshops, and sell minor artworks may be beneficial to residents. It could incorporate the existing arts studio in the central precinct or be relocated to the southern boundary of the northern precinct (2018 Bäniyala Masterplan).

Health, disability and ageing in Bäniyala

When nurse, Jenness Warin, working in Bäniyala as an adult educator, surveyed the community's health in 2005, she found 14 children with perforated ear drums, 7 children failing to thrive, 17 people with eye diseases, 21 people with skin diseases, 8 with rheumatic heart disease, and 5 with hypertension. Several young men in the community had been rushed to Adelaide for open heart surgery following untreated rheumatic fever damage. Blood sugar readings had never been taken by visiting nurses, and there was no attempt to manage and control suspected Type 2 diabetes with diet and medicine. The health centre was a derelict shed without a secure or refrigerated space to store medication (Hudson in Aird et al. 2012, p. 3). As a result of Warin's advocacy, and the 'spotlight' she shone on conditions in Bäniyala, the current clinic was constructed in 2005 (see Figure 12).

Bäniyala is serviced by Layhna Health who visit the community on a weekly or fortnightly basis as required. In addition to the visiting teams of health workers, an Aboriginal health worker also lives on site.

Figure 12: Bäniyala Clinic

Source: Neil Lanceley, 2011.

Whereas in some homelands, housing modifications have been funded through individuals' Medicare (using bundled payments), NDIS or MyAgedCare entitlements (see Garrthalala case study), none of the houses in Bäniyala have been renovated to meet the specific needs of older residents or those with disabilities. The

lack of amenity in community is cited as one reason that homeland residents 'drift' into Yirrkala or Nhulunbuy.

Ironically the health service provision, thanks to Laynha Health, is probably better or at least as good as in other remote/rural regions, but there is a long waiting list for age care packages. Permanent facilities at homelands to meet the needs of older residents would allow them to age-in-place and would generate employment for local Yolŋu as carers within the facility.

Ceremony at Bäniyala

A Yolŋu person is estimated to spend as much as one-third of their life attending bäpurru (ceremony) (Meyrick 2023). The health implications of overcrowding, lack of access to adequate nutrition, sanitation, and protection from the elements are all exacerbated during bäpurru. The following ethnographic reflection on the experience of attending ceremony in Bäniyala is provided by Professor Howard Morphy:

> We are here for the burial of our lovely Yolŋu granddaughter who always looked after us so well. She died much too young but clearly was loved by many as there is a huge attendance. Probably about 200 additional visitors. People camping all along the beach and then some unseasonable rain soaking everyone. No shelter but the casuarinas and a large tamarind! I went with Djambawa to get the teacher to open the old school so that visitors could move their stuff in there. Fortunately, she is reasonably engaged with the community and took us up there in the rain. On the way back Djambawa said why can't we have a shelter for ceremonial time as they have at Yirrkala, and we really do need some accommodation when large numbers of visitors come. He was thinking of the large open shelters built in Yirrkala for mortuary rituals in a number of places. I asked Frances [Morphy] why such a facility didn't exist at large homelands and she said because it wasn't seen by governments as an essential facility. 'So how come they exist at Yirrkala and Gunyangara?' I asked. She said they are built on royalty money. But if built as a collective good with royalty money that is surely a sign that they are regarded by Yolŋu as an essential facility? (Professor Howard Morphy, July 2023, correspondence with first author).

Conclusion

This case study shows that the issues of housing and the development of a regional economy in a homeland are very complex. Solving the housing problem is essential for many different reasons and the lack of housing is a factor in drawing people back to the socially challenging environment of the main towns. As a case study in seeing privatised housing – in part financed on the expectation of future economic transformation – as a solution seems to have produced very limited results in the case of Bäniyala. On the contrary, there is a possibility that private home ownership in this context could result in long-term debts and does not directly address existing employment issues here. Despite this, the struggle for development through land tenure arrangements in this site must also be seen as an effort in self-determination.

Bukudal

History and Orientation

Bukudal is a homeland of the Gupa-Djapu clan, located 162 kms from Yirrkala at 12°57\'29.42\"S, 136°36\'1.00\"E (see Figure 13). The estimated travel time to Bukudal is 4–5 hours. Also known as Balaybalay, Bukudal is a place of great cultural significance to the Djapu clan of the Dhuwa moiety as it is the home of the Banumbirr, the Morning Star. It was here that the ancestral figure Dhanbul set the original Morning Star in the sky, put it in a dilly bag and then gave it away. Banumbirr appears in the Eastern sky just before dawn. Banumbirr rises here before going out to visit the lands of different Dhuwa clans (see Figure 14).

Figure 13: Bukudal from the air

Source: Original Power, 2022.

Dhanbul is the name of the individual creative ancestral spirit associated with Bukudal, while ‘dhambul’ is the singular and plural name of the ancestral spirits who are deceased Djapu people. After death, the individual spirit joins with the body of Dhanbul, either to travel to the island of Burralku, or to stay in the area around Bukudal, observing the Djapu people currently living there (Bonfield 1998).

The actions of Dhanbul and Banumbirr can be seen in the geographical features of Bukudal: the headland of the bay at Bukudal is sacred, and each part of the land is named with sacred names which are not usually used as personal names. On this headland, Dhanbul danced and sang for the Morning Star; on that beach he swam before travelling further down his track and making the long journey to the island of Burralku; in another place he made his final leap across the sea to Burralku (Bonfield 1998, p.145).

Figure 14: Morning Star Ceremony

Source: Original painting by Malakunya Mununggurr, 2017.

The families of Bukudal call themselves Dhanbul, because Banumbirr came from this place and travelled to other Dhuwa countries connected with Dhanbul ancestry. Through song and ceremony, the two creator ancestors of Bukudal are memorialised. Songs tell how the land was shaped and how the rituals of the spirit Dhanbul, Banubirr and the ancestral shark (*mäna*) were performed.

Even from the *Wangarr* (creation) era, Bukudal was a place of generosity and of peace. It was here that ancestral beings made Morning Stars and gave them away to other Dhuwa clans. While Morning Star songs connect clans, Banumbirr originates at Bukudal. According to tradition, people living at Bukudal did not fight and enjoyed singing. In her 1998 dissertation 'Songs of the Morning Star', Bonfield recounts that Bukudal was constantly described by informants living at the site as being a 'place where fighting did not take place'. Consistent with this cultural heritage, the current generation of leaders from Bukudal are widely recognised as peacemakers.

Bukudal homeland was established in 1978. Barayuwa Mununggurr, senior traditional owner and clan leader explains:

> When they moved back to their homeland, it was like the spirit was calling them, welcome back home, and they felt their heart could tell them that they are finally at home in peace, with a clear mind, clear thinking and holding that knowledge and passing on to djamarrkuli the traditional way, buŋgul, dance, song lines, and the language. It was all because of the land that they were in, which they have come back to and are very connected to – the land, both land and sea. It makes you a whole person, it means that your thinking is clear, and you could sit there, relax – not think about the past, but what could be done for the next generation (B. Mununggurr pers. comm., Yirrkala, August 9, 2023).

He reports that at that time, when he was aged 26, there were a large group of young people who moved back to Bukudal and, under the direction of the elders, worked hard to 'clean up' the homeland; to clear the scrub and assist in the construction of dwellings. In the early years, Bukudal was awarded 'Tidy Town' of the year: people took great pride in what they had achieved.

Today, Barayuwa Mununggurr, who is Laynha Deputy Chair and co-researcher in this project, continues the tradition of sharing and disseminating Yolŋu culture, values, and worldview, now on a larger stage. Interviewed in 2018, he reflected on the tradition of protest he inherits from previous generations of Yolŋu:

> The Bark Petition, that's the only way that these old people were going to express themselves, because that is the only way that they know well. That's their story, it's not written in the paper or anything, it's written on bark with painting. That was the most felt thing that the old people could ever do. What is coming from their whole being – from the mind, spirit, soul: spirituality. And they were all listeners. They had one mind, one spirit, one heart. Working for the same purpose, they had the vision, the goal, the aim. (B. Mununggurr pers. comm., Melbourne, January 25, 2018)

Barayuwa is committed to continuing this legacy of protest but is equally imbued with the spirit of peace for which Bukudal is known.

Figure 15: Bukudal

Source: M. O'Bryan (5 October 2023).

Although anecdotally the population of Bukudal was larger in the early days of the homeland movement, it has remained small but stable over the last 30 years. This case study provides an opportunity to consider the range of challenges faced by the residents of smaller homelands. These include issues around fluctuating use and occupancy which determine whether a homeland, or particular assets on a homeland, continue to be classified as funded assets. In Bukudal, fluctuations in residency reflect lifecycle transitions, access to services (in particular health and education) and transport. In the face of these and other challenges, this case study considers implications for the upkeep of housing and infrastructure and the need to support community-led economic activity.

Development Aspiration: Educational Cultural Tourism in Bukudal

Tourism in North East Arnhem Land has expanded gradually over recent years, although the provision of tourist services has yielded only incidental amounts of income (Throsby & Petetskaya 2015). In an unpublished paper entitled *Cultural values, economic opportunity and Indigenous tourism in remote regions* (provided) Morphy and Throsby (n.d.) propose three alternative structures for the organisation and

operation of Indigenous tourism in regions where issues of remoteness and the specific conditions of the supply of cultural tourism services are significant determinants of success or failure:

1. Localised development of tourism supply is one whereby a remote community focuses on building its own facilities and operational infrastructure, offering goods and services to clients who come as free independent travellers with their own transport or in organised groups brought in by road, air or sea.
2. A hub-and-spokes system, typically involving a central administrative organisation (the hub) which supplies resources and services to support on-the-ground tourist visits to remote Indigenous communities (the spokes). The hub organisation can provide coordinating functions which build on the nexus of kinship relationships that extends across the Indigenous population of the region and that links the different clan groups and homeland centres together.
3. The supply of artistic and cultural product in a centralised regional location, where the product is fed from remote regional sources. In this model, an enterprise such as a gallery, art centre, or other cultural organisation located in a central regional township can draw on Indigenous artists and cultural producers in the region's distant communities to provide goods and services to be marketed to tourists.

In the case of Bukudal, the family has chosen to partner with external tourism operators, essentially adopting Morphy and Throsby's hub-and-spokes model. First Lirrwi Tourism, and more recently Culture College[16], have provided administrative and logistic support to enable family to sustain relationships with schools from Melbourne and Sydney (see Figure 16). While much attention is given to the potential of targeting either the 'low volume, high yield' market (see, e.g., Outback Spirit) or less logistically demanding models such as self-catered and camping style 'Tag-along Tours', Bukudal has never deviated from its educational imperative.

Culture College CEO, Justin Porter reflected on the relationship between this not-for-profit organisation and the family in this homeland:

> At Bukudal, the family's leadership … in terms of the educational piece, is very good. It's a homeland where we definitely see that they're highly engaged with the groups that come there – they're very present. So it's not just about the education, them coming in, interacting with the group and going back to a house or to go do their own thing. It's about when there's meals, it's sitting with the group. It's really being part of that whole experience that's been created with the cultural immersion side of it. And again, where Culture College tries to sit is that we don't talk about tourism, it's cultural immersion. Tourism is obviously the easier word to recognise, but what this is doing and what the family is doing (J. Porter pers. comm., January 16, 2024).

[16] see https://youtu.be/sWlwkujLvXY

Figure 16: Tents for use by school and tourist groups, Bukudal 2018

Source: M. O'Bryan, July 2018.

Family also reported that they take enormous satisfaction in running their schools emersion programs. When asked how she was, one family member replied 'I am well when I'm here and when I'm doing this work. This is my best life.' When she was asked how she envisaged the future she replied 'This is the future, I am the present and the future. This is the way forward for us as a family'. She was critically aware of the need to secure a community vehicle and was taking proactive steps to achieve this outcome (C. B. pers. comm., Bukudal, October 6, 2023).

Building and sustaining relationships with particular schools, some of which have been returning year-on-year to Bukudal for over a decade, has returned numerous benefits to family, including the opportunity to travel, and the improvement of tourism amenities in the homeland. This includes one school raising funds to install flushing toilets and a solar hot water unit for tourist showers.

Figure 17: Kitchen, Bukudal

Note: All cooking equipment, including BBQ and refrigeration must be provided by tour operator.
Visiting groups range in size with groups up to 30 people.

Source: M. O'Bryan, October 6, 2023.

Tourism infrastructure is limited to two flushing toilets, a shower block, the kitchen pictured in Figure 17, and two simple open shelters. In relation to the many challenges of developing and maintaining infrastructure to support educational cultural tourism in the homeland, Porter expressed frustration that the program attracts very little government or private sector support:

> Everyone's saying they want tourism in the area, but then you've got all these third-party stakeholders who just don't support that happening … If we look at what's been provided by these homelands like –Bäniyala or Dhalinbuy or Gäṉgaṉ or Bukudal, Bawaka and Ninyikay – that we work with, is that the culture and the way that the education takes place is, I think is some of the best in Australia. Absolutely. It's just next level. But it's about what do you need to support that? How do you create the opportunities, the job creation? Because again, that's our mission and vision is to create jobs in culture for First Nations people in learning, teaching, and educating … When you look at that on paper and all the outcomes and the people that have gone through the program and have come back and said this is the most life-changing experience that they've had. But the support around all of that is just the total opposite (J. P., Culture College, pers. comm., January 16, 2024).

