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What makes an Aboriginal Council successful?
Case studies of Aboriginal community
government performance in far north Queensland

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Abstract

Improving Aboriginal community governance is increasingly recognised as pivotal to closing the gap in social and economic outcomes between Aboriginal and non-Aboriginal Australians. The past decade has seen a shift in Indigenous policy from a preoccupation with national governance structures and a broader human rights agenda to a focus on governments engaging directly with local Indigenous communities to address the specific manifestations of Indigenous disadvantage. In discrete Aboriginal settlements, community governments are central to this new strategy, both as advocates for community needs and as agencies for program and service delivery. Yet Aboriginal Councils have had a chequered history, leading to persistent misgivings about their capacity to achieve desired outcomes.

There is a dearth of empirical evidence about ‘what works and what doesn’t’ in the unique and challenging context of Aboriginal community governance. The current study was motivated by the desire to discover what is required for an Aboriginal Council to be successful in achieving the outcomes desired by its constituents. Specifically, what governance attributes contribute to successful Aboriginal community government performance? Moreover, the research sought to delve deeper, to seek answers to the more fundamental question concerning the contextual, historical or cultural factors that shape a particular Aboriginal community’s approach to governance, whether successful or unsuccessful. The research involved three case studies of Aboriginal Councils, in the far north Queensland communities of Yarrabah, Hope Vale and Lockhart River.

Unlike previous studies of Indigenous community governance, the research design included a detailed assessment of the level of performance achieved by each Council, revealing one high-performing Council and two Councils whose performance was generally poor. An assessment of performance covering each Council outcome area is essential in order to make valid causal inferences about the specific determinants of Council performance. The study adopted a holistic conception of performance, focusing on the extent to which the Councils were achieving the particular set of outcomes desired by their constituents. Such an approach recognises that different communities seek different outcomes from their community governments and that desired outcomes will include not only deliverables such as programs and services but also preferences about governance processes, which will reflect cultural values. The study’s focus on Council performance recognises that, regardless of underlying questions about the appropriateness of imported Western governance structures, in practice residents of Indigenous communities express strong expectations that their elected Councils will deliver services and programs that meet their needs and aspirations and improve their quality of life. Within the constraints of prevailing legislative and policy frameworks, Indigenous communities exhibit considerable pragmatism in their efforts to optimise opportunities for self-determination through developing their community governments.

The case study data canvassed a wide range of governance attributes, institutions and practices suggested by the literature as important to governmental performance, in both indigenous and other contexts. The analysis found that a particular configuration of ‘orthodox’ governance principles and practices was necessary for successful Aboriginal Council performance,

comprising: a strategic orientation based on a shared vision, a clear separation of powers, institutionalising the rule of law, positive and strategic engagement with government, targeted community engagement and an effective and efficient administration featuring a commitment to sound financial management, a stable workforce and human resource management practices that value, support and develop staff. The research further identified the key contextual factors that had shaped the distinct approaches to governance in the three communities. These are significant in explaining why some Aboriginal Councils adopt the particular mix of governance attributes that are necessary to improve their performance, while others do not. Key contextual factors include: a resource base of education and skills within the community that matches the needs of the community government; a pool of community members who have had a significant degree of exposure to the outside world; strongly egalitarian political norms underpinning a 'whole of community' orientation to governance; and a commitment to overcoming the historical legacy of dependency through a willingness to take responsibility for community government outcomes. These findings provide an indication about the strategies that need to be pursued for Aboriginal community governments to effectively meet the needs and aspirations of their constituents and realise their promise as instruments of self-determination.

Statement of originality

This work has not previously been submitted for a degree or diploma in any university. To the best of my knowledge and belief, the thesis contains no material previously published or written by another person except where due reference is made in the thesis itself.

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Michael Charles Limerick

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List of abbreviations

ACC	Aboriginal Coordinating Council
ATSIC	Aboriginal and Torres Strait Islander Commission
CDEP	Community Development Employment Projects
CEO	Chief Executive Officer
DATSIP	Department of Aboriginal and Torres Strait Islander Policy
DEWR	Department of Employment and Workplace Relations (Cwlth)
DLGSR	Department of Local Government, Sport and Recreation
EHO/EHW	Environmental Health Officer/ Environmental Health Worker
Harvard Project	Harvard Project on American Indian Economic Development
ICGP	Indigenous Community Governance Project, Australian National University
LGA	<i>Local Government Act 1993</i>
SGFA	State Government Financial Aid grant

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Chapter 1 – Introduction

1 Context

Since the nineteenth century, Indigenous¹ policy in Australia has been marked by a succession of paradigmatic shifts as the Australian nation state has grappled with the challenges presented by its relationship with the country's first peoples. The events of recent years suggest that Australia is on undergoing a further shift as governments across the nation reassess the self-determination orthodoxy that has guided official policy since the 1970s.² While the emergence of a new consensus is not yet evident, a sense of urgency about the need for change permeates every public debate about Indigenous futures. The impetus comes from the stark evidence that the relative position of Indigenous people in Australian society has improved little in the past three decades and that an entire generation of Indigenous children is imperilled by alarming levels of social dysfunction.

This thesis concerns a matter that is widely acknowledged as pivotal to the future agenda for Indigenous policy: improved community governance in Indigenous communities. A feature of the self-determination era was the proliferation of new Indigenous governance structures at the national, regional and community level. The recent demise of national³ and many regional⁴ Indigenous governance structures and peak bodies, however, has led government⁵ to increasingly look to community-level governance structures to engage with government in partnerships that will effect real changes to improve the living conditions of Indigenous populations. Yet, the preoccupation in recent decades with indigenous governance structures at the national level has led to an “institutional and policy gap” (Huggins 2002, p.2), which has prompted calls for a more systematic assessment of “what works and what doesn't” in relation to indigenous governance practice (Smith 2002, p.28; Westbury & Sanders 2000, p.20).

¹ In this dissertation, “Indigenous” is used to refer to Aboriginal or Torres Strait Islander Australians and “indigenous” is used to refer to indigenous peoples of both Australia and other countries.

² While the Howard Government shied away from the terminology of “self-determination” for political reasons, policies and programs largely continued to espouse a commitment to the principles commonly associated with self-determination policy.

³ Most notably, the Aboriginal and Torres Strait Islander Commission (ATSIC).

⁴ In Queensland, for example, the Government's peak advisory body, the Aboriginal and Torres Strait Islander Advisory Board (ATSIAB) was abolished in 2003, followed by the abolition in 2004 of the peak body for Aboriginal Councils, the Aboriginal Coordinating Council (ACC).

⁵ The term ‘government’ is used here in a generic way to refer to State and Commonwealth Governments.

The objective of this thesis is to respond to this gap through an investigation of the factors underpinning successful (and unsuccessful) community government performance in Aboriginal communities. Three Aboriginal Councils in Queensland – Yarrabah, Hope Vale and Lockhart River – were selected as the sites for investigating this issue using the case study research method. The researcher's ambition in undertaking this study was to provide evidence and insights that will assist policy-makers and Indigenous communities alike to improve the performance of Indigenous community government organisations. At this critical juncture in the evolution of Indigenous policy, it is hoped that the findings reported in this thesis will contribute to the formulation of policy approaches that are based on evidence about what works and what does not work in Indigenous community governance.

2 The research question

The research question can be stated as follows:

What are the particular governance attributes, in terms of institutions, principles and practices, that contribute to the successful performance of Aboriginal community governments and what contextual, historical and cultural factors determine whether or not an Aboriginal community government develops these attributes?

There are a number of conceptual issues that need to be considered further to understand the various dimensions of the research question. The term *governance* has become increasingly prominent in the policy lexicon since the early 1990s. Simply put, governance is about the way decisions are made. A more detailed description of the term depends on the particular context. For example, *corporate governance* is about the processes for making decisions within an organisation. *Community governance*, on the other hand, is about the way that decisions are made about the direction of a community.⁶ It is important to distinguish governance from government (Plumptre & Graham 1999, p.3). *Government* refers to a formal institution whereas *governance* is a process. The key participants in the *government* of a society are the elected members and the bureaucrats. The key participants in the *governance* of a society, on the other hand, include not only elected members and bureaucrats, but also citizens, the media, community organisations and other interest groups. The concept of governance encompasses the relationships and interactions between all the players in this broader societal context and how they function to produce decisions about the direction of the society as a whole. The formal institution of government, therefore, can be characterised as one participant (perhaps the most important one) in the overall process of governance of a society. But governance also

⁶ The somewhat problematic concept of a 'community' in the Aboriginal context is discussed further in Chapter 2, Part 4.

occurs within the formal institution of government, in the form of the internal institutions, processes and practices by which the government makes its decisions.

The focus of this study is Aboriginal Councils, which are *community governments*. The term ‘governance’ will be employed in two ways: firstly, in referring to the broader context of community governance and secondly, in referring to the internal governance of an Aboriginal Council. The latter context is a pivotal concern of the research, because it is only by studying the various dimensions of a community government’s approach to governance that explanations can be found regarding the community government’s *performance*. The former context for the application of the concept of governance, relating to ‘community governance,’ recognises that Aboriginal Councils must be understood as key institutional players in the broader processes of the governance of their communities. Rowse (2009, pp.202-203) has cautioned against the tendency to consider governance primarily in terms of the internal governing processes of Indigenous communities and organisations. He argues that such an approach ignores the role of broader relationships with government and risks blaming Indigenous communities themselves for their disadvantage. The broader dimensions of community governance will be of significance to this study in relation to the interactions and relationships of an Aboriginal Council with external stakeholders – notably its constituents, community organisations and perhaps most critically, government. Indeed, it will become evident in this thesis that negotiating the external community governance environment is as important to the outcomes of an Aboriginal Council as its internal structures and processes.

A central feature of the research question and one that distinguishes this study from typical approaches to the study of Indigenous community governance is the focus on the concept of *community government performance*. In many discussions about governance, the term has been given a normative connotation through the concept of *good governance*. In practice, the concept of ‘good governance’ is problematic because it gives rise to a tendency to conflate questions regarding the outcomes of governance with the question of the ‘proper’ processes to practise governance. In other words, when someone says that governance is ‘good’, it is often unclear whether they are saying that it is good because the right decisions have been made, or whether they are saying that the decisions have been made in what they consider to be the right way. The focus on *community government performance* (used interchangeably in this thesis with *Council performance*) avoids this conceptual confusion by emphasising outcomes rather than processes in the evaluation of governance. As Putnam, Leonardi and Nanetti (1993, p.9) point out, “[i]nstitutions are devices for achieving *purposes*, not just for achieving *agreement*. We want government to *do* things, not just *decide* things...” [original emphasis].

The purpose of any democratic government is to achieve the outcomes desired by its constituents. For this study, *community government performance* is defined simply as the extent

to which a community government – specifically in this study, an Aboriginal Council – is achieving the outcomes desired by its constituents, taking into account the prevailing constraints.⁷ Broadly, this approach follows that of Robert Putnam and his colleagues in their celebrated study of the performance of regional governments in Italy, *Making Democracy Work*:

The conception of institutional performance in this study rests on a very simple model of governance: societal demands → political interaction → government → policy choice → implementation. Government institutions receive inputs from their social environment and produce outputs to respond to that environment... A high-performance democratic institution must be both responsive and effective: sensitive to the demands of its constituents and effective in using limited resources to address those demands (Putnam, Leonardi & Nanetti 1993, p.9).

The various dimensions of the concept of community government performance and the methods required for its measurement will be discussed further in Chapter 5. At this point, however, it is necessary to provide some further explanation regarding the appropriateness of an approach to evaluating Indigenous governance that proceeds from a starting point of assessing community government performance. A critic of this approach might charge that a focus on community government performance reveals an ethnocentrically Western viewpoint that community governance is purely a matter of delivering services and programs. It might be said that such an approach devalues the issue of whether governance is practised in a manner that is consistent with a community's cultural values. As Hunt and Smith (2006, p.59) suggest, "Indigenous people judge organisations by their processes, not just their outcomes – means are as important as ends." While this may often be true, it does not undermine the validity of an approach that focuses on community government performance. If performance is assessed in terms of whether the community government achieves the outcomes desired by constituents, it must be recognised that these may well include, in addition to outcomes regarding services and programs, objectives regarding the way governance is practised and perhaps the need to respect cultural values in governance practice.⁸ Ultimately, the outcomes desired by constituents will be shaped by the prevailing values of the community at a particular point in time. These may reflect contemporary aspirations regarding services and programs or they may reflect traditional values regarding respect for culture. The point is that a focus on assessing an Aboriginal Council's performance does not require the imposition of external values about what the

⁷ For example, limitations on the scope of the government's responsibility and resource and jurisdictional constraints.

⁸ Indeed, it is not surprising to find in the case studies that the stated objectives of all three councils included not only a strong focus on quality service delivery and improving the quality of life in the community, but statements about respecting tradition and valuing indigenous culture.

outcomes of a community government ought to be, but rather an effort to understand the particular Aboriginal community's articulation of the outcomes sought from its community government.

The preceding discussion has illustrated that a core component of the research question is the assessment of community government performance. The task of assessing a community government's performance is, of course, a precursor to the more fundamental question of *how* this level of performance was achieved. A key concern of the study was to identify the particular governance attributes that lead to successful or unsuccessful community government performance. Governance attributes are understood as the various governance principles, institutions and practices that combine to constitute a community government's particular approach to governance. They encompass a wide range of governance characteristics including organisational structure, informal and formal institutions, rules and policies, organisational culture, leadership approaches, decision-making processes and day-to-day operational practices. The research focused on particular governance attributes that were suggested by the literature, in both Indigenous and non-Indigenous contexts, as significant determinants of government performance. Additional governance characteristics emerged as important during the research process.

The final dimension of the research question concerns the broader contextual, historical and cultural factors that shape a community government's particular approach to governance. Having ascertained the level of a community government's performance and identified the governance attributes that appeared to determine this level of performance, the further question that emerges is: what factors explain *why* the community government developed or adopted these governance attributes? What contextual factors explain why an Aboriginal Council has developed or adopted a particular mix of governance attributes that have proven successful? Conversely, what prevents another Council from developing these successful governance attributes in order to better meet its constituents' desired outcomes? These are complicated questions involving the interplay of multiple factors, many of which arise from the unique historical and cultural characteristics of a particular Aboriginal community.

In summary, the research question can be understood as consisting of three dimensions comprising what, how and why questions:

- *what* level of performance has been achieved by the case study Councils? (i.e. the evaluation of *Council performance*);
- *how* have these levels of successful or unsuccessful performance been achieved? (i.e. the *governance attributes* that make up a Council's *approach* to governance);

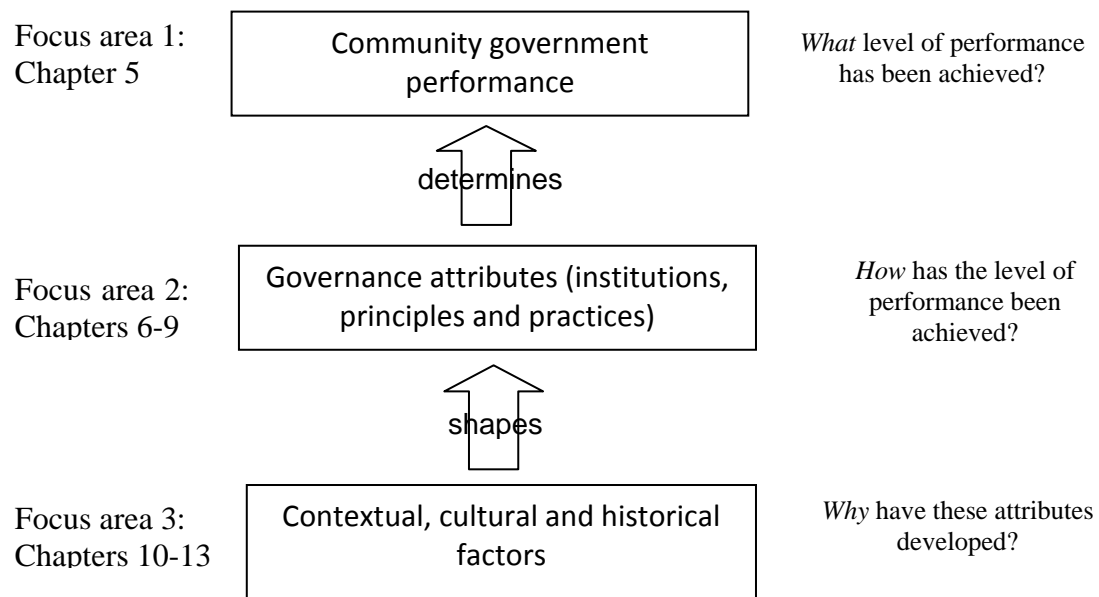
- *why* have these levels of successful or unsuccessful performance been achieved? (i.e. the *contextual, historical and cultural factors* that have shaped each Council's approach to governance and determined whether the Council has developed the successful governance attributes).

3 Outline of the thesis

Chapter 2 will review the existing literature for clues about the factors that are likely to be significant determinants of community government performance, not only in an Aboriginal community context but also in other government and organisational contexts. The research method adopted for the study is outlined in Chapter 3, while Chapter 4 provides a brief introduction to the three case studies.

The structure of the data chapters of the thesis is dictated by the internal logic of the research question explained earlier. This logic model is illustrated in Figure 1. There are three focus areas. At the centre of the research question is the issue of community government performance, which is the first focus area. Chapter 5 examines the concept of community government performance and provides an assessment of the relative performance of the three case study Councils. In the second focus area, Chapters 6 through to 9 explore the data regarding the various governance attributes exhibited by the three Councils with a view to establishing their impact on the Councils' relative performance. Chapters 10 through to 13 examine the data regarding the third focus area, which is concerned with the contextual, historical and cultural factors that have shaped each Council's particular mix of governance attributes. Chapter 14 concludes by synthesising the findings into a holistic explanatory model regarding the determinants of Aboriginal community government performance and considering the implications of the study and potential areas for further research.

Figure 1. Structure of data chapters



4 Significance of the research

The central concern in current discussions about Indigenous policy in Australia is the need to overcome Indigenous disadvantage, often referred to as ‘bridging the gap’ between the living standards of Indigenous and non-Indigenous Australians. The extreme level of disadvantage suffered by Indigenous people is well documented in numerous reports and is underlined by the disturbing fact of Indigenous life expectancy seventeen years shorter than the rest of the population (Steering Committee for the Review of Government Service Provision 2007, p.3.2).

Improving Indigenous community governance is increasingly being recognised as crucial to the challenge of overcoming Indigenous disadvantage and now has a prominent place in many official policy prescriptions (Department of Aboriginal and Torres Strait Islander Policy 2005, p.34; House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs (HRSCAA) 2004, p.xxx; Steering Committee for the Review of Government Service Provision 2007, p.11.35). In the past five years there has also been a proliferation of research around Indigenous community governance issues. Most notably, Reconciliation Australia has combined with the Centre for Aboriginal Economic Policy Research at the Australian National University to partner with several governments on the Indigenous Community Governance Research Project (Hunt & Smith 2007). The Australian Institute of Aboriginal and Torres Strait Islander Studies has endorsed governance research as a priority area for research funding in recent years (Finlayson 2005).

Why is Indigenous community governance now considered crucial to Indigenous advancement? A key reason is that in recent decades Indigenous governance organisations at the community level have become the fulcrum for government efforts to deliver the programs and services that are vital to address Indigenous disadvantage. This has come about as the result of two policy imperatives that have had a profound impact on the management of Indigenous affairs. Firstly, the push for self-determination beginning in the 1970s saw the handover of service delivery and funding from government administrators and church missions to local Indigenous Councils and community organisations across remote Australia. In urban and regional locations, the Aboriginal and Torres Strait Islander Commission encouraged the incorporation of myriad community organisations to deliver a wide range of services specifically to Indigenous constituents, such as health care, child care, legal services and economic development. As O'Faircheallaigh, Wanna and Weller (1999, p.248) have noted, a key principle underpinning Indigenous service delivery is that "programs managed by indigenous people are more likely to be successful in meeting indigenous needs..." A second policy imperative that has placed Indigenous community governance bodies at centre-stage in service delivery is the public sector-wide trend towards devolution and outsourcing under the rubric of 'new public management.' Starting in the early 1990s, all governments have moved towards a model of service delivery based on contracts with community service providers that emphasise performance outcomes and value for money. This trend has been particularly strong in the social service sector, and the new Indigenous community governance organisations, created as vehicles for self-determination, quickly became the focal point for governments seeking to outsource Indigenous services and programs.

The difficulty for government has been that these fledgling Indigenous governance organisations have often been ill-equipped to assume their expanded service delivery responsibilities. The result has been perennial crises of accountability and performance in Indigenous Councils and community organisations, leading to government imposing greater levels of compliance and reporting requirements that further consume the limited capacity of Indigenous bodies. The realisation has dawned slowly on government during the past decade that much more investment is required in building the governance capacity of Indigenous communities and that more effort is needed to better understand the keys to successful governance in the unique context of Indigenous organisations and Indigenous communities.

A further impetus for greater attention to Indigenous community governance is the development of new Indigenous policy and service delivery frameworks based on partnership, negotiated agreements and place management approaches. One of the consequences of 'New Public Management' approaches has been more complex and fragmented governance and service delivery environments that require new models of partnerships and networked governance (Considine 2005; Considine & Giguere 2008). In the Indigenous affairs sphere, governments

have embraced partnerships as the mechanism to improve the coordination of service delivery and better align services and programs to Indigenous community needs and aspirations.⁹ The abolition of the Aboriginal and Torres Strait Islander Commission (ATSIC) and regional Indigenous governance structures has shifted the focus to the community level, where governments are seeking to engage community governance structures in local place-based partnership agreements.¹⁰ A precondition for the success of this strategy, however, is capable community governance organisations that can legitimately advocate Indigenous community interests, successfully engage and negotiate with government, and effectively implement programs and services on behalf of or in partnership with government. The current focus on Indigenous community governance reflects governments' recognition that the new partnership-based service delivery frameworks will not succeed without capacity-building in this area.

The significance of the current study then lies in its potential to enhance current understanding of the factors underpinning good (and poor) performance of Indigenous community governments. Such understanding is crucial if Indigenous community governments are to fulfil their potential as vehicles for addressing Indigenous disadvantage. It is also crucial to the success of current government policy frameworks.

The study seeks to rigorously tackle the question of performance of Indigenous community governments in a way that has not been done before. It includes a detailed assessment of the performance of the three case study Aboriginal Councils using diverse data sources. Where previous studies of Indigenous governance have not included rigorous performance measurement, this information is considered crucial in order to reliably identify causal relationships between governance practices and outcomes. It is not possible to answer the question of 'what works?' in Indigenous governance if the extent to which something has worked or not has not been properly established.

The study is ambitious in that it seeks to understand not only the causal relationship between approaches to governance and performance, but the contextual, historical and cultural factors that explain *why* a Council has developed a particular approach to governance. The research is guided by the belief that, while it is useful to be able to identify the particular governance attributes that will lead to better Council performance, it is even more valuable to understand the

⁹ At the federal level, this policy framework was set out in the new arrangements for Indigenous affairs (Office of Indigenous Policy Coordination 2004). In Queensland, the same negotiated partnership philosophy underpins the *Partnerships Queensland* policy framework (Department of Aboriginal and Torres Strait Islander Policy 2005)

¹⁰ In Queensland, the Government is negotiating Local Indigenous Partnership Agreements (LIPAs) with each discrete remote Indigenous community.

circumstances or preconditions for these positive governance attributes to take root. This is a substantial undertaking that significantly broadens the scope of the study, requiring the collection and analysis of data about a wide range of historical, cultural and environmental factors. This is considered fundamental, however, because this level of understanding will enable policymakers and practitioners to work not only towards the implementation of governance approaches that are known to work, but also towards creating the environment in which these approaches can be nurtured and sustained.

There are therefore two focal audiences for the research findings. Firstly, leaders and staff of Indigenous governance organisations will naturally have an interest in empirical evidence about governance attributes that enhance the performance of their organisations, as well as the contextual factors that underpin these successful approaches.¹¹ Secondly, it is hoped that the findings will be of value in guiding policymakers in their efforts to assist Indigenous communities and organisations to build community governance capacity.¹² While the focus of the research is on Aboriginal Councils, the findings are relevant to other Indigenous governance organisations, such as community organisations responsible for service delivery.

The research has been motivated by the underlying aspiration to make a positive difference. Ultimately, it is hoped that finding the keys to community government performance will unlock the door to improvements in governance, services and life opportunities for Indigenous Australians.

¹¹ Indeed, the researcher found that the councillors and staff of the case study Councils were keen to consider the implications of the case study findings for their practice. The Chief Executive Officer of one of the Councils co-presented a national conference paper with the researcher on the outcomes of the case study of his Council.

¹² In the Queensland context, the research is particularly timely given the Queensland Government's efforts to improve Indigenous Council performance through the Department of Local Government, Sport and Recreation's Community Governance Improvement Strategy (CGIS). In recognition of the importance of the research, the Queensland Government sponsored the data collection phase of the research using CGIS funds, which the researcher gratefully acknowledges. Some of the research findings have already been presented in seminars to Government staff.

Chapter 2 – Literature review

1 Introduction

This chapter examines what the existing literature reveals about the most important determinants of community government performance, both generally and with particular reference to Aboriginal communities. The nature of the subject requires exploration of literature from a wide range of disciplines and contexts. Relevant disciplines include anthropology, political science, public administration, management, history, sociology and international development. There is also a significant policy literature generated by government reports that directly relates to Indigenous community governance. Relevant contexts in which to seek the answers to the research question include indigenous communities in Australia and other first world nations, in third world nations, in local governments in Australia and elsewhere, and mainstream and Indigenous organisations generally. The answers to the focal question will provide a framework to guide the research, particularly in the data collection phase. As the discussion of research methodology in Chapter 3 will show, a core objective of the research design will be to test the various hypotheses in the existing literature about the factors that contribute to successful (and unsuccessful) community government performance. With this objective in mind, this chapter will conclude by summarising the range of factors that have been identified from the literature as deserving of further investigation in a study of Indigenous community government performance

2 Community government performance

Any attempt to understand the concept of community government performance must proceed from a consideration of the issue of government performance generally. In 1993, Robert Putnam (1993, p.63) observed that political science has long been concerned with questions of how government is practised but has often neglected the question of government performance. Putnam suggested that this situation results from political scientists' wariness about the inevitable subjectivity involved in evaluating government performance:

[R]igorous appraisals of institutional performance are rare, even though 'good government' was once at the top of our agenda. The undeniable admixture of normative judgments in any inquiry about performance and effectiveness has made most scholars over the last forty years reluctant to pursue such questions: de gustibus

*non disputandum est*¹³, at least in a value-free, 'objective' social science (Putnam, Leonardi & Nanetti 1993, p.62).

Since the early 1990s, however, there has been increased attention on measuring government performance. Much of this effort has been in the area of international development, arising out of a growing recognition by the countries and institutions that sponsor development that the performance of local, regional and national governments in developing countries is a key factor in development outcomes (United Nations Development Program 1997; World Bank 1992). Researchers at institutions such as the World Bank have sought to devise indicators of government performance for use in evaluating the recipients of aid funds (Kaufman, Kraay & Mastruzzi 2008; Knack, Kugler & Manning 2000; United Nations Development Program 2008; World Bank 2008).

At the same time, in first world nations, a greater focus on government performance has been associated with the public sector reform doctrine that has become known as 'New Public Management' (NPM). The NPM approach has held significant sway amongst policymakers and public sector practitioners since it was popularised by Osborne and Gaebler (1993) in their book, *Reinventing Government*.¹⁴ The doctrine calls for a greater application of private sector principles to the business of government, leading to governments that are more client-focused, enterprising, competitive and results-oriented. In Australia, during the 1990s the NPM philosophy spawned a raft of initiatives to measure the performance of government institutions and services in order to improve the responsiveness and competitiveness of government. Measurement of the performance of local government service provision has been a focal area for these reforms (Industry Commission 1997).

The new focus on government performance has required greater attention to developing acceptable definitions of government performance and workable indicators to measure it. Putnam's (1993, p.63) approach to evaluating a democratic government is to examine both its responsiveness to the demands of its citizenry and its effectiveness in acting on these demands. In his evaluation of Italian regional governments, he developed a set of performance indicators that related to policy processes, policy decisions and policy implementation.¹⁵ Putnam (1993,

¹³ Translated from the Latin as 'there can be no argument about tastes'.

¹⁴ According to Dilulio, Garvey and Kettl (1993, p.5), this book "raised the debate on the quality of government performance to a level not seen in a generation."

¹⁵ The specific measures were: (a) policy processes (cabinet stability, budget promptness, statistical and information services); (b) policy decisions (reform legislation, legislative innovation); and (c) policy implementation (day care centres, family clinics, industrial policy instruments, agricultural spending capacity, local health unit expenditures, housing and urban development and bureaucratic responsiveness).

pp.76-77) further considered whether these 'objective' measures of government performance were consistent with the 'subjective' views of the Italian governments' own constituents and found a high degree of congruence.

Knack, Kugler and Manning (2000, pp.7-8) conceptualise measures of government performance in terms of "outputs of government that are widely valued" by a governments' various stakeholders (businesses, taxpayers, service recipients and citizens generally). They consider process measures such as planning and budget preparation as a separate set of measures describing "the arrangements that lead towards good performance of government."

Under the NPM philosophy, one of the private sector management tools that has been increasingly applied to government institutions is Kaplan and Norton's (1996) 'Balanced Scorecard' model for measuring organisational performance. The Balanced Scorecard emphasises the need for an organisation to clearly define its mission and strategic vision in order to identify the specific outcomes that are being sought and the appropriate measures by which success in achieving these outcomes will be evaluated. In the private sector context, a financial profit orientation is the focus of this performance management framework, but in a government context the focus is on the organisation's mission defined in terms of meeting constituents' needs. Kaplan and Norton (1996, p.180) state that "success for government and not-for-profit organisations should be measured by how they meet the needs of their constituencies. Tangible objectives must be defined for customers and constituencies." The Balanced Scorecard approach has been widely applied in the local government context (Quinlivan 2000; Wisniewski & Olafsson 2004).

The common thread in the approaches to government performance surveyed here is the understanding that the performance of a democratic government is fundamentally a question of the extent to which it meets the demands of its constituents. To measure the performance of a community government such as an Aboriginal Council, therefore, will require an answer to two questions:

1. What outcomes do the community government's constituents desire from the community government?
2. To what extent is the community government achieving these desired outcomes?

Answering these questions will require identifying the desired community government outcomes, identifying available performance measures for each of these desired outcomes, and then collecting and analysing data for these measures. It should be noted that different communities may desire different sets of outcomes from their community government, so performance measures may differ from Council to Council.

As in Putnam's study, this approach will elicit a set of desired outcomes and therefore performance measures that relate to both government *deliverables* and government *processes*. For an Aboriginal Council, desired community government *deliverables* will encompass the wide range of services and programs that are delivered to meet constituents' needs in areas such as essential services, infrastructure, housing, employment, social welfare and environmental health. Outcomes desired by constituents in relation to community government *processes* may extend to financially accountable management of resources allocated to the community, respecting and strengthening Indigenous culture, inclusive and participatory decision-making, and advocacy and representation of the community's interests to other levels of government and the wider world. The specific arrays of desired outcomes for each of the case study Councils in this study are discussed in Chapter 5. The various methodological difficulties in defining and measuring community government performance are also canvassed in detail. At this point, it is sufficient to emphasise that the preferred approach to defining government performance in this study is to focus on the extent to which constituents' desired *outcomes* are met by the government. This focus on government outcomes as a combination of preferences about deliverables and processes stands in contrast to the approach of many of those who have focused on the concept of 'good governance'. As the next part shows, this latter approach has tended to steer attention towards process issues in isolation and has suffered from untested assumptions about the connections between processes and broader governmental outcomes.

3 Good governance

3.1 A problematic concept

In Chapter 1, it was noted that the concept of governance is often imbued with a normative connotation by reference to the term 'good governance.' It was further noted that good governance is a problematic term because it is often presented in ways that make it difficult to disentangle means from ends and process from outcomes. In the conceptual framework adopted for this study, 'good' governance would best be understood as the governance processes that best enable the community government to achieve the desired outcomes of its constituents. In the literature on good governance, however, this causality between process and performance/outcomes is rarely made explicit. Rather, good governance is often presented as a set of principles or processes that represent an absolute virtue. This approach treats the process as the outcome; it sees the achievement of good governance principles and processes as an end in itself. It is possible that when good governance is treated in this way, the proponent of the good governance principles is simply making an assumption that if these principles are followed they will unquestionably lead to good performance – to the achievement of the outcomes

desired by constituents.¹⁶ This causative link between good governance processes and government performance is often unstated, however, and very rarely justified empirically. A core objective of the present study is to test these assumptions – to investigate whether the so-called ‘good governance’ principles and processes do, in fact, lead to better government performance. A first step is to review the literature on governance to identify the factors or principles that are considered to underpin good governance.

3.2 Suggested principles for good governance

In the past decade, there has been an increasing tendency in a range of governance contexts to attempt to formulate a set of universal principles for ‘good governance’. In discussing governance by national and sub-national levels of government, for instance, the United Nations (United Nations Development Program 1997) has posited a set of ‘universal’ good governance principles, listed in Box 1.

Box 1. United Nations’ list of universal good governance principles

- Participation;
- The rule of law;
- Transparency;
- Responsiveness;
- Consensus orientation;
- Equity;
- Effectiveness and efficiency;
- Accountability; and
- Strategic vision.

(United Nations Development Program 1997)

The Institute on Governance in Canada has grouped the United Nations principles into a set of five broader principles comprising: legitimacy and voice; direction; performance; accountability; and fairness (Graham, Amos & Plumptre 2003).

¹⁶ For example, a guide for Australian local governments that sets out broad “excellence in governance” principles asserts that “excellence in governance will lead to better results” (CPA Australia 2005, p.5).

For the specific context of Australian local governments, CPA Australia (2005) has produced a manual on *Excellence in Governance for Local Government*. The document emphasises a positive culture and shared vision, clearly defined roles for councillors and administrators, effective decision-making and financial management, and accountability to and engagement with constituents.

There is, however, considerable debate about whether it is possible to identify a set of good governance principles that are universally applicable, regardless of cultural context. Morphy (2005) has cautioned against assuming that there are universal principles of good governance grounded in Western concepts and English language terms. She points out that it may not be possible to translate Western concepts and English terms about governance into Aboriginal language and concepts because there may be no equivalent. For the Yolngu of Arnhem Land, for instance, their traditional governance systems have no equivalent concept or words for principles such as fairness or honesty (2005, p.5).

Plumptre and Graham (1999, p.11), on the other hand, argue that while the UN's espoused principles have universal relevance, different societies may place different emphasis on different principles – for example, Western cultures may emphasise efficiency while non-Western cultures may emphasise consensus. Writing in the context of Canadian First Nations governance, Missens (2008, pp.9-10) suggests that the UN's oft-cited universal principles “are inherent within the traditional models used by Aboriginal peoples”, but should be modified for the Aboriginal context by the addition of the principle, ‘Restoring Traditional Institutions.’ Cornell and Kalt (2003, p.17) agree that Western good governance principles are consistent with indigenous traditions:

Concepts of ‘rule of law’, ‘separations of powers’ and ‘depoliticized administration of justice’ may conjure up contemporary textbooks on Western democracy, but indigenous communities had worked out and implemented these concepts in their own diverse ways and on their own terms long before the textbooks were written.

Smith (2005, p.12) points out that while there are “culturally-based parameters of good governance”, research suggests the need to avoid “bland acceptance of cultural relativism.” She suggests that “[t]here may be universal principles of ‘good governance’ that do apply across cultural boundaries” (2005, p.12).

In Queensland, a 2003 Green Paper on Indigenous community governance specifically sought feedback from Aboriginal Councils and their communities on the principles considered essential to good governance in Aboriginal communities and the impact of cultural issues on governance. The Green Paper listed the UN principles of good governance and posed the question: “What do you think are the most important principles to guide Aboriginal Councils in the way they govern

their community?” (Department of Aboriginal and Torres Strait Islander Policy 2003b, p.18). The feedback from written submissions and a series of community consultation meetings indicated that the UN principles resonated strongly in Queensland Aboriginal communities (Department of Aboriginal and Torres Strait Islander Policy 2003c, p.3). The relevant principles most commonly cited by respondents were accountability, openness and transparency, fairness and equity, and participation. Additional principles that were cited were honesty, leadership, self-determination, separation of powers, capacity, and resources and skills. Cultural factors were seen as relevant to community governance, although there were mixed views on the extent to which they should guide the practice of Councils (2003b, p.4).

One of the most widely-cited sources on good governance in an indigenous context is the Harvard Project on American Indian Economic Development. The Harvard Project has been conducting research for two decades into what makes some Indian reservations more successful than others in terms of economic and social development (Cornell & Kalt 1992, 2002). The Project has reported that the most significant factors determining the success of Indian governments have not been the expected advantages such as “education or natural resource endowments or location or the availability of financial capital” (Cornell 2002, p.4). Rather, five factors were identified from the research as critical to the successful development of Indian communities:

- genuine decision-making power (called ‘sovereignty’ in the United States context);
- capable governing institutions, underpinned by stable rules, a separation of politics and day-to-day management, fair dispute resolution and an effective administration;
- cultural match between the institutions of governance and the community’s norms about how authority should be organised and exercised;
- strategic thinking;
- leadership that puts the community’s interest before individual interest and communicates a vision to the community (Cornell 2002).

