Managing Dilemmas in Indigenous Community-Based Organisations: Viewing a spectrum of ways through the prism of accountability

Kathryn THORNBURN – is a PhD research scholar at the Centre for Aboriginal Economic Policy Research (CAEPR) at the ANU. She is an APA(I) scholarship recipient under the Indigenous Community Governance project, an ARC Linkage which forms a partnership between Reconciliation Australia and CAEPR, with financial support also from the NT, WA and federal governments. Kathryn spent 2005 carrying out fieldwork with two Indigenous community-based organisations in the Fitzroy Valley, West Kimberley. She would like to express gratitude to the staff, councils and constituents of these two organisations: Bunuba Inc in Fitzroy Crossing, and Kurungal Inc in Kupartiya.

The aim of this paper is to demonstrate, via an exploration of the dilemmas of accountability in Indigenous community-based organisation, that there may be a range of expressions of ‘best practice’ in this context. Via such a demonstration, it aims to counter simplifying and moralising elements of the ‘good governance’ discourse to which such organisations are currently subject. The dilemmas, or ‘balancing acts’ raised here reflect the reality that such organisations are fundamentally ambiguous, straddling the demands of two very different ‘corporate’ cultures: that of remote Indigenous communities versus that of government bureaucracies and their agents.

Networked Governance: Issues of Process, Policy and Power in a West Arnhem Land Region Initiative

Diane SMITH – is a Fellow at the Centre for Aboriginal Economic Policy Research (CAEPR) at the Australian National University, and a Chief Investigator on the Indigenous Community Governance Project (ICGP), an Australia Research Council Linkage Project between Reconciliation Australia and CAEPR. She has worked in the Northern Territory for over 25 years, on applied research issues including: Indigenous land ownership, land rights and native title; mapping of country and sites; resource development agreements; organisational governance; and evaluation of changing government policy frameworks.

The paper draws out what seem to be influential principles being used by Bininj to design a workable and legitimate form of local government at a regional level. These principles may be more broadly relevant for other Indigenous efforts to build governance arrangements at larger scales of population, organisational and cultural complexity. In conclusion, the paper highlights some likely future challenges for both
Bininj and government policy when their discourses about regionalised governance coincide or diverge.

Strange Bedfellows: Whole-of-Government Policy and Shared Responsibility Agreements, the Implications for Regional Governance

Patrick SULLIVAN – is a Visiting Research Fellow at the Australian Institute of Aboriginal and Torres Strait Islander Studies, and a researcher on the Indigenous Community Governance Project (ICGP), an Australia Research Council Linkage Project (No. 0348744) between the Centre for Aboriginal Economic Policy Research at The Australian National University and Reconciliation Australia. His research is supported both by AIATSIS and by the Desert Knowledge Cooperative Research Centre’ project Demand Responsive Service Delivery (CP5).

Susan Wright and Chris Shore, in their collection on the Anthropology of Policy, tell us that the anthropological analysis of policy formulation and implementation offers a way of examining a crucial element of contemporary culture, linking the local to the global. This is true of the recent implementation of ‘whole-of-government’ policy in Indigenous affairs in Australia: it is global in origin and local in impact. Whole-of-government policy for mediating the relationship between the state and its citizens had been trialled internationally before being introduced to Australia. It can be seen both as a global movement towards corporatising the civil service on the model of efficient commercial enterprises and a response to citizen dissatisfaction with simple bureaucratic responses to complex, labile and interrelated problems. When Peter Shergold, Secretary of the Department of Prime Minister and Cabinet, introduced the Public Service Management Advisory Committee document Connecting Government he met two aims. The first furthered the engagement of the Australian Public Service with these international trends, though this has been slow to take hold. Shergold’s second purpose was to announce the implementation of whole-of-government administration uniquely for Indigenous affairs in Australia.

This paper reviews the development of that policy as it stood about eighteen months later. Changes in Indigenous affairs policy, static for so long under the Howard government, now occur rapidly, perhaps reflecting a lack of internal coherence or commitment on the part of the Commonwealth.
The Ti Tree Creek Camp Study: A Contribution to Good Governance

Will SANDERS has been a researcher at The Australian National University in various aspects of Indigenous affairs policy since 1981. He joined the staff of the Centre for Aboriginal Economic Policy Research (CAEPR) at The Australian National University in 1993, where he is now a Senior Fellow. Will is a Chief Investigator on the Indigenous Community Governance Project (ICGP), an ARC Linkage Project between CAEPR and Reconciliation Australia and Sarah HOLCOMBE is a Research Fellow at CAEPR, primarily working on the ICGP, and part-time Social Science Coordinator for the Desert Knowledge Cooperative Research Centre (DKCRC). She was previously Post Doctoral fellow at CAEPR for three years. Prior to that she worked for the Central and Northern Land Councils.