In their analysis of Lirrwi Tourism, Morphy & Throsby note that while a hub-and-spokes model should in principle be consistent with local autonomy, the experience of Lirrwi, which went into administration in its fourth year of operation, and when later re-established significantly reduced the scope and scale of its operations, exposes the complexity of developing a tourism enterprise in the homelands. They conclude:

> If national governments are serious in partnering with Indigenous enterprises, they need to adopt a holistic approach in which services such as transport, communication and administrative support, which are essential to the provision of health, education and food security, are developed in conjunction with regional industries such as tourism, art and craft production, and environmental management, rather than requiring those enterprises to develop their own infrastructures (Morphy & Throsby n.d., p. 14).

Infrastructure in Bukudal

Power

In 2022, Laynha worked with IDAT Pty Ltd to transition Bukudal from a diesel-dependant electricity supply to a solar hybrid system. This system provides 18Kw of solar and 50Kw Lithium Ion battery capacity. The backup generator remains in place which is necessary especially during the wet season. In interviews with residents it was clear that while all were delighted with the amenity provided by the new system, none had a clear idea of how it worked.

Water

Water is pumped from the bore, approximately 2 kms away from the settlement. On the final morning of fieldwork, the tour operator who was in charge of logistics for the school group then at Bukudal discovered, as he dismantled his tent, that one of the tent pegs had been driven through the waterline to house #4. The water supply had to be turned off at the pump, leaving all houses on the homeland without water. This was the second time this had happened. On the first occasion, no one reported the incident to Laynha for two weeks. During that whole period, water had been gushing, at pressure, into the sand. On both occasions Laynha took responsibility for repairing the waterline, although they had no way of protecting that asset, and no contractual relationship with the tourism service provider. In Bukudal, water comes from a 'small

isolated aquifer in weathered granite, cemented sandstone, volcanic rocks and sand layers', and a map produced as part of an NT Government inquiry into fracking (2018) suggests that community should expect small supplies of water (see NT Government, Water Resources of East Arnhem n.d.).

Two preconditions for funding a homeland is that it should have a sustainable, potable water supply and that the water supply must be in operating condition (TFHC 2023, p.4). At least one contributor to this study repeated on numerous occasions his concern that flushing toilets are being installed across the homelands with no understanding of the impact they may have on aquifers or the ongoing supply of potable water in the homelands (L. W. pers. comm., Melbourne, November 22, 2023).

It is a recommendation of this study that groundwater assessments should inform any future development in Bukudal and across the case study homelands. Further, a community water management plan should be developed in consultation with residents and third-party providers at Bukudal. This is in line with findings of the Centre for Appropriate Technology's finding that:

> ...stepwise improvements to the supply [of water] can be made if service providers actively engage with and involve residents in water supply management. Building the capacity of residents to undertake such tasks also resonates with policies designed to improve employment related skills (Centre for Appropriate Technology 2016, p. 63).

Apart from the implications for water security, the incident with the tent peg and the waterline raises a larger question of liability where homeland assets and infrastructure are used by non-homeland residents or service providers. In this case Laynha made a pragmatic decision to undertake responsibility for the repair of the waterline in order to restore amenity to community housing as quickly as possible. This is in part recognition that the tourism operator in this case provides support which enables the family to run a business which would otherwise be outside their scope of expertise or logistical capacity. When questioned about this situation, the service provider responded that they had investigated ways to secure water infrastructure, but the quotes they had received, running into hundreds of thousands of dollars, were prohibitive. Fluctuations in occupancy also create practical problems:

> ... even if you've got the assets there, if there's funds that come in to build property, to have better water systems, to have better infrastructure so that gets all built and paid for – and it's expensive ... So there's no way that Bukudal or [we as the tourism operator] could afford to [do the work to make community assets more secure] ... Once you've got the asset there then then if the family is not living there, the safety of that asset becomes very strained because they can't control who's coming in from other areas (J. P. pers.comm., January 16, 2023).

Telecommunications

There is one landline phone in the clinic at Bukudal and one public phone. There is no internet connectivity.

Infrastructure to support health and ageing

There are no aged care services at Bukudal, and no housing modifications have been made through MyAgedCare funding entitlements, although white goods have been provided to the resident in house #1. In terms of health, Laynha Health report that they would happily visit Bukudal on a regular basis if required, but that residents here use clinics in Yirrkala by personal preference.

Education

There is no Homeland Learning Centre at Bukudal, due to NT Government policies regarding stable population numbers of students. The nearest school is at Wandawuy. Ironically, Bukudal is a centre of learning for the students who visit from down south and who consistently report that their time with the family here has been life changing.

Access

Access to Bukudal is by road or air, with both the road and airstrip maintained by Laynha. There is an area reserved as a helipad in community. At the time of our visit the airstrip had not been graded and was therefore unusable, but the road was well graded and easily passible. The nexus between transport, the viability of homelands and economic opportunity is strong. A major issue in Bukudal is the family's capacity to procure a vehicle. As a small and isolated homeland, participants in this research were anxious to explain that without a car, living at Bukudal is extremely difficult. There is a large Brown snake which lives under the slab of house #2, and residents express enormous concern that should somebody be bitten, it would be impossible to access emergency services in a timely manner. Further, one of the residents has a school-age child, and to live at Bukudal, she would need to transport her daughter to school in Wandawuy. A bush taxi from Bukudal to Yirrkala costs in the vicinity of $800 one way. Without a vehicle, it impossible for family to live safely in this homeland on a full-time basis (C. B., pers. comm., Bukudal, October 6, 2023).

Access to transport also has implications for the families' tourism business. Morphy & Throsby (n.d.) argue that the 'first determining factor' for the development of a regional Indigenous tourism economy is the establishment of regional transport and communications infrastructure.

Bukudal, funded and unfunded houses

To be eligible for funding, a homeland must be the principal place of residence for community members for at least six months of the year (TFHC 2023, p. 4). This precondition is difficult to fulfil in some contexts for personal or logistic reasons. The track into Bukudal is 40 kms from the Central Arnhem Road and is often impassable in the wet season. While their education cultural tourism business enables the family to spend much of the dry season at Bukudal, a range of personal and health circumstances mean it is difficult for family members to remain on the homeland full-time. They expressed frustration that coupled with their lack of transport, these factors mean they cannot not be here more of the time. They worry that as a consequence, houses and infrastructure here will cease to be eligible for funding. Family members are currently working with independent not-for-profit DEAL, an organisation established to facilitate investment and economic development opportunities in the region, to secure a community vehicle.

In 2016, the Centre for Appropriate Technology was commissioned by Australian Government Department of Prime Minister and Cabinet and the NT Government Department of Local Government and Community Services to conduct a review of homelands and homelands assets and access. The review found that where the occupancy of a homeland fluctuates, an investment model that emphasises infrastructure sustainability would be appropriate. In particular, the report finds that if a homeland/outstation is used only intermittently but provides a base for economic activity (e.g. a tourism enterprise or ranger base), investments designed to support and sustain that activity may be more immediately appropriate than investments designed to support permanent occupation (Centre for Appropriate Technology 2016, p. 66). Under the 2023–25 Homelands Program Guidelines, the onus is on the service provider to notify TFHC immediately when a homeland stops meeting eligibility requirements (TFHC 2023).

Conclusion

Bukudal is a small, very remote homeland with a rich, complex and unique cultural heritage. While the maintenance of traditional knowledge which adheres to place is their primary concern, family here face a range of practical and logistic challenges which limit their capacity to reside on Country. Under current homeland program guidelines, this threatens the ongoing viability of this and other small homelands. At the same time, the school's tourism business they have maintained for the last 16 years, delivers a generous social return on investment, both for family as content providers, the tour operator with whom they partner and for their clients.

Tourism in the homelands represents an opportunity and a challenge. A challenge, because it requires new thinking to develop financially viable, sustainable business models which articulate with local aspiration and needs, including housing and infrastructure needs. An opportunity, especially in this historic moment for a regional economy in transition away from mining. By their proactive and sustained commitment to developing on-Country immersion programs, this case study demonstrates the potential for homelands to claim their own position, on their own terms, at the place where cultural capital and the market economy meet.

Donydji

History and Orientation

Donydji homeland, situated 70 kms southwest of Gapuwiyak and 247 kms southwest of Yirrkala, takes its name from a very important Ritharrngu sacred site close to community (see Figure 18). The Central Arnhem Road, which is passable for most of the year, lies 5 kms to the north of Donydji. The community is serviced by an airstrip. Being 247 kms from Laynha headquarters in Yirrkala means that distance is a barrier to service provision. Education and health services remain linked to Gapuwiyak and the ASRAC rangers are based in Ramingining.

Figure 18: Arial image of Donydji

Source: Northern Territory Land Information System, April 2024.

This was one of the earliest homelands to be established, when, in around 1968, two senior Ritharrngu brothers, who had never left their land, chose to establish a permanent camp in this location. In his history of Donydji, Neville White suggests their motivation in doing so was to protect the area from outside interference by mining companies as well as a more utilitarian desire to stay near the airstrip so as to access food, goods and services (2016, p. 325). White recounts how geologists working with a mining survey team had damaged a sacred site by removing a core from one of the granite boulders that form the Djawk constellation, which both represents and embodies the Ritharrngu clans. Donydji is the principal cultural site for these clans.

Consistent with this, when asked why their old people had established their homeland in this particular location, current residents immediately described their responsibility to care for Country (capitalised to include language, culture and identity): the sacred rock which is fenced off in the centre of the homeland;

the river which flows just beyond it; the wind that carries an ancient song. They explain that the water is lifegiving not only to those who live in this place, but also to other homelands, both Yirritja and Dhuwa, which are downstream from Donydji. Co-researcher Barayuwa Mununggurr summarised a long discussion in Yolŋu Matha:

> What you see around here – Donydji is a very very special place. It has a lot of significance for the Yolŋu to this place: the rock – I can't go any deeper, but they know it's something special there; the water – the river – that's special too, – that binds the community together. The oneness. They believe in that. That's what they are there for. That's their weapon, that's their power … you can feel it within them. Or when you see their river flowing, at wet you will hear the noise, and it is telling a story. Story that only Yolŋu know. A deeper meaning of this area, through songlines, through dance, through storytelling, then they connect with other clan groups, Yirritja clan groups, other moiety, so they are interacting with the other clan groups and when there's a big ceremony, they abide by that, to be a part of it (B. M. pers. comm., Donydji, September 13, 2023)

This is what Morphy (2014) describes as a 'density of meaning encoded in the landscape, and of the complex patterns of the Yolŋu social world in this landscape'. Testament to the emotional pull of Country, family report that when they go into Gapuwiyak or Yirrkala, as they do every month or fortnight to go shopping, or when they travel for ceremony and are away for any length of time, they say they feel called back to the rock and the river: 'we say to each other, time to go back now'.

In addition to caring for country, traditional owners have insisted on children's need to remain connected to their own land. As community members explained in the 2019 documentary *Homeland Story*:

> They have custodial rights to this place, [they are the people] for this land…. They have the rights to speak about their mother's land. This is their private land. You've got to learn about it to look after it (Hambly, 2019).

Another community member affirms that 'this land is the foundation of our culture, if we go away we lose this' (S. G. pers. comm., Donydji, September 13, 2023).

In Donydji, the dual cultural and political imperatives of remaining on Country are clear. Consistent too, is the desire of elders to protect young people from 'temptations' such as drugs and alcohol. These are as prevalent in hub communities in 2023 as they were at the start of the homelands movement in the early 1970s. For all of these reasons, and irrespective of the state of housing and infrastructure which they went on to describe, participants in this research were adamant that they would never leave this place, but would honour the efforts of the old people who, they affirm, 'laboured for this land'. This determination is nothing new.

The population of Donydji has remained relatively stable over time, although participants report that there are currently a significant number of family members who want to live here but who have moved to hub communities or other homelands due to housing shortages. At the time fieldwork was undertaken, this included 16 people living in Gapuwiyak; one in Darwin; and 13 who intended to return and take up occupancy of house #3 following the recent death of the previous resident. Although those moving to Gapuwiyak did so on the promise of receiving housing in that hub community, in reality, participants report that many of them are living 'on other people's verandas' and would prefer to come home. Several Donydji families living in Gapuwiyak elect to send their children to stay with family on the homeland from Monday to Friday so they are able to attend Donydji School.

Housing and Population Inventory – Current

At the time of conducting fieldwork in 2023 there were nine houses which were classified by government as 'funded dwellings' in Donydji. To be considered a 'funded dwelling', a house is required to be the principal place of residence for at least six months of the year (TFHC 2023). Five houses are rated in Laynha's IER as being in 'good' condition, the remaining four as 'fair'.

Figure 19: The three rooms in the single-man's quarters

Note: Funded by Rotary, constructed by volunteers and community members in 2008.
Source: Neville White, 2016.

Development Aspiration: Land Management and Further Education

Environmental management and the ASRAC Rangers

Currently several community members are employed by the Arafura Swamp Rangers Aboriginal Corporation (ASRAC) as rangers. ASRAC rangers are coordinated through a hub in Ramingining and the Donydji rangers are one of three ranger groups to operate from satellite bases on their homelands – Donydji, Mirrngatja and Malyanargnak.

Ranger work is important to Donydji residents both for the employment opportunities it provides, and for the current and potential income source it represents to the community as a whole. ASRAC is a partner organisation in the Arnhem Land Fire Abatement (ALFA NT) program. This organisation was created by Aboriginal traditional owners to support their engagement in the carbon industry through a savanna burning methodology which calculates a reduction in wildfire emissions through controlled, early season burning.