The factors cited by the Harvard Project have strong parallels with the broader UN good governance principles, but add the important factor of ‘cultural match.’ This concept has gained widespread attention in the Australian indigenous context and was an accepted premise underpinning the research conducted for the Indigenous Community Governance Research

Project (Smith 2005, p.18).¹⁷ The Harvard Project proponents explain cultural match in the following terms:

Cultural ‘match’ refers to the match between governing institutions and the prevailing ideas in the community about how authority should be organised and exercised. Such prevailing notions are part of the culture of a tribe or of any cohesive society. Governing institutions ‘match’ a society’s culture when governing authority is exercised when, where, and by whom the society’s norms – often unspoken and informal – regard as legitimate. Where cultural match is high, the institutions of governance tend to have a high degree of support in the community; they command allegiance and respect. Where cultural match is low, legitimacy is low, and governing institutions are more likely to be toothless, ignored, disrespected, and/or turned into vehicles for personal enrichment (Cornell and Kalt 2002, p.19).

In a critique of the Harvard Project, Mowbray (2005) has argued that the Project’s purported determinants of success are unexceptional and that the popularity of the Project is a result of its political appeal to economic rationalists and indigenous advocates alike. Indeed, the idea that organisational success is dependent on legitimacy that is derived from the congruence of the organisation’s institutional basis and practices with its constituents’ norms and values has antecedents in organisational and public administration literature, as well as in development studies.¹⁸

Unlike much of the literature on good governance, the Harvard Project claims an empirical basis between its identified governance principles and the performance of governments, albeit measured rather narrowly in terms of economic development of the community. The evidence for the success factors is said to be derived from case studies of several tribal governments across the United States. After examining the methodology and reported evidence, however,

¹⁷ Professor Stephen Cornell and Dr Manley Begay from the Harvard Project were members of the ICGP Advisory Committee.

¹⁸ Brinkerhoff (2005, p.1) cites several sources in support of the assertion that organisational legitimacy arises from “consistency with socio-cultural values.” In the field of institutional theory, Hoque (2005, p.370) notes that “it has been suggested that organisations may change and adopt the norms of society to appear legitimate to that society.” Writing in the field of public administration, Peters (1995, p.49) points out that Western notions of bureaucracy often run at odds with non-Western cultural traditions, leading to suboptimal outcomes. In a review of Middle Eastern, North African and South Asian experiences with Western models of bureaucracy, Jabbra and Dwivedi (2004, p.1122) report a range of difficulties that they attribute to “the cultural discontinuity between the values prevailing in society and those which are imported from outside in the name of globalization with such innovations as new public management or good governance.”

Mowbray (2005, p.26) reached the conclusion that “[t]aken as a whole, the empirical justification for the Harvard Project claims is weak.” Nevertheless, the Harvard Project research provides some useful indications about the type of governance factors that should be investigated in a study of governance in an indigenous context. Furthermore, the cultural match hypothesis resonates strongly with much of the past anthropological research into Indigenous communities in Australia, which has emphasised the poor fit between imposed Western models of governance and Indigenous cultural traditions.¹⁹

4 Indigenous governance in Australia

4.1 The anthropologists’ discourse on Aboriginal community governance

In Australia, until recent years there have been few studies of governance in Indigenous communities. Until the 1990s, virtually the only academic writings that touched on issues of governance in Indigenous communities were by anthropologists. Anthropological studies mostly took the form of ethnographies of Aboriginal groups in a particular community or region (see Anderson 1989; Chase 1980; Myers 1986; Tonkinson 1982; Williams 1985). Anthropologists’ broader discussions of Aboriginal governance tended to occur in the context of examining the nature of leadership and political power in traditional Aboriginal society (see Keen 1989; Kolig 1989; Sutton 1985a). Observations on contemporary community governance issues were generally peripheral to the focus of this literature. Nevertheless, anthropologists’ writings on Aboriginal groups in remote Australia were the driving force behind the development of a dominant discourse on Aboriginal governance.

The central narrative of this discourse has been the proposition that there is a fundamental and irreconcilable incompatibility between introduced, Western-derived models of governance, notably community councils, and Aboriginal conceptions and traditions regarding governance and politics. There are multiple strands that underpin this discourse, and these will be described in turn below.

¹⁹ Furthermore, as Kowal (2005, p.12) notes, cultural match is a natural successor to the now unfashionable concept of “culturally appropriate” governance, because it accommodates the possibility of Indigenous communities choosing to adapt Western governance structures in preference to reinstituting traditional governance models.

4.1.1 Notions of representation and ‘authority to speak’

A core element of the critique of the council model in Aboriginal communities is that the notion of community representation upon which councils are based is in conflict with Aboriginal political preferences that emphasise the autonomy of individuals and small groups and the limited and context-dependent nature of Aboriginal leaders’ ‘authority to speak’ (Ivory 2005, pp.7-8; Keen 1989, p.22; Martin, D. F. & Finlayson 1996, p.7; Westbury & Sanders 2000, p.6). According to Keen (1989, p.22), in traditional Aboriginal society, leaders derived their authority to speak about certain matters from their religious knowledge. There were also clear divisions between the spheres of women’s and men’s business, and corresponding differences about who had authority for different aspects of community life (Keen 1989, pp.28-33). It is widely accepted that in Aboriginal society, the authority to speak in relation to particular land is clearly demarcated according to a person’s affiliation or traditional ownership rights to that land. Martin and Finlayson (1996, p.7) explain that the right to represent in the Aboriginal domain is based on “having (or asserting) particular interests and qualifications – membership of a particular family or descent line, land ownership, seniority, ritual authority, and so forth...”

Anthropologists have suggested that Aboriginal notions of ‘authority to speak’ operate to undermine the legitimacy of a Western representative council model in an Aboriginal community. Studies have noted that those elected to Aboriginal Councils have tended to be the younger, more literate community members who have the requisite level of understanding of Western processes, but may not have traditional authority in their community (Chase 1980, p.123; Clifford 2003, p.304; Sutton 1990, p.6; Williams 1985, p.263). In his study of the Pintupi, Myers (1986, pp.265-266) suggested that Council decisions lacked legitimacy and binding force because they were made by men rather than deriving from the external transcendent authority of The Dreaming. Myers (1986, p.261) and others (Gerritsen 1990, p.44; Holden 1994, p.287; Martin, D. F. & Finlayson 1996, p.6; Sullivan 1996, p.37) have also emphasised that the strong Aboriginal political value on the autonomy of individuals or small groups belies the assumption that a democratically elected council can ever express the collective will of an Aboriginal community.

The evidence of anthropologists led the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs (1990, p.20) to conclude in 1990 that: “The imposition of council management structures on Aboriginal communities has, by and large, ignored the existence of traditional decision-making processes. Aboriginal people rarely accept election as conferring legitimacy for the exercise of authority.” On the other hand, Rowse (2001, p.112) has pointed out that there is a parallel political science tradition that concludes, “with good reason, that Aboriginal people take seriously Australia’s mainstream apparatuses of political representation.” This tradition is founded on research that indicates high levels of

participation by Aboriginal people in elections. Indeed, Electoral Commission of Queensland figures for the 2008 local government elections indicated that the voter turnout for the 14 discrete Aboriginal Councils (73%) was higher than the Queensland average (70%). Based on his research at Ngukurr in the Northern Territory, Bern (1989, p.166) argued that critiques of representative councils in Aboriginal communities were overstated and that there was a “healthy political pluralism” in Aboriginal towns similar to that in other towns of Australia. Similarly, in his recent research at Kowanyama, Moran (2006, pp.263, 392) found generally accepted local systems of representation to be operating as part of a “flawed but functional” political pluralism underpinned by a system of informal “checks and balances” between leaders and their constituents.

4.1.2 The problematic concept of ‘community’

The persistent misgivings regarding the appropriateness of conventional representative models for Aboriginal populations are linked to the fundamental concern that in remote Aboriginal settlements, it is spurious to talk of a ‘community’ at all, as these settlements are simply artificial constructs produced by the processes of colonisation. What are now considered Aboriginal ‘communities’ are, of course, relatively recent creations in Aboriginal history. They are the historical legacy of the protectionist policy era of the late nineteenth and early twentieth centuries, when widely dispersed groups of Aboriginal people were brought together into government reserves or church missions (Anderson 1989; Fitzgerald 2001; May 1990). Apart from the publicly-stated objective of ‘protecting’ Aboriginal people, an equally important reason for governments to establish permanent settlements was administrative convenience, or what Anderson (1989, p.77) has suggested was “the need for economies of scale in the supply of services.” The creation of these permanent settlements, however, represented a significant challenge to the social, economic and political patterns of people who had lived in dispersed or even nomadic circumstances prior to colonisation.

The word ‘community’ implies a common interest, a shared identity and a sense of social and political unity amongst a group of people located together. In the Aboriginal context, however, the reference to a ‘community’ is often considered to be just a convenient administrative label used by governments (Parliamentary Committee of Public Accounts (Qld) 1991, p.16; Tonkinson & Howard 1990, p.169). In his comprehensive review of the anthropological literature, Rowse (1992, p.51) noted that “the ethnography of Aborigines has tended to be critical and even dismissive of terms such as ‘tribe’ or ‘community’.”

The implications of this for the prospects of effective and legitimate forms of Aboriginal community government are clear. In Queensland, the Parliamentary Committee for Public Accounts (1991, pp.17-18) noted in its early review of Aboriginal Councils that, “the notion of

‘community’... upon which the concept of representative democracy is predicated, may not be generally valid for Aboriginal communities”. As Rowse (1992, p.59) notes: “Anthropological commentators have expressed scepticism about the emergence of senses of community that would underpin ‘community government’: the bonds of kinship still seem to make as much or more sense to Aboriginal people as the imperatives of ‘community’.” Sullivan (1996, p.11) has suggested that anthropologists’ scepticism about Aboriginal political affiliations at broader corporate levels such as contemporary communities reveals an inbuilt bias in the discipline towards small groups as the focus of study and against non-traditional Aboriginal phenomena.

Whatever the pre-contact situation was, cohabitation in service-based aggregations is now a contemporary reality for Aboriginal people in remote areas. At one level, the mere existence of a central settlement where people reside together for the purposes of accessing services creates a ‘community of interest’, at least in terms of residents’ common interests in the allocation of funding, programs and services to the settlement. But can a governance structure created to represent the interests of the ‘community’ be any more to Aboriginal residents than a service delivery body, or an administrative funnel for the welfare economy?

Peters-Little (cited in Smith 2002, p.24) has observed that communities have become “an integral part of ... people’s heritage and are fundamental to Aboriginality” (see also Bern 1989, p.168). As Holcombe (2004, p.10) explains: “Communities develop into places that are more than a jumble of housing and infrastructure. Strong sentiments form over time, developing a local identity and ethnocentricity.” This process is assisted by the cultural tendency for Aboriginal groups to form attachments with, and take responsibility for ‘looking after’, the land where they reside (2004, p.11). At Lockhart River, anthropologist Athol Chase (1980, 4) observed that when he started his fieldwork in the early 1970s, “it was clear that Lockhart was a community as well as a settlement. People identified themselves clearly as ‘Lockhart people’ and acted accordingly”. In his thesis, Chase explains that, although the five shared-language tribes who were brought together into the mission retain their own separate identities, they have forged a “solidary Lockhart Aboriginal identity” through their shared history of living together. This identity has been reinforced by kinship and marriage links between tribes and through participating together in dances and ceremonies. Similarly, at Hope Vale, anthropologist Fiona Powell (2002, p.191) reported that “the resettlement of people affiliated with different clans, some from distant geographical locations, into a single community has also contributed to the development of a Guugu Yimithirr identity”. At Hope Vale, the shared Guugu Yimithirr language has been a strong foundation for the emergence of a unified sense of community.

There are sources within the anthropological literature to suggest that the centrality of kinship-based affiliations, so often seen as an obstacle to a sense of community, should not be

understood as immutable.²⁰ Citing the work of Sutton and Sansom, Rowse (1992, p.57) notes that “the existence of a mob is not given by some principle of enduring social structure; rather, mobs are ‘talked’ into existence by the interactions between leaders and affiliates.” In his anthropological study of Lockhart River, one of the case study communities for this research, Chase (1980, p.67) observed that the family or clan groups were not fixed, formal political entities: “Rather, in the ongoing processes of daily life it is a pattern of people coalescing and dissolving around particular issues at particular times, this occurring through the centrality of particular individuals and families.”²¹ This is further evidence of the degree to which Aboriginal political affiliations are flexible and can evolve over time, attaching to broader levels of aggregation.

Some commentators have pointed out that the prevailing Aboriginal preference for individual and local group autonomy, which is so often seen as an impediment to representative community government, is balanced in Aboriginal societies with an imperative towards interdependence, relatedness and collectivism (Smith 2002, p.7; Martin and Finlayson 1996, p.6).²² Thus, Myers (1986, p.256) describes the Pintupi polity as “a temporary jurisdiction of relatedness among autonomous equals.” Smith (2002, pp.7-8) explains that the simultaneous pull of ‘atomism’ and ‘collectivism’, to use Sutton’s terms, “brings small-scale groups together into sometimes lasting, sometimes short-term confederacies that are formed on the basis of wider systems of cross-cutting territorial and reciprocal kin responsibilities and ritual alliances, and larger-scale political and economic networks.” Anthropological studies suggest, therefore, that Aboriginal approaches to politics have sufficient fluidity and adaptability to permit political

²⁰ In a review of the anthropological literature about Aboriginal governance, Keen (1989, p.26) cautions against seeing clearly bounded social units as “a social structural given”. He points to a number of critiques of the orthodox assumption that clearly bounded groups such as “a local group, horde, clan or language group” represent “a political community of some kind” (1989, p.24). Keen cites studies of Aboriginal social life in Cape York as indicating a “processual approach to politics”, with leaders competing for a following and for power and resources (1989, pp.22-23). Trigger (1988, p.533) noted this type of competition for political ascendancy at Doomadgee in the 1980s, with groups “not sufficiently well-bounded or enduring” to constitute corporate groups for the purposes of collective political action.

²¹ Chase (1980, p.77) also noted that a previous anthropological study at Lockhart River by Thomson had found that the clan-centred social organisation had evolved over time into an aggregated tribe as a “bonded political unit.”

²² Holcombe (2004) has explained how the localised identities of Western desert Aboriginal peoples are located within wider regional affiliations and networks. At Thamarrurr in the Northern Territory, Ivory (2005, p.10) has noted the growing preparedness of clans to act collectively in relation to broader policy issues at the sub-regional or regional level.

affiliations to be formed at new levels of aggregation, including at the community level (Martin, D. F. & Finlayson 1996, pp.5-6).

4.1.3 Impact of mob or kinship-based affiliations

A recurring theme in anthropology's dominant discourse on Aboriginal governance has been that the enduring strength of family and kinship obligations in Aboriginal society militate against the successful implementation of a Western council model with its emphasis on 'rational' mainstream administrative criteria regarding impartiality, equity and fairness. Anthropologists have highlighted the centrality of kinship-based affiliations in Aboriginal social, economic and political life and the central role of local family or kin groups as the basic political units in Aboriginal society, both traditionally and in contemporary settlements (Keen 1989, p.24; Rowse, Tim 1992, p.59).²³

A prominent feature of mob and kin-based affiliations is the extent to which they are bound together by elaborate networks based on relationships of reciprocity, both within and outside of immediate family structures. Craig (1979b, pp.143-157) described in detail the way in which the kinship networks operated in Yarrabah in the late 1970s, and how they were characterised by certain reciprocal obligations that serve individuals' social, political and economic ends. He noted that social networks were multi-faceted and could not be explained simply by family relationships. Speaking of the Cape York Aboriginal communities that were the subject of her doctoral research (including Hope Vale), Holden (1994, 322) observed that "[i]t is still socially acceptable... to demand that another person re-distribute their resources, in a limited way, of food, cash and materials, in accordance with kinship obligations."

Relations of patronage and favouring of relatives and kin have repeatedly been raised as compromising the operation of Aboriginal community councils in every jurisdiction where they have been created. O'Malley (1998, p.160) describes how, when community councils were established, "[b]ureaucratic management, impartial principles of distributive justice, and a host of functions based on liberal models of abstract universal individuals, frequently came to grief when kin demanded and received the dues 'traditionally' accorded to their personal standing." As O'Faircheallaigh, Wanna and Weller (1999, p.250) indicate, "indigenous culture places very strong emphasis on the duty of individuals to protect and promote the interests of their kin, and

²³ Anderson's (1989) study of the Wujal Wujal Aboriginal community highlighted the degree to which kinship-based affiliations have survived the establishment of permanent settlements. For the Kuuku-Yalanji people of Wujal Wujal, clusters of households known as 'mobs' in Cape York Aboriginal English, are "certainly the most significant political units in the mission today" (1989, p.68).

this can create pressures to allocate resources in ways that do not necessarily comply with wider conventions or government guidelines.”

There is immense pressure on members of Aboriginal communities who hold positions of responsibility within Councils as they struggle to reconcile conflicting demands to discharge wider obligations regarding financial accountability and equity of access to resources at the same time as honouring their cultural obligations through kinship (Martin, D. F. 2004; Sanders 2006). As Gerritsen, Crosby and Fletcher (2000, p.38) point out, these positions are made more difficult because “the separation between a person’s official role (duty) and their social context is not accepted in Aboriginal society” (see also Martin & Finlayson, 1996, p.6). Myers (1986, p.265) argues that the fundamental difficulty for a councillor in a Pintupi community is that legitimate authority within the community can only be sustained “by generosity in providing access to valued resources (‘looking after’), not by withholding them for a greater good.”

4.1.4 Implications

The anthropology-led dominant discourse regarding Aboriginal community governance had a significant impact on government thinking throughout the 1980s and 1990s. The ‘cultural incompatibility’ thesis appeared in numerous government reports investigating the problems of Aboriginal community councils (Fitzgerald 2001, Vol.1, p.74; House of Representatives Standing Committee on Aboriginal Affairs (HRSCAA) 1990, p.33; Legislation Review Committee 1991, p.7; Parliamentary Committee of Public Accounts (Qld) 1991, pp.7, 9, 31; 1993). The following observation of a 2001 review of Cape York communities is illustrative:

There is an inherent dysfunction between family-based social norms, family loyalties and community networks and mainstream local authority governance arrangements that manifest themselves through inappropriate and unintended decisions, funding allocations, and representation perceived to be focused in a partisan rather than impartial whole of community manner (Fitzgerald 2001, Vol.1, p.74).

It is readily apparent that the cultural incompatibility thesis is closely related to the Harvard Project’s hypothesis about the need for cultural match. The clear implication of Australian anthropologists’ work is that introduced Western models of representative councils are doomed to fail because of their underlying incompatibility with Aboriginal norms and values about governance. There are two possible perspectives that flow from this. Firstly, the case could be made that there is a need to develop models of community governance that are consistent with Indigenous governance traditions. This suggestion has been made by some researchers (Sutton 1985b, 1990; Tonkinson 1985, p.381) and several government reports over the past two decades (Fitzgerald 2001, Vol.1, p.74; House of Representatives Standing Committee on Aboriginal Affairs (HRSCAA) 1990, pp.21; Legislation Review Committee 1991; Parliamentary

Committee of Public Accounts (Qld) 1991). A second perspective is that Aboriginal Councils will not be successful until Aboriginal norms about governance evolve in such a way that they may undergird an effective representative council model. A third, alternative viewpoints falls somewhere between these two perspectives, by emphasising the need for new forms of Aboriginal community governance that reconcile traditional indigenous governance norms and practices with Western models of community governance through processes of hybridisation and adaptation. Over the past decade, there is a growing body of literature that adopts this latter position, which is the focus of the next section.

4.2 The new discourse on Aboriginal community governance

The new discourse has come about partly as a result of a shift in the way that anthropology has conceptualised Aboriginal culture over the past decade. In the anthropological studies leading up to the early 1990s, the focus was on the ethnography of local Aboriginal groups or communities; contemporary issues of community governance were peripheral to these endeavours. In his landmark book of 1992, Rowse (1992, p.22) lamented that, with a few exceptions, anthropological research tended to treat Aboriginal society as a “cultural isolate”, and in doing so, failed to adequately consider the relationship between Aboriginal society and the wider society and what this meant for contemporary Aboriginal governance. According to Hinkson and Smith (2005, p.159), anthropologists until the 1960s were driven by a concern to record the ancient cultures of what was thought to be a dying race, and while change in Aboriginal society was increasingly the subject of study in the 1970s and 1980s, the emphasis remained on documenting the persistent features of Aboriginal cultural production. Where researchers did consider the interface of Aboriginal and Western cultures, they often emphasised the notion of separate ‘domains’, which were seen as a means for Aboriginal groups to maintain a separate and closed cultural sphere (Myers 1986; Tonkinson 1982; Trigger 1988). These analyses of the inter-relationship between ‘blackfella’ and ‘whitefella’ domains often emphasised the role of individuals who acted as brokers and intermediaries between the two distinct arenas (Gerritsen 1982; Kolig 1989, p.49; Rowse, Tim 1992, pp.40-41).

Since the early 1990s, however, the discourse in anthropology has shifted to a focus on ‘intercultural’ phenomena. In 1992, Rowse (1992, p.58) foreshadowed the need to recognise “a continuing indeterminacy” at the interface between Aboriginal society and introduced structures of governance and administration. Sullivan’s (1996) study of Aboriginal governance and service delivery organisations in the Kimberley region highlighted the necessarily ambiguous position that Aboriginal organisations occupied in this intercultural field. Merlan (1998, pp.230-231) declared that a characterisation of contemporary Aboriginal relations in “intercultural” terms was necessary to break from previous anthropological conceptions of

Aboriginal culture as either an idealised autonomous entity or the subject of white domination. In recent reflections on the state of anthropology, Sullivan (2006) has observed that culture is now seen more as the effect of relations between people rather than a fixed, bounded construct. Sullivan (2006, p.262) sees important implications for questions such as indigenous governance arising out of this paradigm shift:

Replacing the abstraction of separateness with new terminologies of embeddedness, interrelation and coconstruction, may allow a productive rephrasing of old questions. Networks replace structures. Performance, belief, behaviour and need become more important indicators for appropriate governance than essential characteristics or membership of essentialised groups.

The other factor that has precipitated a departure from the old anthropological discourse about Aboriginal governance is the growth in the number of practice and policy-oriented studies by political scientists, demographers and economists writing from a non-anthropological framework. A substantial body of research papers related to community governance issues has emanated from the Centre for Aboriginal Economic Policy Research (CAEPR) at the Australian National University (Martin, D. F. 2003; Martin, D. F. & Finlayson 1996; Sanders 2004; Smith 2002; Westbury & Sanders 2000). The focus on governance issues has been escalated through the large-scale Indigenous Community Governance Project (ICGP) commenced through CAEPR in 2004 (Holcombe 2004, 2005; Hunt & Smith 2006, 2007; Ivory 2005; Lange 2005; Sanders 2006). While influenced by ethnographic approaches, these studies have been more focused on the practical concern of developing appropriate and workable governance models in Aboriginal communities. In this sense, their focus is very much on the 'intercultural' sphere of interaction between Aboriginal society and the Western administrative and welfare delivery infrastructures.

These studies of Aboriginal community governance in an intercultural context have provided new evidence suggestive of factors that might contribute to successful community government performance. An important insight that emerges from the intercultural perspective is the recognition that the success of an Aboriginal governance organisation may depend on its capacity to engage effectively with the broader non-Indigenous governance environment as much as its capacity to meet Aboriginal cultural expectations about governance. This insight owes much to Martin's (2002; 2003; 2004) concept of 'strategic engagement', which he describes as follows:

Strategic engagement is to be understood here as the processes through which Aboriginal individuals and collectivities interact with, contribute to, draw from – and of course potentially reject – values and practices of the dominant Australian society, in a considered and informed manner that provides them with real choices as to where to go, and how to get there (Martin, D. F. 2004, p.8).

In the context of governance organisations, Martin (2002, p.2) has argued that the challenge is not just to develop “culturally appropriate” institutions or ones that are based on “Aboriginal tradition” but rather, “to develop distinctively Aboriginal institutions which nonetheless facilitate effective engagement with the dominant society, rather than limiting it.” This perspective has become central to many of the writings about Indigenous community governance in recent years (Adepoyibi 2006; Hunt & Smith 2007; Ivory 2005; Moran 2006, 2008; Smith 2002, 2005). It reflects a recognition that better Aboriginal governance is not simply a matter of rejecting imported Western governance models and reinstituting traditional models of Aboriginal governance, which seemed to be the assumption of much of the anthropological writings up to the 1990s. Rather, it is typically acknowledged that wholly traditional governance models are likely to be ill-equipped to deal with the contemporary challenges of community governance (Adepoyibi 2006, p.18; Moran 2006, pp.251-252, 272; Smith 2005, p.20). Instead, many authors highlight that developing effective governance arrangements for Indigenous communities is, to use Rowse’s (2000b, p.167) words, “a matter for creative synthesis from more than one tradition, an experiment in hybridity.”

Despite this growing consensus, however, the notion that to be effective, Aboriginal governance structures need to draw on Aboriginal and Western traditions remains largely untested empirically. The evidence that this approach will lead to improved performance of community government organisations is at best anecdotal. There is some evidence contained in Moran’s (2006) study of governance institutions and decision-making forums, including the Aboriginal Council, at Kowanyama in north Queensland. Moran sought to evaluate the “overall success” of the institutions he studied with a view to testing a range of factors considered to contribute to successful local planning and governance. Although institutional success was only measured in a limited way by reference to the subjective perceptions of stakeholders within and outside the community (2006, p.154), the study at least represents an attempt to establish causation between governance-related factors and outcomes. Moran (2006, p.210) found that the Kowanyama Land and Natural Resource Management Office was very successful in performing its land management function, describing an institution that represented a fusion of traditional decision-making processes and Western technical expertise and organisational process. He also assessed the Kowanyama Aboriginal Council as relatively successful (2006, p.275) and noted that it had effectively operated as an intermediary organisation occupying the “interethnic field” where the Aboriginal community meets the administrative structures of government.

The Indigenous Community Governance Project (ICGP) began with a broad set of aims around exploring the practice of Indigenous community governance in Australia. The majority of the eleven reported governance case studies were from the Northern Territory, and none were from

Queensland (Hunt & Smith 2007, p.1).²⁴ While one of the stated aims of the Project was to examine what constitutes “effective” governance, the approach to most of the case studies has been primarily ethnographic. In relation to the issue of effectiveness, the methodological framework did not contain any defined criteria or measures by which the success, outcomes or performance of the case study governance institutions would be assessed (Smith 2005, p.22). Rather, the focus seems to have been on describing the various institutional arrangements that have been developed in Indigenous communities and the way that governance has been practised, leading to a common set of Indigenous principles of governance. The final research report purports to link governance and improved socioeconomic outcomes for Indigenous communities, asserting that the case study research “strongly indicates” that improving governance arrangements and empowering Indigenous communities “may be the only path” to address Indigenous disadvantage (Hunt & Smith 2007, p.2). The report does not provide any specific evidence, however, about the outcomes that have been achieved by particular Indigenous governance organisations in terms of delivering services or meeting priorities sought by constituents. Although the ICGP posits “getting results” as one of the criteria for success of a governance organisation, the focus of the research is firmly on describing how Indigenous groups and communities have developed and implemented governance structures and processes, and particularly the extent to which these structures and processes are seen as “legitimate”. While the ICGP case studies have provided detailed ethnographies of Indigenous governance organisations, they present no evidence of systematic evaluation of the performance of these organisations. For the ICGP, the ‘means’ of governance seem far more important than the ‘ends’. The entire project begs the question: what is the point of describing in detail the governance practices of Indigenous governance organisations and the apparent “common Indigenous principles of governance” if there is no way of knowing which practices or principles are actually assisting these organisations to meet their constituents’ needs and aspirations?

The ICGP’s notion of “two-way legitimacy”, comprising cultural match and the practical capacity to get things done (Hunt & Smith 2007, pp.24-27), places it firmly within the new discourse on Indigenous governance. That is, it conceptualises Indigenous government organisations as intercultural sites where new approaches to governance are being developed in a way that brings together elements of Indigenous culture and tradition with governance and management technologies derived from the mainstream. In this respect too, however, the ICGP uncritically assumes that this approach will lead to better outcomes, without seeking or producing empirical evidence to this effect. In a concluding statement, the authors simply state: “Legitimate Indigenous governance arrangements win the support of members and external

²⁴ A Queensland case study was conducted in Coen on Cape York Peninsula, but it does not appear to have been significantly relied upon in the 2007 final report’s comparative analysis of the findings.

stakeholders, and produce outcomes” (Hunt & Smith 2007, p.27). This statement reveals the inherent circularity in the approach: legitimacy is defined as cultural match plus the capacity to produce outcomes, but legitimacy is assumed to produce outcomes.

A recent study which provides a better empirical basis for evaluating the significance of cultural match and ‘two-way’ hybridised governance arrangements is the *Success in Aboriginal Communities* project (Finlayson 2004a, 2007). This project involved case studies of fourteen Indigenous organisations involved in governance or service delivery. The aim of the study was to identify the reasons for the success of Indigenous organisations that have helped to promote community wellbeing or overcome disadvantage (Finlayson 2007, p.9). The approach of this research was clearly focused on the question of organisational performance, or success, defined in terms of delivering services that meet client needs (according to external and objective criteria), agreement by the board, staff and consumers about the quality of the service and longevity of the organisation (Finlayson 2004b, p.2). While the specific indicators and measures of success are not made explicit in the study, collection of this information was an objective of the research, unlike the ICGP method. A specific aim of the research was to test the hypotheses of the Harvard Project regarding the importance of sovereignty, cultural match and sound corporate governance (Finlayson, 2007, p.14-15). The study broadly confirms these factors, concluding that: “Successful Indigenous organisations operate effectively with a blend of Indigenous culture and mainstream management practices and governance principles” (2007, p.30).

4.3 External engagement

The emerging consensus that successful Indigenous governance requires strategic engagement between Indigenous collectivities and mainstream values, practices and institutions has been reinforced by a growing body of empirical evidence highlighting the importance of effective external engagement by Indigenous governance bodies (Adepoyibi 2006, p.19; Finlayson 2007, p.24; Holcombe 2005; Hunt & Smith 2006, p.48; 2007, p.36; Moran 2006, pp.414-418). The significance of external engagement is implicit in the conception of Indigenous governance organisations as intercultural institutions operating at the interface of Indigenous communities and the broader society. While some discussions of this problem emphasise the powerlessness of Indigenous governance organisations in the face of the State’s power to impose disabling legislative and administrative frameworks on Indigenous communities, others have highlighted that successful Indigenous governance hinges on organisations proactively and strategically managing this environment to maximise local autonomy and achieve community objectives (Moran, p.416; Holcombe, 2005; Adepoyibi, p. 23; Finlayson, 2004, p.7; Hunt & Smith, 2006, p.75). For example, Finlayson (2004a, p.7) argues that “the sustainability of Indigenous

organisations will ultimately rely on their capacity for successful engagement with the non-Indigenous world rather than a retreat from it.”

Some writers have observed that Indigenous communities have tended to rely on outsiders to mediate the engagement between Indigenous governance organisations’ and external institutions, especially government (Martin, 2004; Moran, 2006). Studies of Indigenous government organisations as ‘intercultural’ sites have begun to focus attention on the significance of the role of non-Indigenous outsiders (Batty, 2005). While it has commonly been observed that outsiders holding senior management positions (such as the CEO of a community council) may wield significant power over the governance of Aboriginal communities (Batty 2005, p.215; Sullivan 1996, p.96), many writers have emphasised that this is to some extent a conscious choice of Aboriginal communities. Not only do Aboriginal communities seek skilled outsiders who can do their bidding in engagement with the outside world, they may also prefer outsiders in senior management positions because they are perceived as neutral and outside the webs of kinship obligations that affect local residents’ ability to impartially fulfil positions of responsibility (Sanders, 2006, p.13; Sullivan, 1996, p.97; Myers, 1986, p.285; Holcombe, 2005, p.228). Whatever the reasons for their prevalence in key positions, outsiders are an enduring feature of the Indigenous community landscape and their role and influence is a topic requiring attention in a study of Indigenous community governance.²⁵

4.4 Other identified factors

As the above review has shown, much of the Australian literature on Indigenous governance has been concerned with the broad question of the appropriate design of Indigenous governance institutions with a particular focus on the role of cultural factors. Discussion has revolved around the issue of ‘culturally appropriate’ governance, and in more recent years, the concept of ‘cultural match’ and hybridised governance arrangements. Nevertheless, the literature does highlight a range of other issues that are considered to impact on the success of Indigenous governance. Table 1 summarises the success factors and the barriers to success that have been identified by recent studies on Indigenous governance. A number of commonalities are apparent in the governance issues and factors that are highlighted by studies of indigenous community governance. Commonly identified success factors relate to effective decision-making, well-developed corporate governance rules, clear roles and responsibilities of participants in governance, positive leadership and strategic vision, effective community engagement and external partnerships, and competent and stable administration. Barrier to success include lack of resources, staff turnover, poor governance and management capacity,

²⁵ See Chapter 10, Part 5.

politicisation and a disabling governance environment. These findings suggest some key themes for further inquiry during the case studies of Aboriginal Councils.

Table 1. Summary of success factors and barriers to success identified in studies of Indigenous community governance

Success factors	Barriers to success
<i>Success in Indigenous Communities project</i> (Finlayson 2007, pp.17-26)	
<ul style="list-style-type: none"> • good corporate governance, including competent board members trained in governance processes and a clear separation of powers between the board and the administration; • service delivery that is efficient and responsive to the needs of clients; • community engagement, comprising regular communication with stakeholders; • internal strength in terms of a clear and transparent vision and objectives, compliance performance, budget monitoring, financial management and data collection; • accountability to funding bodies; • strong leadership, including flexibility, openness to challenge, vision, effective communication and a CEO supported by a strong team of senior staff; • an approach to staff development that values and supports staff, ensures a workforce that is passionate about their work, emphasises communication and keeps community politics out of the workplace; • ability to respond to change; • strategic engagement in partnerships with funding bodies, local governments, businesses and other community groups; • building for the future through flexible strategic planning; • focus on core business by fostering a shared vision, aims and objectives across the board, staff and the community; • being an intercultural organisation absorbing values from the Indigenous and non-Indigenous society and working effectively across diversity; • external factors such as infrastructure, location, resources and funding. 	<ul style="list-style-type: none"> • inadequate funding levels; • difficulties recruiting and retaining staff; • lack of staff training in management and reporting skills; • lack of understanding by non-Indigenous partners; • staff burnout; • attention to marketing and commercial imperatives (Finlayson 2007, pp.31-32).
<i>Moran's study of governance and planning processes in Mapoon and Kowanyama</i> (Moran, 2006, pp.154-156, p.399)	
<ul style="list-style-type: none"> • participation and representation of constituents; • technical expertise; • effective negotiation, within the community and externally; • institutional capacity for governance, including staff skills and administrative 	

- a focal driver for the initiative;
- jurisdictional devolution of authority.

Indigenous Community Governance research Project
(Hunt & Smith 2007)

- leaders working together in relative stability (Hunt & Smith 2007, p.8);
- continuity of board membership and CEOs (2007, p.10);
- clear division of roles and teamwork between boards and administrators (2007, p.10);
- development of local rules and policies to “buffer” leaders’ governing roles from the demands of their social relationships (2007, p.12);
- networked governance with connections of support within and outside the community (2007, p.21).
- lack of governance capacity development (2007, pp.29-35);
- lack of capacity on the part of government (2007, p.33);
- high level of leadership contestation with leadership factions advancing their own interests (2007, p.10);
- difficulties faced by boards and elected leaders, in terms of keeping CEOs and senior staff accountable, developing skills and dealing with cultural pressures (2007, pp.10-11);
- the impact of rapid and far-reaching government policy changes (2007, p.36);
- lack of whole of government coordination and disabling funding and administrative compliance frameworks (2007, p.42).

5 Management and organisational theory

A study of Aboriginal community government performance can also be viewed as a study of organisational performance. Without denying the unique nature of the challenges involved in indigenous community governance, it is instructive for this type of study to consider the literature about the management of organisations generally (Finlayson 2004a, p.15). The *Success in Aboriginal Communities* project highlighted the importance of mainstream management practices for Indigenous organisations and made the overall finding that “generic indicators of successful organisations are observable in successful Indigenous organisations” (Finlayson 2007, p.30). The mainstream management and organisational literature therefore provides some guidance as to the principles and practices that might be expected to lead to improved performance of an Aboriginal community government. While much of this literature assumes organisational arrangements where management reports to a board of directors which is accountable to shareholders, this is analogous to a council administration reporting to elected councillors who are accountable to constituents.