Our study of Creek Camp came about as part of an involvement with ACGC in a research project on Indigenous community governance. In 2004 we asked ACGC if they would be part of the project and explained that our approach would be to work with Council on issues of importance or concern to them. The first issue that Council directed us to was Creek Camp. This followed a letter to Council in October 2004 from the then local member of the NT Legislative Assembly and Minister in the Martin Labor Government, Peter Toyne, expressing some concern about the conditions and lack of services in Creek Camp. ACGC’s response to this letter, after some negotiation with various parts of the NT Government, was to agree to provide a boxed water service to the residents of Creek Camp over the summer of 2004–05, funded by the NT Office of Local Government.

The Language of Governance in a Cross-Cultural Cultural Context:
What can and can’t be translated

Frances MORPHY is a Fellow at the Centre for Aboriginal Economic Policy Research (CAEPR), The Australian National University. She is currently undertaking a case study of the Laynhapuy Homelands Association in North East Arnhem Land, as a part of the ARC Indigenous Community Governance Project.

English is now the global language of governance and development, and many of the terms of the governance discourse are similarly dependent for their meaning on the cultural assumptions of English-speaking peoples. This paper explores some of the implications for governance discourse in Indigenous contexts in Australia, focusing on research with the Yolngu people of north-east Arnhem Land over 30 years, and more particularly in recent times in the context of a case study of the Laynhapuy Homelands Association as part of the Indigenous Community Governance project. I begin with a caveat. The opposition set up in this paper between Yolngu-speakers as bearers of Yolngu culture, and English-speakers as bearers of ‘Anglo-Australian’ culture should not be taken to reflect a view that language and culture are somehow coterminous, or to imply support for the strong Whorfian view of language that suggests that language constrains what can be thought about. A distinction will be drawn between translation and explication, and it will be argued that whereas the former may sometimes be impossible, the latter never is. The problem lies in failing to realise the necessity for explication, and for the development of tools for explication.
Figuring out Governance: Capacity Development for Indigenous Councils and Organisations

Janet HUNT is a Fellow at the Centre for Aboriginal Economic Policy Research (CAEPR) at the Australian National University where she manages the Indigenous Community Governance Project (ICGP), an ARC Linkage Project with Reconciliation Australia. Her background is in education and international development and she has lectured in International and Community Development at RMIT and Deakin Universities. She has worked for many years in international development with a particular focus on the Pacific and South East Asia. She was Executive Director of the Australian Council for Overseas Aid and the International Women’s Development Agency, and has worked more recently with a range of local and international non-government organisations in East Timor. She has a long standing interest and involvement in Australian and international Indigenous human rights and policy issues and has been active in ANTAR.

This paper refers specifically to Indigenous organisations which fulfil local government or related roles. It recognises that these are essentially intercultural bodies, which may or may not reflect the more underlying culturally embedded principles and approaches to governance evident in the Indigenous domain. They thus reflect an often difficult compromise between Indigenous systems and ways of doing things and those expected by the colonising state — to the extent that it is now possible to really separate these highly embedded and inter-connected ‘domains’. The degree of compromise may be very great on the part of some Indigenous players, who may find themselves forced towards particular, largely western, governance forms as vehicles to achieve the goals they desire. Others may embrace such forms, whilst shaping them to their own purposes and imbuing them with their own values. As Sullivan recognises, Indigenous councils and similar service organisations find themselves in ambiguous positions mediating between often incompatible cultural systems and expectations. Further, as he suggests, the imposition of bureaucratic rationalities of formal organisations may simply serve as another means of asserting the dominance of a western system. Or, as Foucault’s work suggests, western liberal governance forms may simply be another way of constructing individual Indigenous subjects, and their subordinate relationships with those who hold power in the society, through their internalisation of those liberal norms and values; thus, such liberal forms and norms may be explicitly or implicitly rejected by Indigenous people.
The Promise of Regional Governance for Aboriginal and Torres Strait Islander Communities

Alex REILLY is Senior Lecturer, Macquarie University. Larissa BEHRENDT is Professor of Law and Indigenous Studies, Jumbunna Indigenous House of Learning, University of Technology, Sydney. George WILLIAMS holds the Sir Anthony Mason Chair of Public Law and is the Director of the Gilbert and Tobin Centre for Public Law, UNSW. Ruth McCausland is Senior Research Fellow, Jumbunna Indigenous House of Learning, University of Technology, Sydney, and Mark McMillan is Senior Research Fellow, Jumbunna Indigenous House of Learning, University of Technology, Sydney.

The paper firstly establishes the importance of Indigenous governance. It then describes the emergence of regional governance as the preferred model of governance for many Indigenous communities. The main body of the paper examines existing legislative frameworks that enable some form of Indigenous governance; their history, functions, powers, constituencies, funding bases, associated organisations and representative mechanisms. The paper reflects on the legislation that establishes governance in Australia’s external territories, with a particular emphasis on the Norfolk Island Act 1979 (Cth). It also examines the recently repealed ATSIC Act 1989 (Cth), the most comprehensive national and regional governance structure that has existed for Aboriginal and Torres Strait Islander people in Australia. Finally, the paper explores the Torres Strait Regional Authority, the only part of the ATSIC regional governance structure that remains and the model that many other Indigenous communities refer to in their aspirations for regional governance.