Gurruwiling, or the Arafura Swamp, is a vast, intact, 1000 km^2 wetland. It is the largest freshwater ecosystem in Arnhem Land and the largest paperbark swamp in Australia. Most of the catchment is listed on the Register of the National Estate and the central swamp is listed as a Wetland of National Importance. Although the Register of the National Estate was closed in 2007, information in the register may continue to be current and may be relevant to statutory decisions about protection (Australian Government Department of Climate Change, Energy, the Environment and Water 2024). It classifies as a Key Biodiversity Area for its huge array of rare or threatened flora and fauna (ASRAC 2024). In terms of economic development, the ASRAC Rangers run three significant programs:

1. the Central Arnhem Land Fire Abatement project which is part of ALFA NT
2. a crocodile hatchery which operates out of Ramingining
3. a bio-security fee-for-service monitoring and evaluation survey across ASRAC's management area.

In relation to fire abatement, ALFA currently delivers six registered eligible offset projects over 86,000 km^2 which create carbon credits through the savanna burning methodology (ALFA NT 2024). These include projects run by ASRAC and by the Yirralka Rangers. ALFA holds s.19 Land Use Agreements for all ALFA project areas. These agreements grant ALFA the legal right to undertake fire management in project areas and to earn and sell carbon credits from the management of fire. During the course of 2022, ALFA undertook an extensive process of community consultations to extend existing s.19 agreements in the West (WALFA) and Central (CALFA) Arnhem regions.

For many landowners, the work of Doyndji rangers in delivering the WALFA/CALFA projects is a source of great pride. Many landowners also advised that they view ranger work as one of the most important forms of employment throughout the region, particularly on homeland (also known as outstation) communities (ALFA NT 2022, p. 34).

In recent years, the reinstatement of traditional early-season burning practices on the Indigenous estate have assumed new economic significance as carbon offsets. Australian Carbon Credit Units (ACCUs) are issued by the Clean Energy Regulator for greenhouse gas abatement activities undertaken as part of the Emissions Reduction Fund. This federal scheme provides financial incentives to organisations and individuals to reduce their greenhouse gas emissions and improve their energy efficiency. The production of ACCUs is highly regulated to ensure that emissions reductions are genuine, additional to business-as-usual and can be counted towards Australia's emissions reduction targets (ALFA NT 2024).

Monies raised through the sale of ACCUs are reinvested in culturally appropriate landscape-scale fire management or in community-led priority projects. Examples of projects funded through the sale of ACCUs include the establishment of independent Aboriginal land management organisations, funding contributions to develop, register and run independent remote homelands-based schools, ecological monitoring and research, reconnecting traditional owners with 'orphaned' (depopulated) estates as well as infrastructure and capital items to increase the capacity of Aboriginal ranger groups to support traditional owners to manage the land and sea country of Arnhem Land (ALFA NT 2022, p. 33). ASRAC uses income generated through ALFA to fund ongoing strategic fire management and other land management activities (ASRAC 2024). The residents of Doyndji see their caring for country work and associated fire and carbon-based development as crucial to their futures.

Further Education and Training in Donydji

Community participants in this study expressed frustration that the school does not provide any trade training or applied learning programs, although the workshop constructed by Vietnam Vets in 2005 means that community infrastructure is more than adequate to support such an initiative (Community discussion, Donydji, September 13, 2023). The lack of adult learning opportunity has been a concern to the community for many years. On several occasions Neville White and a group of army veterans with whom he had fought in Vietnam (see below, the role of philanthropy) sought and obtained funding for adult tutors to be employed in community but government failure to support this initiative meant it was unsustainable in the longer term. Asked about the economic future for this homeland, interviewees expressed enormous pride that Donydji is known throughout the homelands for their expertise as bush mechanics. They reflected

happily on a period where the school teacher assisted students to gain mechanical skills, and felt that the current lack of trade training weakens the homeland (Community discussion, Donydji, September 13, 2023).

Their concern is entirely consistent with concerns of early homelands educators. The homelands movement is the ultimate expression of self-determination for Yolŋu, and their desire to be trained in skills useful to their circumstances has been integral to the movement from the very beginning. In 1984, Ray McDonnell, an 'Itinerant Technical Instructor' provided a report on an Outboard Maintenance Course he had run for 'Homeland Centre Post Primary Boys'. He wrote:

> The first week of this course involved the outstation students, who have been selected by their communities to represent their people at this course. Originally four outstations and 8 students were to be involved, but while the course was being prepared the other outstations indicated that they wished to participate. This increased the number of students to 15 representing 10 outstations.... The enthusiasm shown by these students through all phases of the course stemmed from their need to overcome some of the everyday problems that occur in their communities (McDonnell 1984, as quoted by White, *Review of Homeland Schools* 1998).

The following year, in 1985, the principal of the Yirrkala Community School wrote about a successful program teaching 'girls from various outstations' how to use hand operated sewing machines. Again, in 1986, Trevor Stockley reported:

> Homeland Centre Schools are operating well, but the curriculum does not cater for the development of Manual Training skills. Discussions have taken place with the Homeland centre communities, teachers and students and with the Technical Studies teacher and all agree that there is a need and are excited at the prospect of this course. The Homeland Centre communities have perceived Post Primary education for their children as a major problem for many years. Life and Work Skills are a central part of the Yirrkala Community School's Post Primary curriculum, and yet at Homeland Centre schools, Post Primary education is an obviously neglected area (White 1998, p. 4).

Interviews conducted in the current study confirm that the same concerns prevail. Above all, community members requested that the mechanics workshop should be restored and supported by an adult education program which would enable the community's 'bush mechanic' status to be revived.

Other Infrastructure in Donydji

Water

The provision of adequate water in Donydji has been an issue for some time. In 2019, a solar distillation unit was installed to improve the quality of drinking water. In 2020 a second bore was drilled, so that in 2023, the community was serviced by two bores, pumping potable water from the artesian basin by means of a stand-alone solar unit a short distance away from community. At the time fieldwork was undertaken, the community tank on an elevated platform was continually overflowing. Researchers were told this is because the distance to the bore meant the cut-off valve to the pump, which should stop water flow when the tank is full, did not work.

In November 2023, a resident reported that a crack had developed in the water pipe close to the bore and that community were 'struggling' with water supply (Correspondence with homeland resident, November 24, 2023). During a recent funeral, approximately 100 people attended the second week of ceremonies 'and a lot more for the final day of the burial'. Mourners included families visiting from Groote Eylandt,

Numbulwar and Yirrkala. For a period, water stopped running altogether; this research participant, who chose to remain anonymous, advised that residents 'required a third set of workers to come out and have a look. Hoping they arrive next week as it has been going on for a few weeks now' (Correspondence with homeland resident, November 24, 2023).

Power

A solar system operates in Donydji, but a number of units installed by Laynha are broken and residents report that systems are unreliable. Laynha reports that companies, suppliers and installers are blaming each other for faults. The back-up generator attached to the workshop is broken and batteries attached to the community centre are defunct. Wall fans, toasters, fry pans and kettles all trip the power in houses. One woman advised 'I dream of being able to push a button to make myself a cup of tea. I have to make a fire and in the wet season it is hard' (S. G., Donydji, September 13, 2023). Solar systems are stretched when residents run extension leads from one house to another, sometimes through puddles. Most houses in Donydji have small freezer units to store meat and fish which residents have hunted. These draw a significant power load and put solar units under additional pressure. Where power fails, the safety and integrity of frozen goods is also threatened. Laynha provide small petrol generators as required, but all parties advise that this is less than ideal.

Telecommunications

There is no mobile phone connectivity in Donydji. There is one community phone and one landline at the school. The school has an NT Education satellite, but internet is reported to be unreliable. The ASRAC rangers have also provided wi-fi. Residents queried whether home landline phones could be installed.

Community amenities and sanitation

It is a finding of this case study that amenities in Donydji do not currently meet health and sanitation the needs of residents, in particular, female residents. This is the case throughout the year, but as in all case study homelands, the situation is exacerbated during funerals. In a discussion held exclusively with women from this homeland, they shared their distress at not having ready access to safe toilets (Group discussion with women, Donydji, September 13, 2023). Safety here refers to both physical and cultural safety. As in all of study sites, flushing toilets are often blocked because of overuse. Where there is no flushing toilet, residents make use of existing pit toilets in community which are not always maintained to a proper standard. The ladies who participated in this study reported with great distress an incident in which an old lady fell into a sewage pit when the toilet pan was not properly affixed to the chipboard floor on which it stood. In that case, the victim cried for help and had to be retrieved.

Apart from physical safety concerns, cultural protocols demand that women cannot even approach a toilet if there is a risk that a brother might be observing them. In other case study homelands, women describe carrying a washing basket as they walk to ablution blocks to give them some cover, but in Donydji there is only one washing machine (located in house #16) and female residents complain that the location of facilities, positioned to maximise general accessibility, has serious unintended consequences for them. Where amenities blocks are visible from the houses around them, women reported 'We have to hang on for a very long time'. Every woman in this community, and many in other case study homelands, described experiencing severe abdominal pain as a result of urinary retention. Of those participating in a women's-only focus group discussion in Donydji, 100% reported that at some point they had developed a urinary tract infection which they collectively attributed to lack of ready access to bathroom facilities. One individual had recently returned from hospital where she had been treated for a kidney infection, secondary to a prior urinary tract infection.

The potentially preventable hospitalisations (PPH) indicator has been used in Australia and internationally as a proxy measure of primary health care performance for over 30 years (AIHW 2020a). PPH are defined as hospital admissions that could have potentially been prevented through the provision of appropriate individualised preventative health interventions and early disease management, usually delivered in primary care and community-based care settings (AIHW 2020). Having access to appropriate health hardware, in this case toilets which are readily accessible and (both physically and culturally) safe to use, is essential to the prevention and management of disease. Testament to the broad applicability of these findings, in 2020 the AIHW reported that in 2017–18 the highest rates of potentially preventable hospitalisations in females were caused by urinary tract infections and the complications arising (AIHW 2020).

Healthcare

There is no clinic in Donydji, and unlike the other case study homelands which are serviced by Laynha Health, no healthcare provider visits Donydji regularly and there is no nurses' station in operation. Residents are required to travel to Mitwatj-operated clinics in Gapuwiyak or Nhulunbuy if they need to see a doctor. Whereas Laynha Health visits Laynha Homelands on a minimum weekly or fortnightly basis, depending on the known health needs of residents, Donydji families are required to make bookings at the clinic in Gapuwiyak and arrange their own transport. Participants report that the clinic phone often rings out, and that emergency services do not cover this community 'even if someone is having a heart attack or stroke'. In the words of one community member: 'We ring but they do not believe us, and then we have to drive the person ourselves'. Two years ago a child was bitten by a snake but emergency services were not dispatched and the child passed away. These issues have been reported to Miwatj and to the Gapuwyiak Clinic on a number of occasions (Community discussion, Donydji, September 13, 2023).

Ageing in place

In terms of infrastructure to support people to age-in-place, none of the houses in Donydji have been adapted to meet the needs of older or less mobile community members. Despite this, and the lack of age-specific services, older participants in this study report that they will never leave community and would prefer to die here than move to a larger centre where they could access better health services. To give an example: one older lady, who did not want to be identified, reported that to access a bathroom in a culturally appropriate way, she needs to walk to the other end of the homeland. This is difficult at all times, but particularly at night. Her front step is damaged, and she worries about falling (Anonymous pers. comm., Donydji, September 13, 2023). Her experience contrasts with the other homelands communities, where Laynha Health has been able to direct clients' NDIS or MyAgedCare funding entitlements to housing modifications such as ramps, concrete paths or the construction of new bathroom facilities attached to their houses. Issues around healthcare provision and care for older residents reveal that Donydji is disadvantaged relative to the other case study sites. The community seems to suffer from not being part of the integrated care system with Laynha provides to other homelands.

Education in Donydji

Families at Donydji are deeply committed to providing their children with education and this has been the case throughout the history of the homeland. A school of some sort has been operating in Donydji since the 1970s, initially operated by community. In 2001, Shepherdson College in Galiwin'ku, Elcho Island agreed to support Donydji's children. In his history of Donydji, Neville White (2016) writes:

> It was at the end of 2001, about 26 years after their own brief experiment with running a school was ended, and after continual lobbying, that Shepherdson College in Galiwin'ku on Elcho Island sent a

> teacher to Donydji, where she spent three days a week teaching under a bark and plastic shelter that had no protection from the hot gusting winds of the late dry season or from wet season rain. The education authorities were approached for a classroom, but the response was that the children needed to demonstrate their commitment to learning for a further 12 to 18 months before funding would be considered (p. 330).

It was the need to provide adequate accommodation for a teacher and a classroom to support children's learning which led to the Mitjiwu Djäka 'Caring for Our Community' Project. This was initiated in 2003 by Neville White and resulted in a collaboration between Donydji community, the Rotary Club of Melbourne and the Potter Foundation. This partnership enabled a small school building to be constructed.

Donydji School

At the time fieldwork was undertaken, community reported that approximately 15 students were in attendance at the Donydji School, but this number was described as varying from week to week. When a funeral is in train, the number of children attending school can 'dramatically increase' (B. P., classroom teacher, Donydji, September 13, 2023). At other times, if 'everyone' is in community, there are more than 20 students at the school. Interviewees explained fluctuations by saying that a number of Donydji families have been forced to move to Gapuwiyak to access a house. Despite this, they prefer their children to return to their homeland from week to week in order to attend school, 'because there are less distractions', but school attendance requires them to secure transport.

The school employs one community member, Yindiri Guyula. The Principal of Gapuwiyak School describes her as 'an exceptional and passionate Team Teacher' who 'delivers education to a class of students ranging from Transition through to Year 12' (Facebook, 2022). She works in the school five days a week but does not qualify for a Department of Education house. By contrast, the visiting teacher is in community for four days each week, staying in teacher accommodation at the school. On the fifth day, the teacher is based in Gapuwiyak where a teacher house is also provided by the NT Department of Education (see more extensive discussion about education on the homelands).