Edwards and Clough (2005) recently reviewed the evidence from the private sector regarding the links between corporate governance and organisational performance. They report that studies have tended to emphasise behavioural aspects of governance practice as significant determinants of performance rather than structural issues such as board composition and formal process. Factors that have been highlighted in these studies include: clarity in roles, responsibilities and relationships between boards and management; the relationship between the

chair and CEO; teamwork amongst directors; culture, trust and open dissent; leadership skills of the chair; and information flows (2005, p.12).²⁶ The authors suggest these factors are also relevant to public sector organisational performance.

Management literature emphasises the significance of boards taking a strategic role in terms of setting long term goals, planning for the future, building external relationships and monitoring performance (Edwards & Clough 2005, p.5). Carver (2008) argues for a clear separation of the roles of the board and the management of an organisation, with the board focused on setting the strategic goals and the management delegated the authority to implement these goals within clear policy parameters set by the board.

Management theory has highlighted the importance of organisational culture²⁷ in the success of organisations. Since Mayo's famous Hawthorne experiments in the 1920s and 1930s, organisations have been understood as first and foremost social situations, where peer relationships have as much impact on workers' motivation and performance as management controls (Shafritz & Hyde 1992, p.42). Cameron and Quinn (2005) assert that organisational culture is a factor that can either enhance or inhibit the performance of an organisation. Schein (1992) has highlighted the key role that leaders play in creating and sustaining an organisation's culture, while others have emphasised the importance of participatory management approaches in enhancing organisational performance (Scott-Ladd & Marshall 2004).

Limerick, Cunnington and Crowther (1998) have documented the emergence of new forms of networked organisation that are increasingly required to deal with the challenges of discontinuous change and greater demands for social sustainability in contemporary society. The authors argue that to be effective, modern organisations must operate as "loosely coupled systems" open to the possibilities of "synergies and alliances" and with "a culture that places a high value on autonomous, interdependent, proactive, empowered, collaborative individuals" (1998, p.43). This theory is consistent with the findings of recent research highlighting the importance of Indigenous organisations developing strategic networks and partnerships with governments, businesses and other partners outside Indigenous communities (Finlayson 2007, p.24).

²⁶ The authors (2005, p.17) note that the importance of these 'soft' governance factors on organisational performance (measured in terms of service quality) has been confirmed in the public sector by a study by the UK Audit Commission.

²⁷ 'Organisational culture' can be defined as "a set of understandings or meanings shared by a group of people – largely tacit, relevant to the group, distinctive to the group, and passed on to new members" (Smircich 1985, p.74).

To better understand the performance of Aboriginal community governments, therefore, it is important to investigate the following factors suggested as significant by management and organisational theory:

- the appropriate roles of the elected councillors (the board) and management, with particular attention to the strategic role played by the councillors and the scope of delegation to management;
- the working relationship between the elected councillors and management, focusing on issues such as teamwork, communication, trust and dissent;
- organisational culture, including job satisfaction and motivation;
- the extent to which the organisation is a networked organisation that partners with others and empowers staff to work as collaborative individuals.

6 Public administration theory

The literature on public administration provides important context for a study of the performance of Aboriginal community governments. Public administration theory provides insights into issues such as the nature of government organisations, how they are structured and run, the relationship of administrative bodies to their political masters and the nature of the role of individuals who work within public administration. The growing literature on local government is particularly relevant to the arena of Aboriginal community government.

6.1 *The separation of powers*

Perhaps the most contested issue in public administration theory,²⁸ the relationship between politics and administration, is a key issue for investigation in the current study. The notion of a politics-administration dichotomy, sometimes referred to as the ‘separation of powers’,²⁹ can be traced back to the earliest writings on public administration, by Woodrow Wilson (1992 [1887]) and Frank Goodnow (1992 [1900]).³⁰ In the classical formulation of this doctrine, the role of

²⁸ For a recent debate in the Australian public administration context, see Rhodes and Wanna (2007) and Alford (2008).

²⁹ This conception of the separation of powers is a narrower conception than another common usage of the term, which relates to the separation of powers between the legislative, executive and judicial arms of government.

³⁰ Wilson famously wrote that administration “is removed from the hurry and strife of politics” (1992, p.18) whilst Goodnow asserted that: “Politics has to do with policies or expressions of state will. Administration has to do with the execution of these policies” (1992, p.25).

elected politicians is to set the strategic direction and make policies, while the role of the administration is to implement this direction and these policies. Politicians are to refrain from involvement in day-to-day administration of policy and administrators are to refrain from involvement in policy-making and political matters. Since scholars of public administration began doing case studies of policy-making in the 1940s, however, it has been recognised that a theoretical distinction between politics and administration is somewhat artificial and divorced from reality (Meyer, M. W. 1991 [1985], p.182; O'Toole 1987, p.23; Peters 1995, p.177; Rosenbloom 1983; 2008, p.60; Self 1972, p.149). The demands of government mean that administrators are inevitably involved in policy-making activity and political issues, from the senior bureaucrats who provide policy advice to politicians down to the 'street-level bureaucrats' (Lipsky 1980) who decide how policies will be implemented in practice. Conversely, politicians will often seek to be involved in the administration of policy and programs, because the political process is often more interested in the specific decisions that affect individuals than broader issues of policy (Demir & Nyhan 2008, p.92; Graham 2006, p.14; Self 1972, p.149). At the level of local government, in particular, the nature of the jurisdiction means that elected councillors tend to be more concerned with operational and service delivery issues than is the case for elected members of State or federal governments (Graham 2006; Marshall, N. & Sproats 2000, pp.503-504).

Yet, as Peters (1995, p.177) points out, this "ancient proverb of public life" has "displayed amazing powers of survival" and still appears widely in government settings. In fact, in the local government sphere, the council-manager structure developed in municipalities in the United States "embodies the structural and functional features of the politics-administration dichotomy" (Demir & Nyhan 2008, p.84). Local government in Australia largely mirrors this model, which is founded on the conception that the elected council will make policy decisions and a professional manager (CEO) will administer these decisions. Accordingly, the importance of the separation of the policy and administration roles between councillors and administrators is reinforced by Queensland local government legislation³¹ and highlighted in materials provided to councillors.³²

Several studies have claimed that a strict separation of powers enhances governmental performance in an indigenous community governance context. The Harvard Project has posited a separation of politics and day-to-day management as essential to the institutional capacity that

³¹ *Local Government Act 1993* sections 229-237, 1131-1132 and 1135.

³² A handbook for councillors states: "Councils should function like a 'Board of Directors' which sets the strategic direction of the local government and designs the policies and strategies to help it achieve it. The CEO implements the policies and decisions of council and manages the day to day business of council including directing the council staff" (Department of Local Government Sport & Recreation 2008).

is identified as one of the success factors for Indian government, especially in managing businesses (Cornell & Kalt 2002, pp.15-16). In the ICGP's reporting on Indigenous governance case studies, it is asserted that "the clear division of roles and teamwork between the governing board and the management" is linked to "significantly better governance" (Hunt & Smith 2007, p.10), but as discussed earlier, the link between "better governance" and performance is inadequately dealt with in this research. In a community organisation context, Finlayson's (2007, p.18) study of successful Indigenous organisations found that "sound governance... requires leadership establishing and affirming the separation of powers between Board and administration." She notes, however, that in small organisations the limited pool of expertise means that "Board members are necessarily more intimately involved with the operation of the Corporation" (2007, p.18).

Studies of local government in Australia have tended to favour a more nuanced approach to the question of the separation of powers. Martin and Simons (2002) investigated the relationship between Mayors and CEOs and found that the relationship was perceived to be most effective by the parties where there was "complementarity" of roles. A model that recognises that the roles of elected officials and administrators are overlapping and complementary has been popularised by Svava (2008) and is said to be consistent with evidence about the practice in local governments in the United States and internationally (Graham 2006, pp.15-16, 18). Further support for this perspective can be found in Marton's (2003) study of the management of local government councils in Melbourne, which identified three factors that set apart the successful councils:

- The top management team had successfully worked with the councillors to achieve agreement about goals and plans;
- The top management team had ensured that the councillors focused on matters of strategic importance;
- The top management team had successfully promoted the council's goals and plans to the community (2003, p.54).

Marton argues that these factors indicate the importance of managers' "capacity to work effectively with the politics domain of the council" (2003, p.54). This research suggests that strictly enforcing a separation of powers may not be conducive to council performance. One interpretation of the findings is that they support half of the separation of powers equation but refute the other half – that is, keeping politicians focused on strategic rather than operational issues is beneficial but keeping administrators removed from political and strategic policy issues

is detrimental.³³ A recent study of administrators within local governments in the United States provides empirical support for the argument that administrators having good political and policy skills and awareness actually increases their ability to implement policies put forward by elected councillors (Demir & Nyhan 2008, p.92).

Graham (2006) has recently investigated the relationship between elected leaders and their staff in First Nations governments in Canada, a context that has strong parallels with Aboriginal Councils in Queensland. He notes that in the First Nations context, smaller councils mean an overlap between politicians and administrators is inevitable, lower staffing levels increase the expectation for councillors to be involved in management, and cultural obligations on elected councillors increase the pressure for them to intervene in administrative matters (2006, pp.6-7). Graham concludes that, despite the advice of the Federal Government and various First Nations good governance guides, a strict separation of politics and administration is unrealistic and undesirable in First Nations governments. Instead, following Svava, he argues that elected leaders and staff need to pay attention to managing their relationship by negotiating a “partnership based on complementarity”, using a range of organisational tools such as policies and codes, structural solutions (e.g. complaints mechanisms and semi-independent boards), relationship-building training and retreats, and greater citizen involvement in decision-making (2006, p.43-44).

6.2 Conceptions of administration and administrators

In its absolute form, the doctrine of the separation of powers rests on certain assumptions about the different nature of politics and administration. Politics is considered to be a value-laden exercise whereas administration is considered to be a rational, value-free activity. This view of administration has its intellectual roots in Weber’s influential ‘ideal-type’ conception of bureaucracy (Weber 1992 [1946]). While Weber considered rationality and impersonality to be the foundations of bureaucratic efficiency, these same features have caused theorists such as Merton, Selznick and Blau to see bureaucracy as inherently inefficient because they lead to inflexibility and insufficient attention to the peculiarities of individual cases (see Albrow 1970, pp.55-58; Shafritz & Hyde 1992). The characteristics of impersonality and rule-based rationality have also underpinned critiques of bureaucratic organisation from a cross-cultural perspective. As Peters (1995, p.49) points out, “bureaucracies depend for their smooth

³³ Rosenbloom (2008) argues that the politics-administration dichotomy has often been misunderstood, in that the original advocates of the approach conceived “politics” narrowly as partisan or electoral politics, rather than the broader function of policy-making. Accordingly, they never advocated that administrators should have no role in policy-making, but rather that partisan and electoral politics should be kept separate from administration.

functioning on the acceptance of impersonality and universality of rules”, but not all cultures accept these values, particularly non-Western cultures where norms of family and community loyalty are strong. On the other hand, Du Gay’s (2000) proposition of multiple rationalities applying to different spheres of an individual’s life leaves open the possibility that individuals in non-Western cultures can adopt different personae when performing administrative roles.

In the context of Aboriginal Councils, this discussion raises a range of questions regarding the nature of Council administration and the way in which the role of Council staff is conceived. Is an approach to administration based on Weberian principles of impersonality and rationality in the application of rules most likely to lead to good performance, or is it fundamentally incompatible with the Aboriginal emphasis on the personal and the relational? Is it possible for an Aboriginal Council staff member to adopt a separate official persona that puts aside strong culturally-based loyalties to kin and family or does this contradict the Aboriginal worldview about the interconnectedness of all aspects of life? These are significant matters for exploration in the current research as they have far-reaching implications for the notion of administration in the Aboriginal context.

6.3 Rule of law

The rule of law was listed earlier as one of the United Nations’ suggested universal principles of good governance.³⁴ It represents a fundamental principle underpinning democratic government (O'Donnell 2004; Weingast 1997). The rule of law can be understood as a system in which the laws or rules are public knowledge, are clear in meaning and apply equally to everyone, including the government (Carothers 1998). The rule of law is characterised in particular by the absence of arbitrary executive power.

The proponents of the Harvard Project emphasise stable rules and policies as fundamental to building the institutional capacity that they consider to be one of the success factors for indigenous governments (Cornell & Kalt 2002, pp.12-13). They argue that the institutional stability that is derived from the fair application of laws, rules and policies is essential to create conditions in which individuals (both constituents and outsiders) will invest their time and resources in a community government. The ICGP research also notes that:

The community organisations with enforceable policies and procedures that prevent leaders and boards who exercise legitimate powers from using that power for their own personal gain, and from changing the rules to suit their own interests, appear to be more effective in securing their objectives. (Hunt & Smith 2006, p.29)

³⁴ See Box 1.

This evidence suggests that the link between a commitment to the rule of law and the performance of Aboriginal community governments is worthy of exploration in the current study.

6.4 Capacity, resources and size

It is self-evident that the capacity of a community government will influence its level of performance. A community government's capacity can be understood as encompassing the various capabilities that it can bring to bear in its efforts to achieve its objectives, such as its human, financial and physical resources.

A lack of human capacity is commonly raised as a factor inhibiting the performance of indigenous governments (Fitzgerald 2001; Hunt & Smith 2006, pp.50-55; Westbury & Sanders 2000, p.17). Many observers of Indigenous Councils in Australia point out, however, that the question of capacity is a relative problem, with the most significant issue being the fact that the administrative burden placed on Councils by governments is excessive and out of proportion to the Councils' human capacity (Ivory 2005, p.7; Moran 2008, p.194; Sullivan 1996, p.93).

It might be expected that poor educational standards in the community will contribute to a lack of governance capacity and consequent poor governmental performance (Ivory 2005, p.13; Missens 2008, p.17). The empirical link between an educated community and successful government performance is not clear, however. In his study of Italian regional governments, Putnam (1993, p.118) found no correlation between education and governmental performance.

Financial resources for Aboriginal community governments include government funding and own source revenue from businesses and local rates and charges. Physical resources include land, infrastructure, natural resources and geographical advantages such as proximity to regional centres or economic opportunities. The Harvard Project claims that the relative success of Indian governments in the United States is not explained by factors such as "education or natural resource endowments or location or the availability of financial capital" (Cornell 2002, p.4). Studies of Indigenous governance in Australia, however, have consistently raised lack of resources, particularly funding, as a serious constraint on capacity and performance (Finlayson 2007, p.31; Hunt & Smith 2007, p.32; Wolfe 1989).

There is considerable debate in the local government literature as to the impact of council size on performance (Allan 2003; Dollery & Crase 2004; Dollery & Fleming 2006; Soul & Dollery 2000). Many jurisdictions in Australia, and most recently Queensland, have moved to amalgamate small councils in the past decade, driven by a view that smaller councils are unsustainable. The Northern Territory government has used the issue of scale to justify the amalgamation of small Indigenous councils into larger regional shires, arguing that local

governments are unsustainable with populations of less than 5000 residents (Sanders 2008, p.300).

7 Community engagement and participation

In the literature on governance, considerable attention is directed to the question of how governments engage with their constituents and how this impacts on government performance. The concept of community engagement has multiple dimensions, encompassing areas such as community participation in governance, the extent of openness and transparency of government, the quality of government communication with constituents and the degree of community involvement in elections.

A substantial body of work is focused on the concept of community participation in governance. In essence, the principle of participation in government relates to the virtue or efficacy of governments sharing power with constituents; it acknowledges the right of people to a voice about issues likely to affect their interest (Bishop & Davis 2002, p.16). Theories of participation broadly identify three benefits. Firstly, opportunities for constituents to participate in governance are considered to improve government outcomes in terms of policy and service delivery, because constituents bring expertise and information to the decision-making process, their involvement enables obstacles and issues to be identified early, and they gain knowledge and a degree of ownership of decisions and policies that increases the likelihood of successful implementation (Callanan 2005, p.912; Cuthill & Fien 2005, p.377; United Nations Development Program 2002, p.51). Secondly, participation is said to increase trust in government leading to greater perceptions of government legitimacy (Bishop & Davis 2002, p.15; Brinkerhoff 2005, p.10; Callanan 2005, pp.910-911; Cuthill & Fien 2005, p.71). Thirdly, many advocates point to the inherent benefits in the *process* of participation for individual citizens and society in general. Quite apart from its benefits in improving policies and service delivery, writers such as Arnstein (1969) and Pateman (1976) conceive participation as an absolute virtue in itself that is fundamental to sustainable and equitable democracy and to meaningful citizenship (see also United Nations Development Program 2002, p.52).

Bishop and Davis (2002), however, highlight the work of theorists who argue that the benefit of participation is contingent on the particular governance task being undertaken, such that: "Participation is not an absolute virtue, only an appropriate response in particular circumstances" (2002, p.19). The authors point out that in public administration, "form follows function so that the character of a policy problem decides whether, and through what instrument, participation is possible" (2002, p.18). In a study of participation in governance and decision-making in two Cape York Aboriginal communities, Moran (2006, p.404) found that

the appropriate degree and form of participation depended on the function or issue under consideration. He noted that for some matters, such as mundane council provision of essential infrastructure, constituents were happy to have no participation in decision-making, while in other matters of importance to them, they desired greater devolution of authority and resources (see also Moran 2008).

There is also a range of arguments that question the purported benefits of greater community participation in governance. In a review of rural Australian local governments' approach to community participation in environmental management, Pini and McKenzie (2006) found widespread perceptions amongst councillors and council staff that participation was unwanted, unnecessary and unproductive.

Whether one accepts the arguments for or against community participation, the evidence is that in Australian local governments, including Aboriginal community governments, levels of community participation are low (Marshall, N. & Sproats 2000, p.502; Pini & McKenzie 2006, p.28). In his detailed study of participation in governance and decision-making at Kowanyama, Moran (2006, pp.259-280) found that while leaders were committed to greater participation, in practice, apart from at elections, participation in the Council's decision-making processes was low. In fact, from available records, Moran (2006, p.276) identified that of a total population of 575 adults, only 30 people were actively engaged in meetings and planning activities, while a further 100 were "spectators" who attended at least one meeting a year. The remaining three quarters of the population, some 450 adults, were "the silent majority" and were not involved in any governance or planning activities. Moran concluded that the lack of participation was a direct result of the steadily increasing, and in his view, excessive and unnecessary, quantity of administration demanded of the Council by higher levels of government: "Council was too busy dealing with the administration of Indigenous affairs to facilitate participation" (2006, p.396).

It is worth noting, however, that Moran found that in other community governance processes outside the Council, participation was strongly correlated with success. Participation "enhanced downward accountability, legitimacy and sustainability" and "brought local knowledge to bear on decision-making, leading to better solutions" (2006, p.399). Moran concluded that participation was necessary, but not sufficient, for the success of decision-making forums in the community. In a self-reinforcing cycle, he further identified that the success of an activity was one of the determinants of participation.

8 Social capital

The concept of social capital has been employed in recent decades to explain a wide range of societal outcomes, including government performance. Social capital relates to the benefits and

resources that individuals can access by virtue of their membership of social networks (Portes 1998; Woolcock, M. & Narayan 2000). At the societal level, it relates to the social norms, values and traditions that “can improve the efficiency of society by facilitating coordinated actions” (Putnam, Leonardi & Nanetti 1993, p.167). Social capital is commonly analysed in terms of two dimensions: the structures and networks that individuals belong to; and the norms, values and traditions that govern behaviour within these networks. The central shared norms that are typically considered to underpin social networks are trust and reciprocity. The concept of social capital has been used in such a diverse array of disciplines and contexts that some have questioned its analytic utility (Fine 1999, p.8; Portes 1998). Nevertheless, it has become increasingly influential and in Australia has generated significant interest from researchers and policy-makers (Australian Bureau of Statistics 2004; Onyx & Bullen 2000; Productivity Commission 2003; Woolcock, G., Renton & Cavaye 2004), including for its potential applications in understanding and addressing Aboriginal disadvantage (Hunter 2003; Memmott & Meltzer 2005; Phillpot 2006).

Increased social capital has been associated with a number of benefits to society, including improved governmental performance. The Productivity Commission (2003, p.36) cites several empirical studies that have linked social capital with government performance. The most notable of these is Putnam’s (1992) study of Italian regional governments conducted from the 1970s to the 1990s. Putnam (1992, p.120) found that the prime factor accounting for the differential performance of Italian regional governments was the “the degree to which social and political life in a region approximates the ideal of the civic community”, by which he meant that there existed generalised conditions of trust arising from “norms of reciprocity and networks of civic engagement.” Putnam ascertained that a key indicator of these forms of social capital was participation in voluntary organisations and he found that the degree of “civicness” of a society was deeply embedded in its centuries-old civic traditions.

Critics of Putnam, and of the social capital concept as a whole, have noted the potential for problems of causality in attributing societal outcomes to social capital (Portes 1998, p.19; Productivity Commission, 2003, p.44). Portes (1998, p.19) accuses Putnam of “logical circularity” and “tautology” by defining government performance in terms of civic outcomes at the same time as arguing that ‘civicness’ leads to good government performance. According to Portes, the problem is that social capital is said to lead to good societal outcomes, but its existence is inferred from the same outcomes.

In attempts to evaluate social capital in Aboriginal communities, and the extent to which it might be impacting on socioeconomic outcomes, it is necessary to differentiate between the different types of network that constitute social capital. Social capital can be considered in terms of ‘bonding’ social capital, comprising the networks internal to a social group that bond

the group together, and 'bridging' social capital, comprising the networks external to a social group that create bridges to other individuals and groups within the broader society (Productivity Commission 2003, pp.17-18; Woolcock, M. & Narayan 2000, pp.231-232).

It is commonly observed that members of Aboriginal communities have very strong bonding social capital built on tight family and kinship networks and underpinned by norms of reciprocity that are fundamental to Aboriginal culture (Gerritsen, Crosby & Fletcher 2000, p.5; Hunter 2003, p.15; Memmott & Meltzer 2005; Phillpot 2006, p.32). On the other hand, members of Aboriginal communities have very weak bridging social capital resulting from factors such as remoteness, past and continuing discrimination, social exclusion, educational deficits and lack of integration into the mainstream economy (Gerritsen, Crosby & Fletcher 2000, p.14; Hunter 2003, p.17; Phillpot 2006, p.32). While strong internal community networks of reciprocity have undoubted benefits for Aboriginal people, such as the ability to rely on others in times of need, this bonding form of social capital has been recognised as also having negative consequences (see Productivity Commission 2003, pp.20-22). Portes (1998, pp.15-18) notes that social capital can lead to the exclusion of outsiders, excessive claims on group members, restrictions on the freedom of individuals and a downward levelling of norms. As Hunter (2003, p.12) has pointed out, these issues resonate strongly in Aboriginal communities, and have regularly been identified as obstacles to Indigenous advancement in areas such as education, economic development, income management and overcoming alcohol abuse.³⁵ The relationship between strong bonding social capital and lack of bridging social capital becomes cyclical as the lack of broader networks and opportunities for Aboriginal people increases dependency on kin which in turn excludes them from opportunities for developing networks outside the community or benefiting from broader networks.

The potential impact on the performance of Aboriginal community governments is evident from this consideration of bonding and bridging social capital. As already discussed in Part 4, the strong kinship networks and norms of reciprocity may hamper the emergence of shared community identities along with governance processes that place the whole of community interest before partisan family interests (Memmott & Meltzer 2005). Secondly, the lack of bridging social capital limits the capacity of Aboriginal communities to 'strategically engage' with the mainstream in the way that commentators such as Martin see as essential to improved community governance (Phillpot 2006, p.32). The obstacles to Aboriginal community members' ability to build networks outside their community also limit their opportunities to

³⁵ Portes (1998, p.16) could be describing Aboriginal communities when he writes that "cozy intergroup relations of the kind found in highly solidary communities can give rise to a gigantic free-riding problem, as less diligent members enforce on the more successful all kinds of demands backed by a shared normative structure."

acquire skills and experiences that can contribute to the capacity of community governance organisations.

9 Welfare dependency

The work of Aboriginal lawyer Noel Pearson has highlighted the extent to which government policies of recent decades have led to a debilitating welfare dependency in Aboriginal communities. Pearson's analysis has potential significance in illuminating the contextual and historical factors that contribute to poor Aboriginal governance outcomes. His fundamental conviction is that:

[P]ermanent income provisioning has, over generations, led to the situation where outsiders have taken all of the rights and responsibilities to make decisions and take actions on behalf of a relatively powerless people. This has led to a poisonous passivity, which has destroyed skill, pride, purpose, the sense of achievement and fulfilment, dignity and hope. (Cape York Institute for Policy and Leadership 2005b, p.3)

Pearson believes that Aboriginal communities such as those in Cape York have been denied the right and opportunity to 'take responsibility' for their future.³⁶ He argues that members of these communities have not had "the capabilities to choose a life they value" (Cape York Institute for Policy and Leadership 2005, p.2). In Pearson's analysis, Aboriginal communities can only become viable through building capabilities through economic and social development based on engagement with the mainstream economy and rebuilding social norms based on responsibility and reciprocity. Although controversial for eschewing the rights-based agenda of many Aboriginal leaders (Maddison 2009), these policy prescriptions are consistent with the literature discussed earlier that emphasises the need for strategic engagement between Aboriginal communities and the broader society.³⁷ Pearson explicitly acknowledges the challenges that this engagement will pose for Aboriginal traditions and cultural values and the difficult choices that will have to be made (Cape York Institute for Policy and Leadership 2005b, p.7). Pearson's emphasis on the importance of "mobility" of members of remote Aboriginal communities (Cape York Institute for Policy and Leadership 2005a, p.9) also echoes those writers who point to bridging social capital as a prerequisite for improving the circumstances of disadvantaged social groups.

³⁶ This position has echoes of the Harvard Project's emphasis on the need for an indigenous community to exercise "genuine sovereignty" (Cornell 2002).

³⁷ See Part 4.

Pearson's analysis relates specifically to Cape York Aboriginal communities, which are the sites for the case studies in the current research. His perspectives suggest the need for a study of Aboriginal Council performance to examine the impact on governance of welfare dependency, passivity, lack of engagement with the real economy and the associated erosion of social norms across successive generations. In explaining the approach to governance that has evolved in each case study community (the 'why' question for the current research), these factors will be considered.

10 The role of women

The ICGP research has identified the role of women as a significant issue in the practice of community governance. Unfortunately, there has been limited research into the impact of gender relations on Indigenous community politics and the functioning of community government institutions.

The role of women in Aboriginal political life remains an issue of contention amongst anthropologists (Keen 1989, pp.28-33). Indeed, Keen (1989, p.33) suggests that "[g]ender has been cast as a separate topic from politics and government." Anthropological considerations of gender have focused on the social, economic and religious spheres, and not the political. In the religious sphere, anthropologists have traditionally seen the rituals of women as subordinate to the important and sacred domain of knowledge accorded to Aboriginal men through initiation (Chase 1980, p.189; Keen 1989, p.28, 31, 33; Rose 2001, p.92). There has been an increasing recognition, however, of the existence of "a parallel domain of knowledge and action that is restricted to women" (Rose 2001, p.93). According to Rose (2001), this significant domain of knowledge and meaning has often gone unacknowledged because the customary use by Aboriginal women of "active silence" to "assert" this knowledge has been misinterpreted as an absence of knowledge. Yet the existence of gendered knowledge is clearly illustrated in relation to land by the existence of "gendered sites" and country which is exclusive to women (Rose 2001, p.101). In the social sphere, the separateness of women's domain has been described as "homosociality" (Keen 1989, p.32), where men and women constitute themselves into separate and exclusive social systems. In the economic sphere, Aboriginal women have also demonstrated a significant degree of independence and autonomy (Keen 1989, pp.29, 31). Maddison (2009, p.197) suggests that the traditional segregation of gender roles and responsibilities is likely to have provided women with "a protected and enduring sphere of power in their communities."

Whatever the situation was in traditional times, it is readily observable that women play an important role in contemporary Aboriginal communities in delivering services, performing

voluntary work and maintaining culture and family strength (Maddison, 2009, pp.202-204). Despite this, women seem to have been largely excluded from political processes and formal institutions of power. The ICGP research noted that women were under-represented on the governing bodies of many of the organisations in the Project's case studies (Hunt & Smith, 2007, p.9). In her study of three Cape York Aboriginal communities, Holden (1994, p.309) observed:

To a varying degree all three communities display the classic dichotomy of social organisation with women being seen as belonging to the private or domestic sphere and the public sphere being seen as the preserve of men. This has resulted in restrictions on access for women to public office and employment opportunities in stereo-typically non-traditional areas.

Maddison (2009, p.206) has recently reported that in her interviews with Aboriginal women leaders, there was a consensus that Aboriginal political culture has been very much a "boys' club." In considering gender power in Aboriginal communities, it is difficult to disentangle Aboriginal cultural values from the effects of colonisation. Anthropologists such as Bell have argued that introduced political structures have given men primacy in governance (Rowse 1992, p.49). On the other hand, Maddison (2009, p.206) points out that colonisation has caused an "emasculatation" of Aboriginal men's authority that has increased the burden on Aboriginal women in relation to family and community welfare.

The marginalisation of women from political forums such as community governments has the potential to impact on the performance of these bodies. Rose (2001) documents a case study in which a women's site was damaged as a result of dominant men in a community council failing to alert mineral prospectors of its existence. Rose's study illustrates the difficulties that arise as a result of the lack of women's voice on a council and the men's ignorance of women's issues. It also demonstrates the considerable political acumen that Aboriginal women bring to bear through informal channels outside of elected representative councils. Such examples reinforce the importance of examining gender issues in a study of community government performance. Data were specifically sought in relation to these issues and the impact of gender as a contextual factor shaping the approach to governance in the case study communities is discussed in Chapter 13.

11 Guiding hypotheses

This chapter has surveyed a wide range of literature from different disciplines and different contexts in order to identify the factors that are commonly considered to impact on the performance of governments and organisations generally, and Indigenous governments

specifically. The objective of this review is to arrive at a set of guiding hypotheses about the determinants of Aboriginal community government performance, which can be used to guide data collection and position the study within existing theory. These hypotheses will be spelt out shortly, but first it is instructive to provide a short overview of the findings of the literature review.

The review reveals that although different disciplines emphasise different aspects of a government's or an organisation's operation, there is considerable overlap in the types of factors that are identified as central to governmental and organisational performance. Factors such as the rule of law, separation of powers, strategic vision, equity and fairness, openness and transparency, effective administration, organisational culture and community engagement and participation all feature strongly in this literature. Many of these factors also appear in discussions about the specific circumstances of Indigenous community governments or Indigenous organisations, but a range of additional factors that have been emphasised in this context. A dominant discourse rooted in anthropological studies leading up to the 1990s has questioned the compatibility of contemporary Western governance and organisational models with Indigenous cultural values about politics and governance. In the past decade, however, this inherently pessimistic discourse has given way to a new appreciation of Indigenous governance organisations as 'intercultural' sites where new ways of dealing with contemporary governance challenges are being devised within Indigenous communities. A new discourse recognises that successful Indigenous governance is not a dichotomous choice between restoring traditional Indigenous governance models or encouraging Indigenous communities to revoke traditional values in favour of Western values that underpin Western governance models. Rather, successful Indigenous governance is increasingly seen as a process of 'strategic engagement' between Indigenous and non-Indigenous society where Indigenous cultural values and approaches are selectively reinforced, adapted or discarded and non-Indigenous values and approaches are adopted or modified to create innovative but workable governance institutions.

The literature reviewed in this chapter suggests a diverse array of factors to investigate in a study of Indigenous community government performance. Considered through the lens of the 'how' and 'why' dimensions of the research question posed in Chapter 1, it can be seen that some of these factors relate to 'how' governance is practised, while some relate to the context explaining 'why' governance is practised in a particular way.

Table 2 summarises the particular governance attributes (the 'how' of governance) that are considered conducive or detrimental to government performance. This summary makes it possible to formulate a set of hypotheses about the governance attributes that are suggested by the literature to be likely determinants of Aboriginal Council performance. These hypotheses are contained in Box 2.

Table 2. Factors relating to governance attributes that are suggested by the literature as relevant to community government performance

Factor for investigation	Relevant literature
Separation of powers <ul style="list-style-type: none"> • Strategic and policy role for councillors and operational role for administrators • Conceptions of role of Council staff (neutrally applying Council policy, actively participating in political/policy processes, etc) 	Management literature Public administration literature Indigenous governance literature
Rule of law <ul style="list-style-type: none"> • Orientation to policy-making and implementation • Absence of arbitrary decision-making • Stable and consistently applied rules 	Good governance literature Indigenous governance literature
Equity and fairness <ul style="list-style-type: none"> • Orientation to the whole of community benefit 	Good governance literature Indigenous governance literature
Strategic vision and leadership <ul style="list-style-type: none"> • Strategic/long-term orientation of councillors • Leadership capacity 	Good governance literature Indigenous governance literature Management literature
Effective administration <ul style="list-style-type: none"> • Good financial administration • Planning • Internal communication • Reporting • Stability of staffing 	Good governance literature Public administration literature Indigenous governance literature
Community engagement and participation <ul style="list-style-type: none"> • Improvements to service delivery and responsiveness through participation • Increased trust and legitimacy in government • Building individual and community capacity • Appropriate form of participation dependent on function rather than an absolute virtue • Demand and need for participation and value of participation in small local governments 	Good governance literature Participatory management literature Participation literature Indigenous governance literature
Openness and transparency <ul style="list-style-type: none"> • Communication with constituents and community organisations 	Good governance literature Participation literature
Strategic engagement <ul style="list-style-type: none"> • Proactive engagement with government • Networked organisational forms with empowered, collaborative staff • The Council's and community's capacity to engage with the broader society • Notion of Councils as 'intercultural' organisations • Fusion of Aboriginal and Western governance approaches • Role of outsiders in key positions such as CEO to act as brokers and intermediaries 	Indigenous governance literature Management literature Social capital literature (bridging social capital)
Organisational culture <ul style="list-style-type: none"> • Positive workplace culture that values & supports staff • Good human resource management practices • Job satisfaction and motivation 	Management literature Indigenous governance literature

Box 2. Hypotheses about the governance attributes that are likely determinants of Aboriginal Council performance

1. The performance of any government, including an Aboriginal community government, will be greater where the following attributes, practices and institutions commonly identified with ‘good governance’ are present:
 - a. Equity and fairness;
 - b. Separation of powers;
 - c. Rule of law;
 - d. Strategic vision and leadership;
 - e. Effective administration;
 - f. Openness and transparency;
 - g. Participation and community engagement.
2. The performance of any organisation, including an Aboriginal community government, will be greater where it exhibits a positive and empowering organisational culture.
3. The performance of an Aboriginal community government will be greater where it adopts an approach to governance that embodies the principle of strategic engagement between the Aboriginal community and the institutions and values of non-Aboriginal society in an intercultural context.
4. The performance of an Aboriginal community government will be greater where it engages and networks effectively with individuals and institutions outside the community.

Table 3 summarises the contextual, historical and cultural factors that the literature suggests will explain ‘why’ a government will exhibit particular governance attributes and are therefore considered underlying determinants of a government’s performance. These factors enable the formulation of a further set of hypotheses for investigation in the study, contained in Box 3.

Table 3. Contextual, historical and cultural factors suggested by the literature as relevant to community government performance

Factor for investigation	Relevant literature
Capacity, resources and size <ul style="list-style-type: none"> • Human capacity of organisations • Education standards in wider community • Financial and physical resources (including natural resources and locational advantages) • Size of Council • Employment of local community residents • Historical factors affecting capacity 	Indigenous governance literature Public administration literature (especially local government literature)
Genuine decision-making power <ul style="list-style-type: none"> • Extent of real sovereignty or self-management 	Indigenous governance literature
Notion of ‘community’ <ul style="list-style-type: none"> • Whether a sense of community as a political unit exists • Notions of representation and ‘authority to speak’ • Impact of community divisions and conflict 	Indigenous governance literature
Kinship and family <ul style="list-style-type: none"> • Impact of kinship-based affiliations, networks and obligations of reciprocity 	Indigenous governance literature

Cultural match

<ul style="list-style-type: none"> • Congruence of Council structure and process with Indigenous governance norms • Adaptation of Council structures or processes to accommodate cultural values or practices 	Indigenous governance literature International development literature
Participation and role of women	
<ul style="list-style-type: none"> • Exclusion of women from political institutions • Contribution of women in service delivery workforce and civic activities 	Indigenous governance literature
Social capital	
<ul style="list-style-type: none"> • Levels of trust and reciprocity • Level of engagement in civic activities such as voluntary organisations • Negative effects of ‘bonding’ social capital • Level of ‘bridging’ social capital • Historical factors 	Social capital literature Indigenous governance literature
Welfare dependency and social norms	
<ul style="list-style-type: none"> • Passivity arising from welfare dependency • Erosion of social norms 	Noel Pearson’s analysis

Box 3. Hypotheses about the contextual, historical and cultural factors that are likely determinants of Aboriginal Council performance

5. The performance of an Aboriginal community government will be greater where there is ‘cultural match’ between its governance institutions and practices and the Aboriginal community’s prevailing cultural norms and values about governance.
6. The performance of an Aboriginal community government will be greater where the community government and the Aboriginal community have higher levels of capacity and resources (human, educational, financial and physical) and are larger in size.
7. The performance of an Aboriginal community government will be greater where it has greater decision-making power and autonomy from higher levels of government.
8. The performance of an Aboriginal community government will be greater where there is a notion of ‘community’ sufficient to found a legitimate, unified and representative council.
9. The performance of an Aboriginal community government will be adversely affected where strong kinship and family obligations influence the decision-making of the elected leaders and Aboriginal staff of the community government.
10. The performance of an Aboriginal community government will be greater where women have a meaningful role in the governance and management of the community.
11. The performance of an Aboriginal community government will be greater where there are higher levels of social capital in the community.
12. The performance of an Aboriginal community government will be adversely affected by conditions of welfare dependency, passivity, disengagement from the mainstream economy and erosion of social norms.

The next chapter discusses how an appropriate research design and method can use these guiding hypotheses as a theoretical starting point for the case study research in three Aboriginal Councils.

12 Conclusion

This chapter reviewed the current literature for guidance about how to approach the three elements of the research question for this study. For the first element, relating to defining and measuring community government performance, the review of the relevant literature led to the study adopting an approach that focuses on the extent to which a community government is meeting its constituent's desired outcomes, which will principally consist of a set of deliverables (in the form of programs and services) but may also encompass expectations about appropriate processes that the community government should follow. It was noted that this approach differs from discussions of governance that focus on 'good governance' processes without establishing a link between these processes and good outcomes.

Having defined good community government performance, the chapter has surveyed the literature to identify the factors that are commonly considered to determine community government performance, both in terms of specific governance attributes (the 'how' dimension of the research question) as well as broader contextual, historical and cultural factors (the 'why' dimension of the research question). The review of the literature has enabled the formulation of two sets of hypotheses relating to these 'how' and 'why' questions that will guide the collection and analysis of data from the case studies.

Chapter 3 – Research design and method

1 Introduction

This chapter outlines and explains the design and method chosen for the research study. It justifies the choice of a multiple case study design as appropriate in addressing the research question and explains the decision to start with a detailed theoretical framework containing a set of guiding hypotheses. The details of the research method are described, including the manner of data collection and analysis. An assessment of the methodological soundness of the method is included, along with a discussion of ethical considerations affecting the study.

2 Research design

2.1 Epistemology

Researchers in the social sciences are faced with a choice between positivist and interpretive epistemologies that has significant implications for how a research project is conceptualised, designed and carried out. In approaching the question of Indigenous governance, the researcher rejected the notion that there could be an objective, universal ‘truth’ about successful governance, waiting to be uncovered by a positivist researcher with the right quantitative tools. Rather, the researcher was guided by an interpretive view of epistemology, in recognition that a more nuanced approach to understanding context and perspective is essential for a study of this nature.

An interpretive approach is one that seeks to study meaningful social action and to understand how people construct meaning, how they interpret the world and how this social construction of their reality influences the way they act. Governance is a social process grounded in a particular social context. In essence, it is about how people make decisions, collectively and through institutions and social structures endemic to a society. The practice of governance in a particular community is shaped by the cultural norms of residents of that community. To answer the research question, therefore, it was necessary to adopt an approach that would enable the researcher to ascertain how the participants in a community governance environment understood the governance activities in which they are involved. For a non-Aboriginal researcher studying governance in an Aboriginal cultural context, it is especially important to adopt an interpretive approach to reduce the risk of making invalid assumptions based on non-Aboriginal worldviews.

2.2 The use of qualitative and quantitative tools

Although an interpretive epistemology is usually associated with qualitative research approaches, for this study a mixture of qualitative and quantitative tools have been employed. Statistical data are particularly important in the evaluation of Council performance outlined in Chapter 5. Census data, official statistics and financial information have also been valuable in illuminating some of the issues under investigation. To achieve the goals of this study, however, a primarily quantitative approach would not have been adequate. The research question seeks not just to describe the features of governance in Aboriginal Councils but to delve deeper to firstly, identify causal relationships between governance practices and outcomes and secondly, discover the contextual factors that shape the way that governance is practised. While statistical analysis may uncover general correlations that suggest the possibility of causal relationships, qualitative analysis is a much more powerful tool for exploring causality. The complex social and organisational processes inherent in community governance cannot be adequately investigated by surveys, experiments or the analysis of available statistics. For these reasons, the research design was constructed around predominantly qualitative methods of inquiry, with the case study method being the central strategy and data collection focused around interviews, documentary analysis and participant observation.

2.3 The multiple case study method

Case studies are the most appropriate tool for exploring the complex causal relationships that are the focus of this study. Yin (1989, p.9) argues that the main advantage of the case study method is its use in explaining the questions ‘how’ and ‘why’ in relation to contemporary events over which the researcher has little or no control. These questions are central to the current study, with its focus on how governance is practised in the real-world context of an Aboriginal Council and why successful or unsuccessful practices and institutions have emerged in different Councils. Answers to these ‘how’ and ‘why’ questions requires collection of rich and detailed information about social processes, meanings and context to enable what is referred to as ‘thick’ description. As Cornell et al (2000, p.17) have argued, if the purpose is to understand “how and why self-governance efforts work or don’t work”, then “[t]his places the focus as much on social processes and social structures as on outcomes, and the method that best lends itself to such inquiry is the case study.” Reflecting this fact, case studies are the most common method employed in studies of Indigenous governance and their efficacy has been demonstrated in large-scale studies by the Indigenous Community Governance Research Project (Hunt & Smith 2007) and the Harvard Project on American Indian Economic Development (Cornell & Kalt 1992, 1995).

In the current research, the case study method also offered the opportunity to elicit a more holistic understanding of community governance through the consideration of a wide range of information about the context of social interaction (Orum, Feagin & Sjoberg 1991, p.9). It also provided the scope to examine the processes of change in Indigenous community governance over time, by considering an Aboriginal Council's development since its creation in the late 1980s as well as the historical evolution of governance in the community over a period of decades.

Whilst the case study method is occasionally scorned by researchers with a positivist or 'natural science' orientation, advocates have pointed to the utility of case studies both for deductive processes of testing hypotheses (Yin 1994) and inductive processes for generating new theory and understanding (Orum, Feagin & Sjoberg 1991, p.6; Sjoberg et al. 1991, p.27).³⁸ For the present research, as the next part of the chapter will show, the intention was to both test a set of guiding hypotheses at the same time as remaining open to the emergence of new theory.

Having chosen the case study method as the appropriate means to achieve the requisite depth of understanding about the practice of community governance, the researcher was confronted with the choice of conducting a single or multiple case studies. Traditionally, case study research in the area of Indigenous governance has focused on single cases (Smith 2005, p.28), but the comparative approach has become more prominent in recent years (Finlayson 2007; Hunt & Smith 2007). For the present research, multiple case studies were considered to be much more amenable to identifying causal relationships between contextual factors, governance practices and performance than a single case study. In particular, the research design aimed to select multiple cases that were sufficiently similar to reduce the amount of complexity and the number of variables involved but sufficiently different to enable the researcher to identify the governance and contextual factors that are causing different levels of performance (Glaser & Strauss 1967, p.230).

The selection of multiple Queensland Aboriginal Councils provided an ideal opportunity to test for the differences that are significance in determining Council performance. In contrast to the diverse contexts of Indigenous governments canvassed in research such as the Indigenous Community Governance Project, similarities in Queensland Councils such as the shared history of church and government administration and the identical legislative framework for community

³⁸ In the book, *A Case for the Case Study*, these authors point to the history of significant contributions of case studies in areas such as anthropology (e.g. Mead, Malinowski, Evans-Pritchard and Embree), sociology (e.g. the Chicago School of Sociology and Merton), social history (e.g. Robert and Helen Lynd's famous 'Middletown' study), political science (e.g. Robert Dahl's New Haven study) and psychoanalysis (e.g. Sigmund Freud).

governance could almost be said to comprise a form of ‘control factors’ permitting meaningful comparison between other variables in the case studies.

While these underlying similarities were important to make the comparative analysis meaningful, too much similarity between the cases would weaken the ability to draw causal inferences. For example, if multiple Councils with the same level of performance exhibited the same governance attributes, it would not be possible to state which of these attributes was determinative of performance. By contrast, if Councils with a different level of performance are investigated, causal inferences can be strengthened where it is evident that an attribute is present for a high-performing Council but absent for a poor-performing Council. Thus, to investigate the question of causality, a central feature of the research design was to select multiple case studies across a spectrum of Council performance. In this way, the research sought the benefits of multiple case studies espoused by Miles and Huberman (1994, p.26), who assert that “multiple cases offer the researcher an even deeper understanding of processes and outcomes of cases, the chance to test (not just develop) hypotheses, and a good picture of locally grounded causality.” It was considered that the use of multiple case studies would enhance the generalisability of conclusions drawn from the research, an issue that is discussed further below in relation to methodological soundness.

Investigating correlations between governance factors and performance across cases was the primary strategy employed to identify relationships of causality. As will be discussed below in relation to data analysis, a second level of analysis sought direct evidence of causal links between individual governance factors and performance in particular areas.

2.4 The theoretical starting point

In conducting case study research, an important methodological choice concerns the use (if any) of theory in the research design. The conventional view of research as principally a process for testing hypotheses assumes that theory is an essential starting point for any research study. This is a fundamental tenet for researchers in the physical sciences and those of a positivist inclination. This view is also accepted by many involved in qualitative research. For example, Yin (1994, p.32) argues that it is crucial to develop a theoretical framework at the design stage of case study research, because this is necessary to guide data collection and to set the foundation for the subsequent stage of generalising the results of the case study. He suggests that an essential part of a research design is to make explicit the study’s theoretical propositions.

Glaser and Strauss (1967), on the other hand, argue for a starting point that deliberately avoids stating any theoretical propositions, to enable the development of “grounded theory” during the course of the research and particularly in the comparison across multiple case studies. Stake (1994) argues that the purpose of case studies is the understanding of the intrinsic value of

cases, rather than to build theory or make generalisations. On this view, a focus on theory as a starting point for case study research risks obscuring the process of understanding the case for its own sake.

Because an important aim of the research project was to test the efficacy of the current orthodoxy about ‘good governance’ in its application to Aboriginal communities, it was appropriate to follow Yin’s suggestion of starting with a set of theoretical propositions or guiding hypotheses. An important benefit of commencing the research from an explicit theoretical framework based on the existing literature is that it assists to position the research within existing theory and enhances the transferability of the findings to other contexts. The guiding hypotheses about the likely determinants of Aboriginal Council performance were derived from the review of the literature in Chapter 2 and were spelt out in Boxes 2 and 3. These hypotheses constitute the theoretical framework for the study.

The hypotheses were conceived by the researcher as ‘guiding’ hypotheses in the sense that their purpose was to provide guidance with respect to the type of data sought and the lines of inquiry to be pursued during the case studies. They were not, however, conceptualised as exclusive hypotheses to be tested as part of a narrowly-focussed deductive research process. They served as a starting point, as the researcher’s objective was to remain alive to the possibility of new or modified hypotheses emerging from processes of analytic induction during the data collection process (Marshall & Rossman 1999, p.53). The rationale for this approach is that initial guiding hypotheses drawn from the literature were needed to make the case studies targeted and manageable in their scope, but because there are significant gaps in the governance literature in relation to Aboriginal communities, it was important to remain open to the emergence of new ‘grounded theory.’

2.5 Case selection

Unlike quantitative research, the objective in selecting cases for case study research is not to obtain a random representative sample from which statistical generalisations can be made (Miles & Huberman 1994, p.27; Yin 1989, p.31; Stake 1994, p.243). Rather, the selection of cases is said to be ‘purposive’, in that cases are chosen for particular reasons. Miles and Huberman (1994, p.27) point out that “qualitative sampling is often decidedly *theory-driven*, either ‘up front’ or progressively, as in a grounded theory mode” [original emphasis].

The current study started with an ‘up front’ theoretical framework containing a set of guiding hypotheses about the causal relationships between contextual factors, governance approaches and performance. The objective of case selection, therefore, was to maximise the opportunity to test these causal relationships (Miles & Huberman 1989, p.28; Yin 1994, p.30). As indicated in Part 2.3, this required balancing the need for sufficient similarities to make the analysis

manageable with the need for sufficient differences to enable the various factors and causal relationships to be tested. The most important difference to build into the case sample was a spectrum of levels of performance. This enables more reliable causal inferences to be drawn in situations such as where a factor is present for a high performing Council but absent for a poor performing Council. In addition to performance, other differences between cases that could aid analysis were differences in some of the characteristics that were proposed in the guiding hypotheses as potential determinants of performance. For example, differences in the capacity, resources, size, history, degree of isolation and cultural characteristics of a community could provide useful comparison points between case study Councils. While the primary criterion for case study selection was to achieve a spectrum of performance, differences in these other characteristics was a secondary criterion.

For the primary criterion, the starting point was to identify high-performing Councils and low-performing Councils from which to select case studies. The challenge in this task was that it required pre-empting the phase of the research process that involved detailed evaluation of each case study Council's performance. To make the selection of the initial two case studies, therefore, the researcher utilised the existing data most frequently relied upon by the Queensland Government to assess the performance of Aboriginal Councils – that is, the outcomes of annual external audits of Council finances by the Auditor-General of Queensland. The limitation of these data is that, while they indicate a Council's level of financial accountability and its administrative effectiveness in complying with audit requirements, they do not indicate its performance in the delivery of services and programs to meet its constituents' needs. Nevertheless, in preliminary interviews with relevant government officers prior to selecting the case studies, there was a firm consensus that audit performance was linked to Councils' performance in other areas. The audit data, which are contained in Figure 4 in Chapter 5, revealed one standout performer since the early 1990s – Yarrabah Aboriginal Shire Council – which was consequently chosen as the first case study. In relation to the secondary criteria, Yarrabah is also a large community with a strong history of engagement with the mainstream and is located in close proximity to a regional city.

The audit data further revealed a pool of several Councils that had exhibited poor audit performance and were consistently nominated by the government informants as poorly-performing Councils. From this pool, the Lockhart River Aboriginal Shire Council was selected as the second case study. This Council, despite being a poor performer for a number of years, was considered to be commencing a process of renewal as a result of an intensive community development and leadership capacity-building process that had been underway in recent times. Thus, a case study at Lockhart River offered the prospect of observing the early stages of turnaround in Council performance and did not represent a 'basket case' or 'hopeless case'. Lockhart River also satisfied the secondary criterion by providing a number of points of contrast

with the Yarrabah case study that held potential to explore different aspects of the hypotheses about the determinants of Council performance. Lockhart River is smaller, more isolated from the mainstream and has a higher proportion of residents who engage in traditional Aboriginal cultural practices and speak an Aboriginal language.

The question of a suitable number of cases was guided by the twin criteria of the desire to have a sufficient number to establish a degree of generalisability of the conclusions (Yin 1989, p.50) and the practical considerations regarding the amount of time and resources required to conduct a larger number of cases. The initial research design proposed a minimum of three case studies with the possibility of four if time and resources permitted. In the event, the breadth and the level of complexity of the issues identified for investigation in the case studies made it impracticable to conduct more than three.

The selection of a third case study was delayed until after substantial data had been collected from the first two case studies. This was deliberate in order to consider the preliminary findings from the initial cases and their implications for modifying the guiding hypotheses and postulating any emerging new hypotheses. The preliminary analysis of data from the high performing case study, Yarrabah Council, indicated a core set of factors that appeared to be strongly linked to the Council's high level of performance. Moreover, the early indications were that these factors were absent in the case study of the poorly performing Lockhart River Council. This evidence led the researcher to tentatively formulate a new broad hypothesis capturing what appeared to be the most critical determinants of Council performance (representing a particular mix of factors from the initial guiding hypotheses). Following the principle of "theoretical sampling" (Glaser & Strauss, 1967), the pool of potential additional case studies was searched for a Council that might enable this new hypothesis to be tested. One Council – the Hope Vale Aboriginal Shire Council – appeared on the face of it to exhibit many of the characteristics that had emerged as significant to the Yarrabah Council's positive performance, yet it did not have a history of strong performance.³⁹ Initial indications were that it fell between the other case studies on a spectrum of performance. The Hope Vale Council seemed to offer the ideal opportunity to test and further develop the emerging theory about community government performance from the two initial case studies. On the secondary criterion regarding sufficient points of difference that enable causal inferences, Hope Vale offered useful comparison points. Hope Vale's population level falls between the other two communities, it is less remote than Lockhart River but more remote than Yarrabah and its residents exhibit a mixture of traditional practices such as those seen at Lockhart River (e.g. maintaining an Aboriginal language) and contemporary lifestyles similar to those observed at

³⁹ By this point in the research project, the researcher had collected a much wider array of comparative data than audit data in order to more accurately evaluate Aboriginal councils' relative performance.

Yarrabah. In these ways, it also added to the representativeness of the sample. It will be seen that the choice of this case study was vindicated by the rich explanatory power of the data collected at Hope Vale.

2.6 Bounding the cases

Setting the boundaries for the cases has two dimensions: scope and timeframe. In terms of scope, the primary unit of analysis for each case is the Aboriginal Council, as it is the factors impacting on the Councils' performance that are the focus of the study. The research design acknowledges, however, that Aboriginal Councils operate within a broader community governance environment, and many of the factors that the literature identifies as impacting on a Council's performance relate to its engagement with this environment, the external resources and capacity that it draws from this environment and the community norms and cultural values that influence the participants in the Council organisation. In particular, the search for the contextual, historical and cultural factors that shape a Council's approach to governance requires an in-depth examination of the community in which the Council is situated.

In terms of timeframe, while the case studies are not longitudinal in focus, they are more than a simple snapshot of community governance practice. The current performance of the Councils cannot be understood without an appreciation of their historical evolution since their establishment in the mid 1980s. Furthermore, one of the features of Aboriginal Councils is the high turnover of councillors and senior staff, which can lead to variations in Council approach and performance over time. To ensure an accurate picture of each Council's performance and approach while maintaining a manageable amount of data, a nominal timeframe from 2000 until the field visits in 2005 and 2006 was selected as the focal period of inquiry for data collection. This took in the entire term of the elected councillors serving between 2000 and 2004 and a portion of the term of the councillors elected in 2004. While significant plans, reports and documents from prior to this period were considered, Council minutes and performance data before 2000 were generally not reviewed in detail.

3 Research method

3.1 Data collection

There were two aspects to the data collection plan:

1. data required for the evaluation of Council performance; and
2. data required to investigate the guiding hypotheses about the determinants of Council performance, derived from the literature.

In Chapter 2, community government (or Council) performance was defined as the extent to which the Council is meeting the desired outcomes of its constituents, taking account of the prevailing constraints. Data collection was therefore directed at firstly, identifying the particular outcomes that the constituents in each of the three communities desired from their Councils and secondly, evaluating the extent to which the Councils were achieving these desired outcomes. This aspect of the research presented a number of conceptual and practical challenges. The approach to performance measurement and the sources of data that were utilised are discussed in detail in Chapter 5.

The second component of the data collection was the collection of data relevant to the guiding hypotheses. King, Keohane and Verba (1994, p.24) recommend that, “in order better to evaluate a theory, collect data on as many of its observable implications as possible.” This, they argue, means “collecting as much data in as many diverse contexts as possible.” For the current study it meant collecting primary and secondary data about the case study Councils and communities from a wide range of sources. A data collection protocol was devised covering the issues to be investigated and the potential sources of data (see Appendix 9).

Documentary and archival data collected for the case studies included:

- Previous government reports, studies and papers on the three case study Councils and their communities;
- Academic books, research papers, publications and theses on the communities and their history and culture;
- Information available on files held by the Department of Aboriginal and Torres Strait Islander Policy and the Department of Local Government, Planning, Sport and Recreation;
- Program performance measurement data held by relevant government agencies;
- Queensland Audit Office reports;
- Council minutes; and
- Internal Council documents, including internal audit reports, plans, performance reports to funding agencies, annual reports, correspondence, policies and procedures manuals.

In all three case studies, Councils were generous in providing access to their internal records, minutes, policies and documents. In reality, there were considerably more documentary data

available at Yarrabah Council than in the other two Councils, reflecting the larger size of the Council as well as the Council's greater level of capacity in administrative procedure.⁴⁰

Primary data were collected through participant observation of governance processes, and interviews and focus group discussions with participants in the Council organisation, members of the community, and external stakeholders such as community organisations and government agencies. Fieldwork was undertaken at the three case study Councils in several week-long blocks between May 2005 and August 2006. The total period in the field was 41 days. Due to the expense involved in conducting fieldwork in remote communities, data collection during these visits was intense and highly targeted. It should be emphasised that the case studies were not intended to be ethnographic in nature or based on lengthy periods of participant observation, although opportunities for participant observation (notably attending Council meetings and community meetings at each site) were taken up where possible.

The sampling of individuals for interviews and focus groups was guided by the individuals' potential to provide relevant information, the need for a diverse range of perspectives and practical considerations concerning their willingness and availability to be interviewed and the time constraints of the field visits. A total of 78 interviews and focus groups were conducted during the data collection. Table 4 provides a breakdown of the individuals involved in the interviews and focus groups. The lengthier, more in-depth interviews were those with councillors, senior Council staff, community organisation representatives and government agency representatives. The engagement with non-manager Council staff tended to be in larger focus group meetings.

⁴⁰ For example, the Yarrabah Council was able to provide an electronic copy of ten years of detailed Council minutes, whereas at Lockhart River and Hope Vale, only hard copies were available and there were gaps in the availability of minutes since 2000.

Table 4. Breakdown of the individual interviewed during the three case studies⁴¹

	Yarrabah	Hope Vale	Lockhart River
Councillors	1 Mayor 1 councillor 1 ex-councillor	1 Mayor 3 councillors 1 ex-councillor	1 Mayor 1 councillor 1 ex-councillor
Senior executives	1 CEO 1 Deputy CEO	1 CEO 1 Deputy CEO	1 CEO 2 ex-CEOs
Council workers	7 managers 15 workers	5 managers 2 workers	4 managers 11 workers
Community organisation representatives	5 managers and representatives	1 manager	1 representative
Community-based government agencies	1 manager	1 manager	3 managers
Non-government	2 auditors	1 church minister	1 church minister 1 trainer 1 anthropologist
Externally-based government agencies⁴²	16 staff	13 staff	15 staff
TOTAL	51	30	43

An important challenge was to obtain data from the constituents of the Councils – the community residents. Residents were considered to be important sources of data about aspects of the research question such as perceptions of Council performance, Councils’ community engagement practices, levels of social capital and prevailing community norms about governance and leadership. Within the constraints and timeframes for the fieldwork, however, it was not feasible to conduct a sufficient number of interviews with residents to obtain a statistically representative sample. Several strategies were employed to address this issue. Firstly, a large number of frontline Council workers were interviewed, either individually or within focus groups. In an Aboriginal community, the majority of adult residents are employed by the Council, which means they are both providers and consumers of Council services. During interviews with Council workers, some questions were directed towards their role as Council employees, while other questions related to their views as residents. The researcher

⁴¹ Many of the individuals interviewed ‘wear several different hats’ in that they have multiple roles and are members of different organisations in the community. In this table, they have been listed in relation to the role that was discussed most in the interview.

⁴² Twelve of the government agency representatives interviewed provided data about two or more of the case study councils and are therefore counted here in the columns for more than one case study,

found that Council workers, especially CDEP workers, were quite prepared as residents to criticise the services provided by the Council notwithstanding their status as Council employees. Secondly, the interviews with representatives of community organisations and community groups that were unaffiliated with the Council included questions about these representatives' understanding of community opinion on various matters. Thirdly, Council documents such as minutes of public meetings and correspondence by constituents to the Councils provided an indication of community opinion about priority issues. Finally, the researcher garnered valuable data about residents' opinions and perspectives from the reporting of previous consultations conducted in the three communities, including community planning processes, internal Council consultations and government evaluations. Where consistent themes and messages emerged from the primary and secondary sources of data, the researcher could have confidence that an accurate picture of community opinion had been identified.

The researcher faced a number of challenges in collecting data through interviews and focus groups. The highly politicised environment of Aboriginal communities gives rise to a risk of data being skewed in favour of certain perspectives or groups. The literature about Aboriginal communities reports that it is common for Council organisations to be dominated by a single family or elite (Anderson 1989, p.75; Holden 1994; House of Representatives Standing Committee on Aboriginal Affairs (HRSCAA) 1990, p.16). To mitigate the risk of bias towards a particular group, the researcher sought advice from critical informants about the political and social dynamics of each community to understand better the various family relationships, alliances and divisions that might affect the perspectives of those interviewed. Armed with this knowledge, the researcher then deliberately sought out individuals from a wide range of family groups, especially those known to have alternative viewpoints or to be vocal critics of the Council.

A further challenge inherent in the research was the issue of language. Aboriginal English is spoken in all three communities, and endemic local languages are widely spoken at Hope Vale and Lockhart River. Within the Council organisations, individuals are experienced in conversing with outsiders and there were few communication difficulties. While Aboriginal English contains subtle differences from standard English both in language and in style of conversation, the researcher has a decade of experience in relating to Aboriginal people who are in representative and organisational roles. Greater difficulty was encountered in interviewing 'grassroots' community members such as CDEP workers, who were firstly, more likely to speak a local language and secondly, less accustomed to conversing with outsiders. The researcher found the most useful strategy for consulting with these community members was through focus group discussions. These discussions, such as those conducted with members of Council work gangs during breaks, could be conducted informally and yielded much interesting data. As in any group, there were individuals who tended to do much of the talking, but what was

interesting was that these leaders often acted to facilitate input from others, engaging in a subtle process of consensus formation.⁴³

Table 5 provides a breakdown of the characteristics of the individuals interviewed for each of the case studies. It highlights some of the challenges for data collection. Because the focus of data collection was individuals who were most centrally involved in the business of the Aboriginal Councils, there is an inevitable bias towards men and towards individuals in the middle age groups, notably 25-39 and 40-54. This limitation heightened the importance of supplementing the interview data with evidence from the other data sources about community opinion mentioned earlier.

Table 5. Analysis of the community residents (both within and outside the Council organisation) who were interviewed

	Yarrabah	Hope Vale	Lockhart River	Total
Gender	18 male 16 female	10 male 7 female	18 male 6 female	61% 39%
Age	under 25: 6 25-39: 11 40-54: 16 over 55: 1	under 25: 0 25-39: 6 40-54: 10 over 55: 1	under 25: 4 25-39: 7 40-54: 12 over 55: 1	13% 32% 51% 4%
Indigeneity	32 Indigenous 2 non-Indigenous	14 Indigenous 3 non-Indigenous	17 Indigenous 7 non-Indigenous	84% 16%

Table 5 also highlights the issues of gender. Chapter 2 discussed the extent to which many parts of Aboriginal society remain strictly delineated along gender lines, from traditional issues regarding custodianship of cultural knowledge to contemporary issues regarding what is considered ‘men’s work’ and ‘women’s work.’ One consequence of the exclusion of Aboriginal women from political processes is that many women are not accustomed to publicly discussing matters such as governance. Although this did not affect the data collection in relation to women who held positions in the Councils or community organisations, the researcher found that grassroots female residents were often ‘shy’ and reluctant to speak or offer opinions during interviews or focus groups. It is possible that this shyness was exacerbated by the fact that the questions were being asked by a white male researcher. Nevertheless, as Table 5 indicates, 39%

⁴³ For example, when a question was asked, such as ‘does the Council ask your views when they are deciding where to build a new facility?’, the participants would typically look at each other, which would be followed by a series of subtle non-verbal interactions and perhaps verbal interactions between individuals (sometimes in local language) before one of the more articulate participants would offer a view while the others nodded their assent.

of the community residents who were interviewed were women, and the researcher actively sought out acknowledged female leaders in each community in order to better gauge the issues that they understood to be important to women.

The specific protocols regarding cross-cultural communication make structured interviews inappropriate in an Aboriginal community. The process of collecting data from Aboriginal informants had to be cognisant of Aboriginal modes of communication that are often based on information sharing without direct questioning. Thus, interviews were informal but loosely structured around interview guides or 'running sheets' developed from the data collection protocol. An example of an interview running sheet for a councillor is included at Appendix 10. Different running sheets were prepared for different interviewees, depending on the aspects of the research question about which the individual might have relevant information. The running sheets were continually revised to refine the questions based on the experience of previous interviews and to add new topics and questions to further explore emergent issues. The loose structure of the interviews meant that the topics in the running sheets were not addressed sequentially and the questions served primarily as prompts for the interviewer. Several significant new insights and lines of inquiry were gained where interview discussions digressed from the topics in the running sheets.

Some interviews were conducted in offices while others were conducted in kitchens, on benches outside the community store or sitting under a tree. Many interviews were audio recorded using a mini-disc recorder, although this was not always practical or appropriate. All interviews in the communities were conducted face to face, while a small number of government officers were interviewed by telephone. The length of the face to face interviews averaged around one hour, with a small number as short as 30 minutes and a handful taking 90 minutes. Informed consent was obtained for all interviews and focus groups in accordance with the approved ethics protocol for the research. Each interviewee or focus group was allocated a unique identifier code, which has been used for the reporting of the data in this dissertation. The code is explained in Box 4. In the reporting of the data, these interviewee codes have generally been used to disguise the identity of the interviewees, while enabling identification of the case study and category of the interviewee. In cases of uncontroversial comments, the text of the dissertation has occasionally identified the specific position of an individual where it might be relevant, such as 'Mayor' or 'CEO'. If this individual's unique number identifier (e.g. 'YC1') were included in these cases, it would enable all the quotes attributed to that person to be identified, including potentially controversial statements where the individual would prefer to remain anonymous. For this reason, in these cases, the number identifier has been suppressed, which is indicated by a # (e.g. 'YC#').

Box 4. Explanation of codes used for identification of interviewees and focus groups

The code comprises:

- an initial letter comprising the case study that the interview related to:
 - Y = Yarrabah
 - L = Lockhart River
 - H = Hope Vale
 - M = multiple case studies
- a further letter or letters indicating the category of interviewee:
 - C = councillor or Council staff member
 - G = Government officer
 - N = non-Government organisation (e.g. community organisation, church minister, auditor) or general community resident
 - FG = Focus Group (generally Council employees, community organisation or community residents)
- a unique number identifying the interviewee or focus group.

The number following the code indicates the relevant paragraph number of the interview transcript or interview notes.

For example, a quote followed by (YC2, 15) indicates that the quote was made at paragraph 15 of a transcript of interview with a councillor or Council staff member from Yarrabah.

Case studies are sometimes criticised for generating huge amounts of data from which it is difficult to draw conclusions. While context is important in understanding any case, the central guiding principle in collecting data in this study was its relevance to the guiding hypotheses comprising the theoretical framework. As King, Keohane and Verba (1994, 29) point out:

In any social scientific study, the implications of the theory and the observation of facts need to mesh with one another: social science conclusions cannot be considered reliable if they are not based on theory and data in strong connection with one another and forged by formulating and examining the observable implications of a theory.

In this study, the clear logical chain from the guiding hypotheses to the data collection protocol to the interview running sheets yielded data that are in strong connection with the theories about governance that were under investigation.

3.2 Data analysis

The ability to make comparisons across cases and the potential for such comparisons to assist in developing theory and making generalisations is a contentious issue in the literature about the case study method. Comparative analysis across a number of cases is often advocated because it improves the ability to make generalisations, countering the usual criticism of case study research that asks: “how can you generalise from one case?” However, the attempt to make comparisons across a number of cases jeopardises what is often seen as the key advantage of case study research, which is the ability to gain a holistic understanding of social phenomena in

their real-life context – that is, the understanding that comes with ‘thick’ description of a single phenomenon (Stake 1994, p.238).

Miles and Huberman (1994, p.173) refer to this as “the tension between the particular and the universal: reconciling an individual case’s uniqueness with the need for more general understanding of generic processes that occur across cases.” Following a model developed by Ragin, they explain that a researcher investigating multiple cases has a choice between a variable-oriented analysis and a case-oriented analysis. In using a variable-oriented analysis, the researcher extracts information about particular variables from a number of cases and searches for a probabilistic relationship among the variables, but in doing so, loses the context that the unique mix of variables within each case provides. In a case-oriented approach, on the other hand, the researcher considers the case as a whole entity, and looks at all the patterns, causes and effects within the case, before making a comparison across a small number of cases. The challenge, then, according to Ragin, is to find an approach that can “allow analysis of parts in a way that does not obscure wholes ... and compare wholes [cases] as configurations of parts” (cited in Miles & Huberman 1994, p.177).

Ultimately, consideration of competing approaches is a balancing act rather than a choice. As Miles and Huberman (1989, 176) point out, “it’s possible and usually desirable, to combine or integrate case-oriented and variable-oriented approaches.” The initial intention in the current study was to balance these approaches by first writing up each case in its entirety, then conducting the cross-case comparison according to the significant variables (as recommended by Yin, 1994). Accordingly, at the completion of the Yarrabah case study, a detailed case study report was compiled, which was intended to be a separate chapter or an attachment to the dissertation. Following the completion of the further case studies it became apparent, however, that this procedure would become unwieldy as it would require repetition of a significant amount of information that was essentially the same for each case study. A variable-oriented analysis and presentation of the data, on the other hand, would enable the researcher to briefly state the similarities and then focus in detail on the points of difference between the three case studies, which is clearly the most critical evidence for explaining the different levels of performance achieved by the three Councils.

Thus, the collation and analysis of the data from the second and third case studies was largely undertaken as a cross-case comparison in accordance with the list of variables or key factors identified from the literature and set out in the guiding hypotheses. The fact that the analysis of the Yarrabah data had already been completed proved useful because it enabled the initial guiding hypotheses to be modified in accordance with the findings and some additional emerging hypotheses to be considered in the analysis of the second and third case studies.

In accordance with the variable-oriented approach taken to the cross-case comparison of the data, the data chapters of this thesis are arranged according to the variables contained in the guiding hypotheses. This presents a risk of obscuring the understanding of each case as an integrated whole. To aid the reader to gain a broader appreciation of the unique characteristics of each case, the introduction to the cases in Chapter 4 presents a separate historical and cultural profile of each of the three Councils and their respective communities.

In the analysis of the case study data, two complementary methods of analysis were employed in order to optimise the potential for testing the guiding hypotheses and drawing causal inferences between governance factors and Council performance. Firstly, the question was asked whether the existence of attributes suggested by the literature as contributing to positive performance are in fact correlated with good performance and conversely, whether the absence of these attributes is observed in cases of poor performance. This is a broader level of analysis concerned with evidence about correlations. Secondly, the data were interrogated for instances where it is apparent that the existence of an attribute has directly caused improved performance or its absence has caused poor performance. This is a more micro level of analysis concerned with direct evidence of causation.

To facilitate this analysis, typed summaries of all archival and documentary material were entered into a computer database for each case study along with notes from all interviews and transcriptions of relevant parts of interviews that were recorded. All interview notes, typed summaries of archival and documentary data and copies of documents available electronically (such as Council minutes) were imported into Nvivo qualitative data analysis software. All of these data were then coded against the key topics and themes contained in the data collection protocol, corresponding to the various elements of the guiding hypotheses. In accordance with Glaser and Strauss' (1967) "grounded theory" method, a number of new themes emerged from the process of coding and analysis of the data.⁴⁴ Once all the data are processed, a report can be printed collating all the instances where data have been coded against that phenomenon, which provides a powerful bank of data to understand and explain the phenomenon. For example, an Nvivo printout of all the data coded against a theme such as 'the separation of powers' could be produced for each case study. Each printout could then be analysed, through further coding in the margins, to ascertain the extent to which each Council has instituted a separation of powers between elected councillors and staff. Using the first level of analysis, a comparison between the cases is then made against this variable to ascertain whether compliance with the separation of powers is correlated with high performance or low performance of the Council as a whole. To reinforce any apparent correlations, the second level of analysis is then employed to seek

⁴⁴ The Nvivo software is particularly well suited to identifying new patterns in qualitative data. As a new phenomenon recurs within multiple sources of data, it can be flagged by coding it.

data indicating specific instances where compliance with the principle of the separation of powers has directly contributed to positive performance or where non-compliance has contributed to poor performance. In its totality, the data may then permit a conclusion to be drawn about whether compliance with the separation of powers impacts on Council performance.

The concluding chapter, however, seeks to balance this variable-oriented approach by incorporating a cross-case analysis that considers each case as a separate whole. This analysis re-assembles the parts of each case that were considered separately in the variable-oriented analysis and considers the particular configuration of parts (i.e. governance attributes and contextual, historical and cultural factors) that together determined the Council's overall performance. This assists to understand how the parts fit together and interact to determine a certain level of performance. This approach highlights that certain factors appear together in a case because they are linked. For example, a community's history of exposure to the outside world is linked with its Council's capacity to effectively engage with the outside world. This analysis of the cases as wholes and the comparison of their particular configurations of parts will complement the detailed assessment of the impact on Council performance of each variable presented in the individual data chapters. Taken together, the variable-oriented analysis and the case-oriented analysis provide the basis for developing an explanatory model for Aboriginal Council performance.