The Arts in Donydji

Artists from Donydji are famous for their fine weaving and fibre works, which are sold by Gapuwiyak Culture and Arts, and by Buku-Larnggay Mulka in Yirrkala. Community artists report frustration that following the vandalisation of the community centre during ceremony, there is nowhere in Donydji for them to work on projects. Instead of working communally, women weave in their homes, typically on (now enclosed) verandas which also double as kitchens. This makes collaborative projects difficult, and creates logistic difficulty for artists working on large-scale projects. It also reduces the usability of verandas more generally.

Ceremony at Doyndji

The level of overcrowding in houses at Donydji make population fluctuations associated with ceremony particularly onerous for residents. In one case, a family reported that they had moved into a tent to accommodate visitors, who then did not leave for weeks after ceremony finished. This is, of course, a Yolŋu issue and outside the remit of this report. More relevant is the pressure exerted on infrastructure. At a funeral which occurred shortly after fieldwork was completed, 100 extra people stayed for a week and, as reported above, the water supply to community failed and four pit toilets became un-useable as they were filled.

Figure 20 shows a shelter, built by the resident pictured here. Having come to live on his wife's country and with no house available, he spent two years living under this structure. Shortly before fieldwork took place, the family were able to move into a house. He commented that 'we are happy to be living together and with a roof that doesn't leak' (P. G-W. pers. comm., Donydji, September 13, 2023).

Figure 20: This structure is still used as overflow 'housing' during ceremony

Note: Donydji shelter, 2023. Other temporary shelter includes sheds and tents, provided by Laynha or ALPA.
Source: M. O'Bryan, September 13, 2023.

Housing and the private sector: The role of philanthropy

It is impossible to discuss housing and infrastructure in Donydji without considering the contributions made by critical friends of this homeland. In 1974, Neville White, a biological-anthropologist from La Trobe University came to undertake PhD in Donydji, and has been returning ever since. Over the course of the last 50 years, White has been advocating for the community of Donydji. He established a partnership with the Rotary Club of Melbourne, which has supported this homeland for nearly 20 years and raised $1.8 million for housing and community development (Hambly & White 2021). He assembled a group of Vietnam War veterans with whom he served in the late 1960s and together they undertook a program building housing and infrastructure ay Donydji, visiting each year since 2004 with the exception of the Covid years. They have received no support from government or local service providers, including those based in Gapuwiyak. Apart from the new school constructed by the NT Department of Education in 2007, the only substantive investment made in Donydji in more than two decades has been through the private sector.

Infrastructure built by the Vietnam veterans include:

- the original school, built with Rotary and Potter Foundation funds, 1990
- workshop, funded by Rotary Melbourne, built by Vietnam vets, 2005
- Vietnam vets repaired and installed plumbing, dug drains, put in gully traps, fixed pumps, 2006
- Rotary funded, Vietnam vets built two ablution blocks in 2007, performed general maintenance, including cleaning out, renovating, painting houses which had been built by the Shire
- Rotary funded, Vietnam vets built house #14 in 2009
- Rotary funded, Vietnam vets built house #15, in 2009

- Rotary funded, Vietnam vets built house #16, 2009
- Rotary funded, Vietnam vets and community members built house #12 (single men's quarters, Figure 19), 2009.

Without these contributions, it is difficult to see how Donydji would be liveable today.

Conclusion

By any standards, life in Donydji is challenging. Many houses are overcrowded; some built for one purpose have been adapted to other uses and are no longer fit for purpose; none have hot water to the kitchen; most have chest freezers to store meat and fish that have been hunted, but none have stoves; power supply is unreliable, so temperature is hard to control and household appliances are frequently unable to be used; problems with water infrastructure mean that water is wasted or is sometimes cut off altogether. Cultural imperatives limit access to bathroom facilities with serious implications for women's health. Infrastructure has been constructed, and equipment donated, through the agency of critical friends, financed by the goodwill of the philanthropic community, but have not been well maintained, raising questions which only Yolŋu can ask or answer. Through it all, people's commitment to Country remains undimmed. Asked about their motivation for continuing to live in this homeland, residents were unanimous that their number one priority is the protection of cultural assets: the songs, the rock, the river, the wind that blows over this place. Families have maintained a presence here since before the homeland movement began on a larger scale, and come what may they intend to stay.

While private funds have built housing at Donydji and Bäniyala, once built, NT Government has effectively assumed responsibility for housing maintenance via the homelands service providers. Private funding has been one-offs and has not factored in the ongoing costs of housing maintenance. This provides challenges for the homelands service provider.

Gäṉgaṉ

History and Orientation

Gäṉgaṉ is an inland, riverside community, the main homeland of the Dhaḻwaŋu clan (see Figure 21). It is about 190 kms south of Nhulunbuy, 206 kms by road to Yirrkala and 900 kms to Darwin via the central Arnhem Highway. Gäṉgaṉ was one of the first homelands to be established during the homelands movement and currently has the largest population of any of the case study homelands. It has 13 funded dwellings and a permanent population of around 100 people (82 according to ABS 2021). The primary language here is Dhay'yi, although Dhuwal or Dhuwaya are also spoken. Gäṉgaṉ is a place where past present and future sit comfortably side by side: it is a storied place. Even a short time here exposes layers of significance, some laid down in deep time, others testifying to the worst excesses of the colonial enterprise, still others providing living proof of the evolution of culture and the ingenuity of Yolŋu as they embrace modernity while proudly upholding the orthodoxies of ancient culture.

Figure 21: The billabong at Gäṉgaṉ

Source: M. O'Bryan 2023.

Gäṉgaṉ is where the three ancestral figures, Barama, Lany'tjun and Galparrimun, arrived in the *wangarr* period. Barama lay down in this place but sent the other two men to share the law he had created with Yirritja clan groups to the north and to the south. And so, at Gäṉgaṉ time began for Yirritja people.

In the more immediate past, the 1911 massacre in which community members were shot in cold blood 'by an armed party led by Europeans (Gunyarra)' looms large. At the time fieldwork was conducted, an old man has just passed away. He was the great grandson of the boy who dove into the billabong and hid under lily

pads to evade the murdering party, breathing through a waterlily stem until the gunmen gave up looking for him. In his essay *Rom Watangu* (2016), Dr G. Yunupingu wrote:

> At Gäṉgaṉ these men on horseback performed their duties and killed an entire clan group – men, women and children. They shot them out and killed them in any way they could so that they could take the land. These men on horseback then rode to Birany Birany and killed many of our Yarrwidi Gumatj, the saltwater people who cared for the great ceremonies at Birany Birany. There are few places in our lives as sacred as Gäṉgaṉ – from its fresh waters all things come – and Birany Birany. When Europeans came to East Arnhem Land, this is how they introduced their world to the Yolŋu. The old people carried the knowledge of these murders inside them, and when they spoke about it they were loud and clear and we all heard their words. It was a wave of history that broke over us, and that we had to contend with. We heard that my father and other senior men from all the clans unified against the cattle prospectors and land thieves, who hunted and killed Yolŋu women and children. These events and what lies behind them are burned into our minds. They are never forgotten. Such things are remembered. Like the scar that marked the exit of the bullet from my father's body (Yunupingu 2016).

When the old people first returned to Gäṉgaṉ, they built shelters for themselves at the massacre site, but over time community shifted further inland to where it is today. Community leaders agreed that they would like to see a proper memorial structure erected in honour of the victims of the massacre (see Figure 22).

Figure 22: Memorial to the Gäṉgaṉ massacre, circa 1911

Source: M. O'Bryan 2023.

The older generation of Gäṉgaṉ residents were artists and political leaders. One old man (now deceased) who was artist of, and signatory to, the Bark Petition of 1963 which began in earnest the fight to reclaim land and which changed Australia for all time, is most fondly remembered by his family here. In 2009, the Australian Human Rights Commission concluded its *Social Justice Report 2009* with an extended statement by him, acknowledging his role in the establishment of Gäṉgaṉ homeland in the mid-1970s:

> My name is Dr [G] Gumana AO of Gäṉgaṉ, and I am one of the old people who fought for our Land Rights. Government, I would like to pass this on to you, my words now. If you are looking for people to move out, if you want to move us around like cattle, like others who have already gone to the cities and towns, I tell you, I don't want to play these games. Government, if you don't help our Homelands, and try to starve me from my land, I tell you, you can kill me first. You will have to shoot me. Listen to me. I don't want to move again like my father moved from Gäṉgaṉ to other places like Yirrkala or Groote. I don't want my children to move. I don't want my family to move. I will not lose my culture and my tribe to your games like a bird moving from place to place, looking for its camp or to sleep in other places, on other people's land that is not our land. I do not want my people will move from here and die in other places. I don't want this. We don't want this…
>
> I want you to listen to me Government. I know you have got the money to help our Homelands. But you also know there is money to be made from Aboriginal land. You should trust me, and you should help us to live here, on our land, for my people. I am talking for all Yolŋu now. So, if you can't trust me Government, if you can't help me Government, come and shoot me, because I will die here before I let this happen (Australian Human Rights Commission 2009, p.138).

He was a major litigant in the 2005 Federal Court Blue Mud Bay decision that granted inter-tidal rights to traditional owners. His grave, in the centre of community, is adorned with the Sea Rights flag. His daughter Marrpalawuy Marika reflected on her father's legacy (see Figure 23). Dr Gumana was a great man she tells the research team, a humble Christian and a great man who never stood above others, but who always stood with his people. That, she tells us, is the mark of a truly great man (M. M. pers. comm., Gäṉgaṉ, October 6, 2023).

Figure 23: Grave of Dr G. Gumana, Gäṉgaṉ

Source: M. O'Bryan 2023.

The current generation of leaders Gäṉgaṉ is equally strong. They are committed to caring for country and to maintaining language and cultural traditions. They are artists whose work sells on national and international markets. They have established a business manufacturing and selling bush products. Current traditional owner and leader, Yinimala Gumana explains:

> We do not just look after the *yiŋapuŋapu* and all those places in a mundane sense, because our theology – which is to say our law – instructs us how to look after country through the performance of ceremonial song, through ceremonial dancing and through the making of the clan's sacred paintings. And, indeed, we have an obligation not just to tell the stories and call the names; we have to instruct our children as they grow so that they will know and walk on the same path. We teach them so that they will learn, and so that they will understand, and so that they will live this law that comes from the minds of the old people who have lived in this region, this Blue Mud Bay area (Yinimala Gumana, in Waṉambi et al. 2022, p. 79).

Yinimala Gumana spoke for many homeland residents who participated in this study when he said 'Country doesn't have a voice. We are country. We are the voice for country. We will never leave but we need real houses' (Y. G. pers. comm., Gäṉgaṉ, October 6, 2023).

Development Aspiration: Caring for Country

> We are the vision that our old people had. Our fathers, even though they are gone, their voices live on. We need to carry that message on for our children. We are the people that can make the land better. We can work from here. We can talk from here (Yinimlala Gumana, Gäṉgaṉ, October 6, 2023).

Caring for country entails a complex and multifaceted set of responsibilities. Ens et al. (2015, p. 135) argue that while Australia has made substantial progress in building Indigenous-focused conservation initiatives which serve both environmental and cultural objectives, progress has largely been in tangible forms of engagement, such as land and jobs, rather than philosophical engagement with traditional knowledge. Meanwhile, biological diversity is increasingly linked to cultural diversity and suggests that combined biocultural resources are integral to the survival of life on Earth (Ens et al. 2015, p.134). This case study provides an opportunity to examine the housing and infrastructure needs that flow from caring for Country in all dimensions.

Figure 24: Gäṉgaṉ exclusion fence shortly after construction in 2013

Note: Bare ground and young trees apparently reshooting from broken stems are visible (Left). Gäṉgaṉ fence in 2019: Inside has high grass cover, and trees are much taller (Middle). Photo of Yinimala Gumana, knowledge holder from Gäṉgaṉ who spoke for the area (Right). Source: Sloane et al. 2021.

In Australia, the Indigenous Protected Area program makes up approximately 44% of the National Reserve System (Australian Government Department of Climate Change, Energy, the Environment and Water 2018). The success of conservation in Australia is therefore increasingly dependent on meaningful collaborations between Indigenous and Western contemporary research and management (Sloane et al. 2021). As evidence of the high impact work being done to control pigs and buffalo in and around Gäṉgaṉ, in the course of five days which coincided with fieldwork, Yinimala Gumana, assisted by a professional buffalo shooter sub-contracted by the Yirralka Rangers, shot 700 buffalo using an aerial culling technique. They

advised the research team that in the previous year they were routinely killing 700 beasts in a single day and that the lower yield in 2023 was testament to the efficacy of their sustained eradication program.