3.3 *Methodological soundness*

There are divergent views in the research methods literature about what criteria are to be used in judging the soundness of qualitative research methods. The conventional criteria for judging empirical research are reliability and validity, but in qualitative research, it has been common to phrase these in terms of the criteria of credibility, transferability, dependability and confirmability (Lincoln & Guba 1985; Marshall, C. & Rossman 1999).

3.3.1 *Credibility*

The credibility of qualitative research is established by ensuring that the realities of the participants in the study match the realities reported by the researcher (Guba & Lincoln 1989, p.237). Stake (1994, p.241) stresses that in an interpretive approach the principal concern is to achieve authenticity in the reporting of participants' interpretations. An important strategy to ensure the accuracy of the reporting of the phenomena being investigated in this study has been the presentation of the data through the extensive use of direct quotes from participants. A further strategy has been to provide copies of interview notes or transcripts to interviewees wherever possible to ensure that their perspectives have been accurately recorded by the

researcher. In the case of the Yarrabah case study, the researcher had the opportunity to present the findings to a meeting of councillors and senior staff, which proved a valuable forum to confirm that the findings accorded with the reality experienced by those within the Council. The fact that the researcher's conclusions from the case study resonated strongly with councillors and senior staff provided reassurance of the credibility of the research outcomes. Debriefing with peers and 'critical friends' was a further method employed to provide a separate check on the researcher's construction of realities from the data.

Yin (1994, p.33) highlights the concept of "construct validity", which refers to the need to have the correct operational measures for the concepts being studied. In this study, the validity of the key constructs identified in relation to governance has been enhanced by using multiple sources of evidence by way of measurement of the constructs. Orum, Feagin and Sjoberg (1991, p.19) point out that case studies are advantageous over other methods because they permit "complementary and overlapping measures of the same phenomena". In this study, the variety of data sources enabled a "triangulation of sources" and provided opportunities to cross-check and validate the findings using these sources. The multiplicity of data sources analysed during the research has enabled the researcher to assemble a wide range of evidence supporting each finding reported in this dissertation. In many cases, it has been possible to corroborate perspectives or opinions given by interviewees with documentary evidence or statistics.

Yin further advocates the need for the case study researcher to pay heed to the "internal validity" of research, which refers to the soundness of the causal relationships identified. This study seeks to give confidence in the validity of the inferences drawn by demonstrating a high degree of rigour in the process of data analysis. Very specific incidences and examples of cause and effect have been sought rather than simply relying on broad level correlations to draw causal inferences. In positing relationships of causality, the researcher has also been cognisant of the need to deal with rival explanations and possibilities.

3.3.2 Transferability

Transferability is analogous to what many researchers refer to as generalisability or external validity. For any research, there is a relevant broader domain to which generalisation may be relevant. In this study, the similarities of the circumstances of other Aboriginal Councils in Queensland might be considered to provide firm grounds for generalising the findings within this domain. These issues are discussed further in Chapter 14.

The researcher's intention is that the transferability of the research findings to other contexts will be enhanced by the study's approach in starting with an explicit theoretical framework based on existing literature. As Marshall and Rossman (1999, p.193) point out, by clearly stating the theoretical parameters of the research in this way, "those who make policy or design

research studies within those same parameters can determine whether or not the cases described can be generalised for new research or policy and transferred to other settings.” Guba and Lincoln (1989) suggest that the transferability of qualitative research findings can best be established by ensuring that ‘thick description’ is achieved in documenting the study. The detailed reporting of the data from the three case studies in this dissertation provides ample basis for a reader to draw conclusions about the transferability of the findings to their policy or theoretical context. Furthermore, the potential to draw comparisons with other contexts is enhanced by the triangulation of data sources in the research design, covering multiple cases, multiple informants and varied methods of data-gathering (Marshall & Rossman, 1999, p.194).

3.3.3 Dependability

Lincoln and Guba’s (1985) construct of dependability refers to the extent to which the qualitative researcher has sought to account for changing conditions in the matter chosen for study and allowed for evolution of the research design. This criterion acknowledges the interpretive researcher’s epistemological assumption that the social world is constantly changing and being socially constructed. The research design accounts for the continuous change inherent in the community governance environment by viewing the case studies within a five to six year timeframe. In this way, the data have been able to capture not only the current realities at the time of the data collection but also the processes of change within the Councils.

The research has also been approached in a way that has allowed the research design to evolve over the course of the study. For example, the initial theoretical framework was constantly reviewed in light of the data to the extent that emerging new insights reshaped the guiding hypotheses. The research design was flexible enough to accommodate new lines of inquiry that opened up during the early stages of the case studies.

3.3.4 Confirmability

For qualitative research, confirmability is established where it is shown that a study’s outcomes could be confirmed by another researcher. This does not imply that the study is replicable in that the same results would be obtained in another case, but that another researcher studying the same case would obtain the same result (Lincoln & Guba 1985). It also does not imply objectivity per se, because a degree of subjectivity on the part of the researcher is an acknowledged aspect of qualitative research. Rather, the criterion is: “do the data help confirm the general findings and lead to the implications?” (Marshall & Rossman, 1999, p.194). To establish that the study is confirmable requires strategies to deal with the inherent risks in qualitative research for bias and subjective interpretation or erroneous interpretations (Orum, Feagin & Sjoberg 1991, p.17).

The confirmability of this study has been buttressed by several strategies. Most importantly, the study is heavily focused on the data, which are drawn from a range of triangulated sources. The researcher's intention is to 'let the data speak for themselves' as much as possible. The researcher's role is to organise and present the data in a way that enables the reader to make the same connections and discern the same patterns as the researcher did in conducting the research. Where conclusions have been drawn from the data, the source data relied upon have been explicitly stated. The challenge inherent in this approach has been balancing the aspiration to include the supporting data for every assertion against the risk of overwhelming the reader with information and making the dissertation unreadable.⁴⁵ While brevity has meant some data are alluded to rather than reproduced in full, strenuous efforts have been made to ensure that the empirical basis for significant conclusions are explicitly stated.

A further strategy taken to reinforce the confirmability of the study has been to carefully and rigorously document the approach to undertaking the research in a transparent manner (Yin 1989, p.36; King, Keohane & Verba 1994, p.27). This chapter describes the steps taken in developing the research design and collecting and analysing the data, while important documents such as the data collection protocol and a sample running sheet are appended to enable scrutiny. Following Yin's suggestion, a comprehensive case study database has been created for each case, thereby creating a clear audit trail by which the process of data collection and analysis through to the development of conclusions can be traced. All data have been preserved, including audio recordings, transcripts and notes. It would be possible for another researcher to re-trace in detail the path taken in conducting this research.

The question of confirmability raises the issue of the extent to which the researcher's own opinions, ideology and cultural baggage have influenced the conclusions drawn from the data in the study. It is unavoidable that any researcher commencing a research project brings with them their own preconceptions about the matter under study, influenced by a range of factors that have shaped their worldview, including their upbringing, education, life experiences and gender. While it is not possible to 'leave this baggage at the door', it is important for the researcher to retain a level of self-awareness about the potential for these matters to influence their perceptions and interpretations about data and the ultimate conclusions that they draw.

This researcher approached this research with a decade of experience as a State Government officer working in Indigenous policy. One of the researcher's earliest projects had been to coordinate a program designed to assist Indigenous Councils to develop new culturally

⁴⁵ Earlier versions of data chapters typically presented several, repetitive quotes from different people to demonstrate the same assertion. The unwieldy length of these chapters meant that a single representative quote is now used with reference to the other supporting quotes noted in brackets.

appropriate governing structures that drew on Indigenous traditions of governance and organisation (known as the Alternative Governing Structures Program). The researcher's work on this program had shaped firmly held views about the shortcomings of the existing Indigenous Council model and the need for culturally appropriate alternatives. These views were influenced by the researcher's own earlier work and research on Indigenous governance that was heavily reliant on writings from the dominant anthropological discourse in the early 1990s discussed in Chapter 2. They were informed by limited direct experience of the circumstances within Aboriginal Councils, consisting primarily of short-term consultation visits to remote communities and frequent participation in workshops with Councils. Undertaking the field research for the current study required the researcher to 'shelve' these preconceptions about Aboriginal Councils and community governance in an effort to better understand the lived reality for the participants in the case study Councils and their constituents. The research process proved to be a journey during which the researcher found himself 'shedding his ideological skin' as he gained fresh insights and new understandings about the complexities of contemporary life in remote Aboriginal communities. Idealistic notions about Indigenous governance were soon replaced with a more nuanced perspective and a greater appreciation of the pragmatism exhibited by many Council participants who were trying to meet the challenges of their everyday existence and make their communities better places. In writing this dissertation, the researcher has sought to put to one side any preconceptions and previously held ideological attachments in order to accurately render the practice of community governance as it is experienced by the participants.

3.4 Ethical considerations

The research was carried out in accordance with an ethical approval of the research protocol (approval number PPP/03/03/hec) by Griffith University's Human Research Ethics Committee. The key principle in the ethical conduct of research involving humans is free and informed consent. However, given the unique cultural circumstances and historical treatment of Indigenous peoples, there is a more extensive range of ethical issues and protocols that must be addressed in research involving Indigenous communities. To address these issues, the development of the research protocol was guided by the National Health and Medical Research Council's (NHMRC) *Guidelines on Ethical Matters in Aboriginal and Torres Strait Islander Health Research* and the Australian Institute of Aboriginal and Torres Strait Islander Studies' (AIATSIS) *Guidelines for Ethical Research in Indigenous Studies*.

A central element of the research protocol was that a written agreement was negotiated with each Council prior to the commencement of each case study. The agreements set out detailed matters regarding the conduct of the research, including field visits, access to documents confidentiality, storage of data, intellectual property, reporting of information, publication of

results, withdrawal of consent and resolving disagreements. The agreement included specific details of research outcomes that the Councils desired in order to contribute to their own goals and needs. In each community, the researcher had an initial face-to-face meeting with the Council to discuss the agreement and any concerns held by councillors. The research protocol included processes to ensure free and informed consent by participants. An information sheet in plain English was provided to individuals prior to interviews, and a written consent form was completed by individuals before interviews commenced.

As part of the research agreement, each case study Council has had an opportunity to review papers and presentations that have arisen out of the research as well as a draft of this dissertation. This has given the Councils the opportunity to raise any issues regarding the way in which the case studies have been reported. However, this opportunity to review the research outcomes does not extend to a veto over the publication of material that might lead to a Council being perceived in a negative way.

A specific ethical issue that arose during the research concerned the researcher's prior involvement with Aboriginal Councils. As a long-time government employee working in Indigenous affairs, the researcher was known to some of the participants in the three case study communities. It was important for the researcher to highlight during this study that his role was as an independent researcher. This was clearly indicated in the information sheets provided to all participants and was reinforced in all of the researcher's interactions within the case study communities.

During the field research component of the study, the researcher was in fact, an employee of the Department of Local Government, Sport and Recreation, which sponsored this phase of the research. This gave rise to two potential issues. Firstly, there is a risk that the research will be seen as being unduly influenced by the Department. This risk was addressed by ensuring that the independence of the researcher from the Department was expressly prescribed in the research agreement with the Department. While the choice of research topic was deliberately chosen for its policy relevance to government and therefore its potential to influence future policy, the conduct of the research was in no way influenced by the Department. The researcher was given complete freedom and considerable support by the Department in carrying out the research, for which the researcher is grateful. The researcher left the employment of the Department in 2006 and the dissertation has been written since that time. The researcher has undertaken consultancy projects for the Department since that time, which have been unrelated to the research.

A second potential issue arising from the researcher's employment by the Department was that the interactions of councillors and Council staff with the researcher would be affected by their perception of the researcher as a representative of the Department, which is both the funding

provider and regulatory body for Aboriginal Councils. Again, the defence against this risk was to ensure that it was clear to participants that the researcher's role was as an independent researcher. The researcher was reassured that this did not affect participants by the fact that they spoke freely during the interviews and showed a preparedness to criticise both the Department and their own Council.

A final ethical issue that deserves mention is that during the course of the research, the researcher developed relationships with the Councils which were the subjects of the case studies. These relationships included instances where the researcher provided advice or assistance to individuals – for example, about laws or legislation. The researcher also assisted the Yarrabah Council to put together a nomination for the Indigenous Governance Awards, for which the Council was shortlisted as a finalist. The researcher was able to provide research data for inclusion in the award nomination, but the provided information was balanced, highlighting both the Council's positive practices and its shortcomings. The researcher believes that building relationships with participants is an integral and essential part of the qualitative research process and that, done in an appropriate manner, it does not affect the independence of research findings. Building relationships and becoming involved with research participants is an important means of ensuring that the research process yields some benefits and opportunities for the individuals and the communities who give their time to participate. For example, the researcher delivered a joint national conference paper with the CEO of the Yarrabah Council, which was subsequently published as a chapter in an international book on governance (Limerick, M. & Yeatman 2008).

4 Conclusion

This chapter has explained why a multiple case study research design offers the best prospects for exploring the research question for this study. The chosen research design seeks to ensure tightly-focused, rigorous and credible qualitative research by explicitly linking the data collected to a theoretical framework comprising a set of guiding hypotheses derived from the literature. The comparison of multiple cases that are drawn from across the spectrum of Council performance levels and exhibit a range of characteristics relevant to the hypotheses maximises the opportunity to examine causal relationships and identify correlations between governance approaches, contextual factors and Council performance. At a second level of analysis, the detailed examination of specific aspects of Council performance and governance attributes enables evidence of direct causality to be elicited from the data. At the same time as providing solid grounds for testing existing hypotheses about the determinants of Council performance, the research design provides the scope for the emergence of grounded theory and the formulation of new hypotheses.

The research method involves collection of a range of data from multiple sources and a methodical process of software-assisted analysis balancing variable-oriented and case-oriented approaches. This method maximises the opportunities to draw firm conclusions from the data regarding the factors that impact on Council performance.

The next chapter will begin to present the data from the case studies. It provides an introduction to the three case study Councils and their respective communities.

Chapter 4 – Introducing the cases

1 Introduction

This chapter provides background and contextual information concerning the three case study Councils and the Aboriginal communities in which they are located – Yarrabah, Hope Vale and Lockhart River. As explained in Chapter 3, a significant challenge of comparative case study research is that the analysis of variables across cases can obscure the view of each case as an integral whole. The intention of this chapter is to ensure that the reader starts with a holistic appreciation of each case study to provide a contextual reference point for the detailed discussion of governance variables in the subsequent data chapters. This contextual information shows that, although the three communities share a similar institutional history, they each have unique characteristics shaped by factors such as their geographical location, mission experience under different churches and individual missionaries, and distinctive cultural profiles.

A second purpose of this chapter is to introduce information about the cases that will later assist in addressing the ‘why’ aspect of the research question,⁴⁶ which requires attention to the contextual, historical and cultural factors that shape a particular community’s approach to governance. This chapter provides an overview of these factors, which are considered in a more comparative manner in Chapters 10, 11, 12 and 13.

2 History of governance in Queensland Aboriginal communities

Beginning in the late nineteenth century, the previously dispersed Aboriginal population of Queensland was progressively centralised into small settlements located across the State. Some people voluntarily migrated to these settlements, while some were forcibly relocated by the State Government under laws and policies for the ‘removal’ of families and individuals (especially mixed-race children) for their purported ‘protection’. Under the *Aboriginal Protection and Restriction of the Sale of Opium Act 1897*, the administration of the Aboriginal population was vested in positions known as ‘protectors’, who were initially police officers (May 1990, p.5). Most of the new settlements were instigated by missionaries from various Church denominations, although the State Government also established settlements at Cherbourg, Woorabinda and Palm Island in the early part of the twentieth century. The

⁴⁶ See Chapter 1, Part 2.

missions were provided with some support from the State Government, but generally assumed autonomous control over the management of the local Aboriginal population, under the imprimatur of State law. In the government settlements, 'Superintendents' were appointed to administer the relevant laws and policies governing every aspect of the residents' lives.

Although the administrative methods and ideologies adopted by the missionaries and government superintendents differed from place to place and from individual to individual, the common element is that they afforded Aboriginal people very little control over their everyday lives. Kidd notes that in Aboriginal settlements, "[t]he State's bureaucracy controlled all aspects of personal and social life: right to marry, care of children, place of living, employment, supply of food, safety of water, provision of medical attention, schooling, housing, community amenities, policing and justice" (cited in Fitzgerald 2001, Vol.2, p.1).

To facilitate the smooth running of the missions, some missionaries sought to build on what they understood as pre-existing Aboriginal authority structures by appointing Aboriginal leaders as 'kings' (Kolig 1989, p.50).⁴⁷ In some missions, Aboriginal people were given advisory roles through appointed or elected 'village councils' and Aboriginal police and Aboriginal courts were created to assist with local administration. In 1945, regulations to the *Aboriginals Preservation and Protection Act 1939* officially established elected councils in Aboriginal reserves and missions. These councils had purely advisory roles, however, and the governance of the settlements remained firmly in the hands of the appointed officials, who took their directions from the Director of Native Affairs in Brisbane (Fitzgerald 2001, Vol.2, p.5). The *Aborigines and Torres Strait Islanders Regulations 1966* purported to expand the authority of the Aboriginal Councils, but their independent operation remained significantly circumscribed by overriding Departmental powers.⁴⁸

Kidd (in Fitzgerald 2001, p.27) argues that the original establishment of the Councils was simply "intended to present a cosmetic overlay of democracy within Queensland's dictatorial administration". At Yarrabah in the 1970s, Craig reported that the Council exercised no real power, allowing the Departmental managers to run the reserve "by default or by tacit agreement" (1979b, p.59). Craig observed that effectively, "the Council functioned as part of the bureaucracy" (1979b, p.115); far from representing or communicating with its constituents, "it acted primarily as an adjunct of the [Department's] administration" (1979b, p.116).

⁴⁷ For example, Craig notes that at Yarrabah, the missionary Gribble adopted the practice of other parts of Australia by appointing the local Gungandji leader, Menmuny, as king. (Craig 1979b, p.59)

⁴⁸ For example, the Councils were comprised of two elected councillors, who the Director could remove from office at any time, and two councillors appointed by the Director. Departmental managers could suspend the operation of any resolutions or orders made by the Councils. (Fitzgerald 2001, Vol.2, p.9)

Likewise, during his fieldwork at Lockhart River in the 1970s, Chase observed that the Council had little real authority:

Although there was, on the surface, a system which recognized some Aboriginal autonomy, the actual operation of Councils at Lockhart was somewhat different. Nearly all decision-making power lay firmly in the hands of the manager, and while individual managerial styles varied, all managers during my fieldwork made sure that Councils produced decisions which were in accordance with their wishes. These in turn were largely a reflection of the Director's instructions, and the Director was a figure who tolerated little deviation in the administration of his policies. (Chase 1980, p.36)

The 1970s saw a reassessment of policy frameworks for Indigenous affairs across Australia. A growing awareness of the extent to which prevailing policies and laws were at odds with international human rights covenants and an increase in political activism amongst Indigenous people and their non-Indigenous supporters started a shift towards an approach based on 'self-determination'. The Whitlam Government initiated the handover of traditional lands to Aboriginal groups in the Northern Territory and a process of establishing Indigenous-controlled governance structures. Conservative governments such as the Fraser Government at the federal level, and the National Party Government at the State level in Queensland, tended to prefer the more limited term 'self-management', which inferred that increased Indigenous autonomy should be limited to assuming greater responsibility for managing their affairs within existing government administrative structures.⁴⁹ In Queensland, community agitation throughout the 1970s and early 1980s for greater rights for Indigenous people and pressure for reform from the Federal Government culminated in new laws introduced between 1982 and 1984 to put in place a land rights and self-management regime. The *Land Act (Aboriginal and Islander Land Grants) Amendment Act 1982* provided for the grant of Aboriginal reserve land to Aboriginal Councils as Deeds of Grant in Trust (DOGITs) and the *Community Services (Aborigines) Act 1984* provided for the Aboriginal Councils to be vested with local government authority status.

Starting in 1986, the Department of Community Services commenced a process of handover of the core functions of community government to Aboriginal Councils.⁵⁰ This process was

⁴⁹ This conceptualisation responded to a concern that the notion of 'self-determination' in the domestic context implied the right to institute separate economic, social and cultural development through structures operating outside of the Australian state, an interpretation that might be said to follow from international law. These misgivings about the use of the term 'self-determination' have persisted and influenced the Howard Government's opposition to key parts of the United Nation's Draft Declaration of the Rights of Indigenous Peoples.

⁵⁰ At Yarrabah, for example, the official handover of the Department's resources to the Council occurred on 14 April 1987.

supposed to involve a transitional period where officers from the Department's Transitional Functions Unit continued to have a close presence in the communities, purportedly to provide training and support. In reality, however, it appears that very little effective training or capacity development was provided to the Councils and local Aboriginal staff during the years following the handover. Holden (1994, p.208) observed that the transitional staff "were preoccupied with procedural training, particularly compliance with the Ministerial Directions, and totally neglected a range of other training areas essential to the successful conduct of Aboriginal Council business and operations". A former Departmental officer who worked in Aboriginal communities at the time recalled that *"the self management transition was a ridiculous bloody process, there was no succession management planning at all – it was just: 'here's the keys, boys'"* (LG1, 56).⁵¹ Current staff of the Hope Vale Council who were involved at the time of the transition expressed similar views: *"The big word at the time was 'self-management', [but] the money was just thrown at the Councils, so you have to govern and everything, but there was no training and I think we just kept stumbling"* (HC9, 111); *"You were thrown into the situation where you had no training, you were just told its self-determination now. It took me a whole year to actually get my footing"* (HC10, 13). Neither were elected councillors given adequate preparation for their new role. A Yarrabah councillor recalled that the Department had organised just one budgeting workshop in Gympie and that this was just a "PR exercise" (Connolly 1989).

Compounding the difficulty for Aboriginal Councils was the fact that they were taking over responsibility for a much wider range of functions than mainstream local governments. In addition to standard local government services such as roads, sanitation, water and sewerage, Aboriginal Councils administer a range of social welfare functions including the provision and maintenance of community housing, managing employment programs, running a community police force and delivering a host of social programs in areas such as local justice initiatives, drug and alcohol abuse, suicide prevention, family support, aged care and child care. A government report in 2001 identified that Aboriginal Councils had 59 areas of functional responsibility compared with 34 areas traditionally performed by mainstream local governments (Fitzgerald 2001, p.248).

In these circumstances, it is hardly surprising that Aboriginal Councils struggled to deliver services and maintain adequate standards of financial management and administration. Throughout the 1990s, a succession of government reviews investigated the problems besetting Aboriginal Councils. Concerns about the cultural appropriateness of the representative council model for Aboriginal communities led to initiatives to explore alternative governing structures more suited to Aboriginal authority structures (Limerick, M. 2001). Other reforms were

⁵¹ The way in which the comments of interviewees are referenced is set out in Box 4 in Chapter 3.

focused on tightening the accountability requirements to address concerns about nepotism and poor governance. The catalyst for more significant reform, however, was Justice Tony Fitzgerald's Cape York Justice Study (Fitzgerald 2001), which led to a Green Paper review of Indigenous community governance (Department of Aboriginal and Torres Strait Islander Policy 2003b). Although the Green Paper considered the issue of alternative governing structures, it ultimately led to a decision to repeal the *Community Services (Aborigines) Act 1984* and transition Aboriginal Councils to the same legislative framework as other local governments in Queensland under the *Local Government Act 1993*. The *Local Government (Community Government Areas) Act 2004* provided for Aboriginal Councils to make the transition to Shire Council status over four years. The result is that, with some minor differences that take account of the different land tenure and circumstances of Aboriginal communities, the legislative framework for Aboriginal Councils is now the standard local government model applicable in other parts of Queensland.

3 Historical and cultural profiles

3.1 Yarrabah

Yarrabah is located in far north Queensland, 60 kilometres by road south of Cairns.⁵² The tenure of the community land is Deed of Grant In Trust (DOGIT), which is held by the Council as trustee for the Aboriginal residents. The DOGIT area comprises a long slender tract of land covering 15 440 hectares, bounded by the Murray Prior Range to the west and the coastline to the east (Gutteridge Haskins & Davey Pty Ltd 2002b, B4). The area is 30 kilometres long and is about 2.5 km wide in the south, broadening out to almost 8 km wide in the northern section. The land is characterised by lowland rainforest and swampy plains lying between the base of the mountain ranges and the coast. The township is located on Mission Bay at the northern end of the DOGIT and occupies about 150 hectares, only 1% of the DOGIT area.

⁵² Anyone who has flown south from Cairns will have traveled over Yarrabah, as the flight path of jets leaving Cairns airport tracks directly over the community.



**Yarrabah
Aboriginal
community**

Prior to European settlement, the area around Yarrabah was inhabited by the Gungandji people and the Yidinji people. The community of Yarrabah was established as an Anglican Church mission in 1892. With the help of a local leader, Menmuny, the Anglican missionary, Father Gribble, was able to encourage the local people to join the mission. In the next few decades, the State Government forcibly relocated Aboriginal people from several Queensland regions to the Yarrabah mission, including a large contingent from Fraser Island and many children of mixed descent from the east coast of Cape York. While the community is not remote, being only about 45 minutes driving time from Cairns, the coastal mountain range provides a natural barrier from the rest of the Cairns region, which was one of the reasons for the siting of the mission in its present location.⁵³

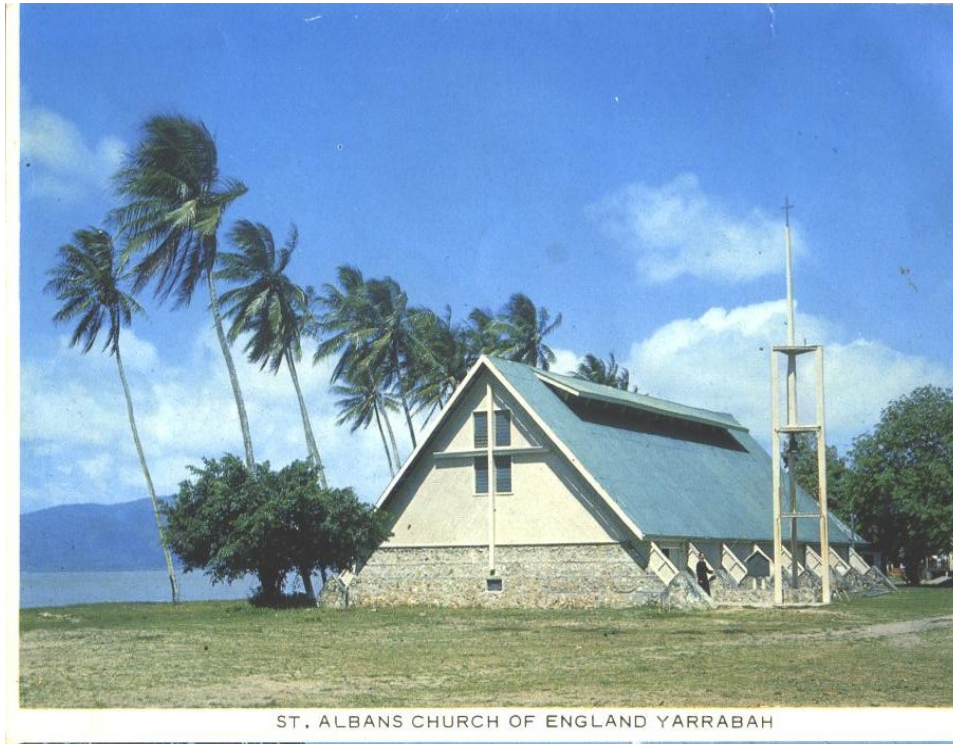
The mission struggled to support itself with limited outside assistance in the first half of the twentieth century. Under State legislation, the church was vested with wide-ranging authority to regulate every aspect of life on the mission:

Yarrabah closely approximated the ‘total institution.’ The functions of various institutions such as accommodation, education and health - dispersed in the wider society - were centralised within the mission station. The priest/supervisor made all the

⁵³ At the time of its establishment in the 1890s, Queensland authorities envisaged that the Yarrabah mission might be large enough to accommodate all the Aboriginal people of north Queensland (May 1990, p.6). Queensland Parliament was told in 1897 that it had the advantage of being “isolated from all white settlers by a lofty jungle-clad range” (cited in May 1990, p.6).

decisions regarding both the spiritual and the secular management of the lives of residents. (Hume 1991, p.16)

The children were housed in dormitories and subjected to a strict routine of schooling and work. The adults worked hard to grow and gather food and earn an income sufficient to sustain the mission.



**Yarrabah
Church**

In June 1960, the Anglican Church handed over responsibility for the settlement to the Department of Native Affairs. The State Government gradually improved the infrastructure and services in the community in the 1960s and 1970s, but living standards still lagged behind the rest of Queensland. For reasons of convenience to the Department in delivering services, the residents of the outlying settlements were moved into the main Yarrabah township. The Department administered the Yarrabah community until responsibility was handed over to the Yarrabah Aboriginal Council in the late 1980s.

As a result of Yarrabah's history, the community today is comprised of the descendants of a large number of Aboriginal tribes from across Queensland. It is estimated that 80% of the population are descended from people who were removed to Yarrabah, with the remainder being descendants of traditional owners of the area (Yarrabah Aboriginal Council 1999, p.17). Estimates of the number of tribes whose descendants live in the community today range from 32 (Baird, Mick-Ramsamy & Percy 1998, p.8) to 40 (Nev Bates and Associates 1996, p.12). That

Yarrabah is a ‘melting pot’ of different Aboriginal peoples and traditions is illustrated by the comment made by a Yarrabah elder interviewed in the 1980s:

But since the church come, there’s been all different tribes - Redlynch, Fourmile, Jabugay, Yidinji. Since they all came there together, they do their own dance but they combine. They know part of our dance. We know part of their dance. (Thomson 1989, p.15)

The missionaries had a single-minded objective of ‘civilising’ the Aboriginal population by suppressing their traditional ways and inculcating European and Christian values and life habits. From the very beginning of the mission, renouncing culture was a condition of joining the mission and receiving the material benefits that it offered. In the dormitories, speaking Aboriginal languages and practising cultural traditions were strictly forbidden. According to Craig (1979b, p.65), who undertook field research at Yarrabah in the late 1970s: “One of the remarkable aspects about Yarrabah is the speed with which the Aborigines’ traditional culture disappeared.” Craig also noted that: “As a result of the efforts of the missionaries, and perhaps also because of the community’s proximity to Cairns, the European lifestyle has been prominent at Yarrabah” (Craig 1979b, p.141). Census figures set out in Table 6 (see Part 4 of this chapter) indicate that only 2.9% of Yarrabah residents speak an Indigenous language at home, less than the Queensland average for Indigenous people (9.4%) and only a fraction of the proportions in the other two case study communities.

There is sadness amongst Yarrabah people that much of the community’s traditions have been lost and that the church actively suppressed Aboriginal culture and language. A Yarrabah elder recalled in the 1980s:

I reckon that was really the saddest aspect of Aboriginal culture when we were asked to, told to live the other way. During the time in the dormitories, they weren’t allowed to talk our own language. And look what happened. Part of our culture was lost. (Thomson 1989, 126)

A current Christian leader at Yarrabah spoke about the disappointment now amongst many Yarrabah Christians that the church had suppressed traditional ways: “we felt that they were insulting our people, our culture, by saying it’s of the devil, and yet they’ve allowed a lot of the European-style worship to go on in the churches” (YC5, 71). Nevertheless, the community retains a strong sense of its Aboriginal identity. A Yarrabah leader reflected: “There is a sadness in a sense that we don’t have full grasp of our language and whatever, but we’re still unique, we still speak a broken English dialect, there are still words we use that are specific to Yarrabah, so it’s not fully lost” (YC1, 218). Recent years have seen a renewed interest at Yarrabah in revitalising cultural traditions, especially through the church and the school (YC5, 71; YG7, 96).

Christianity remains central to the identity of the Yarrabah community today, perhaps more so than in any other Queensland Aboriginal community. At the 2006 census, 91.7% of Indigenous residents identified as Christian, and of these, 92.4% identified as Anglican. This compares with only 63.9% of Indigenous people identifying as Christian at the national level, 69.2% at the Queensland level, and 81.6% for Cape York. Although few people today attend church services regularly, there is a core of very active Christians in the community, which has been built on the foundation of a 'born-again' movement at Yarrabah in the 1980s. Writing in 1988, Hume (1988, p.252) estimated that "of a total population of approximately 1350-1500, there is a core group today of 300 born-again Christians." A notable aspect of Yarrabah's Christian heritage is the sense of destiny that is held by many Yarrabah residents today. The early Anglican mission at Yarrabah was widely considered as a successful model for Aboriginal Christianity (Hume 1991, p.6) and it gave rise to the notion of Yarrabah as the "mother mission" or "mother church" (Hume 1988, p.253).⁵⁴ The centrality of Christian values is still readily apparent amongst many of Yarrabah's leaders. A manager of a community organisation in Yarrabah highlighted Christianity as a key factor in the community's success in pursuing self-management over the past two decades: *"I also believe that it's because Yarrabah was established by Christians. That's a big reason... for me anyway, why Yarrabah is where it is today. It is truly a blessed community"* (YN3, 114).

Like many Queensland Aboriginal communities, there is a faultline within the Yarrabah community between residents with traditional ownership rights and those who have a primarily historical association with the community. This division was exacerbated when native title claims were made possible following the 1992 *Mabo* High Court decision. Generally, however, contemporary family affiliations are more important to the cultural identity of Yarrabah residents than traditional tribal identities. An observer who had married into the Yarrabah community expressed the view that *"at the end of the day, I think Yarrabah splits on family lines more so than historical owner-traditional owner lines"*, although some of these contemporary family groups *"are naturally aligned with historical groups or traditional groups"* (YG4, 48).

⁵⁴ Hume (1988, p.253) writes that: "Many Christians in the community believe that Yarrabah is the mother church to Aboriginal people around Australia, particularly in the north. They believe it will be the training ground for Aboriginal priests who will then go out to missionise not only their own people, but Europeans who have become too materialist in the outlook and way of life and so have lost their link with God."

3.2 Hope Vale

The Hope Vale community is located in Far North Queensland, 46 kilometres by road north of Cooktown. The DOGIT lands comprise 110,000 hectares along the coast of Cape York, taking in Cape Bedford and Cape Flattery. The main township is located 17 kilometres inland from the coast in a location known as Hope Valley.



**Hope Vale
Council
Office**

The Guugu Yimidjirr people of the Cooktown region were largely unaffected by white settlement until the goldfields at Palmer River opened up in 1873, leading to an influx of settlers. Powell (2002, p.178) writes that.

During the first years of contact, Guugu Yimidjirr people were decimated through massacres, reprisals, disease and starvation, their access to their country and resources denied or severely restricted, and their religious sites desecrated. The survivors became refugees in their own country. Starving, sick and traumatised, many congregated in camps on the fringes of colonial settlements.

In an effort to address their plight, the German Lutheran missionary Johann Flierl established a mission at Cape Bedford in 1885 (Haviland & Haviland 1980, p.126). From 1898, in return for government funding the mission began taking in Aboriginal people relocated from other parts of Queensland. The missionary Schwarz joined the mission soon after its establishment and was a pivotal figure in Hope Vale's history until 1942. At that time, Schwarz was interned and the entire mission population of 271 residents was relocated by the government to Woorabinda

Aboriginal settlement, inland from Rockhampton in southern Queensland. The usual explanation for this is that the German missionary was considered a security threat (Kidd 1997, p.163), although Holden (1994, p.132) asserts that “the main reason was to shift a mixed-race labour force closer to the region where people could be put to work on farms and wharves and central and southern Queensland for the war effort.” Whatever the rationale, the move was “appallingly bungled” (Kidd 1997, p.163) and had a devastating impact on the population. Poor preparation, inadequate facilities and clothing to deal with the cold winter and poor nutrition contributed to an outbreak of diseases including gastroenteritis, influenza, pneumonia and measles. Within a month of their arrival, 28 of the relocatees had died and up a quarter lost their lives in the following eight years (Hope Vale Guugu Yimidithirr Aboriginal Shire Council 2006, p.3).⁵⁵



**Cape
Bedford**

In 1949, the Lutheran Church re-established the mission at Hope Vale, enabling the return of those who had been relocated to Woorabinda. The injustice of the Guugu Yimidithirr people’s ordeal at Woorabinda has had a profound effect on the psyche of the Hope Vale community and continues to subsequent generations of Hope Vale residents. A Council officer interviewed for the case study recounted her own family’s experiences:

⁵⁵ Kidd (1997) has described the extent of the Government’s neglect and negligence in the care of the Cape Bedford residents moved to Woorabinda, including the callous indifference of the visiting medical officer, who failed to prevent deaths from treatable conditions such as hookworm infestations in children.

They weren't even able to pack... [and some] died on the way from the cold. My father said he had to share a blanket with several others. He lost his brother, his brother's wife and his niece all in one week from the cold... [H]e was a mounted policeman in the Carnarvon Ranges [and] he only got told a month later when he came back to visit. That stayed with him until the day he died. That's the sadness within the community, because as a community we were never recognised for what we went through. (HC10, 41)

Two of the positive legacies of the Lutheran missionaries were a strong focus on education and a commitment to retaining the Guugu Yimidhirr language. From the start, the missionaries learnt and then taught school in the local language (Haviland & Haviland 1980, p.133), with the result that the Guugu Yimidhirr language has remained very strong. At the 2006 census, 81.5% of Hope Vale residents reported speaking the Guugu Yimidhirr language at home, a rate that is almost 9 times the rate of Indigenous language use amongst Indigenous Queenslanders.⁵⁶ During interviews for the case study, however, several people noted that there had been a decline in the use of the local language in recent years, with other influences such as Cape York Pidgin taking hold in younger generations (HG1, 175; HN1, 18).

Although the majority of today's residents descend from the Guugu Yimidhirr people of the Hope Vale region, there is a large proportion whose descendants were relocated from other parts of Queensland, creating a diversity of family groupings. In her anthropological studies at Hope Vale over three decades since the 1970s, Powell (2002, p.183) found that despite the efforts of the missionaries to introduce Western social structures and the nuclear family, the "degree of durability shown by the classical [kinship] system is remarkable." In 1997, the connections of various family groups to their ancestral territories was confirmed and further strengthened through a native title determination which recognised 13 clan groups and their respective estates. Powell (2002, p.188) and other researchers (Holden 1994, p.307) have also noted that through the mission experience, new social structures have emerged at Hope Vale in the form of stratified colour classes, where lighter skin bestows greater status and advantages. Many of the lighter-skinned elites at Hope Vale were given opportunities for educational advancement by the Lutherans, with children being fostered out to families in mainstream communities from as early as primary school.

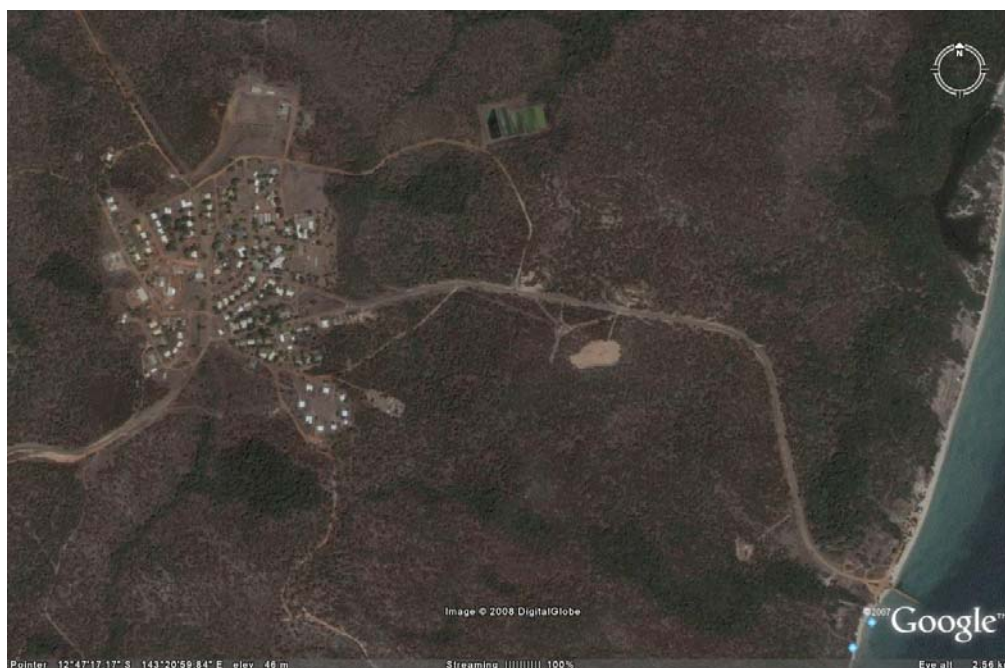
⁵⁶ According to the 2006 census, Guugu Yimidhirr is one of only three Aboriginal languages in Queensland with more than 100 speakers, comprising Wik Mungkan (1,021 speakers), Guugu Yimidhirr (767 speakers) and Kuku Yalanji (338 speakers). The Presbyterian missionaries at Aurukun also used the Wik Mungkan language to teach school and conduct church services (Kidd 1997, p.62).

As Table 6 in Part 4 illustrates, residents of Hope Vale strongly identify as Christian, almost exclusively Lutheran. Although only about 40 to 60 people attend church regularly, the residents retain an abiding respect for the church and funerals are significant community events (HN1, 56; HC2, 43; HG1, 193; HC4, 110). There is a sense that the role of the church at Hope Vale is on the wane, however, in contrast to the political and social impetus that the born-again Christian movement has provided at Yarrabah. While the church influence has reduced, some traditional Aboriginal superstitions and beliefs have endured, including a strong belief in sorcery, or what is known as ‘purri-purri’ or ‘black magic’ (Holden 1994, p.280) (MG1, 173).

The result of Hope Vale’s unique history is a high degree of complexity in the community’s values and social structures. Such complexity reflects a matrix of cross-cutting dimensions such as traditional Guugu Yimidjirr kinship, traditional ownership rights, Lutheran values and influences, an infusion of Indigenous groups moved from elsewhere, a caste system based on skin colour and the influence of European values and lifestyles, especially amongst those who were educated away from the community.

3.3 *Lockhart River*

The Lockhart River community is located about 800 kilometres north of Cairns, on the east coast of the far north of Cape York Peninsula. The community lands comprise 354,000 hectares stretching 300 kilometres along the coastline between Massey Creek and Shelburne Bay and inland beyond the Great Dividing Range to the Cape York Development Road. These lands were originally granted to the Lockhart River Aboriginal Council as DOGIT land in 1987, but the entire area excluding the township was granted to an Aboriginal Land Trust in 2001. The community lands are remote and undeveloped, comprising vast tracts of inaccessible wilderness.



**Lockhart
River
Aboriginal
community**

The people of the Lockhart River region first came into contact with outsiders in the late nineteenth century through the pearling and sandalwood industries. Unlike other parts of Queensland, the local Aboriginal people were not dispossessed by encroaching white settlers, but worked cooperatively with the early traders, gaining employment on the pearl luggers (Chase 1980, p.373). In 1924, the Anglican Church established a mission at a site at Orchid Point south of the current township. Gradually, families from the five tribal groups in the region gravitated to the mission and some inland groups were relocated to the mission in the 1930s. The mission largely supported itself from locally grown produce and from the resource-rich coast until World War Two, when Europeans left the mission and the residents returned to bush camps. The mission was re-established by the Church in 1947 and was taken over in 1950 by an entrepreneurial mission superintendent, John Warby. Warby instituted a new approach based on a Christian cooperative, which purchased boats and built up a trochus fishing industry, focusing on training and education for the residents. The venture was unsuccessful, however, and the cooperative was closed down in 1961. In 1967 the Anglican Church handed over the mission to the Queensland Government. The Department planned to close down the mission and relocate the residents to a new township, Umagico, at the tip of Cape York, but the majority of residents refused to move. As part of a compromise, in 1970 the Lockhart River mission was relocated to a new site near the Iron Range airstrip, where the Department believed facilities would be better and sanitary conditions and health could be improved (Chase 1980, p.19). New housing and amenities were constructed for the population of about 300 people at this time. The move was not appreciated by the residents, as it involved moving away from a neutral location at the old site and it was inland from the residents' preferred beach location. During the 1970s, there was a cultural revival at Lockhart River; initiation ceremonies and dance festivals were

held for the first time in many years. The Council took over administration of the community from the Department in the 1980s.



**Lockhart
River
mission,
'Old Site'**

The residents of Lockhart River descend from five distinct language groups who occupied territories along the coast and inland prior to colonisation. From largest to smallest, the four coastal groups comprise Kuuku Ya'u (who are divided into northern and southern groups known respectively as Northern Kuuku Ya'u and Kanthanumpu), Umpila, Uutaalnganu (known as the Night Island people), and Wuthathi. These groups have a long history of co-existence and it is estimated that their dialects differ only by about 15% (LG1, 44). The fifth group is the Kaanju, whose territories lie inland and are comprised by a northern and southern group. There are also strong Torres Strait Islander influences at Lockhart River, as a result of Torres Strait Islander individuals who were brought in by the missionaries to provide Christian leadership and to model European behaviours and lifestyles (Chase 1989, p.130)(LG1, 76). These families tend to be better-educated and have dominated positions in the workforce at Lockhart River and sometimes achieved political dominance (LG2, 180; LG1, 76; LN2, 24).



**Lockhart
River
Councillors**

On the basis of his anthropological work at Lockhart River since the 1970s, Chase (1980) observed that the spatial, and social isolation of the community from the rest of Cape York has led to a strong exclusiveness and a separate society. Chase (1980, p.373) argues that despite the mission experience, the ideological foundations of Lockhart River society have been retained, based on kinship and genealogical relatedness, connections to territory and a belief in supernatural forces (comprising religion, totemism, sorcery and magic). In his recent PhD research at Lockhart River, Clifford (2003, pp.154-161) has confirmed that, while traditional knowledge and language have diminished in the past couple of decades, the key elements of kinship, connection to country and the unique social organisation still underpin Lockhart River identity. Lockhart River residents now speak a shared language that is a version of Torres Strait Creole incorporating various elements of the local Lockhart River dialects (LC2, 32; LG4, 47). Census data from 2006 indicate that just over half of Lockhart River residents identify as speaking this language at home (see Table 6). Traditional cultural protocols around kinship relations are practised more rigorously at Lockhart River than in other contemporary Aboriginal communities. For example, individuals are keenly aware of the protocols and obligations that attach to their relationships with certain family members and in-laws. In some cases, these practices prescribe strict avoidance of other persons, who cannot be addressed directly and can only be dealt with through intermediaries (LG1, 18; LG7, 20).

The importance of religion has declined at Lockhart River, although a large majority of people still identify as Christian (see Table 6). A resident estimated that only about 10 to 15 people, mostly women, attend Church services each week (LFG1, 205), although more than 80 residents may attend occasions such as christenings (LN3, 14). A former pastor at Lockhart River, David

Thompson (1996, p.152), expressed the view that the residents' commitment to the church during the mission era was largely the result of the church's role in administering the community and therefore its control of resources and benefits. Thus, the handover to the State Government in the 1960s began a decline of church authority and status in the community.

4 Population and demographic profile

Selected population and demographic information from the 2006 census for the three case study communities and the Indigenous population of Queensland as a whole is set out in Table 6. Yarrabah is considerably larger than the other two communities, with 2,371 residents, making it the second largest Aboriginal community in Queensland after Palm Island. Of the 15 Aboriginal DOGIT communities, Hope Vale and Lockhart River are in the middle range in terms of population size, ranking 8th and 10th respectively. However, it should be noted that the populations of Aboriginal communities are often under-numerated due to difficulties with census methodology accommodating the transient nature of Aboriginal lifestyles. The Lockhart River Council estimates the community's population at 850 residents (Lockhart River Aboriginal Council 2004). The Hope Vale Council states the community's population as 1,034 (Hope Vale Guugu Yimidithirr Aboriginal Shire Council 2006).⁵⁷

At the time of the 2006 census, the population of Yarrabah was 2,371, 96.9% of whom were Indigenous residents. As Table 6 shows, the age profile of the Yarrabah community is similar to that of the Indigenous population of Queensland, with children comprising almost half the residents (47.5%) and a very small cohort of aged persons (only 9.3% are 50 or older). Lockhart River and especially Hope Vale, on the other hand, have slightly older demographic profiles compared to the Queensland Indigenous average, with fewer children and a greater proportion of persons over 50. A very small proportion of Yarrabah residents were counted away from the community on census night (2.4%), suggesting a less transient population compared with Hope Vale (5.9%) and Lockhart River in particular (8.8%).

⁵⁷ Infrastructure plans have tended to use population estimates of 900 to 1100 for Hope Vale (Gutteridge Haskins & Davey Pty Ltd 2002a). A detailed survey in 1999 found 739 residents in the main township, but there are estimated to be up to 400 people living on farms and outstations outside the township.

Table 6. Comparative data from 2006 census for the three case study communities and Queensland Indigenous population

	Yarrabah	Hope Vale	Lockhart River	Queensland
Total population	2,371	782	553	3,904,532
Indigenous population	2,297 (96.9%)	729 (93.2%)	487 (88.1%)	127,581
Indigenous residents 18 years of age or under	1,091 (47.5%)	275 (37.8%)	206 (42.3%)	60,841 (47.7%)
Indigenous residents 50 years of age or more	213 (9.3%)	112 (15.4%)	63 (12.9%)	14, 613 (11.5%)
Indigenous residents 65 years of age or more	54 (2.4%)	35 (4.8%)	11 (2.3%)	3,831 (3.0%)
Indigenous residents counted away from community on census night	64 (2.8%)	43 (5.9%)	43 (8.8%)	
Indigenous residents who identify as Christian	2,105 (91.6%)	679 (93.1%)	435 (89.1%)	87,017 (68.2%)
Primary religious denomination of Indigenous residents	Anglican (92.4%)	Lutheran (93.4%)	Anglican (95.8%)	Anglican (37.9%), Catholic (28.2%)
Indigenous residents who speak an Indigenous language at home	67 (2.9%)	593 (81.5%)	254 (51.8%)	12,012 (9.4%)

5 The case study Councils

Table 7 sets out some general comparative data for the three case study Councils at the time of the case study data collection in 2005 and 2006. The employee figures illustrate that the Councils have limited capacity to fully fund their own full-time employees and rely heavily on the Community Development Employment Projects (CDEP) scheme to provide base salary funding that can be topped up by Council funds to employ additional people full-time. Yarrabah Council has been particularly successful in creating employment in this way.

Figure 2 provides a breakdown of the total revenue for the three Councils. It can be seen that a very large proportion of the Councils' revenue is from grants. As Table 7 indicates, the Councils receive grants from around 20 separate funding bodies, both Federal and State Government and a small number of non-government organisations. From these bodies, the Councils receive a total of about 50 discrete grants, ranging from multimillion dollar employment or infrastructure projects to grants for less than \$1000 for library projects or school holiday camps.

It is also evident from Figure 2 that Councils have little discretionary income. Most grant funding is tied to specific purposes and general purpose grants such as the State Government Financial Aid (SGFA) grant⁵⁸ and the Financial Assistance Grant⁵⁹ are consumed by Councils' ongoing operational expenses.⁶⁰

⁵⁸ State Government Financial Aid (SGFA) grants are provided by the State for Council's operational activities in recognition that the communal land tenure prevents Aboriginal Councils from raising revenue from residents by levying rates on private property. It is provided on the basis of a formula that calculates a Council's per capita costs of delivering basic administration and essential services.

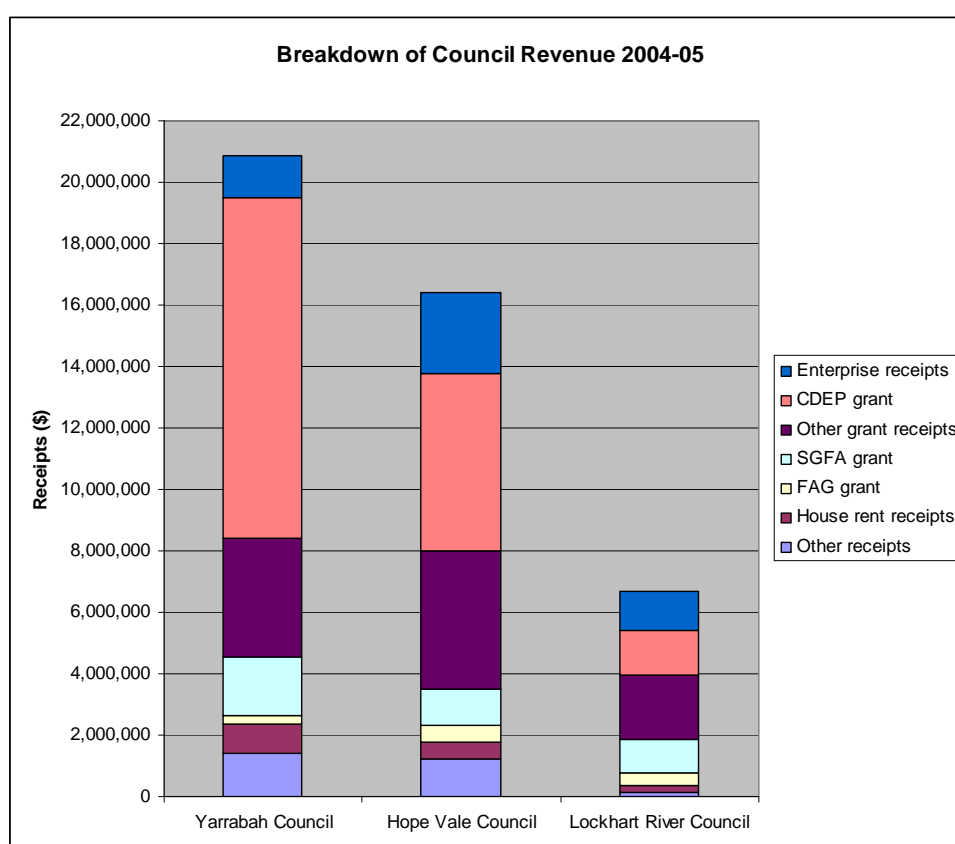
⁵⁹ The Financial Assistance Grants (FAGs) are provided by the Federal Government through Local Government Grants Commissions in each State to equalize funding across local governments and assist with road construction and maintenance. These represent untied funds for local governments.

⁶⁰ In his analysis of the Kowanyama Aboriginal Council's financial status in 2001-02, Moran (2006, pp.535-541) estimated that less than a third of the Council's revenue was discretionary, but that even in relation to this amount, the discretion was illusory because the Council had to fund essential services with it. Ultimately, Moran found that only 10% of the Council's revenue was effectively discretionary, insofar as it could be allocated towards community and economic development projects of the Council's

Table 7. Selected comparative data for case study Councils as at 2006

	Yarrabah	Hope Vale	Lockhart River
Number of councillors	5	5	5
Number of full-time employees (including CDEP topup)⁶¹	200 (about 30 fully funded and 170 on CDEP topup)	94 (topup figures unavailable)	37 (13 fully funded and 24 on CDEP topup)
Number of CDEP workers	809	311	130
Number of funding bodies	23	19	21
Number of grants administered	52	58	48

Figure 2. Breakdown of revenue 2004-05⁶²



choosing. This genuinely discretionary amount, \$1.5 million was equivalent to the Council's enterprise profits (from its alcohol canteen) and rent receipts (collected in the form of a community levy).

⁶¹ While Councils fully fund some employees from their untied operational funding, many full-time positions are funded through a combination of base CDEP salary for 2 days per week provided under the Federal Government CDEP grant, plus topup of 3 days per week from the Council's untied funds.

⁶² Figures derived from audited financial statements, 2004-05. Hope Vale Council's other grant receipts were inflated for 2004-05 by a one-off Federal Government housing and infrastructure grant of \$2.2 million that was not available to the other Councils in that particular year.



Yarrabah Council

Chambers

The analysis of the Councils' revenue highlights some notable differences between the three Councils' operations. Firstly, the significance to the Council budget of Yarrabah's very large CDEP scheme is clearly evident. This is also the case to a lesser extent at Hope Vale. In Chapter 5, it will be seen that maximising employment through CDEP has been a high priority for the Yarrabah Council. Secondly, it is clear that the Hope Vale Council has a greater investment in Council-run enterprises than the other two Councils. Thirdly, if CDEP revenue is excluded, the difference between the revenue levels of Yarrabah Council and Hope Vale Council is only about 10%, which is not large considering the Yarrabah community has about three times Hope Vale's population. Chapter 11 discusses further the relative access to financial resources of the case study Councils and whether this impacts on the Councils' performance. At this point, it is sufficient to note that the three Councils face similar constraints in terms of limited discretionary funding, and reliance on a wide range of funding sources to carry out their everyday business.

6 Conclusion

This chapter illustrates that despite commonalities between the Councils and their respective communities due to their shared institutional history under Queensland Government laws and policies, they retain unique identities and characteristics derived from their divergent locations, histories and cultural profiles. Understanding the uniqueness of the communities is important for interpreting the data about governance variables that will be discussed in the following chapters. Furthermore, the contextual and historical information outlined in this chapter will be explored in more depth through a comparative analysis in the data Chapters 10, 11, 12 and 13. Those chapters will seek to identify the way in which contextual factors have shaped the particular approach to governance in each of the communities and therefore the performance of their community governments.

Focus area 1 – Council performance

Chapter 5 – Measurement of Council performance

1 Introduction

The objective of this chapter is to examine the level of performance of the three case study Councils. As foreshadowed in the preceding chapters, the concept of community government performance (or ‘Council performance’) is pivotal to this study. The research question seeks to understand what governance attributes determine community government performance, successful or otherwise. Ascertaining the level of community government performance for the case study Councils is therefore a necessary starting point for the study.

Chapter 2 included a review of the current literature about community government performance and governmental performance in general. This review led to a definition of community government performance for this study as the extent to which a community government is meeting the outcomes desired by its constituents, taking account of the prevailing constraints. It was noted that this definition required firstly, identifying the community government outcomes desired by a particular community, and secondly, evaluating the extent to which the community government has met or is meeting these desired outcomes. These tasks may seem clear from a conceptual point of view, but they hold considerable challenges in practice.

2 Identifying constituents’ desired outcomes

An attempt to identify the outcomes desired by the constituents of any government poses a series of challenges. For an Aboriginal Council, the question is: what outcomes from the Council are desired by the residents of the Aboriginal community? At the outset, it should be clarified that for the purpose of measuring a Council’s performance, the relevant constituent preferences to examine are those that relate to *matters within the scope of influence of the Council*. Residents desire outcomes in a range of areas, but the Council will only have the jurisdiction or resources to act in relation to some of these areas. This highlights an issue that needs to be considered in any assessment of governmental performance – that an evaluation should be careful not to assess a government’s performance in terms of achieving outcomes that are outside the government’s sphere of influence (Putnam, Leonardi & Nanetti 1993).⁶³ For

⁶³ One of the difficulties for Aboriginal Councils, discussed further in Chapter 13, Part 3, is that residents often have unrealistic expectations about Councils’ scope of influence, especially in areas that are

example, residents of a coastal Aboriginal community may desire better control over illegal fishing in off-shore waters, but this is a matter over which the Council has no jurisdiction. On the other hand, the performance of the Council might be measured in relation to the effectiveness of its advocacy of the community's concerns about illegal fishing to the relevant State and Federal authorities.

There are several practical challenges involved in ascertaining constituents' desired outcomes from their Council. Firstly, it should be noted that different Aboriginal communities may desire different outcomes. Therefore, it is necessary to make a separate analysis of the outcomes desired by each of the three case study communities. Secondly, different individual constituents or groups of constituents *within* each community may desire different outcomes. How is it possible, therefore, to say what the desired outcomes are for the constituency as a whole?

For a study such as this, it was not considered feasible to survey the populations of each of the three communities to ascertain the priority outcomes they desired from the Council. Instead, the research triangulated several data sources in order to build a picture of constituents' desired outcomes in each community. Firstly, interviews and focus group discussions with community residents provided an opportunity to gather primary data from constituents. Questions that the researcher asked in these interviews included 'what do you think the Council should be focusing on?' and 'what do you think the Council's main priorities are?' As discussed in Chapter 3, the sample for these interviews is not statistically representative of the community and contains some inherent bias, but the information nevertheless proved useful to corroborate other sources of data about constituents' desired outcomes.

A second source of data was Council minutes and correspondence. These documents contained a record of constituents' concerns raised privately with councillors, through deputations or through letters, which often revealed a pattern regarding priority issues. A third source of data about constituents' preferences was previous consultation exercises, which often involved extensive engagement with constituents.⁶⁴

Finally, the Council's vision, mission statement, and strategic and operational plans were analysed. Using these data as evidence of constituents' desired outcomes requires an assumption to be made that councillors understand and are responsive to the wishes of their

primarily the responsibility of the State Government, such as law and order, health and education. This results from the historical relations of dependency of residents of Aboriginal communities to previous community administrators and a lack of understanding of the jurisdiction of various levels of government.

⁶⁴ For example, consultants for a land use plan at Hope Vale doorknocked every house in the community, recording a wealth of data about constituents' concerns across all areas, including Council activities (Cavill Jones Surveyors and Brazier Motti, 2000).

constituents. This assumption rests on the proposition that, in a democratically-elected council, constituents will elect those individuals who they believe will work towards meeting their desired outcomes. The elected councillors will therefore carry a mandate from a majority of constituents to work towards certain outcomes. Furthermore, in a democratic system, throughout the electoral cycle constituents will continue to press their elected representatives regarding their desired outcomes, so the Council's direction can be expected to be substantially shaped by the majority will of the constituency. Thus, the vision, mission statement and plans formulated by the Council can be expected to be primary indicators of the constituency's desired outcomes. Some caveats that need to be acknowledged are that firstly, many Council priorities are heavily influenced by external expectations of funding providers, and secondly, Council's expressed priorities may be influenced by idiosyncratic preferences of particular councillors or senior Council staff that have no relation to constituents' desired outcomes. Nevertheless, the generally high degree of congruence in the various sources of data about constituents' expressed preferences and Councils' stated priorities and plans provided a sufficient basis to draw conclusions about the desired outcomes of each of the constituencies of the three case study Councils.

3 The desired outcomes for the three Councils

The analysis of the data sources discussed above revealed a high degree of commonality in the desired outcomes sought by the residents of the three case study communities, although there were some differences between the communities in the level of priority accorded to different outcome areas. It is important to take these relative levels of priority into account in evaluating the overall performance of the each Council. It is clearly more significant if a Council is performing poorly in an area that is a high priority desired outcome of constituents than an area about which constituents are disinterested.

At the broadest level, it was clear that the overriding community government priority for residents in all three communities was for the delivery of services, programs and infrastructure that would improve their standard of living. This was reflected in the vision statements of all three Councils:

We will strive to make Yarrabah a United, Self-Sufficient Community managing our land and our sea, where our people enjoy a standard of Health and Education equivalent to the rest of Australia, where there is a commitment to the community and particularly our children and where the residents have the opportunity to achieve their aims in life. (Yarrabah Aboriginal Council 2001, p.9)

To improve the quality of life for the Yarrabah community. (Yarrabah Council minutes 18/11/04)

A community for families combining modern living standards and ancient cultures. (Hope Vale Community Plan)

[T]o “Empower the Community”, to create real jobs and have programs for our CDEP participants that will benefit them and the community. (Lockhart River Aboriginal Shire Council 2004, p.2)

This broader strategic aspiration for improved quality of life manifested in all three Councils at the more operational level in a strong desire for two things: more jobs and better housing. In all of the case studies, these twin goals featured as focal points in documentary evidence about community and Council priorities, such as planning documents, results of consultation and Council minutes. Moreover, they were recurring themes in the interviews and focus group discussions with councillors, Council staff and community residents. The following comment by the Lockhart River Mayor is illustrative: *“The main key issue for the community is more housing for the community, and proper job, not just CDEP – proper job”* (LC#, 16). As a welfare-dependent remote community with little direct experience of the mainstream economy, employment might not be expected to be an issue at the forefront of the minds of residents of Lockhart River. Yet during a focus group with a large number of CDEP employees, participants left no doubt that an increase in full time jobs was their most pressing concern and the issue that they wanted the Council to prioritise (LFG2, 34). The secondary priorities raised in this focus group were housing and the prices at the local store.⁶⁵

At Lockhart River and Hope Vale, constituents’ calls for more jobs were often couched in terms of the need for more economic development in the community. Lockhart River planning documents refer to economic development on traditional homelands and in industries such as fishing. Residents interviewed for the case study also made reference to these things. At Hope Vale, farming and tourism were raised as potential economic development opportunities. At Yarrabah, on the other hand, discussions in relation to employment generation tended to focus on job creation in the government sector, such as the community taking over management of social services and creating additional full-time Council jobs. There were various economic development initiatives being explored, but private sector employment development did not appear to be as central to community aspirations as greater community management of government services.

⁶⁵ The latter issue is a good example of an issue over which the Council currently has no control. It is not a constituent outcome against which the Council’s performance can be reasonably measured.

The data from the three case studies also indicate that residents see increased quality of life as linked to a range of other services and programs that they desire as outcomes from their Council, including essential services (water and sewerage), roads and improved community facilities. Other local government related services such as environmental health, animal control, town planning, and land management also commonly appear as desired outcomes in Council plans and community plans, but they too appear to be lower priorities than jobs and housing.

Better and more extensive social services (such as aged care, child care, family support, women's shelters and justice programs) was mentioned in most planning documents, although not as a focal priority, and was seldom mentioned as a high priority in interviews with Council leaders and residents. This is somewhat surprising, given that a substantial proportion of the Councils' funding, and therefore employment and service delivery, is derived from funding provided by state and federal government agencies for social services. It seems that Councils willingly accept this funding because it provides more opportunities for local employment, but that the delivery of the services is not as high a priority as issues such as housing.

Two desired Council outcomes that were commonly cited did not relate directly to program and service delivery but rather, to governance and administrative process. These were firstly, advocacy and representation of the community's interests to other levels of government and the wider world, and secondly, financially accountable management of resources allocated to the community.

A further commonality in the desired outcomes sought by constituents of all three communities was the strengthening of Aboriginal culture and respect for cultural identity. It is notable that the vision statements of the Councils all make reference to culture as a complementary goal to improving standards of living. Hope Vale's vision of "a community for families combining modern living standards and ancient cultures" illustrates this duality.⁶⁶

Given the level of disadvantage in Aboriginal communities, it is perhaps not surprising that education and health featured as high priorities in both primary and secondary data sources about constituents' desired outcomes. These matters, however, are not generally considered within the province of local government. As discussed in Part 2, it is not appropriate to measure Councils' performance in relation to outcomes in these areas. Councils do, however, have a

⁶⁶ The Yarrabah Council's vision statement is to "improve the quality of life for the Yarrabah community", but it lists as part of its mission, to "promote success in a friendly and culturally sensitive environment" (Council minutes 18/11/04). Lockhart River's Puuya Strategy states that "[w]e want our young people to learn how to live in 'white man's' world, as well as in our way" and "[w]e want to have choices to live a traditional life, or a contemporary one" (Lockhart River Aboriginal Shire Council 2004a, p.5)

sphere of influence regarding health and education through their role of advocating community needs and priorities to higher levels of government, so it is reasonable to examine a Council's effectiveness in performing this role.

A strongly desired Council outcome area at Lockhart River is greater support for the development of outstations on the traditional country of Lockhart River clan groups. The community has placed 'getting back to country' high in the list of priorities in its community planning documents and sees this strategy as part of its vision of greater economic development through use of traditional resources. To a lesser extent, development of family homelands is seen as a priority at Hope Vale, also linked to economic development opportunities. At Yarrabah, by contrast, there is little interest in outstation development.

The preceding review of the data makes it possible to identify a comprehensive set of Council outcome areas for the three communities along with the relative level of priority accorded to that outcome in each community. Table 8 (on page 111) summarises these outcome areas and relative priorities, which provides the basis for the evaluation of the Councils' performance in the next part of this chapter.

4 Evaluation of Council performance

The objective outlined at the outset of this chapter was to evaluate the performance of the three case study Councils. Council performance is to be assessed as the extent to which the Council is achieving the outcomes desired by its constituents. The evaluation of performance therefore requires an assessment of the extent to which each Council is achieving the set of core Council outcomes identified in Part 3, with particular reference to the level of priority accorded to the various outcomes within the particular community.

4.1 Sources of performance data

An early step in the research design was to develop a performance measurement framework for the Aboriginal Councils. The researcher undertook a review of the literature on performance measurement to identify the best means of developing performance indicators for Aboriginal Councils (Limerick, M. 2005). Since the mid 1990s significant attention has been paid to performance measurement in the local government sector (Industry Commission 1997). The major difficulty encountered in the research was the paucity of reliable performance data about the programs and services delivered by Aboriginal Councils. For example, while mainstream local governments have been reporting performance data about essential services for almost a

decade (Department of Local Government Planning Sport & Recreation 2004), Aboriginal Councils have not been included in this process.

The lack of data plagued attempts to evaluate the Councils' performance across many of the outcome areas. The researcher had expected that where services or programs were funded by a government agency, regular performance reports provided by the Councils would contain useful performance information. In practice, however, such information was either non-existent, unreliable or unable to be accessed. There were some exceptions. In relation to community housing, data from audits of community housing conditions and reported data about rent collection proved to be useful. Some data about Council performance in managing CDEP schemes could be obtained directly from Councils even where the relevant federal agency was unwilling to share it. Information about the performance of Council businesses was readily available from annual audited financial statements. In relation to essential services, data could be obtained from Total Management Plans prepared by consultancy firms for each Aboriginal community to assess current services and infrastructure and to identify future needs. Strategic Asset Management Plans were a further source of data about water and sewerage.

The difficulty in obtaining reliable performance data to evaluate many Council outcome areas necessitated a range of other data collection strategies:

- Government officers involved in overseeing the delivery of essential services were interviewed in order to gain their professional assessment of the standard of service delivery in various Aboriginal Councils. While these assessments are not systematic, they provide informed, professional judgments about Council performance in these areas. The use of experts to provide an assessment of Council performance was the tool used by Marton (2003) in his research on local governments in Melbourne. This was the only other study that the researcher could locate that sought to systematically assess local government performance.
- Government agency reviews or evaluations of funded programs were reviewed. For example, a review of CDEP in Queensland included one of the case study Councils (Jordan, Kinchela & Pamment 2000). Furthermore, Queensland Health environmental health audits of Aboriginal Councils were very useful in evaluating Councils' environmental health performance.
- The records of funding agencies regarding the performance of various Council program areas in providing acquittals for funding were reviewed where available. Agencies typically require Councils to provide quarterly and annual acquittals to show that funding has been spent in accordance with the grant. A Council's performance in providing satisfactory acquittals on time does not indicate its performance in actually

- Audit reports for the three Councils were reviewed. These reports not only provide evidence of the Council's compliance with financial management standards but often highlight deficiencies in the administrative performance of Council program areas (e.g. poor record-keeping).
- Government files were reviewed in order to identify performance data or instances where major deficiencies in Council performance had prompted agency intervention or action. For example, a letter from an agency's regional manager raising concerns about the delivery of a service is a good indicator of poor performance.
- Council plans and minutes were reviewed to identify any performance data. These often contained statistics about service delivery or concerns raised by councillors about the delivery of a service.
- Monthly Council managers' reports were reviewed. Managers often provided statistics or other performance information in their reports.
- Data in relation to some areas such as the extent of community facilities and the condition of roads and facilities was collected through direct observation by the researcher.
- Correspondence to Council was reviewed. Letters from constituents were a useful indicator of areas where residents felt Council was performing poorly.
- Interviews and focus group discussions with community residents included questions regarding residents' perception of Council performance. While this information is subjective and drawn from a narrow sample, it was useful in corroborating evidence from other sources.
- Data from previous consultations with community residents were reviewed to identify areas of community concern regarding Council performance.

4.2 Method for rating Council performance

Through the combination of available performance information and data drawn from the wide range of sources indicated above, it was possible to evaluate the performance of each Council across their entire range of outcome areas. In general, the relevant period for the evaluation was the five year period leading up to the time of the data collection in the community in 2005 or 2006. It should be noted that the Councils' performance will have improved or deteriorated in

some areas since that time and in some cases, the Council no longer performs the function that was evaluated.⁶⁷

The assessment of the Councils' performance in each outcome area and a summary of the supporting data for these assessments are outlined in Table 9. An overall rating of the performance in each area has been provided in terms of Low, Average or High. The criteria for the awarding of these ratings were as follows:

<i>High</i>	This rating was given where the evidence from a range of different data sources (e.g. available statistics, government experts' opinion, constituent feedback from interviews and focus groups) consistently indicated a high level of performance by the Council across most aspects of the outcome area
<i>Average</i>	This rating was given where the evidence from the various data sources consistently indicated an average level of performance by the Council, or indicated a high level of performance in some aspects of the outcome area and a low level of performance in other aspects
<i>Low</i>	This rating was given where the evidence from the various data sources consistently indicated a low level of performance by the Council across most aspects of the outcome area

An example will serve to illustrate the approach used for arriving at the performance ratings. Item 4 of Table 9 sets out data regarding each Council's performance in providing community facilities and infrastructure, which is a high priority in all three communities. At Yarrabah, Council documents and direct observation revealed that the Council has provided a broad range of community facilities, such as sporting facilities, a shopping centre, a pool, aged and child care centres and training facilities. These facilities had mostly been constructed in the past decade and largely fulfilled the list of priorities that were contained in the community's five-year development plan prepared in 1996. Significantly, residents who were interviewed did not indicate any other facilities that they thought were required, apart from additional amenities in parks. Direct observations by the researcher were that the facilities were well-maintained and in good condition. For example, a photo of the Yarrabah community hall is included below. At Yarrabah, therefore, the data are consistently positive for this outcome area, justifying the allocation of a 'High' rating. By contrast, at Hope Vale there are fewer community facilities, they tend to be older and many of the facilities were observed to be in poor condition. For example, in the community hall adjacent to the Council administration centre, most of the windows and doors were broken, lights were smashed, clumps of mud were on the ceiling and there was graffiti and debris throughout the facility. A photograph of the interior is contained below. At Hope Vale, in reports of previous community consultations and in the interviews conducted for this research, residents raised the need for several new facilities. This is a further

⁶⁷ For example, following the case study in 2006, the Lockhart River Council relinquished responsibility for the delivery of two key program areas, community housing and CDEP management.

indication that the Council is failing to meet constituents' desired outcomes regarding community facilities. The data at Hope Vale therefore justify the allocation of a 'Low' rating for this outcome area.