The following extended excerpt is adapted from an academic study into the eco-cultural impacts of hoofed feral animals (buffalo and pigs) and potential decline in sea-level rise resilience of coastal floodplains in northern Australia (Sloane et al. 2021). In this paper, the authors report on long-term (7–11 years) feral buffalo and pig exclusion fences that were constructed by the Yirralka Rangers in coastal wetlands of the Laynhapuy Indigenous Protected Area (see Figure 24). Yinimala is quoted at length, and his observations demonstrate both the sophistication of his understanding of western scientific method and how western science aligns with traditional knowledge. Both are entirely consistent with Yolŋu rangers' deep-seated commitment to care for the ecology of country:

> We'd like to see, first of all, all the impacts. What are the impacts and causes of changes to our Country and our plants? Then maybe do reporting to the people who put money into these projects. [We need to know the causes of changes to Country including] the climate changes in our world [and/or feral animals, before the Yirralka Rangers and their partners can] spend the money in the right manner and for the right purpose. For example, if we are looking at the mangroves or coastal side of the Country and we are looking at what the impacts are. Maybe the buffalo making water channels and then the saltwater comes in and kills all the plants. Maybe because of buffalo and pigs damaging the country. Whether the plants or trees or bush tucker like water chestnut [are being damaged]. Maybe the weather and climate is changing, making the land and the plants change.
>
> The exclusion fence [see Figure 24, above] is put there to see the differences. To see if the land is coming back, or if the land is dying. [We can] do the management by looking at the Country, looking at the differences. The land itself, as well as the people are growing together. But we really need good solid Country here [because] the Country has been dying down here, we have to look for money, and try ask the government people to do that project because we want to see the land come back. The land provides us so many things like food or fish, oysters, or whatever. The buffalo are damaging the Country, wrecking all the Country which is killing all the environment… the plants or the foods or the trees… waterholes, sacred sites, lakes, rivers' (Yinimala Gumana as quoted by Sloane et al. 2021, pp. 198–199).

Yinimala has long been an advocate of using systematic research to ensure that any proposed land management project makes best use of time and resources. He told the research team:

> I learned from my grandfather [Garawin Gumana], leader and one of the founders of the homeland movement]. My grandfather spoke strongly about the importance of räypirri, cultural obligation. Our education comes from the land, but we live in two worlds. We live in the modern world. We need to bring those worlds together (Y. G. pers. comm., Gäṉgaṉ, October 6, 2023).

While Yinimala and other homeland leaders clearly and successfully walk in two worlds, the personal cost of this is rarely acknowledged. During fieldwork, the research team shared the VOQ with the licenced shooter/trainer and the helicopter pilot. Aerial culling is physically demanding and highly precise work. We observed first-hand, the toll exacted by a day in a helicopter, where for hours at a time the pilot and the shooters are required to maintain high levels of concentration as they navigate fast, unpredictable conditions, handling high-powered weapons while maintaining ethical and humane standards demanded by regulatory agencies. Shooters are required to be licenced in the use of high-powered semi-automatic

weapons, and trained to kill in a single shot. Their work is monitored by the Royal Society for the Prevention of Cruelty to Animals (RSPCA).

Testament to how exhausting this work is, both the helicopter pilot and the professional shooter were in bed, lights out by 7.30pm. Yinimala, by contrast, returned home to the four-room house he shares with his wife, child, and three others. Having showered in an external ablution block, he gathered the appropriate community members and commenced an hours-long ceremony to purify the house of an old man who had passed away some time earlier. Singing commenced not long after dark and continued until late into the night. A large group of men participated, from across generations.

Community members later reflected that singing *to* Country is as important as speaking *for* Country, or as working *on* Country, whether through fire abatement, involvement in scientific studies or by controlling feral species. All of these activities, and more, classify as caring for Country. All of these activities, and more, are ranger work. Rangers in the homelands typically live in overcrowded houses. Overcrowding is worse when teams move between homelands. Given that Gäŋgaŋ is a 4–5 hour drive from the Yirralka base in Yirrkala, rangers are frequently required to stay overnight. In terms of accommodation for visiting rangers and/or subcontractors assisting in environmental work at Gäŋgaŋ, the four-bedroom VOQ is the only available facility. The VOQ is shared between the Laynhapuy Homelands School, Laynha Health and the Yirralka Rangers. Other visitors can only be accommodated as and when there is capacity.

As is the case with Yolŋu teachers who work full time in Homeland Learning Centres, rangers working from homelands are not entitled to a house as part of their employment, this contrasts with napaki (non-Indigenous) teachers and rangers based in Yirrkala or Nhulunbuy. Community members felt strongly that rangers require 'real houses' to conduct their work safely. A Yirralka employee also expressed concern that where rangers are not able to get a good night's sleep, handling guns, working with toxic chemicals, or operating heavy machinery represents an occupational hazard. Further they advise that a guest house or other facility is required able to accommodate visitors to Gäŋgaŋ in a professional and appropriate manner.

Housing in Gäŋgaŋ

In recognition of the nexus between housing and health, effective September 2020, the TFHC established 'Healthy Homes', a remote housing and repairs maintenance program. It is an adaptation of Healthhabitat's Housing for Health which puts the health of the individual at the centre of a program to improve the liveability and increase the lifespan of existing houses. Healthy Homes integrates nine 'Healthy Living Practices' (HLPs) into the delivery of housing services across remote communities and selected town camps. These principles are derived from local, national and international health research (Healthhabitat 2023) and have been identified as critical to improving health in Aboriginal communities. In this case study we apply the nine HLPs to Gäŋgaŋ (see policy discussion section).

Gäŋgaŋ housing and nine healthy living practices

Political and public health commentators have known about the link between the poor health of people and living environments for almost a century (Healthhabitat 2023). It is also known that investment in public health, including in health hardware, generates a generous social return on investment, with some studies suggesting a $5 return on every dollar expended (AIHW 2020).

HLP 1 –Washing People

Nine of 13 houses in Gäṉgaṉ have showers serviced by solar hot water units, although residents claim that these are often broken, or unable to meet the demand in overcrowded houses. Residents in the remaining homes shower in cold water.

HLP 2 –Washing clothes and bedding

A key reason to have bedding washed on a regular basis is to stop the spread of scabies and other diseases or insect-borne infections. Scabies is a skin disease which is endemic in northern Australia and is believed to be the underlying cause of up to 70% of bacterial skin infections in Aboriginal and Torres Strait Islander communities in the NT. These skin infections have very serious secondary complications, including potentially fatal blood disorders, acute rheumatic fever and rheumatic heart disease. Scabies is caused by the transmission of a mite which burrows under the skin. It is estimated to affect up to 25% of the population of remote communities. Scabies therefore contributes to the health and life expectancy gap that exists between Aboriginal and Torres Strait Islander people and other Australians. Scabies was added to the list of Neglected Tropical Diseases in 2017, which has led to increased advocacy and representation on the global policy agenda (Menzies Health 2024). Some, but not all homes in Gäṉgaṉ have washing machines. All are set to wash with cold water only. This is contrary to public health advice which indicates that to kill the scabies mite and eggs, bedding and clothing must be washed at 50 degrees Celsius or above for 10 minutes.

HLP 3 – Removing wastewater safely

Laynha's inventory of repairs and maintenance for homes and infrastructure in Gäṉgaṉ reveal almost continual work to upgrade plumbing and sanitation, but it also suggests pragmatic decisions, potentially not long-term solutions, are made to manage issues which arise. One example is that while there is a plan to transition every house to flushing toilets, waste management systems are not adequate to support this improvement. In several sites, grey water tanks were converted to septics when flushing toilets were installed but these later failed. In three locations, further works to install large drains were required within a relatively short space of time to prevent effluent coming out the shower waste. This represents a serious public health risk. One interviewee, reflected more generally on sanitation in the homelands. He expressed deep concern that the aquifers which provide pure, potable water to communities have finite capacity, and that no analysis has been done on the impact of flushing toilets for longer-term water security in the homelands. He felt that it has been a 'missed opportunity' that there has been no exploration of sustainable and more environmentally friendly alternatives utilising modern composting technologies (L. W. pers. comm., Nhulunbuy, October 16, 2023).

HLP 4 –Improving nutrition, the ability to store prepare and cook food

Kitchens in Gäṉgaṉ, like on other case study homelands, are most typically set up on enclosed verandas and consist of a benchtop, sink and open shelving underneath. Only one house in Gäṉgaṉ is plumbed with hot water – meaning that in all other houses, dishes are washed in cold water. Drains frequently block with coagulated grease and fats. Some houses have fridges, but not all. The store in community is restocked with fresh vegetables every fortnight, but the inability to safely store food in homes means that in between, residents are still required to top up supplies from Gapuwiyak or Yirrkala.

HLP 5 – Reducing the negative impacts of over-crowding

Gäṉgaṉ has 103 residents most of the time, and families report that at least a further 30 live in Yirrkala who would prefer to be here. There are also close family members living in Gapuwiyak who would like to return. In his own family, Yinimala Gumana reports that he has two brothers, two cousins and their children all living in Yirrkala. A third brother lives in Gapuwiyak. All of them want to return to live together, to look after this place and develop it together but there is no accommodation for them.

He tells us that he keeps his brothers informed of all developments relating to the homeland, but the immediate burden of leadership is on him:

> Each one of us has family and we need to share and care for each other. They need to feel confident and secure. Yolŋu is the ownership of this land. Yolŋu knows about songlines, paintings, we are all connected to this land. Housing is important because if people live in other communities they lose their way of living and they lose their heritage. My grandfathers spoke strongly about the importance of räypirri – räypirri is our cultural obligation, our education comes from the land. We live in two worlds but we need to bring those two worlds together (Y. G. pers. comm., Gäṉgaṉ, October 6, 2023).

The research team observed that overcrowding here is more pronounced than in the other case study homelands.

HLP 6 – Reducing the negative effects of animals, insects and vermin

Throughout Gäṉgaṉ, houses are chronically ant and termite infested – residents talk about compressed fibre cement sheet being degraded to the extent that there are holes in the floor or benches where chunks routinely brake off.

HLP 7 – Reducing the health impacts of dust

Participants reported that the lack of any sprinklers or irrigation for public areas in this homeland make life difficult for residents. The ground is largely dirt with no green grass during the dry season and build-up to the wet season. As the wind rises or a plane or helicopter comes into land, dust blows into homes. Another issue of concern to many interviewees was the difficulty they have in keeping houses clean. While the floor in house #5 has been tiled, others have rough concrete floors. People reported that these are difficult to sweep and impossible to mop particularly given the dusty conditions in Gäṉgaṉ.

HLP 8 – Controlling the temperature of the living environment

In all, there are 13 houses on this homeland. Of these, five are described as being in ‘good’ condition; six as in ‘fair’ condition; and the remaining two as ‘poor’. In most houses, the roof leaks in the wet season, and this was described as causing particular grief for older residents and artists who want to protect their work. Most verandas have been enclosed, restricting airflow and there are no screen doors. Even when the external door is left open, there is no passive cooling through cross-ventilation: residents report that they have no capacity to control the temperature inside their homes except by mechanical means. Wall fans frequently trip safety switches, which leaves families with no air movement at all in overcrowded houses. To amplify the problem, a number of houses here are unlined. While some have a shade tree outside, others are in full sun all day making temperature control completely impossible.

HLP 9 – Reducing hazards that cause trauma

The tip is close to community and rubbish frequently blows out of the hole where it has been dumped, or is dispersed by crows which forage at the tip. Although Laynha identifies issues with how rubbish is being dumped (not in the hole which has been dug for this purpose), a recurring theme in interviews was a request that the tip be fenced to prevent rubbish from blowing around the homeland. Further, although the rangers have an extensive eradication program, buffalo and feral animals pose a risk. Residents agreed that they would also like fences to be erected around houses to prevent animals from coming close to people's homes. Parents worry for their children, particularly after dark. Many people felt that having street lighting would be another valuable deterrent to buffalo and other wildlife which wander into community at night.

Conclusion

Housing development need in Gäṉgaṉ is palpable. Not one house complies with all nine HLPs identified by HealthHabitat. Many do not comply with any of the nine. It is unsurprising that when they were asked what their priority is for housing, Gäṉgaṉ residents repeated over and over again 'We want *real* houses. We need *proper* houses' (Community discussion, Gäṉgaṉ, October 6, 2023). All but one house in this homeland is due, or badly overdue, for major repairs or replacement. Residents are unanimous that current housing stock is well beyond its useful life and that to modify or repair existing houses would in most cases be a waste of resources and not result in significant improvements on the status quo.

In 2023, TFHC announced a $4 million grant for housing improvement at Gäṉgaṉ, and advised that this figure had been determined by the NLC.

Issues like this perhaps explain why traditional owners in Gäṉgaṉ report that they want to see a full development plan undertaken for this community. They want to ensure that development is not piecemeal and uncoordinated, but rather that every improvement builds towards a coherent, community-endorsed and longer-term plan for this homeland. Since the $4 million investment was announced, Laynha has been working with community to identify their needs and reports that the funding announcement has 'given legitimacy to the process of sitting with community and discussing their concerns and issues' (R. M. pers. comm., Yirrkala, 12 March 12, 2024). Laynha is concerned with managing people's expectations as the allotted funds are not sufficient to rectify problems with existing houses or to replace houses which are beyond repair. Laynha uses the IAP2 Spectrum of Public Participation to guide discussions with community, and to reflect on the adequacy of their consultation processes. This reflects a deep commitment to abiding by international best practice in monitoring the public's role in and public participation process.

Laynha is working with the families at Gäṉgaṉ to ensure that the whole community is well informed of the opportunities emerging from the new funding round. All families have the opportunity to be involved in the consultative process and each family is being given the chance to exercise real agency in deciding how their homes might be improved. Laynha expresses frustration, however, that the inadequacy of the funds allocated to, and the tight timeline proscribed for, the Gäṉgaṉ housing renewal project mean that pragmatic decisions must be made. Laynha must make difficult decisions about the allocation of resources and cannot promise families that the organisation will be in a position to fully implement what they decide. Community consultation is a painstaking, time-consuming, often challenging and frequently confronting exercise, as the consequences of chronic underinvestment in homeland housing over decades is laid bare. It is a finding of this study that the consultation process unfolding at Gäṉgaṉ in real time is a model of best practice for homelands community consultation.