Yarrabah community hall (left) and Hope Vale community hall (right)



A dual rating, such as 'Low-Average' or 'Average-High' was awarded in either of two circumstances. Firstly, a dual rating was justified where the data indicated that the Council's performance had changed between the two ratings over the five-year period. For example, in the assessment of community planning by Lockhart River Council (Item 9 of Table 9), the data indicated that prior to 2004 there had been an absence of any meaningful community planning activity, yet from 2004 to 2006, the Council had produced a community plan and was starting to use the plan to guide its activities. Over the period from 2001 to 2006, therefore, the Council's performance in community planning had changed from 'Low' to 'Average'. The second instance justifying a dual rating was where the data about the Council's performance contained substantial inconsistency with respect to different aspects of the outcome area, such that a single rating could not be given. For example, in relation to Hope Vale Council's delivery of social services (Item 16 of Table 9), the data indicated that the Council has a smoothly-functioning aged care facility and an effective Life Promotion Program, but interviews with funding agency staff and agency correspondence with the Council indicated significant problems with the community's child care centre and women's shelter. The inconsistent data therefore justified a combined rating of 'Low-Average'.

4.3 Findings regarding Council performance

Table 9 incorporates the detailed data underpinning the performance assessments of each Council against each outcome area. Table 8 provides a summary of these data. The table also includes an indication of the level of priority that the Councils place on each outcome. As discussed, taking account of relative priorities is important in evaluating a Council's overall performance.

Table 8. Summary of assessment of Council performance in key outcome areas from 2000-01 to 2005-06

Desired Outcome Area	Assessed level of performance (Priority level in brackets: Low, Moderate or High)		
	Yarrabah	Hope Vale	Lockhart River
Delivery of essential services: <ul style="list-style-type: none"> water and sewerage waste management roads 	High (H) Low-Average (H) Average (H)	Average (H) Low (H) Average (H)	Low-Average (H) Low (H) Low (M-H)
Provision of quality public housing	High (H)	Low (H)	Low (H)
Provision of community facilities (parks, recreation facilities, community halls) to improve quality of life	High (H)	Low (H)	Low (H)
Provision of employment programs including community development employment projects (CDEP)	Average (H)	Low (H)	Low (H)
Environmental health services	High (H)	Low (H)	Low (H)
Animal control	Average (H)	Low (H)	Low (H)
Community planning	High (H)	Low (H)	Low-Average (H)
Financially accountable management of resources allocated to the community	High (H)	Low (H)	Low (H)
Attracting grants and funding	High (H)	High (H)	Low (H)
Advocacy and representation of the community's interests to other levels of government and the wider world, especially re health, education, justice	High (H)	Average (H)	Low-Average (M-H)
Fostering economic development in the community	Low (M)	Low (H)	Low (H)
Land use planning	Average (H)	Average (H)	Low (M)
Strengthening Indigenous culture and promoting respect for cultural identity	Average (L)	Average (M)	High (H)
Support for the development of outstations and homelands.	N/A (L)	Average (M)	Average (H)
Sustainable land and natural resource management	Low (L)	Low (M)	Low (H)
Making local laws to manage health and amenity issues in the community	High (M)	Low (M)	Low (M)
Delivery of quality social services in areas such as aged care, child care, family support, suicide prevention and local justice initiatives	High (M)	Low-Average (M)	Low (M)
Delivery of community policing	N/A	Average (M)	Average (M)
Managing businesses for the benefit of the community	Low (L)	Low (M)	Low (M)
Provision of library services	Average (M)	N/A (L)	Low (L)

The results of the performance assessments largely confirmed the basis for the initial selection of the case studies. Table 8 illustrates that during the period of analysis, Yarrabah Council was delivering a high standard of programs and services across a wide range of outcome areas. Two examples from the key outcome areas of housing management and financial management will serve to illustrate the gap in performance between Yarrabah and the other Councils. In relation to housing, the condition of a Council's community housing stock is a reliable measure of the effectiveness of the Council's housing management and maintenance programs, as the age of housing is broadly comparable across Aboriginal communities. The data in Figure 3 show that the condition of Yarrabah Council's housing in 2003 was better than in any of the 15 Aboriginal communities, and significantly better than at Lockhart River Council and Hope Vale. For example, only 2% of houses owned by Yarrabah Council were assessed as being in such poor condition that they required demolition, while 34% of houses at Lockhart River and 21% of houses at Hope Vale required demolition. Further indicators regarding housing performance are contained in Item 14 of Table 9. In relation to financial management, historical audit data since 1992 presented in Figure 4 show the markedly superior performance of Yarrabah Council relative to other Councils. A further indicator concerns the number of issues of concern raised in annual external audits of the Councils' finances and administration. A comparison of this information in Figure 5 illustrates the higher level of financial management achieved by Yarrabah Council.

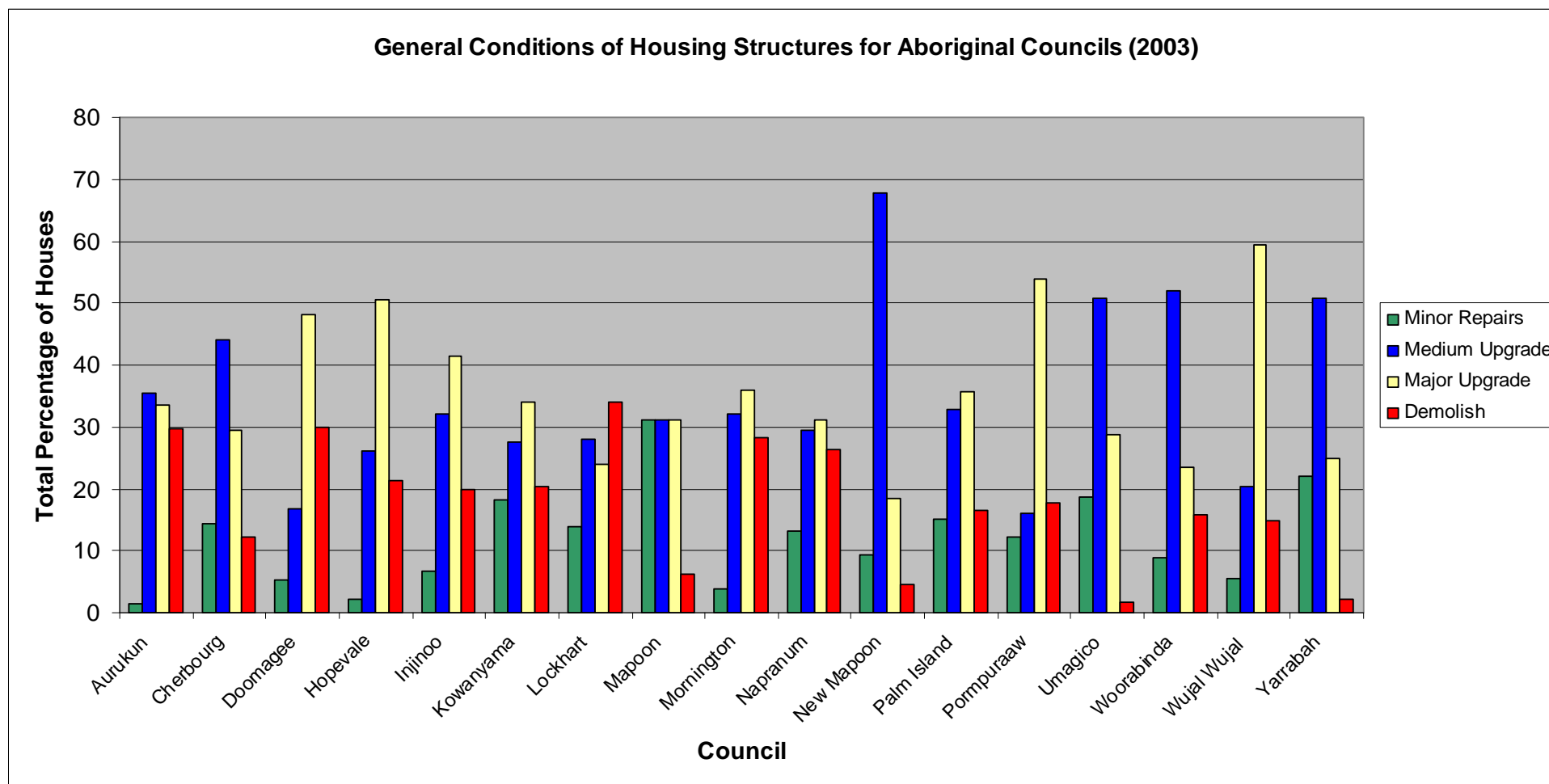
The evaluation found that Yarrabah Council's performance was at least equal to and in most cases superior to that of Hope Vale and Lockhart River Councils in every priority outcome area. On average, Hope Vale Council's performance was marginally better than Lockhart River Council's, but was less than had been expected at the time of the case study selection. Hope Vale Council was performing poorly in a significant number of areas.

The gap in performance between Yarrabah Council and the other two case studies was most marked in relation to the provision of community facilities, environmental health services, community planning, management of community housing, provision of social services, financial management, local law development and advocacy and representation. The Yarrabah Council's performance over the past decade has been particularly outstanding in the provision of new community infrastructure and facilities and the establishment of a suite of well-functioning and accredited social services. Notwithstanding these achievements, Yarrabah Council's performance remains deficient in some areas. For example, it has under-performed in some local government operational areas such as animal control, waste management and land use planning. In addition, Yarrabah has performed poorly in the management of Council businesses and fostering economic development, although the Council places a lower priority on these matters than the other case study Councils. As a whole, however, the assessment shows that

Yarrabah Council has developed the capacity to deliver many of the most important outcomes desired by its constituents.

By contrast, the Council performance evaluation indicated that during the five-year period up until the time of the case studies in 2005 to 2006, Hope Vale and Lockhart River Councils had both struggled to meet the outcomes desired by their constituents. The case studies found deficiencies in the provision of basic services, virtually non-existent environmental health services, substandard housing, major deficits in community infrastructure and facilities and endemic financial management problems. There was evidence of performance improvements in some areas from about 2004, but the evaluation indicated that Hope Vale and Lockhart River Councils were some way from achieving the outcomes desired by their constituents.

Figure 3. General conditions of housing structures for Aboriginal Councils 2003⁶⁸



⁶⁸ Data sourced from Department of Housing (2003).

Figure 4. Audit results for Aboriginal Councils 1992-2005

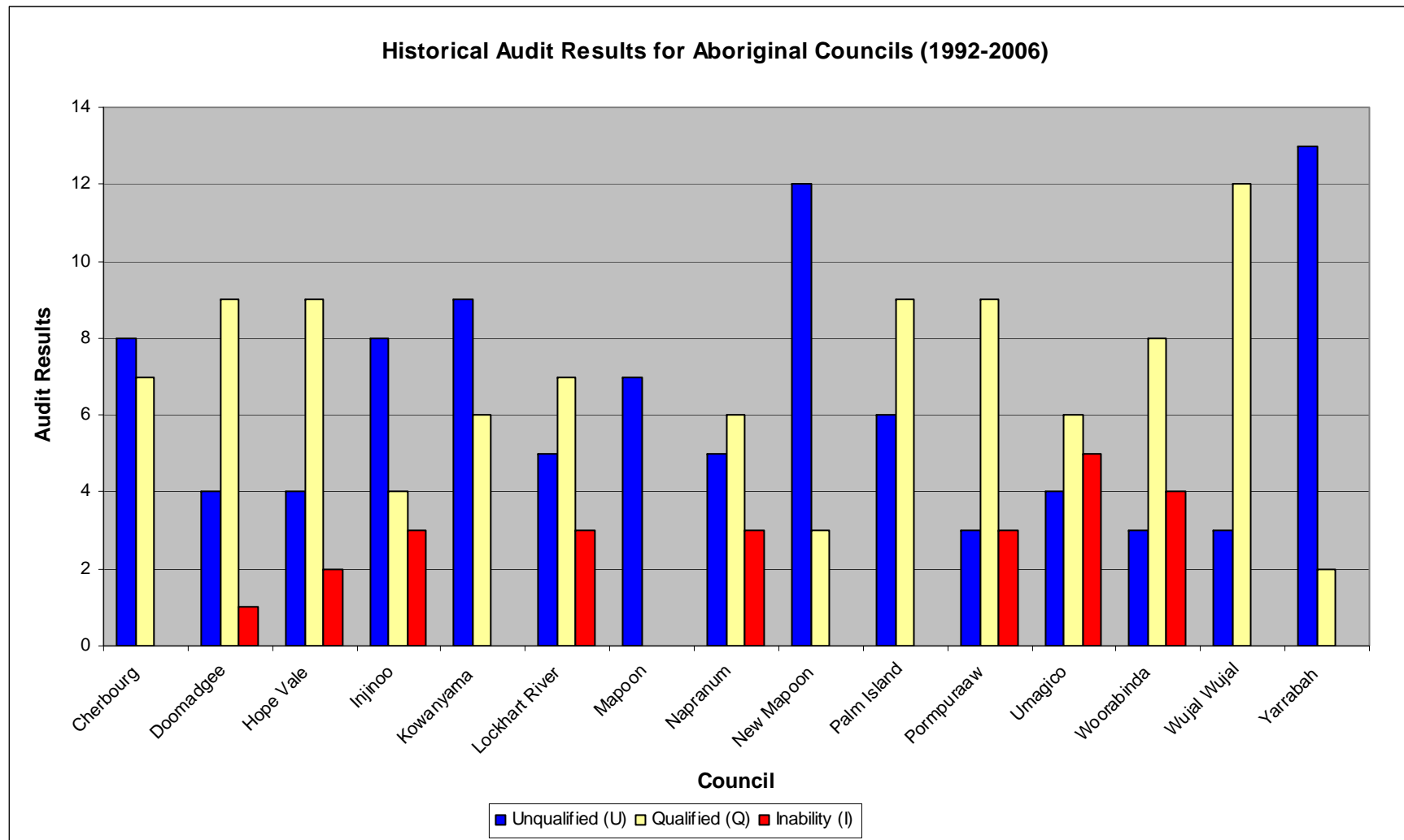
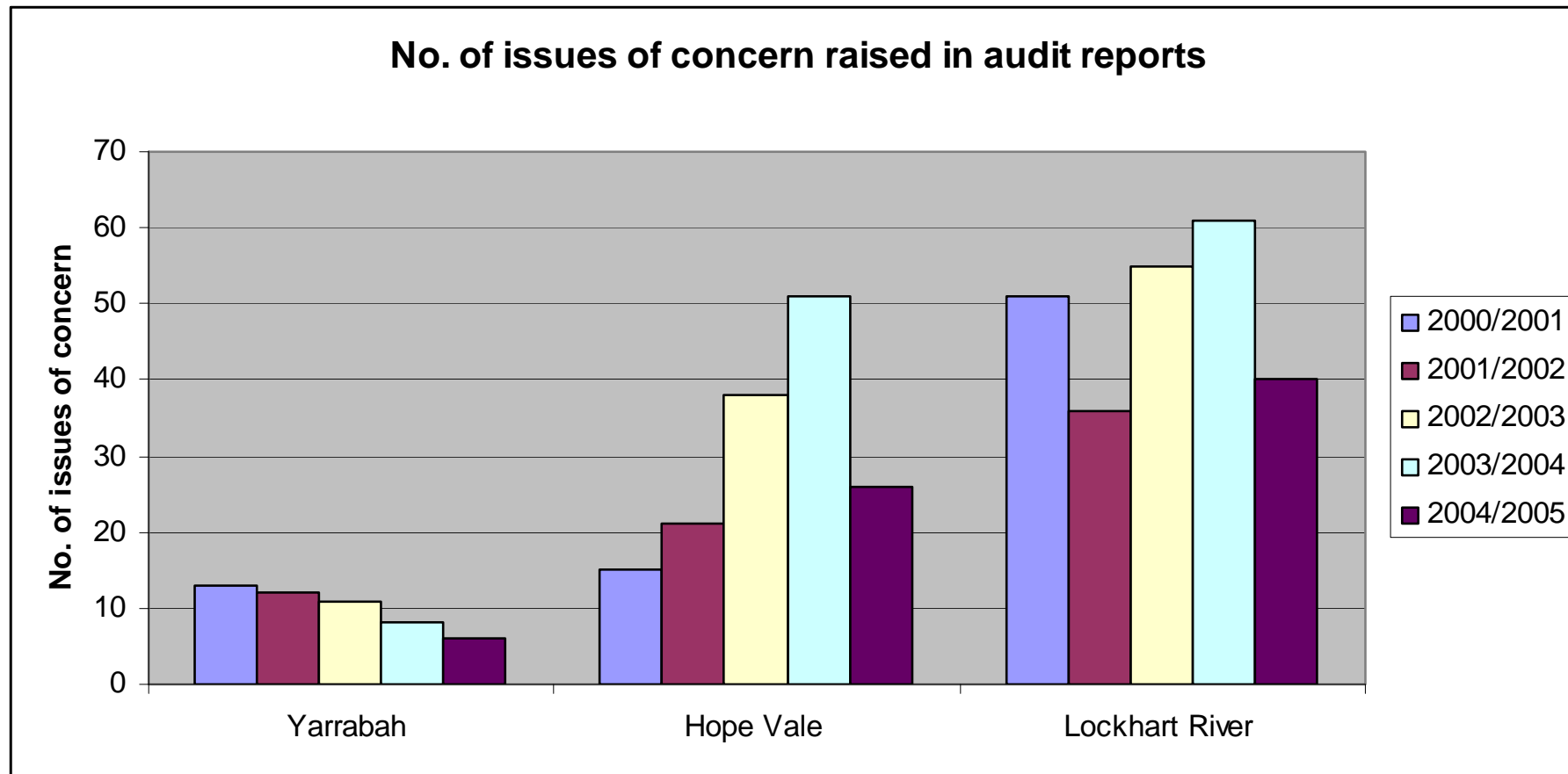


Figure 5. The number of issues raised in Council audit reports over 5 years⁶⁹



⁶⁹ Data sourced from audit reports for Yarrabah, Hope Vale and Lockhart River Councils.

Table 9. Detailed assessment of Council performance in key outcome areas from 2000-01 to 2005-06

Function	Yarrabah Council Assessed Level of Performance	Hope Vale Council Assessed Level of Performance	Lockhart River Council Assessed Level of Performance
1. Water and sewerage	<p>Performance: High</p> <p>Priority: High</p> <ul style="list-style-type: none"> • The SAMP⁷⁰ assessed the water mains and reservoirs and the sewerage system as being in “good working condition” • The TMP⁷¹ assessed drainage as “adequate” • A government stakeholder assessed the water and sewerage infrastructure as good (MG2, 9) • Council minutes indicated that the Council has applied its own funds for urgent water supply upgrades (Council minutes 12/10/04) • Although the community has above average water consumption, the EHO has been proactive addressing this issue through ‘Waterwise’ community awareness programs 	<p>Performance: Average</p> <p>Priority: High</p> <ul style="list-style-type: none"> • The TMP assessed that community has an “adequate water supply, sewerage and road network that present a reasonable standard of service to the residents” • However, stormwater drainage assessed as “inadequate”, causing frequent localised flooding of properties and houses. The Council’s poor maintenance and cleaning of drainage infrastructure contributes to this problem • In 2003, it was reported that the community has excessive water usage levels (900 litres per person per day compared to 550 in Cairns), which was unsustainably draining the aquifer during a time of drought (Department of Aboriginal and Torres Strait Islander Policy 2003a) • In 2005, water supply was contaminated by blue green algae toxins, which was caused by incorrect operation of the chlorine injector, 	<p>Performance: Low - Average</p> <p>Priority: High</p> <ul style="list-style-type: none"> • The TMP assessed the water, sewerage and drainage infrastructure to be generally adequate, although water infrastructure required upgrading • Interviews with residents revealed that water quality is an issue of concern. There have been instances of illnesses caused by poor water quality (LG4, 75) and a number of residents indicated that they do not drink the water (LC4, 40; LG4, 75; LG8, 79) • Results of water quality testing on Council files confirm that water has occasionally failed to meet water quality standards • Residents were positive about the response rate of the Council’s plumber in fixing breakages (LC4, 40; LC2, 48) and Council records confirmed that most problems fixed within 24 hours • A government stakeholder assessed

⁷⁰ SAMP refers to the Strategic Asset Management Plan prepared by the Council pursuant to the *Water Act 2000*: see Yarrabah Aboriginal Council 2003.

⁷¹ TMP refers to the 10-year Total Management Plans prepared for every Aboriginal community in 2002: see Gutteridge Haskins & Davey 2002.

Function	Yarrabah Council Assessed Level of Performance	Hope Vale Council Assessed Level of Performance	Lockhart River Council Assessed Level of Performance
		<p>releasing several hundred litres of chlorine into the water supply (Booth 2005)</p> <ul style="list-style-type: none"> • During previous community consultations, there is evidence of concerns raised by residents about flooding and drainage issues and maintenance (Cavill Jones Surveyors & Brazier Motti 2000, p.10) • Stakeholders assessed water and sewerage performance as average (HC7, 25) or good (MG2, 17) 	<p>Council's management of essential services as highly variable and on occasions, "appalling" (MG2, 9)</p>
2. Waste management	<p>Performance: Low-Average</p> <p>Priority: High</p> <ul style="list-style-type: none"> • Rubbish is collected three times a week. Council recycles cars and tyres but not domestic waste • TMP reports that the dump is a major problem as it is too close to the town (exacerbating flies) and to a melaleuca forest • Stakeholders complained about the dump (FG4; FG1) • EHO reports have confirmed that the "present condition of the dump is not up to standards as set out by the Environmental Protection Agency" (Canendo 2001) • Council minutes indicate that the Council has been slow to respond to the problem with the dump 	<p>Performance: Low</p> <p>Priority: High</p> <ul style="list-style-type: none"> • Rubbish is collected three times a week. No recycling occurs • TMP has assessed the dump as "unacceptable" and non-compliant with environmental licence requirements (Gutteridge Haskins & Davey Pty Ltd 2002a) • Council officer confirmed that the dump is a major problem (HC11, 9) • During community consultations, concerns were raised about litter in the community (Cavill Jones Surveyors & Brazier Motti 2000) 	<p>Performance: Low</p> <p>Priority: High</p> <ul style="list-style-type: none"> • Rubbish is collected once a week and residents are satisfied (LG1, 106; LG4, 75; LG8, 79; LC1, 28). No recycling occurs. • The TMP assessed the dump as inadequate (although a new dump has since been established) • An inspection by the Environmental Protection Agency in 2006 found that "the current site is being operated in an ad hoc manner with no regard to the conditions of the development approval" and "this site suffers from a complete lack of management". Problems included waste not being covered, increased fly population, waste harbouring vermin, no segregation of different waste, no fence to keep out stock,

Function	Yarrabah Council Assessed Level of Performance	Hope Vale Council Assessed Level of Performance	Lockhart River Council Assessed Level of Performance
	<ul style="list-style-type: none"> • Council has actively sought to improve the tidiness in the community, including entering Tidy Towns competitions (Council minutes, 07/09/04, 10/11/04, 11/01/05, 05/04/05) 		<p>native animals or pigs etc</p> <ul style="list-style-type: none"> • During past community consultations, concerns were repeatedly raised about litter in the community (Lockhart River Aboriginal Shire Council 2005a) • However, stakeholders have noted some improvement in tidiness of the community in recent years (LG5, 17; LC1, 28)
3. Roads	<p>Performance: Average</p> <p>Priority: High</p> <ul style="list-style-type: none"> • TMP assessed that internal roads are adequate but noted “poor trafficability” of some of the unsealed roads outside the township area • Residents confirmed issues with unsealed roads outside the township (FG4; FG1; FG3) • Some residents interviewed criticised the effectiveness of the road gang in maintaining the community roads (FG3) and Council minutes confirm that there have been performance and conduct issues associated with the road gang (Council minutes 05/11/00, 15/05/01, 14/10/03). 	<p>Performance: Average</p> <p>Priority: High</p> <ul style="list-style-type: none"> • TMP assessed that internal roads are “satisfactory” and “generally in good condition” with one exception but that the access road and roads outside the township are “unsatisfactory” • A Council officer expressed the view that roads are “in an atrocious condition” due to underfunding (HC7, 27). • During community consultations, concerns were raised about performance of the roads gang 	<p>Performance: Low</p> <p>Priority: Moderate - High</p> <ul style="list-style-type: none"> • TMP assessed that internal roads are “unsatisfactory” and “in poor condition”. The roads outside the township to outstations are also in poor condition • Stakeholders unanimously agreed that internal roads were in poor condition (LC4, 38; LG3, 10; LG4, 77; LG8, 79) and while some blamed lack of resources and harsh conditions (LG1, 100; LC2, 16) and the poor external contractors (LC8, 141; LG4, 77), others blamed the Council’s poor performance (LG3, 91; LC1, 20) • Stakeholders indicated that the internal roads had historically been a low priority for Council, but the main community access road and the access roads to outstations were a high priority (LG3, 10; C1, 30)

Function	Yarrabah Council Assessed Level of Performance	Hope Vale Council Assessed Level of Performance	Lockhart River Council Assessed Level of Performance
4. Community facilities	<p>Performance: High</p> <p>Priority: High</p> <ul style="list-style-type: none"> • Current Council-provided community facilities consist of: <ul style="list-style-type: none"> - football oval and clubhouse - indoor sporting complex (PCYC) - playground - sports courts (basketball) - youth leisure centre - swimming pool and toddler pool - shopping centre - community hall - museum - library - art and crafts centre - women's centre - aged persons hostel - child care centre - kindergarten - BRACS radio - Skills Training Centre/Rural Transaction Centre - alcohol canteen • Yarrabah Council has a large Council Chambers and administration office built from Council's own funds in the 1990s • The majority of the community facilities have been constructed in the past decade following the blueprint outlined in the community's 5-year development plan produced in 1996 	<p>Performance: Low</p> <p>Priority: High</p> <ul style="list-style-type: none"> • Current Council-provided community facilities consist of: <ul style="list-style-type: none"> - football oval - playground - sports courts (basketball) - community hall (non-functioning) - women's centre - aged persons hostel - child care centre - kindergarten - BRACS radio - training hall • The Council's administration building is an old facility and has inadequate office space to accommodate the Mayor and councillors • Previous community consultations (Cavill Jones Surveyors & Brazier Motti 2000) and interviews have raised the need for a pool, a training centre, improved sport and recreation facilities, and for refurbishing the community hall (HC5, 82; HC7, 39, 45; HC1, 11) • Direct observations revealed that some of the community's facilities (such as the hall) are not well maintained and are in a very poor condition (see photo earlier in the Chapter). Very few new community facilities have been built by the Council in the past decade 	<p>Performance: Low</p> <p>Priority: High</p> <ul style="list-style-type: none"> • Current Council-provided community facilities consist of: <ul style="list-style-type: none"> - football oval - Kids' Club - library - women's shelter - Land and Sea Centre - guest house/HACC centre - community hall (non-functional) - beach shelters - alcohol canteen • The Council had a new Council Chambers and administration building constructed from a Government grant in 2001 • Stakeholders consistently raised the need for additional facilities in the community, especially child care, youth sport and recreation, a playground, a pool, and a training centre (LFG1, 21; LC6, 18; LN4, 9) and these were identified as priorities in the community plan (Lockhart River Aboriginal Shire Council 2005a) • Direct observations found that the community hall and Land and Sea Centre are in a dilapidated state (broken windows, doors and linings) and are rarely used • The canteen facility is in disrepair and its condition has been raised with the Council by

Function	Yarrabah Council Assessed Level of Performance	Hope Vale Council Assessed Level of Performance	Lockhart River Council Assessed Level of Performance
	<ul style="list-style-type: none"> Residents did not indicate any critical shortfall in facilities, except for additional amenities in public parks (FG1; N4) Direct observations reveal that the community's facilities are mostly relatively new, well maintained and in very good condition 		<p>the Liquor Licensing Division</p> <ul style="list-style-type: none"> The Council has been planning to build a multi-purpose centre with sporting, community and training facilities, but it has yet to source funding support Very few new community facilities had been built by the Council in the past decade
5. Library	<p>Performance: Average</p> <p>Priority: Moderate</p> <ul style="list-style-type: none"> The Council's library is operated by a full-time librarian as a Country Lending Service. The Council is one of only five of 34 Indigenous Councils to operate a full-service Country Lending Service in preference to a smaller scale 'Indigenous Knowledge Centre'. By 2005, the Council library had about 250 members, or 12% of the population. This is well below the State average of 49% for Country Lending Services, but is above the figure for some smaller Shires such as Ilfracombe (1%), Croydon (3%), Mount Morgan (5%), Torres (9%) and Eacham (11%) (State Library of Queensland 2004). Residents expressed satisfaction with the library facilities (FG3) and a government stakeholder suggested that the library provides a better service than other Country Lending Services in Indigenous communities (MG8) 	<p>Performance: Not applicable</p> <p>Priority: Low</p> <ul style="list-style-type: none"> Hope Vale Council does not operate a library. A public library is available in Cooktown, 45 minutes drive from Hope Vale. 	<p>Performance: Low</p> <p>Priority: Low</p> <ul style="list-style-type: none"> Lockhart River Council receives funding from State Library Queensland to operate an Indigenous Knowledge Centre (IKC) library. Correspondence on Council files indicate that there has been high turnover in the IKC staff, SLQ has questioned the competence and commitment of staff and the IKC facility has seldom been open to the public. The SLQ wrote to the Council on 9 August 2004 raising concerns about the IKC administrator, the fact that the centre "is constantly left unattended", that "neither the State Library nor the Council had received any information or reports on the use of the facility" and that during a recent field visit, the centre was found to be "dirty and uncared for" (Vance 2004)

Function	Yarrabah Council Assessed Level of Performance	Hope Vale Council Assessed Level of Performance	Lockhart River Council Assessed Level of Performance
6. Environmental health	<p>Performance: High</p> <p>Priority: High</p> <ul style="list-style-type: none"> • In 1997, the Council was one of the first Indigenous Councils to appoint an Environmental Health Officer (EHO). The same officer, who has a Diploma in Environmental Health still holds this position. Yarrabah funded this position out of its own budget, whereas other Councils did not employ an EHO until dedicated government funding was provided • Queensland Health officers were positive about the Council's achievements, citing the strong level of Council awareness and support for the environmental health function and a number of progressive programs instituted by the EHO (YG6, 29) • The EHO is active in house inspections, providing resources and educational materials to tenants, pest control, monitoring water quality and responding to complaints. • Council initiated innovative health promotion programs including a 'Mr Germ' campaign, school programs, safe food handling videos and a WaterWise program • Council minutes indicate that Council is responsive to the need to allocate specific funding for environmental health activities such as animal control (Council minutes 08/06/04, 06/07/04). 	<p>Performance: Low</p> <p>Priority: High</p> <ul style="list-style-type: none"> • Council has employed a trained Environmental Health Officer for a number of years. • However, community stakeholders indicated that the environmental health function was performing very poorly (HC7, 29; HC6, 29) • Environmental health audits by Queensland Health have indicated serious problems with the Council's environmental health management (Council meeting 31/07/06) 	<p>Performance: Low</p> <p>Priority: High</p> <ul style="list-style-type: none"> • Council has not been able to retain a person in the Environmental Health Officer position, despite dedicated funding. Queensland Health expressed concern in 2004 that the funding for the EHO had been spent by the Council on other programs in a clear breach of the funding agreement • Environmental health audits by Queensland Health have consistently raised serious problems with environmental health in the community. Issues raised in the 2006 report included poor hygiene and cleanliness at the guest house and effluent overflow from damaged septic tanks at the beach toilets (Andres 2006)

Function	Yarrabah Council Assessed Level of Performance	Hope Vale Council Assessed Level of Performance	Lockhart River Council Assessed Level of Performance
7. Animal control	<p>Performance: Average</p> <p>Priority: High</p> <ul style="list-style-type: none"> • The EHO has implemented regular dog control programs, including periodic visits by veterinarians to put down stray and unwanted dogs and treat diseased animals. Between 20 and 40 dogs are put down at each session, with 300 dogs being put down in a recent 12 month period (YC9). • Despite significant problems caused by wandering horses in the community, the Council has failed to address the problem after several attempts at impounding. Council rangers have proven unwilling to follow through on impounding and destruction orders in the face of hostile reactions from horse owners (YFG4; YFG3). • Residents interviewed confirmed that horses and dogs are a problem in the community and that the Council needs to manage these issues better (YFG4; YFG3; YC8). 	<p>Performance: Low</p> <p>Priority: High</p> <ul style="list-style-type: none"> • The EHO has arranged sporadic visits by a vet to the community and has obtained assistance from the Cooktown animal control officer • However, poor level of animal control has been a strong theme of previous community consultations (Cavill Jones Surveyors & Brazier Motti 2000; Kleinhardt-FGI 2003) • Problems arise from dogs, horses and cattle wandering in the township area. There was evidence on Council files of nuisances created by animals at the aged persons hostel 	<p>Performance: Low</p> <p>Priority: High</p> <ul style="list-style-type: none"> • Council has arranged ad hoc visits by a vet to put down stray and unwanted dogs, treat diseased animals and administer contraceptives, flea control and worming. • However, an environmental health audit by Queensland Health in 2006 raised serious concerns about animal control, noting that the “sporadic” treatments by the vet nurse “do not constitute an animal control program” and a complete animal control program is required. The audit found “numerous malnourished, sick and injured dogs” as well as “several litters of pups... some suffering from mange, malnourished and uncared for”. The audit also noted problems with wandering horses and cattle (Andres 2006) • Interviews with residents revealed a high level of dissatisfaction with the Council’s control of dogs, horses and cattle in the community (LFG2, 28; LC8, 147). • Successive community plans have raised animal control as a priority issue (Lockhart River Aboriginal Council 2004; Lockhart River Aboriginal Shire Council 2005a) • Council attempts to fence an area to restrain horses and cattle had not been followed through successfully (Council minutes 03/11/04)

Function	Yarrabah Council Assessed Level of Performance	Hope Vale Council Assessed Level of Performance	Lockhart River Council Assessed Level of Performance
8. Land use planning	<p>Performance: Average</p> <p>Priority: High</p> <ul style="list-style-type: none"> • The Council engaged planning consultants to develop a town plan and undertake community expansion planning in 2000 • Although additional areas for development have been identified and planning undertaken, native title processes have hindered progress. Council has been slow to resolve these issues, which are largely political • New developments are consistent with the land use plan 	<p>Performance: Average</p> <p>Priority: High</p> <ul style="list-style-type: none"> • The Council engaged planning consultants to undertake a land use plan in 2000 • New developments are consistent with the land use plan 	<p>Performance: Low</p> <p>Priority: Moderate</p> <ul style="list-style-type: none"> • The Council has relied on the government to undertake town planning for the community • A Council officer indicated that the decision-making regarding land use in the community was ad hoc and unplanned and Council decisions showed little appreciation of the distinction between residential and industrial areas (LC2, 82)
9. Community planning	<p>Performance: High</p> <p>Priority: High</p> <ul style="list-style-type: none"> • The Council has been very committed and proactive in undertaking planning for social and economic development over two decades • Health planning has been a core focus of the Council's efforts since the late 1980s • Five-year community development plans were undertaken in 1996 and 2003, and these plans have been actively used by successive Councils to guide their budgets and priorities 	<p>Performance: Low</p> <p>Priority: High</p> <ul style="list-style-type: none"> • Community plans produced by consultants for Hope Vale have been little understood or used by the community and the Council • The most recent community plan, produced in 2003, is not used by the Council to guide budgeting and priorities (HC6, 17). Very few people interviewed in the community or the Council were aware of its existence 	<p>Performance: Low-Average</p> <p>Priority: High</p> <ul style="list-style-type: none"> • Prior to 2004, community plans for Lockhart River had been produced by consultants and had little meaning or relevance for the Council or the community • The new community plan developed in 2004 was strongly supported by the Council and was being used to guide Council's activities. There had been a greater level of Council involvement in the plan than in previous plans