Garrthalala

History and Orientation

Garrthalala is situated on Caledon Bay, a Gumatj homeland on the ancestral land of the Gumatj people, a 134 km drive from Nhulunbuy. This settlement was established long before the homeland movement started in the 1970s. Indeed, the first recorded European observations of Aboriginal people in the Arnhem area came from Matthew Flinders' six-day visit to Caledon Bay in 1803. Flinders published a word list as well as a brief description of his encounters with Aboriginal people living there and at Blue Mud Bay. Flinders observed that the people 'rather sought than avoided a quarrel' (Williams 1986, p. 198), a fact that he attributed to previous contact between Yolŋu and Macassan trepangers, evidence of whose visits he had already noted along the shores of the Gulf of Carpentaria (Williams 1986, p. 143). One of the songlines for this place is a Maccassan songline. That history is also embodied in the landscape at Garrthalala: a sacred tree on the beachfront shelters shards of Maccassan pottery left by trepangers.

It was in Caledon Bay, in 1932–33, that five Japanese fishermen and three Europeans were killed. To avoid a punitive expedition being mounted, anthropologist Donald Thompson was sent to investigate the causes of the conflict. After seven months he persuaded the Federal Government to free the men convicted of the killings and returned with them to their own country, subsequently spending 15 months documenting the culture of the region. His subsequent work, particularly in creating a photographic record of people, place and culture, provides rich context to explain the later homelands movement (Thompson 1983/2005). Ten years later, at the onset of World War II, the Northern Territory Special Reconnaissance Unit of the Australian army was formed and based at Garrthalala.

The great Djapu leader, Wonggu, had a permanent camp at Garrthalala. Of this man, Thompson reflected:

> The thing that has struck me most forcibly about Wonggu and his camp is the fact that they are so enterprising. One man (has) so dominated a large strip of coastline that his name is feared for hundreds of miles and his people's name known for thousands of miles (Thompson 1983/2005).

When people began to return to country in the 1970s as the homelands movement became established, Garrthalala was one of the first homelands to be re-established. The same spirit of enterprise which Thompson identified is apparent even today. Fieldnotes recorded by the first author on September 16 note:

> I am so struck by the functionality, the positive energy, the sense of purpose and enterprise of this stunningly beautiful place. If government functionaries could spend any time at all here, they would not dream of defunding homelands (M. O'Bryan, fieldnotes 2023).

The population of Garrthalala has stayed relatively stable for more than a decade, indicating that housing requirements have also remained stable. In her 2010 anthropologically-informed study of homelands population, which included population variation as people move across the clan estate, Morphy found that accounting for those who come and go, the population in Garrthalala swelled from 64 people to 92 (Morphy 2010).

In the current study, the transient population includes students who come from other homelands to attend the Makarrata program at the school. At the time fieldwork was done, 25 students were enrolled but are not included in the population count. Nor does the number account for school staff who stay in the VOQ. NT Education is responsible for that building and provides accommodation for two fly-in-fly-out teachers

and two extra guests. As in all homelands studied, the adequacy of housing relative to population does not include the population surge which occurs when ceremony is taking place.

Development Issue: Health, Aged Care and Disability Funding or Housing

Distance might suggest that homelands residents suffer from less access to healthcare than people living in hub communities, but there is an extensive body of evidence to show that people living in homelands enjoy better health outcomes. The combination of an active lifestyle, a plentiful supply of traditional foods, limited access to alcohol, better social cohesion, strong connection to culture, country and family have been shown to correlate with lower incidences of mortality, hospitalisation, hypertension, diabetes and injury among Aboriginal people living in homelands, compared to living in centralised settlements (McDermott et al. 1998).

A number of older people and people with chronic disease live in this homeland, all of whom are determined to remain at home. Laynha Health employees insist that in determining how a client's health funding entitlements are spent, they must take account of the person's holistic wellbeing (N. A. pers. comm., Yirrkala, October 13, 2023). They cite the example of the older man with Parkinson's disease who lives at Garrthalala and drives an electric wheelchair. The chair itself was funded through the NDIS, but until a ramp into his home and a concrete path to his ablution block were installed, his mobility remained restricted. In this case, housing improvements were able to be made using a combination of NDIS and MyAgedCare funds which, at the time, were distributed through the up-front payment model.

Housing is the most basic element of health hardware. To reside in a house that provides adequate shelter from the elements; temperature control; safe mobility (by the construction of ramps, guard rails etc); safe access to ablution facilities (by means of concrete pathways, which also provide protection from soil borne disease during the wet season); and a lack of overcrowding, is an integral part of healthcare delivery.

From October 2017 to June 2021, the Federal Government trialled the Health Care Homes (HCH) program which focused on coordinated and comprehensive primary care responsive to patients' needs and preferences. One element of HCH was a bundled payment for every enrolled patient, replacing Medicare fee-for-service. Under this arrangement, Laynha Health received a bundled payment for each enrolled patient, with the amount determined by the patient's tier. There were three tiers, where tier 3 was the most complex and had the highest payment. The bundled payment was intended to cover costs associated with the management of chronic health conditions. Practices could still bill Medicare for other services related to an HCH patient's care.

A 2022 evaluation of the program found that bundled payments were perceived as offering certainty of funding, flexibility in service delivery and payment for otherwise unfunded work. In particular, feedback from Aboriginal Community Controlled Health Services was that the bundled payment was a more viable and appropriate payment approach in these settings (Pearce et al. 2022, p. 13). In contrast to standard general practitioner (GP) practices, Aboriginal Community Controlled Health Services reported that the bundled payment offered greater predictability in revenue and opportunities to use funds more flexibly in addressing priority needs of practice populations (p. 39). For Laynha Health, in addition to the modification of homes, another lasting legacy of bundled payments was the establishment of Healthy Stores on the homelands (see Bäniyala case study and further discussion of health hardware, in the subsequent 'Cross-Cutting Issues' section of this report.

The discontinuation of HCH negatively impacted Laynha Health by limiting its capacity to modify homeland houses. Similarly, changes to MyAgedCare payment arrangements implemented as a result of the Royal

Commission into Aged Care, have also been detrimental. Whereas previously aged care service providers were paid upfront according to a client's entitlement, from February 2021, as a transition measure, providers began receiving the full amount of funding in arrears each month, regardless of the services provided to the care recipient in the claim period. From September 2021, providers began receiving funding based on the actual services delivered to care recipients in the previous month. This aligned home care with other Government-funded programs like the NDIS, as well as modern business practices (Australian Government Department of Health 2022).

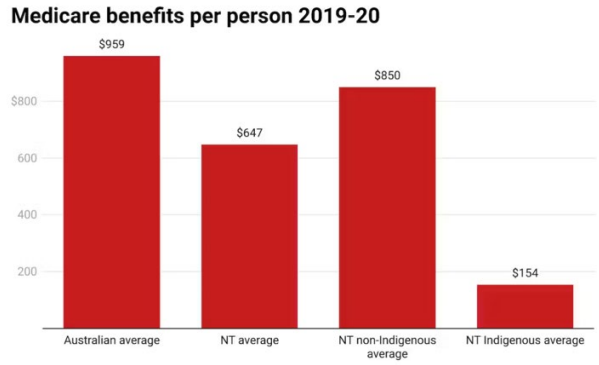
While these changes represent a logical approach to providing more targeted and publicly affordable services to older Australians and those with disabilities, there is a good argument to be made that up-front and bundled payments are warranted in the homelands context. In a 'Good Practice Note' the Australian Government Department of Foreign Affairs and Trade (2021) advises that Australia adopts a twin-track approach to disability-inclusive development which includes a:

- Mainstream approach – including people with disabilities as participants and beneficiaries of general development investments, particularly in sectors identified as key opportunities in *Development for All 2015–2020*.
- Targeted approach – targeting people with disabilities in development initiatives designed specifically to benefit people with disabilities.

The Good Practice Note acknowledges that actively including people with disabilities in mainstream development efforts is necessary to ensure that broader systems, policies and services include and benefit people with disabilities. Further, inclusion cannot be fully realised without complementary targeted efforts to facilitate equality of access and participation for people with disabilities.

Due to their poorer access to primary health care, First Nations Australians in the NT attract only 16% of the Medicare funding of the average Australian (Duckett et al. 2022; see Figure 25). Although Aboriginal health services receive some special additional funding separate from the Medicare-billing funding, there remains a shortfall to NT residents of about A$80 million each year (Zhou et al. 2022).

Figure 25: Medicare Benefits Schedule



Source: Duckett et al. (2022).

The outcome of remote health services being underfunded is that people rely disproportionately on hospital services. In particular, people with chronic health conditions are at increased risk of hospitalisation if their condition is not well managed at home. To give one example, recently Laynha Health attempted to use health funding to install an air-conditioning unit in a patient's home, but the request to MyAgedCare was denied on the basis that under the nationally standardised 'Improved Payments' guidelines, housing

modifications to allow people to remain at home do not include air-conditioners. This is in contrast to previous arrangements where patient allowances were paid up-front, providing Laynha with flexibility to determine how monies should best be spent. Laynha Health Manager Ebony Tinirau observed:

> Surely they can have a look at the guidelines and see that it fits, that it makes people comfortable to be able to remain at home … living comfortably so that [this client] can remain in the homeland. They've just forwarded on another email saying, well, Laynha can pay … to provide modifications and repairs to the house. But we're not funded to provide air con, so where do we get that money from? And it is build-up soon … We had this a couple of years ago in the homelands and we actually put air cons in using aged care funding to people's houses so that they can live in them comfortably during the build-up. Otherwise we'd be retrieving them every second day for heat stroke … [given that] there's no insulation in the houses (E. T. Laynha Health, pers. comm., Yirrkala, October 13, 2023).

Where Laynha has previously been able to access bundled or upfront payment of patient entitlements, Tinirau was convinced that these monies enabled better patient outcomes. Failing to take a holistic view of how healthcare dollars are spent negates potential financial efficiencies; the social return on investment in preventative healthcare has been calculated at a 1:5 ratio. That is, every dollar spent returns $5 in acute care savings (AIHW 2020). The government's HCH funding reform trial demonstrated the benefits that can flow from alternate health, aged and disability care payment models. The HCH trial went some way to addressing a source of systematic disadvantage for homeland residents.

It is a finding of this study that the national standardisation of payment mechanisms for MyAgedCare, NDIS and Medicare disadvantages Laynha in providing adequate care, including by the modification of houses, for people living in homelands. This demographic has distinct needs, particularly in relation to the adequacy of housing to support healthy living practices. This finding is consistent with literature which finds that the current Medicare funding scheme systematically disadvantages the NT and that a needs-based funding model is required that does not penalise this population, based on the remote primary health care service model (Zhao et al. 2022).

House #9: Housing and nine healthy living practices

Figure 26: House #9, Garrthalala

Source: M. O'Bryan 2023.

House #9 (see Figure 26) was constructed in 1990 under ATSIC's Community Housing and Infrastructure Program (CHIP). This program funded the provision of housing and related infrastructure for essential services (water, power, sewerage and transport access) and some municipal services for Aboriginal communities, mainly in remote areas. The original cost of the house is not recorded, but according to Laynha's 2023 Infrastructure and Equipment Register (IER), which includes infrastructure, plants and equipment funded through the Municipal and Essential Services (MES Special Purpose Grants), house #9 is eligible for replacement or major repairs to the cost of $500,000 in 2025.

The house has three bedrooms and a covered veranda which has been partially enclosed. In 2018, the concrete slab was raised. The house is serviced by a free-standing amenities block also added in 2018. This includes a solar hot water unit, shower, laundry and wash tub. The combined total cost of these improvements was $70,000. Works were funded by the NT Government's Housing Extra Allowance and the Northern Land Council. The house is powered by the community's diesel generator. The kitchen, which consists of a sink at the end of the veranda, has cold water only. In 2021 a flushing toilet was added to the amenities block using Housing Extra Allowance funding. The original pit toilet also remains in operation and is used when the flushing toilet becomes blocked, or during periods when the population surges, typically as a result of ceremony. Laynha's maintenance log reveals that since 2018, $1619 was spent on plumbing maintenance, including repeatedly unblocking the flushing toilet and making repairs to kitchen infrastructure. In 2019, cupboards were installed in the house at a cost of $479.65. In the same year, $422.18 was spent to repair the switchboard; $502.34 to unblock the sewer line; $142.14 to repair the door and provide a new lockset; $1641.48 to hang three new doors; $657.65 to patch the roof in preparation for the wet season. The following year, in 2020, the roof was replaced. Also in 2020, the laundry, pit toilet, sewage and grey water systems were all described as being in 'fair' condition (Laynha IER Report 2019–20).

Census data confirms the findings of this study, that house #9 has five residents, which includes one young person who stays in this house when they travel from Gäṉgaṉ to attend the Makarrata [senior years education] program which runs at the Garrthalala school.

House #9 is located close to the cliff looking northwest over Caledon Bay. Tall trees to the front and side of the house mean it remains shaded throughout the heat of the day. The wide veranda has been partially enclosed and family sit there throughout the day. Other community members wander over to visit: a couple with a small child driving a red, battery operated car; an old person walking slowly; several young men.

In the afternoon everyone from the child to the oldest man in community piles into the visitors' Land Cruiser to go hunting for honey. Four young men sit on the roof, holding spears in place that have been slid through the roof racks. They wave as the car drives past the VOQ and Yananymul tells me that although she has asked them not to travel like that, she understands that 'they all want honey'.

This is the build-up, the prelude to the wet season, where heat and humidity become intense. It is a time of abundance on land and in the sea. Yananymul tells me that there are two types of honey. Yirritja honey is found in the *nambara* tree that grows in the swamp. *Yirritja* bees have a sting, and their honey has a slightly sour taste. *Dhuwa* bees have no sting and their honey is correspondingly sweeter.

Many hours later the hunting party returns: they had no luck with honey, but have collected a large haul of mud mussels and black-lipped oysters and enough wood for the evening fire where they gather later to cook and share the catch (pers. comm., M. O'Bryan fieldnotes, September 17, 2023).

Natalie Atkinson, Clinical Nurse Manager of Laynha Health, advises that health amongst homelands residents is generally better than the health of those living in hub communities. This in part reflects the high level of health services provided, but also the mental health advantages of living in the homelands. There is very limited phone or internet coverage at Garthalala and young people here engage and interact in a way that reflects pre-tech, pre-social media norms. After the hunting trip, young people sit with older family members around the fire. They share food, converse, play music and retire to sleep at a relatively early hour. Similarly, Laynha Health Manager Ebony Tinirau agrees:

> It is definitely more detrimental health-wise in town. Not a lot of hunting goes on. With hunting comes time that is spent with family and not a lot of that happens [in hub communities]. People tend to go the wrong way. It's healthy food. It's physical activity. It is. People in the homelands are asleep by eight, nine o'clock. People in town in Yirrkala are still awake walking around at 2 or 3 a.m. in the morning … Ten year olds, 11 year olds, 12 year olds. So there's a lot of contributing factors that affect the overall well-being of somebody who moves to town (E. T., Laynha Health, pers. comm., Yirrkala, October 13, 2023)

Education in Garrthalala

Education in the Laynhapuy homelands is discussed in the following 'Cross-Cutting Issues' section, but it is important to note in this case study that education creates opportunity not only for the children and young people who attend school in this homeland, but also for adults who are employed by the school. This is especially true for those who are enrolled in teacher training courses, of whom there are four candidates working through the C-BATE (Community Based Aboriginal Teacher Education) program. The Cotton On Foundation has committed $1 million to support Yolŋu people to pursue a career in teaching without having to leave their communities, and the benefits of their support are evident here.

The Makarraṯa Boarding School opened its doors in 2019, and educates all senior students from the Laynhapuy Homelands School (LHS). In 2023, seven students graduated the Makarraṯa program with a Year 12 certificate.

In March 2024, it was announced that Garrthalala had been selected as a site for the Bush University. This creates a world of new opportunity. Homelands across the Arnhem region are developing tertiary education pathways through the Bush University model. This represents an important development in homeland education and a potential new industry in the homelands. On July 18, 2023, the Hon. Jason Clare

MP, Minister for Education, announced $66.9 million to establish up to 20 new Regional University Study Hubs and up to 14 Suburban University Study Hubs (Clare 2023). This is part of the Government's response to the Priority Actions listed in the Australian Universities Accord Panel's Interim Report. On March 25, 2024, Minister Clare announced that Garrthalala homeland had been approved as a Bush University Study Hub (Clare 2024). The research team has not seen the budget provided to the Federal Government as part of the application process, but we note that the Study Hub Program budget template envisages the upgrading of existing facilities but not the construction of new buildings.

Conclusion

During the course of fieldwork in Garrthalala, Yananymul Mununggurr reflected on the lifestyle that her family enjoys in this place. As we walk on the beach, we come across a huge turtle shell and she reflects that the family now eat turtle less frequently than in the past. They are conscious of not taking more from the ocean than they need. She tells me that they almost never eat dugong anymore, and that these gentle animals are rarely seen. She reminisces that her father was the last man to understand the proper way to butcher a dugong. She remembered her grandfather teaching him the proper cultural protocols when she was a little girl. Families here frequently discuss the impact of climate change. Tides are becoming visibly higher at Caledon Bay and community expressed concern for the stability of the cliffs in this homeland, with houses situated close to the edge and overlooking the bay.

The imperative to live on this land, and the necessity to live well so that young people have a reason to remain, are, to this community, sacred duties which transcend the hardship of living in an overcrowded house or having to cook on a fire outside because the power trips when the electric frypan is plugged in. In conversation, the word *djamarrkuli* frequently comes up. Children are the future of this place, as in all of the homelands. Community members here are proud that their economic future lives in the education industry. Four women here are currently engaged in teacher training through a university in Queensland.

The housing and infrastructure examples above tell a powerful story of how residents here work with Laynha to 'make do'. Funding for home improvements and repairs comes from a variety of sources, including MyAgedCare and NDIS. Supported by Laynha Health, many houses have been adapted to meet the medical and special accessibility needs of residents. The announcement that this homeland will host a bush university hub is entirely consistent with the community's commitment to education, to cultural integrity and to the continuation of traditional knowledge systems, even in the face of global challenges thrown up in the modern world. There is much work to be done to ensure that housing and infrastructure is brought up to modern standards, but the residents of Garrthalala are ready to do the work necessary to make that happen.

Cross-Cutting Issues

Education

On 12 March 2024, the NT and Federal Governments jointly announced that an extra $1 billion will be spent to fully fund the NT's public schools, with a promise the most disadvantaged schools will be prioritised first. Under the funding agreement, to commence in the 2025 school year, the Commonwealth will contribute an extra $737 million to the NT's education system between 2025 and 2029, while the NT Government will spend an additional $350 million over the same period. The extra funding will bring the NT's public schools up to 100% of the Schooling Resource Standard by 2029 (Australian Broadcasting Commission [ABC] March 13, 2024).

The Laynhapuy Homeland School (LHS) is based in Yirrkala and functions as a central hub to support nine 'Homeland Learning Centres' (HLCs) on Country. These vary in size and in the programs they offer, with student numbers ranging from six to approximately 35 students. Education is relevant to this report on housing and infrastructure in the homelands at a number of levels:

1. The availability of education in homelands has implications for housing demand. In some contexts, the availability of a homeland school exacerbates issues of overcrowding.
2. The capacity to deliver education depends on the adequacy of infrastructure. The quality of school-related infrastructure varies across homelands. This exposes serious structural inequities.
3. Education is a social determinant of health, but sub-standard infrastructure creates health risks.
4. Securing correct approvals for the development of education infrastructure exposes serious flaws in s.19 leasehold approval processes.
5. Education is integral to economic futures of homelands. This sector is one of the largest employers on the homelands, with potential to grow and develop.
6. Education can be associated with population surge – an issue to be managed in all homelands. Education infrastructure can be stretched, but may also assist, during ceremony.

Although the need for infrastructure improvement in the homelands is extreme, designation as 'Learning Centres' rather than small schools operating under the umbrella of LHS, precludes LHS from benefitting either from recurrent funding entitlements or from special purpose grant opportunities. Funding for infrastructure to support the education aspiration of homeland leaders has been contentious from the start: Brandl's 1974 report into homelands education identified shortfalls in funding to enable homelands to open schools. The same problem persists 50 years later. In 2022, total capital expenditure for LHS, with its nine HLCs, servicing 120 children and young people from Transition to Year 12, is reported on the MySchool website as $0. The combined capital expenditure over the five years 2018–2022 across all sites was $141,145 (MySchool.edu.au, accessed February 16, 2024).

Little has been invested in infrastructure development or renewal in either Gäṉgaṉ or Garrthalala for decades. With the exception of Doyndji, where NT Education constructed a new school in 2007, most significant work that has been undertaken – such as the construction of boarding facilities at Garrthalala in 2007 – has been financed by philanthropy (in the case of Garrthalala, the Geelong Rotary Club). For reporting purposes, and for national consistency, schools in the NT are classified by geolocation utilising the ABS remoteness classification. Of five ABS classifications, the NT only has schools in Outer Regional, Remote and Very Remote geographic locations.

The Remote Incentive Allowance is included in a teacher's fortnightly salary and is paid on a pro rata basis for part-time employees. Entitlements vary depending on whether a school is deemed to be a Category 1, 2 or 3 School. A Remote Retention Payment is paid annually on completion of 12 months continuous service in a remote locality. The value of this payment also varies by how a school is categorised (see Table 6).

Table 6: Guide to entitlements for educators working in remote communities

Remote Payments ($/per annum)	Special Category	Category 1	Category 2	Category 3
Remote Incentive Allowance (single)	$1242	$4131	$4821	$7577
Remote Incentive Allowance (with dependents)	$1549	$5041	$5880	$9239
Annual Remote Retention Payment	n/a	$500	$750	$1000

Source: Australian Education Union (2024).

The LHS is deemed to be based in Yirrkala rather than in the very remote homeland centres where it delivers education to children five days a week. Because Yirrkala is proximate to the mining town of Nhulunbuy, LHS is designated as a 'Category 1 Remote School'. By contrast, Bäniyala Garranŋali School, operates in the same geographic location as all HLCs and serves the same demographic of students, but it is deemed to be a 'Category 3 Remote School' for funding purposes.

Homelands education provides an important pathway to adult education and employment. At the time this project was undertaken, a number of Homeland Learning Centre Teachers (HLCTs) were engaged in the C-BATE program of teacher education run out of Queensland, which they reported as offering 'excellent support' to candidates (pers. comm., HLCT and C-BATE candidate, Garrthalala). One HLCT was studying the Remote Area Teacher Training course offered by Batchelor Institute. She had been on this pathway for the past 15 years and expressed disappointment that she has not been better supported to complete her professional qualification.

Because HLCTs are not recognised as teachers, they do not qualify for any special entitlements. This is despite the fact that they anchor the HLCs five days a week. Ironically, while they do not have the status of being registered teachers, they are deemed to owe a duty of care to their students as if they were (L. W. pers. comm., Melbourne, November 22, 2023). Visiting teachers (VTs) are mostly non-local teachers who have met national teacher accreditation standards. The VTs usually reside in Yirrkala and either fly or drive into homelands during the week to support planning, learning, and assessment. The relationship between VTs and HLCTs is reciprocal: the VT role is to support the HLCTs to develop their skills in teaching, and the HLCTs have a critical role in supporting VTs in their teaching roles and orienting them to the homeland context (Rafferty 2021, p. 18). Different professional standards attach to HLCs relative to schools. This too discriminates against HLCTs. For example, HLCTs are not entitled to housing or accommodation associated with their job. Whereas a registered teacher in an NT Government school is eligible for accommodation, HLCTs, as community members, do not qualify for the same.

School attendance in homelands and the impact on housing

School attendance in the homelands is high, although it is impacted by patterns of movement across the clan estate as families travel for cultural or personal reasons between homelands, or between homelands and hub communities. The MySchool website reports that LHS students attend 60% of the time, and that 15% of students attend for 90% of the time. The research team was consistently told that when young people are in a homeland, they are most likely attending school. In some places, although families are

unable to secure housing on the homeland, they send their children to stay with family during the week to ensure they attend school, which they are less likely to do in a hub community. In Doyndji, researchers were told that a number of children whose families are resident in Gapuwiyak are sent to stay with extended family from Monday to Friday, which puts increased pressure on already overcrowded homes.

Teacher accommodation and facilities on the homelands

Teacher accommodation on homelands varies greatly from site to site. In both Gäṉgaṉ and Garrthalala, Visiting Officers Quarters (VOQ) were constructed by Laynha (in 2012 and 2013, respectively) and in each case were situated on an allotment covered by a s.19 lease. These facilities are now managed by LHS. Both include a training centre and an accommodation block. The Gäṉgaṉ VOQ comprises four bedrooms, a storage room, a shared bathroom and a generous kitchen. There is a ceiling fan in each room and three air conditioning units. There are two domestic size fridges in each kitchen.

Inequities in funding and infrastructure

The ACARA MySchool website reports that in 2022, Bäniyala Garraŋali School, with 28 students enrolled, received $96,012 from the NT Government for capital expenditure and that accumulated capital expenditure over three consecutive years amounted to $390,694. By contrast, the LHS, with an enrolment in 2024 of approximately 150 students and operating HLCs in nine homelands, received $0 capital expenditure in 2022 and an accumulated capital expenditure over three consecutive years of $139,589 (ACARA 2024): that constitutes approximately one-third of the capital expenditure made to the stand-alone Bäniyala Garraŋali School.

In 2023, NT Government funding for Bäniyala Garraŋali School was $475,225, calculated at a rate of $16,091 per student (29.5 students) (NT Education 2024). NT Government funding for the LHS in the same timeframe was $1,812,496, calculated at $15,992 per student (114 students) (NT Education 2024).

Secondary education on the homelands

Laynhapuy Homelands School, previously known as Yirrkala Homelands School, has been successfully operating a boarding program for secondary students at Garrthalala homeland since 2003. First known as the Senior Secondary Homelands Education Program, 25–30 students attended the school each week and a further 30–40 students were unable to access the program due to resource constraints (Rotary Club of Geelong 2007). In 2019, the Senior Secondary Homelands Education Program was superseded by the Makarraṯa Senior Years program, also operating at Garrthalala, which continues to cater for the needs of secondary aged homelands students. This initiative was instigated by homeland parents anxious to provide education opportunities on Country rather than see their children move to hub communities.

The Makarraṯa Senior Years program offers students a range of programs that contribute to the Northern Territory Certificate of Education and Training (NTCET) or other identified pathways. Makarraṯa students travel by plane to Garrthalala, and stay in dormitory facilities from Monday to Friday. At Makarraṯa they are supported by boarding staff, Yolŋu House Parents, the community-led Räypirri Rom team, and the teaching team. There is a strong Indigenous Language and Culture program across the school and embedded in the Makarraṯa program that is enhanced through Learning on Country. In 2023, 28 young people were enrolled in the Makarraṯa program, and at the end of the school year, seven students graduated with a Year 12 certificate. In 2024, 30 young people are enrolled in the senior years' program, catering for students in Year 9–Year 12 and offering a wide range of opportunities.

Health

Health infrastructure in the homelands includes clinics serviced by either Laynhapuy Health or by Miwatj Health In the larger homelands it also includes healthy stores and health hardware in homes.

Health hardware

Health hardware is the physical equipment needed to ensure that housing and environments support good health. Health hardware includes: safe electrical systems; access to water; working taps, showers, and sinks with plugs; toilets; waste and wastewater removal systems; and facilities needed for the safe storage and preparation of food. If any of these facilities are unavailable, not working, or inadequate to support the number of residents, illness or injury can occur (Meyrick 2024, p. 31). It is a finding of this study that health hardware in each of the case study homelands is inadequate to support good health outcomes for residents:

- The lack of hot water to kitchens results in drain blockages and compromises residents' capacity to clean dishes and the safe removal of wastewater as drains frequently block.
- Not having washing machines plumbed to hot water to wash clothes and bedding exacerbates the risk of mites and bacteria causing skin disease and secondary complications.
- In several homelands, power supply to homes is unreliable, limiting residents' capacity to control temperature, cook and refrigerate food.
- In some contexts, the installation of flushing toilets and the conversion of existing grey water to septic systems has resulted in unsafe environments.

The age and state of homeland infrastructure makes upkeep, repair and maintenance difficult and expensive. Layhna's capacity to maintain or improve the amenity of health hardware is curtailed by the lack of adequate funding. It is a recommendation of this study that appropriate, commercial-grade washing facilities should be installed in larger homeland centres to enable bedding and clothes to be washed in accordance with NT Government guidelines. It is acknowledged that this may place stress on limited aquifers, and creates issues for grey and black water systems.

Clinics

Each of the case study homelands have health clinics, although in Donydji, with a population of 47, the clinic is defunct, and no clinical services are provided.

Donydji – (population average 47.1): Residents report that this facility is defunct. The clinic has no floor and would require 'substantial work' to be restored to a functioning facility. Managed by Gapuwiyak Health (which is run by Miwatj).

Garrthalala– (population average 58.8): The clinic is in 'good' condition, built in 2007, due for repair or replacement in 2037 (Laynha IER Register 2022–23).

Gäŋgaŋ – (population average 70.3): The clinic is in 'good' condition, built in 2006, due for repair or replacement in 2036 (Laynha IER Register 2022–23).

Bukudal – (population average 13.6): The clinic is in 'good' condition, built in 2000, was due for repair or replacement in 2000 (Laynha IER Register 2022–23).

Bäniyala – (population average 122): The clinic is in 'good' condition, built in 2005, due for repair or replacement in 2030 (Laynha IER Register 2022–23). It is a finding of this study that, with the exception of Donydji, the infrastructure required to deliver primary health care in the case study homelands is appropriate and well maintained.

Healthy Stores

In addition to clinics, the larger homelands also have healthy living stores. These are generally in very poor condition and are not fit for purpose. Where power supply to stores is unreliable, this leads to significant wastage of fresh produce and potentially dangerous health outcomes as food requiring refrigeration is not kept sufficiently cold.

In Bäniyala, the Army has undertaken to rebuild the store which will no longer be managed by Laynha Health and will no longer be classified as a healthy store. It will be managed by BGAC, and food will no longer be subsidised by Laynha. Economies of scale which currently benefit the homeland stores will not be available to residents in Bäniyala and this is likely to mean that residents will pay more for their food. When the store was previously run by BGAC, the food was sold at 220% above cost price to cover the costs associated with distribution and storage. Laynha sells food at cost price and absorbs expenses associated with distribution, power and staff wages. The Laynha Health nutritionist responsible for stocking homeland stores reports that in Bäniyala the cost of food was reduced by more than half after Laynha Health assumed responsibility for the store (C. M. pers. comm., Bäniyala, October 11, 2023).

In addition to cost, the items for sale also changed under Laynha Health management. Previously participants advised that the 'biggest selling items' in the BGAC-run shop were cigarettes and tobacco products, lollies and pork chops. Healthy stores sell none of these products. Once BGAC resumes operating the store, stock will not be limited by reference to health and nutrition and the prohibition on the sale of tobacco and tobacco products will no longer hold. The ready availability of tobacco, sugary and high-fat foods is likely to produce negative health consequences for residents.

It is a finding of this study that healthy stores make an important contribution to the quality of life enjoyed by residents in the larger homelands. These stores ensure access to fresh and non-perishable foods, and equipment necessary for fishing, hunting, camping and the support of visitors to homelands during ceremony.

Studies shows that improved access to primary care is both cost-effective and associated with better health outcomes for residents of remote communities (see Thomas et al. 2014). Food security and the ability to store and cook food safely are acknowledged as primary determinants of health. For this reason, the establishment of healthy stores on the homelands was originally facilitated when Medicare trialled its HCH program – HCH included the 'bundled payment' model of calculating entitlements associated with chronic health conditions (see Garrthalala case study). Since the HCH program was discontinued, Laynha has continued to support the Healthy Stores enterprise, which participants advise have returned a range of positive outcomes for homeland residents. Stores now operate at a financial loss to Laynha Health.

It is a finding of this study that infrastructure to support Healthy Stores across all homelands is in urgent need of improvement. Costs associated with building new and well-appointed stores can be justified using social return on investment equations developed by health researchers and which is calculated as a 1:5 ratio (see Zhou et al. 2014).

These findings are consistent with the Miwatj Position Statement on Food Security in East Arnhem (2021) which advocates for increased support to remote stores. That statement argues:

- for remote community stores to be classed as an 'essential service', which requires cross-jurisdictional support from government, health and social agencies at all levels
- for an increase in government funding that is available to remote community-owned stores to enable them to promote a healthy food supply
- to strengthen the Community Stores Licensing Scheme through the adoption of a non-legislative collaborative model that is delivered through Land Councils, Traditional Owners and Township Leasing (Miwatj Health Aboriginal Corporation 2021).

Conclusion

Homelands play a unique role in the maintenance and intergenerational transmission of language, culture, ecological and spiritual knowledge. As demonstrated in this study, this does not mean homelands are cultural museums. Homeland residents are artists who produce internationally collected art, they are award winning musicians and performing artists; they are rangers, integrally involved in developing innovative land management practices, bringing together traditional and cutting edge scientific knowledge systems to manage or mitigate climate change; they are teachers who work to develop pedagogies and teaching materials that are genuinely bi-cultural and shown to maximise student learning and engagement; they are tourism operators convicted that they have a role to play in communicating their culture to outsiders. Homeland leaders and residents are future focused and deeply committed to their cause. They care about health and wellbeing and want to live in houses which support healthy living practices. They aspire to live well and to make a meaningful contribution to contemporary Australia. Evidence presented in this report suggests that people will not leave their homelands, that populations will be stable or grow and that adequate levels of investment will be needed into the foreseeable future.

Key Findings

1. With relatively stable populations over time, deep cultural commitment to homelands, intergenerational determination to maintain customary and linguistic obligation, and despite difficult living conditions, it is clear that the population of the Laynhapuy homelands region will not abandon their homelands. This must be a first premise in government housing and infrastructure planning in this region.
2. The current state of housing in the Laynhapuy homelands is a result of poor and inconsistent policy, chronic underfunding and lack of investment at both Federal and Territory levels.
3. Investment by the Federal Government in 2024 is a major opportunity to redress the unsatisfactory state of the housing stock in the Laynhapuy region. However, policy must allow for the provision of real community engagement and allow time for planning in order to maximise impact. We note that at the time of writing, in response to NTG invitation to provide budget estimates for housing and essential infrastructure works across all funded homelands, Laynha is working to develop a Yolngu-led house design. Design work is focussed on meeting cultural needs, maximising Healthy Living Practices, being customisable and cost effective to deliver across multiple homelands.
4. Overall, 6% of dwellings in the Laynhapuy homelands are classified in the data as being in poor condition, 50% are classified as being in fair condition and 44% are classified as being in good condition. However, actual condition of housing is often much worse than infrastructure registers and data may show. On the ground houses are in varying states of condition and are highly affected by climatic and environmental factors, as well as seasonal and cultural changes in population. Laynha reports that increase in construction costs coupled with a systematic decrease in maintenance funding makes improvement of dwelling conditions extremely difficult.
5. There is a great deal of variation in the condition of houses across the homelands. There is also no clear relationship between homeland population and the condition of housing in the homeland.
6. Of the 149 houses for which a date of construction is recorded, 121 (81%) were built in 2000 or earlier and are thus at least 24 years old, and 108 (72%) were built in 1990 or earlier and are thus 35 years or older. All of the houses that are in poor condition were built in 1990 or earlier.
7. Based on the costs of building a three-bedroom house funded under the National Partnership (uprated for increases in the costs of house construction), a conservative estimated replacement cost per house amounts to $610,000. Using this method, the total cost of replacing the housing stock, then, is estimated to be about $94 million. A recent cost estimate for the replacement cost of a four bedroom house, with estimates undertaken by an independent Quantity Surveyor ranged between $1.284 - $1.926m.
8. All of the houses which are in poor condition require replacement or major upgrade. Using the Laynhapuy Infrastructure and Equipment costs estimates, the costs of replacing or repairing and upgrading houses that are in poor condition amounts to $3.3 million or, if the updated replacement cost is used, $5.5 million. For the houses which are in fair condition, i.e. they are at medium risk of failure within five years, the costs of replacing or repairing and upgrading them according Laynhapuy cost estimates is $32.2 million. The cost of replacement using the updated replacement cost amounts to $47 million. Again (see findings 4 and 7), this estimate is likely to be well under actual costs and may more than double figures available in official data.
9. According to the data in the Laynhapuy Infrastructure and Equipment Register, the cost of replacement non-dwelling homeland infrastructure in 2022–23 was estimated to be $59 million. We

note that this estimate is also a likely understatement of actual cost. This non-dwelling infrastructure is essential in order for the homelands to be viable. (See also findings 4,7 and 8.)

10. The average population in each homeland is 32.3 with half of the homelands having a population of 15 or fewer. Across all the Laynhapuy homelands housing stock there is an average of 5.2 people per house. However, there are major differences in density per house between individual homelands, oscillating between an average of 0.9 and 9.7 people per household.
11. Obtaining accurate population data for homelands in the Laynhapuy region to inform planning is extremely difficult. Residents exhibit patterns of 'hyper mobility' (Morphy 2007), categories such as 'usual place of residence' may exhibit undercount, and housing stock is subject to extreme surges and changes in population for myriad reasons (Taylor & Bell 2011). These include ceremony, death, access issues, transport availability, infrastructure condition, housing availability, education and health service availability, and season and cultural obligations. Contingencies for 'exogenous shock' to housing and infrastructure should be considered (see recommendations).
12. Development aspirations across the case studies were improved educational services and infrastructure, aged care and health, access to shops, land and sea management and associated development, security of land tenure arrangements, cultural tourism and art. It is clear that these areas should be prioritised in development infrastructure planning moving forward.
13. Maintaining or improving education and health services (especially the Healthy Stores program) are seen as a priority development issue for homelands residents.
14. Water quality and power for associated infrastructure planning is a current priority area of infrastructure development need. Power costs are extremely high and a major area of need for development resourcing.
15. In this study there was no evidence that entering into a head-lease agreement or section 19 agreement (under the *Aboriginal Land Rights (Northern Territory) Act 1976*) had any beneficial effect on housing for homelands in the Laynhapuy region and models of privatised ownership seem unfeasible for most homelands' residents.
16. Women consulted in this study have particular infrastructure needs based on cultural mores and associated health needs and should be considered as a separate consultation group for planning and infrastructure development.

Recommendations

1. It is recommended that housing and infrastructure planning at all levels (Federal, Territory and local) for homelands in the Laynhapuy region proceed on the assumption that people will not leave their homelands, that populations will be stable or grow and that adequate levels of investment will be needed into the foreseeable future.
2. It is recommended that roll out of new funding by government must be done in close consultation with, and at a pace dictated by, the Laynhapuy Homelands Corporation and the people of the region.
3. It is recommended that the Laynhapuy Homelands Corporation and Board give some consideration in future planning to the disparity between current housing stock condition and population distribution.
4. It is recommended (after consideration of recommendation 2 and 3) that priority for new housing funding be directed to replacement/major upgrades of stock rated as 'poor', noting that 43% of houses may move from 'fair' to 'poor' condition over the next five years with significant investment in repairs and upgrades and that 73% of the stock is over 35 years old.
5. It is recommended that the 'hyper mobility' and culturally-driven surges of population be accounted for in infrastructure planning. Pressure on amenities and housing stock during ceremony and other 'exogenous shocks' to community was a theme across the case studies. Consideration of purpose built, large simple shelters with access to amenities should form part of development going forward.
6. It is recommended that planning for development should focus on improved educational services and infrastructure, aged care and health, access to shops, land and sea management and associated development, security of land tenure arrangements, cultural tourism and art.
7. It is recommended that maintaining and improving education and health services (especially the Healthy Stores Program) be seen as priority for development effort by all levels of service provision.
8. It is recommended that power and water quality and associated infrastructure be prioritised in long-term infrastructure planning
9. It is recommended that housing and infrastructure development *not* be tied to head-leasing agreements or changes to land tenure unless at the express wish of the homeland concerned and ensuring that principles of free, prior and informed consent are fully adhered to.
10. It is recommended that the particular cultural mores and health needs of women be seriously taken into account in planning and development and that women are treated as a separate group for consultation.

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