Function	Yarrabah Council Assessed Level of Performance	Hope Vale Council Assessed Level of Performance	Lockhart River Council Assessed Level of Performance
10. Land and natural resource management	<p>Performance: Low</p> <p>Priority: Low</p> <ul style="list-style-type: none"> • Council employs a full-time Head Ranger, an Assistant Ranger and Trainee Rangers employed under CDEP • Little information was available about the performance of these rangers or evidence of any substantial land and natural resource management activities 	<p>Performance: Low</p> <p>Priority: Moderate</p> <ul style="list-style-type: none"> • A Land and Sea Management Coordinator/ranger position has been employed for some years. • There was little evidence of significant initiatives undertaken by this office. A community study in 2003 reported that: “The research team were unable to identify any strategies being progressed in the Hope Vale Shire to achieve the natural resource protection and management deliverables identified in the MCMC implementation plan” (Injury Prevention and Control (Australia) 2004) 	<p>Performance: Low</p> <p>Priority: High</p> <ul style="list-style-type: none"> • A Land and Sea Management Centre (LSMC) was established in 2001 with a full-time Coordinator supported by four rangers on CDEP, but the funding was discontinued in 2005 due to Council’s lack of compliance with reporting requirements in the funding agreement • Land and sea management is a high priority for the Council but there was little evidence of any substantial activities undertaken by the LSMC • Weeds and feral animals are a significant problem in the Lockhart River area and a concern for residents (Lockhart River Aboriginal Council 2004) • A Council officer noted with irony that “We’ve done our pest management [plan]. But no one has killed a weed yet” (LC2, 143)
11. Outstation development	<p>Performance: Not applicable</p> <p>Priority: Low</p> <ul style="list-style-type: none"> • Developing outstations on community lands has not been a priority for the Yarrabah Council 	<p>Performance: Average</p> <p>Priority: Moderate</p> <ul style="list-style-type: none"> • There are a number of families in Hope Vale and some councillors for whom developing outstations is a priority. Outstations tend to be family owned farms or enterprises, so not everyone supports the Council investing in them (HFG1, 147; 	<p>Performance: Average</p> <p>Priority: High</p> <ul style="list-style-type: none"> • Building up clan outstations and enabling residents to “get back to country” is one of the Council’s core priorities (LG3, 12; G1, 152; LC5, 28; LC2, 8) (Lockhart River Aboriginal Shire Council 2004a, 2005a). Many people pointed to the health and lifestyle benefits of residents moving away

Function	Yarrabah Council Assessed Level of Performance	Hope Vale Council Assessed Level of Performance	Lockhart River Council Assessed Level of Performance
		<p>HC10, 119; HC8, 65)</p> <ul style="list-style-type: none"> The Council has provided some funding and in-kind assistance to families to develop outstations. The Council employs a full-time outstation development coordinator. Families have been permitted to complete their CDEP hours on some outstations The Council is limited by a lack of funding to further develop outstations and access roads 	<p>from the township and the canteen to live on family-based outstations</p> <ul style="list-style-type: none"> Since the late 1990s, the Council has provided some funding and in-kind assistance (such as use of equipment) to families to develop outstations, but facilities remain basic and access by road and sea is a significant challenge. In 2005 and 2006, the Council built additional shelters and amenities on outstations in order to host negotiation table meetings with government The Council's main difficulty has been a lack of discretionary funding to invest in outstation development. The Council has previously invested some of its canteen profits in outstations, but this revenue has dwindled since alcohol restrictions were introduced in 2003 (LG1, 40). The Council has been largely unsuccessful in sourcing further funding for outstation development
12. Local law development and implementation	<p>Performance: High</p> <p>Priority: Moderate</p> <ul style="list-style-type: none"> Yarrabah Council has been quick to adopt model local laws produced by the State government and it has been innovative in making new local laws to address particular issues that arise: <ul style="list-style-type: none"> Yarrabah was the first Aboriginal Council to adopt local government 	<p>Performance: Low</p> <p>Priority: Moderate</p> <ul style="list-style-type: none"> Hope Vale has no general local government local laws. It has law and order local laws dating back to 1994 comprising a State Government model Department of Justice and Attorney-General statistics reveal that between 2001 and 2008, 78 charges were issued for breach 	<p>Performance: Low</p> <p>Priority: Moderate</p> <ul style="list-style-type: none"> Lockhart River has general local government local laws dating back to 1990, which adopt the 1987 Yarrabah by-laws A Council officer indicated that up to date local laws were something that the Council "desperately needs" (LC2, 114) Department of Justice and Attorney-

Function	Yarrabah Council Assessed Level of Performance	Hope Vale Council Assessed Level of Performance	Lockhart River Council Assessed Level of Performance
	<p>by-laws, in 1987, and the model was used by many other Aboriginal Councils</p> <ul style="list-style-type: none"> - Yarrabah adopted the model law and order local laws in 1994 - Yarrabah made new local laws regarding animal control in an effort to address stray horse issues in 1997 - Yarrabah adopted the new model local government and law and order local laws in 2002 - Yarrabah made new local laws establishing a housing committee and a CDEP committee in 2007 <p>• Department of Justice and Attorney-General statistics reveal that between 2001 and 2008, 512 charges were issued for breach of Council local laws</p>	<p>of Council local laws. This is largely driven by the work of the Council-sponsored Community Justice Group</p>	<p>General statistics reveal that between 2001 and 2008, no charges were issued for breach of Council local laws. There is no evidence of any charges ever being issued under Council local laws</p>
13. Community Police	<p>Performance: Not applicable</p> <p>Priority: Not applicable</p> <ul style="list-style-type: none"> • The Yarrabah Council does not employ Community Police due to their replacement in 2000 under the Queensland Aboriginal and Torres Strait Islander Police project 	<p>Performance: Average</p> <p>Priority: Moderate</p> <ul style="list-style-type: none"> • Hope Vale community planning and community consultation exercises have reported that residents are critical of the performance of community police (Cavill Jones Surveyors & Brazier Motti 2000; Kleinhardt-FGI 2003). These concerns were repeated in a government review of the Alcohol Management Plan in 2005 (Council 	<p>Performance: Average</p> <p>Priority: Moderate</p> <ul style="list-style-type: none"> • A State Police representative considered the Community Police service at Lockhart River to be relatively competent and reliable (LG#, 13) • Prior to 2004, the level of equipment and resources provided to the Community Police was considered inadequate, but between 2004 and 2006 the Council invested in new

Function	Yarrabah Council Assessed Level of Performance	Hope Vale Council Assessed Level of Performance	Lockhart River Council Assessed Level of Performance
		<p>minutes 21/07/05)</p> <ul style="list-style-type: none"> • There have been longstanding concerns about the level of equipment and • In 2003, a Hope Vale resident died in the custody of Community Police, leading to criticisms by the Queensland Coroner regarding the training provided by State Police to Community Police at Hope Vale and the suitability of the Council's Community Police vehicle 	<p>equipment and provided a community police vehicle (LG# 15)</p>
14. Management of community housing	<p>Performance: High</p> <p>Priority: High</p> <ul style="list-style-type: none"> • Figure 3 shows that the housing stock at Yarrabah has been maintained in significantly better condition than in other Aboriginal communities: <ul style="list-style-type: none"> - only 2.17% of Yarrabah houses were in such poor condition that demolition should be considered or is necessary, compared to 20.05% in the other sixteen Aboriginal communities⁷² - comparatively fewer Yarrabah houses (25.00%) were in need of 	<p>Performance: Low</p> <p>Priority: High</p> <ul style="list-style-type: none"> • Figure 3 shows that Hope Vale's housing stock in 2003 was generally in very poor condition: <ul style="list-style-type: none"> - 21.36% of houses required demolition, more than the average of 17.50% across the other 16 Aboriginal communities. - only 2.08% of houses were assessed as requiring only minor repairs, compared to an average of 12.46% of houses across the other sixteen Aboriginal communities. 	<p>Performance: Low</p> <p>Priority: High</p> <ul style="list-style-type: none"> • Figure 3 shows that Lockhart River's housing stock in 2003 was generally in very poor condition: <ul style="list-style-type: none"> - 34.00% of houses required demolition, more than twice the average of 16.71% across the other 16 Aboriginal communities. • The Council has not had the requisite policies and procedures for housing management. There has been high turnover in the Housing Officer position and the Council has not had a consistently enforced

⁷² This category collapses three HAMS categories: "consider demolition" (cost of repair between \$75,000 and \$130,000); demolish/replace (cost of repair greater than \$130,000); and "demolish" (structural onsite assessment).

Function	mance	Hope Vale Council Assessed Level of Performance	
	<p>major upgrade,</p> <ul style="list-style-type: none"> - 22.10% required only minor repairs (less than \$3000), significantly more than the average across the other sixteen Aboriginal communities of 11.21%. • Officers from the Department of Housing (DOH) suggested that the good condition of the houses at Yarrabah does indicate good performance by the Council in housing management (MG4, 6; YG6, 37). DOH indicated that, compared with other Aboriginal Councils, Yarrabah is well advanced in terms of meeting the new obligations and putting in place other best practice policies recommended by the Department (YG6, 21). Furthermore, the officer said that the Council appeared to be actively enforcing the policy and the legislation in relation to tenants' obligations to maintain their houses (YG6, 37). For example, the policy requires that tenants who damage their property must pay for the necessary repairs. On many communities, the Council pays for the damage, but at Yarrabah, the Council is vigilant in ensuring that the tenant pays for the damage through a pay deduction (YG6, 21; YC9, 65) • However, during interviews with residents, some concerns were raised about the time taken to attend to maintenance requests and the quality of the work performed (YFG1, 41; YFG2, 50; YFG4, 57; YFG3, 46; YN4, 97). Council minutes reveal that the Council 	<ul style="list-style-type: none"> • The Council has not had the requisite policies and procedures for housing management. It did not introduce a housing policy until 2004 and compliance and enforcement has been poor (HC10, 71). Until 2006, Council did not enforce the requirement for tenants to pay for damage to houses and compliance has been patchy (HC7, 53). Only 70% of houses had an up to date tenancy agreement in 2006 (HC10). A new Housing Officer appointed in 2006 was attempting to improve the systems. • The Council had previously used the HMS software but was not doing so in 2006 as it had accidentally been deleted from the computer • During previous community consultations, the poor condition and inadequate maintenance of housing has been a recurring theme (Cavill Jones Surveyors & Brazier Motti 2000, pp.5, 8 and 10; Injury Prevention and Control (Australia) 2004, p.36) • A Council officer described the housing works section as "dysfunctional" (HC7, 172) which is consistent with previous internal Council reports that stated that "this area is not working as it should"(Meyer, D. 2004). Previous accountants' reports have indicated that the Council was paying external contractors to do work that the Council's own employees should be doing (Meyer, D. 2003) • Figure 6 shows that the Council's level of rent charged in 2004 was an average of \$37 	<p>housing policy. Tenants have generally not been required to pay for damage that they have caused (LC1, 46). Consecutive audit reports have noted the absence of tenancy agreements in place for many houses (Queensland Audit Office 2005b)</p> <ul style="list-style-type: none"> • A shortage of skills in the community means that repairs and maintenance of houses has often been done by outside contractors (LG3, 18) although a carpenter has been employed in recent years. Residents who were interviewed complained about the slow response to requests (LFG1, 171) and the poor quality of work (LFG2, 30; LN3, 30) • Figure 6 shows that the Council's level of rent charged in 2004 was set at the minimum level recommended by DOH of \$40. While the data reported to DOH suggests that a high proportion of the rent charged is collected, other sources indicate that the rate of rent collection has been poor. A letter from the Council to Government seeking funding notes that "the rental management system is a complete mess" (Chippendale 2004) and the Council's response to its 2005 audit report acknowledges that "the rental debtors system is in total disarray... due to the lack of actual records available to substantiate debts raised and credits received" (Queensland Audit Office 2005b). The Council Housing Officer indicated in 2006 that only two or three tenants in the community were up to date with rent (LC#, 24)

Function	Yarrabah Council Assessed Level of Performance	Hope Vale Council Assessed Level of Performance	Lockhart River Council Assessed Level of Performance
	<p>has been concerned about performance in actioning work orders from time to time (Council minutes 09/08/00, 20/05/02, 18/06/02, 08/09/03, 11/05/04, 12/10/04, 05/03/05)</p> <ul style="list-style-type: none"> • The Council uses the processes set out in the <i>Residential Tenancies Act 1994</i> (RTA) to enforce tenants' obligations (YG6, 10; YC3, 28) • The Council uses the Housing Management System (HMS) software to manage tenancies and repairs and maintenance • The Council involves tenants in the design and planning of construction or renovation of houses, which an officer suggested improves the willingness of residents to care for the property (YC9, 59). This view is supported by HAMS data that shows that only 4.44% of Yarrabah houses have major defects with doors and windows, compared with 31.39% of houses in other Aboriginal communities • Figure 6 indicates that in 2003/04 Yarrabah charged the highest level of rent of all Aboriginal communities and is successful in collecting almost all of the rent owed. Rent was increased further to \$76 per week in 2005 • The main shortcoming in Yarrabah's management of housing has been the growth of rental arrears over time. Successive audit reports have raised concern that the Council has not been able to collect all housing 	<p>per house per week, which was below the minimum level recommended by DOH of \$40. While the data reported to DOH suggest that a high proportion of the rent charged is collected, Council officers indicated that the real proportion of rent collected in 2006 was only between 50%-70%, although it was improving (HC7, 51; HC10, 57)</p> <ul style="list-style-type: none"> • Inability to collect rent has created a problem with rental arrears and longstanding rental debts. In 2003, the accountant reported an "alarming level of outstanding debts" with the result that "the Council has now written off the majority of rental debtors" (Meyer, D. 2003) 	<ul style="list-style-type: none"> • Poor rent collection has led to an increase in rental arrears and the Council has not been successful in collecting rental debts (Queensland Audit Office 2005a). In response, Council sought to write off all its outstanding rental debts of \$206,109 in 2005 (Council minutes 11/05/05). Staff acknowledged that this approach penalises those people who have paid rent regularly and the decision to write off debt represents a conflict of interest for councillors who have not kept up to date with rent (LC1) • In 2006, Council's inability to properly manage community housing led it to hand over responsibility to DOH. Council minutes record that: "Council agreed that historically housing has been a problem especially collecting rent, allocating houses and getting tenants to pay for repairs, so it would be a better solution that the Department of Housing takeover complete control of the housing which would include collecting the rent" (Council minutes 14/02/06)

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	tenants' debts (Queensland Audit Office 2001, A1; 2002b, A3; 2003c, A3; 2004c, A3). Unlike other Councils, the Yarrabah Council has been unwilling to write off unpaid rental debts out of a concern for the inequity this would cause		
15. Management of Community Development Employment Projects (CDEP) Scheme	<p>Performance: Average</p> <p>Priority: High</p> <ul style="list-style-type: none"> • In 2006, Yarrabah was funded for 809 CDEP workers, making it the largest CDEP scheme in Australia (YC1, 47). About 200 of these positions were 'topped up' by Council funds to enable them to be employed full-time • The administration of the CDEP scheme was sound, with a 98% rate of utilisation of places (YG9, 26), sound administrative procedures in place (including CDEP policy) and a very low administrative cost per participant (Jordan, Kinchela & Pamment 2000, p.35) • On the other hand, the very large size of the scheme has created administrative challenges including keeping payroll documentation up to date and internal controls over timesheets (Yarrabah Aboriginal Council 2005) • A review of CDEP schemes in Queensland in 2000 raised concerns about the level of participant involvement in planning of CDEP projects at Yarrabah (Jordan, Kinchela & Pamment 2000, p.22). This criticism was 	<p>Performance: Low</p> <p>Priority: High</p> <ul style="list-style-type: none"> • In 2006, Hope Vale was funded for 311 CDEP positions (HC8, 46) • There was a universal consensus amongst Council and community stakeholders at Hope Vale that the CDEP scheme was performing poorly and that this had been the case for many years (HC7, 77; HC10, 37; HC6, 51; HC5, 160; HC4, 24; HC9, 83; Council meeting 16/11/04, 31/07/06). This is consistent with previous community consultations and reports (Aboriginal and Torres Strait Islander Commission 1996; Cavill Jones Surveyors & Brazier Motti 2000, p.10; Holden 1994, p.290) • The administration of the CDEP scheme has been poor. For many years, the Council has employed more people than it is funded for and overspent its operational grant for CDEP by several hundred thousand dollars, which means the shortfall has to be made up from other revenue (Meyer, D. 2004). The Council has not had, or not implemented, a CDEP employment policy. Compliance with 	<p>Performance: Low</p> <p>Priority: High</p> <ul style="list-style-type: none"> • In 2006, Lockhart River was funded for 130 CDEP positions • There was a strong view amongst current and former Council staff that the CDEP scheme had performed poorly over the longer term (LG3, 18; LC8, 69). In 2004, the Lockhart River financial controller reported that the representative from the funding agency "was not at all impressed by the operation of the Lockhart River CDEP. From data available to him from his office, the scheme had not operated effectively for many years... He advised that [the agency was] considering withdrawing the CDEP scheme from the Community for continued failure to comply with grant conditions and for any real outcomes to be produced by the scheme" (Financial Controller 2004b) • The administration of the CDEP scheme has been poor. During 2004/05, the Council achieved a utilisation rate of only 79% of its CDEP places, well short of the government's 98% target rate. On other occasions,

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	<p>echoed in interviews with participants (YFG1, 11, 14; YFG3)</p> <ul style="list-style-type: none"> • The case study found a poor level of communication and poor relationship between the senior levels of the Council and its CDEP workforce (YFG1, 11; YFG2, 24; YFG3, 34) • Concerns were raised about worker productivity and enforcement of the ‘no work, no pay’ principle (YN2, 83-85; YFG3, 38; YC5, 46; YFG1, 23; YFG2, 16). However, there was evidence of high productivity of some CDEP gangs, such as the women’s gang and the museum gang (YFG3, 14; YN2, 83; Council minutes 10/01/01) • CDEP workers at Yarrabah have been given extensive opportunities to attend training and improve their skills (Jordan, Kinchela & Pamment 2000, p.33)(YFG1, 8; YFG2, 10; YFG3, 18) • The CDEP scheme has not been successful at creating profitable new business enterprises 	<p>funding requirements has often been inadequate – for example, the government temporarily withheld CDEP funding in March 2005 due to Council’s non-compliance</p> <ul style="list-style-type: none"> • Project planning has been very poor (HC9, 83; HC10, 119)(Aboriginal and Torres Strait Islander Commission 1996, p.7). A Council officer stated: “<i>CDEP has just been badly managed – that’s my opinion. People front up for work, but you can only rake and do paths and mow the law so much</i>” (HC9, 83) • Non-attendance by CDEP participants has been endemic for many years (HC6, 51; HC7, 71)(Aboriginal and Torres Strait Islander Commission 1996, p.8; Cavill Jones Surveyors & Brazier Motti 2000, p.10; Holden 1994, p.322), with people paid whether they attend work or not. For example, Council minutes on 30/08/00 reported that 294 CDEP participants were working and 160 were not working. At a Council meeting observed during the case study, a lengthy discussion was held about how to get CDEP workers to come to work (Council meeting 31/07/06). It has been common practice to continue to pay CDEP to people who are no longer living in Hope Vale (HC7, 125; Council minutes 26/07/00). • CDEP workers have not been offered adequate training opportunities (YFG1, 25) 	<p>however, the Council has employed more people on CDEP than its allocated places, leading to over-expenditure of the grant (LG3, 74)(Queensland Audit Office 2005a). The Council has failed to develop a CDEP employment policy (Queensland Audit Office 2005a)(LC4, 46; LC2, 195)</p> <ul style="list-style-type: none"> • On several occasions in recent years, the government has withheld the release of CDEP funding to the Council for a range of administrative breaches such as outstanding acquittals, failure to report, failure to provide a budget and workplan and payments to ineligible participants. In 2006, the government required a grant controller to be put in place to manage CDEP funds • Successive audit reports have raised problems such as lack of personnel files, missing paperwork and breaches of funding guidelines (Queensland Audit Office 2003b, 2004b, 2005a). • Non-attendance by CDEP participants has been endemic for many years (LG3, 20; LC8, 75; Council minutes 26/10/00). A former CEO recalled that out of 120 participants, only 20 were working (LG#, 104). A Council report noted that: “During the 16 years that the scheme has been operating it has killed the work ethic as participants were paid even if they did not work and this failure to work developed into laziness which has zapped the people’s will to work and their ability to work” (Lockhart River Aboriginal

Function	Yarrabah Council Assessed Level of Performance	Hope Vale Council Assessed Level of Performance	Lockhart River Council Assessed Level of Performance
			Shire Council 2005b, p.16) <ul style="list-style-type: none"> • CDEP workers have been offered very few training opportunities (LFG1, 143; LFG2, 52)
16. Social services	<p>Performance: High</p> <p>Priority: Moderate</p> <p><u>Aged care</u></p> <ul style="list-style-type: none"> • Council's Aged Persons Hostel (APH) opened in 1991 and is fully accredited, regularly audited and meets all required standards (Council minutes 11/01/00, 16/12/00). A number of staff have achieved Certificate 3 or 4 in Aged Care (YC11, 33) • An officer from the funding agency for the Older Peoples' Action Program commented that the program is run very well, and joins with other services in Cairns to conduct activities (YG10, 31-33) <p><u>Child Care</u></p> <ul style="list-style-type: none"> • In the past decade, the Council has developed its play group into a fully accredited Child Care Centre employing 9 child care workers, 3 ancillary staff and catering to 36 enrolments (as at 2005) • An audit by the funding department in 2005 raised no significant issues with the centre <p><u>Life Promotion Program</u></p> <ul style="list-style-type: none"> • The program commenced in 1995 in 	<p>Performance: Low-Average</p> <p>Priority: Moderate</p> <p><u>Aged care</u></p> <ul style="list-style-type: none"> • Council runs a 15-bed Aged Persons Hostel (APH) and while it is not yet accredited (pending) it maintains good facilities and provides a good service (HC10, 45; Council minutes 08/05. A number of staff have achieved Certificate 3 in Aged Care • In a 2005 audit, the funding agency noted that progress by the Home and Community Care (HACC) service in implementing recommended improvements has been "disappointing". The level of compliance with reporting requirements was poor. Local opinion was mixed regarding the quality of the service delivered, with some positive and some negative comment (HC10, 45; HC6, 25). <p><u>Child Care</u></p> <ul style="list-style-type: none"> • An accredited Child Care Centre opened in 2004 with a licence for 29 enrolments per day. Three staff have received Certificate 3 in Children's Services • However, from 2006, a high turnover in 	<p>Performance: Low</p> <p>Priority: Moderate</p> <p><u>Overall</u></p> <ul style="list-style-type: none"> • An independent observer made the observation in 2006 that "<i>the community services at Lockhart River are basically non-functional at present</i>" (LN4, 19) <p><u>Aged care</u></p> <ul style="list-style-type: none"> • The Council does not have an aged care facility • The Council's HACC program provides meals and care for 14 elderly people. An assessment by the funding agency in 2005 rated the service as "basic", noting that many required management strategies had not been put in place. The level of compliance with reporting requirements was poor. An environmental health audit in 2005 raised serious concerns with the standard and cleanliness of the facilities used for preparation of meals (Andres 2006) <p><u>Child Care</u></p> <ul style="list-style-type: none"> • The Council has no child care centre. Its applications for funding for a centre have

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	<p>response to a crisis in youth suicides and by 1998 it was reported that: “This community developed and managed program has been effective in achieving a significant reduction in the number of completed suicides and suicide ideation in Yarrabah” (Baird, Mick-Ramsamy & Percy 1998, p.6)</p> <ul style="list-style-type: none"> • An officer from the funding agency commented favourably on the program at Yarrabah indicating that, in comparison with the two other communities where the program is run, the Yarrabah program has developed good working relationships with mental health service providers outside the community, developed good resources, and provided a greater level of professional development support to staff (YG13, 14-20). <p><u>Family Support Program</u></p> <ul style="list-style-type: none"> • An officer from the funding agency was positive about the performance of the program, assessing it as “9 out of 10” (YG10, 20). The officer noted that the Family Support Officer was a “<i>high-performing</i>” person, who produced timely, well-written reports, including statistical data and information about activities. The officer also highlighted that the program integrates well with mainstream services such as those in nearby Edmonton. <p><u>Community Justice Group</u></p> <ul style="list-style-type: none"> • An officer from the funding agency 	<p>directors led to serious problems with the service. The funding agency reported that licensing standards were not being met (MG1, 111)</p> <p><u>Life Promotion Program</u></p> <ul style="list-style-type: none"> • The program has performed well, reducing suicide levels and initiating a number of positive activities for young people, including sailing outings, camping and social events (HC6, 27; YC8, 117; HC7, 206) <p><u>Women’s Shelter</u></p> <ul style="list-style-type: none"> • An officer from the funding agency indicated that the women’s shelter service had performed poorly at Hope Vale and was non-functional for several years (MG1, 105) <p><u>Community Justice Group</u></p> <ul style="list-style-type: none"> • The Hope Vale Community Justice Group has suffered from lack of support in some quarters of the community and from conflict with the Council, but the coordinator has been actively involved in court hearings and local law and order issues for several years 	<p>been rejected due to non-compliance with licensing requirements such as standard of facilities, policies and procedures and trained staff</p> <p><u>Kid’s Club</u></p> <ul style="list-style-type: none"> • The Kids’ Club is open to school aged children for recreational purposes and has had some periods of success, depending on the capability and commitment of staff at the time. The condition of the facility has been very poor at times (LC3, 6) <p><u>Women’s Shelter</u></p> <ul style="list-style-type: none"> • An internal Council report in January 2006 indicated that the “shelter at present is not functioning well.” Two stakeholders noted that during riots at Lockhart River in March 2006, a female victim in urgent need of accommodation was unable to access the shelter as no staff were available and the keys could not be located (MG1, 107; LN4, 29) <p><u>Community Justice Group</u></p> <ul style="list-style-type: none"> • The Lockhart River Justice Group has not very been active and has achieved few tangible outcomes in recent years (LG4, 21; LC2, 14; Council minutes 10/11/05) <p><u>Child and Family Support Program</u></p> <ul style="list-style-type: none"> • A letter from the funding agency stated that “the playgroup... has never operated very well” and the Child and Family Support

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	<p>indicated that the Yarrabah Justice Group was “reliable”, and no more or less functional than Community Justice Groups in other Indigenous communities (YG4, 10)</p> <ul style="list-style-type: none"> Two community organisation leaders suggested that the CJG has struggled and is not working well (YN4, 28; YN3, 120) 		<p>service “has not performed well over the last several years”. The letter raised concerns about the competence of staff and the fact that the service “is in deficit and massively over-spent” (Purcell 2004)</p> <p><u>Drug and Alcohol Diversion Program</u></p> <ul style="list-style-type: none"> The Council employed two officers to work with residents to run activities and promote drug and alcohol-free lifestyles. A men’s group was being convened regularly. The Council reported positive benefits from the program (LC3, 18), although it had not been able to fill the positions continuously, resulting in unexpended grant funds (LC2, 121)
17. Cultural strengthening	<p>Performance: Average</p> <p>Priority: Low</p> <ul style="list-style-type: none"> Although strengthening culture is not an explicit part of the Council’s vision statement, its mission includes the objective: “promote success in a friendly and culturally sensitive environment” (Council minutes 18/11/04). The Council does not appear to consider cultural strengthening to be a direct element of its role as community government, but encourages organisations such as the school and the Anglican church to undertake cultural activities (YG5, 98) The Council provides a small amount of funding and assistance for cultural activities 	<p>Performance: Average</p> <p>Priority: Moderate</p> <ul style="list-style-type: none"> Protecting and strengthening Aboriginal culture and lifestyles is a stated priority for the Hope Vale Council (Hope Vale Guugu Yimidithirr Aboriginal Shire Council 2006) The Council provides a small amount of funding and assistance for cultural activities in the community The Council seeks to respect cultural obligations and protocols in its employment practices. For example, it has a bereavement policy whereby the Council workforce shuts down to observe funerals (HC4, 102) 	<p>Performance: High</p> <p>Priority: High</p> <ul style="list-style-type: none"> Strengthening culture is a central part of the Council’s vision and plans and underpins its ‘Puuya Strategy’ for the future of the community (Lockhart River Aboriginal Shire Council 2004a, 2005a) The Council has put substantial effort into fostering cultural activities in recent years. Initiatives include: <ul style="list-style-type: none"> establishment of a men’s group and women’s group; convening learning circles on

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	<p>in the community, such as grants for dance troupes and resources for annual Foundation Day celebrations</p> <ul style="list-style-type: none"> • The Council constructed an arts and crafts centre in 2002 and operates a community museum • The Council seeks to respect cultural obligations and protocols in its employment practices 	<ul style="list-style-type: none"> • The Council pre-school has a policy for teachers to use the Guugu Yimidhirr language on a regular basis (MG1, 183) • The Council adopted a Council name that incorporated the Guugu Yimidhirr identity (Council minutes 19/01/05) 	<p>outstations;</p> <ul style="list-style-type: none"> ○ organising dancing and cultural activities for ANZAC Day festivities; ○ organising cultural activities such as dance, drums, spear making, art and basket weaving. Many of these activities have been possible under a Federal Government grant for Alcohol Diversion activities that emerged out of negotiation table discussions • The Council funds community members to perform at the Laura Dance festival (Council minutes 14/06/05) and provides funding for funerals of community members • The Council provides funding and support for cultural strengthening activities such as recording and revitalising language (Council minutes 13/01/05, 14/02/06)
18. Management of business enterprises	<p>Performance: Low</p> <p>Priority: Low</p> <ul style="list-style-type: none"> • The Council's principal business enterprise is the alcohol canteen selling takeaway alcohol • Between 2000/01 and 2004/05, the canteen's net profit fell from \$198,873 to \$42,447. External and internal audit reports attributed this decline to firstly, decreased profit margins due to prices not being reviewed regularly and secondly, increased wage costs (Queensland Audit Office 2004c, 	<p>Performance: Low</p> <p>Priority: Moderate</p> <ul style="list-style-type: none"> • The Council operates a supermarket, bakery and service station • The supermarket made a profit of \$50,900 in 2001/02, \$91,415 in 2002/03, \$27,128 in 2003/04, but then made a loss of \$103,085 in 2004/05. • The service station made a profit of \$202,561 in 2001/02, \$10,390 in 2002/03, \$87,582 in 2003/04. but then made a loss of 	<p>Performance: Low</p> <p>Priority: Moderate</p> <ul style="list-style-type: none"> • The Council's principal business enterprise is the alcohol canteen, which recorded sales of \$747,187 in 2004/05 • The canteen made a profit of \$499,038 in 2000/01, \$369,700 in 2001/02, \$213,320 in 2002/03, \$239,912 in 2003/04 and \$206,678 in 2004/05 • Internal controls over the canteen operation have been poor in the past (Queensland Audit

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	<p>p.A5; Yarrabah Aboriginal Council 2005, p.3). While the business has not been proactively managed to maximise profitability, internal controls around the canteen enterprise have been strong and it has not suffered stock losses that are common in other Aboriginal Council canteens</p> <ul style="list-style-type: none"> • Other potential Council businesses are the museum, arts and craft centre and market garden. None of these businesses has become profitable • The Council received a grant of \$350,000 in the mid-1990s to establish a barramundi farm, but after ten years, this project had not commenced 	<p>\$63,801 in 2004/05</p> <ul style="list-style-type: none"> • Audit reports have raised a litany of concerns about the Council's management of its business enterprises, including poor stocktake procedures, inadequate internal controls to prevent misappropriation, inappropriate expenditures, poor financial record-keeping and a general lack of adequate monitoring of enterprise performance (Queensland Audit Office 2003a, 2004a, 2006a) • The major turnaround in the supermarket and service station's profitability in 2004/05 occurred despite only slight reductions in turnover. This suggests poor management was a significant factor in the downturn • The bakery was established in 2004 and made a loss of \$25,938 in 2004/05 • Several businesses established by the Council in the past have failed, including a ti-tree plantation and a blockworks 	<p>Office 2004b, 2005a) and stock and cash losses were frequent (LC4, 52). A spot check by a Departmental officer found cash losses of \$299 over a two day period in 2004 (Financial Controller 2004b)</p> <ul style="list-style-type: none"> • The condition of the canteen facility has also been poor (Lockhart River Aboriginal Shire Council 2005b) and the lack of compliance with licence conditions has led to the Council being issued with a "show cause" notice in 2002 • The Council has a farm/nursery which provides seasonal foods to the community at no cost • A Council-operated batching plant produces concrete and generates some revenue from sales to Department of Main Roads and private contractors. This operation does not produce a profit to Council (LC2, 72)
19. Fostering economic development	<p>Performance: Low</p> <p>Priority: Moderate</p> <ul style="list-style-type: none"> • The Council has not actively encouraged business development, nor discouraged it • The Council's principal contribution to economic development was to construct a new shopping centre in 2000, which provided space for the establishment of several retail 	<p>Performance: Low</p> <p>Priority: High</p> <ul style="list-style-type: none"> • Greater economic development has been a high priority for the Council over the past two decades, with strong aspirations for the development of family-based small businesses in retail, farming and tourism. This has been a recurring theme of successive community plans and community 	<p>Performance: Low</p> <p>Priority: High</p> <ul style="list-style-type: none"> • Economic development, particularly on traditional lands, is a key priority of the Council and has been the focus of recent plans. This was confirmed by interviews with councillors and staff (LC5, 16; LC8, 29; LG2, 194)

Function	Yarrabah Council Assessed Level of Performance	Hope Vale Council Assessed Level of Performance	Lockhart River Council Assessed Level of Performance
	<p>and service businesses</p> <ul style="list-style-type: none"> • Council was in the process of engaging a business development officer in 2005 • 2006 census data indicate that a very small proportion of employment at Yarrabah is in the private sector. In fact, only 20 jobs out of 898 (2%) were outside the government sector (8 in construction, 9 in retail trade and 3 in transport, postal & warehousing). These figures indicate even less private enterprise at Yarrabah than at Hope Vale and Lockhart River. See Figure 7. 	<p>consultation processes. It was confirmed by interviews with councillors and staff (HC2, 37; HC7, 13; HC4, 68)</p> <ul style="list-style-type: none"> • Council was engaging a business development manager in 2006 • 2006 census data (Figure 7) indicate that a small proportion of employment at Hope Vale is in the private sector. In fact only 19 jobs out of 338 (6%) were outside of the government sector. 	<ul style="list-style-type: none"> • A fishing company was established in 2005, but is yet to make a significant profit • 2006 census data indicate that a small proportion of employment at Lockhart River is in the private sector. Only 17 jobs out of 146 (12%) were outside of the government sector (3 in manufacturing, 3 in wholesale, 6 in retail and 5 in arts). This is, however, a higher proportion than at Yarrabah and Hope Vale. See Figure 7.
20. Financial management	<p>Performance: High</p> <p>Priority: High</p> <p><u>Audit results</u></p> <ul style="list-style-type: none"> • Figure 4 indicates the comparative results of independent audits of Aboriginal Council financial statements from 1992- 2006. Yarrabah Council has achieved the best audit record of any Aboriginal Council in terms of the number of unqualified audit opinions achieved in this period (13 of 15). • Yarrabah's only qualified audit opinion in recent years was in 2001-02, the result of a theft of \$246,871 from the Council's bank 	<p>Performance: Low</p> <p>Priority: High</p> <p><u>Audit results</u></p> <ul style="list-style-type: none"> • As indicated in Figure 4, the Council's audit results over the past 15 years have been poor, receiving only 4 unqualified opinions in that time and disclaimed opinions on 2 occasions. The Council's audit opinion was qualified every year between 2001 and 2005 • Figure 5 shows that the number of issues of concern raised in audit reports has been considerably higher than at Yarrabah, although not quite as high as Lockhart River 	<p>Performance: Low</p> <p>Priority: High</p> <p><u>Audit results</u></p> <ul style="list-style-type: none"> • As indicated in Figure 4, the Council's audit results over the past 15 years have been poor, receiving only 5 unqualified opinions in that time and disclaimed opinions on 3 occasions. These results have been particularly bad since 2000, with no unqualified audit opinions in this period and three successive disclaimed audit opinions from 2002/03 to 2004/05 • Figure 5 shows that the number of issues of

Function	Yarrabah Council Assessed Level of Performance	Hope Vale Council Assessed Level of Performance	Lockhart River Council Assessed Level of Performance
	<p>agency. Auditors acknowledged that this was a “one-off” where the blame for the internal control weakness was spread across the Council, auditors and the bank (YN1, 31)</p> <ul style="list-style-type: none"> Although the audit reports have confirmed the overall high standard of the Council’s financial management, they also identify some deficiencies in Council’s performance. A persistent problem for Council over a number of years has been the management of debts. The major problem relates to rental arrears under the Council’s housing program. A second issue that has arisen regularly in audit reports is the management of payroll records. Other issues that have been raised include instances of unsigned Council minutes, reduced profit margins in the canteen, internal control issues with the management of residents’ monies at the Aged Persons Hostel and controls around travel expenses (Queensland Audit Office 2001; 2002b; 2003c; 2004c). By comparison with other Councils, however, the number of remaining issues of concern in Yarrabah’s audit reports is relatively small and has been declining, as shown in Figure 5. <p><u>Solvency</u></p> <ul style="list-style-type: none"> There have been no concerns raised in the past decade about the solvency of the Council 	<p>Council</p> <ul style="list-style-type: none"> Audit reports in recent years have documented a litany of problems with Council financial administration. Some selected examples are: <ul style="list-style-type: none"> invoices taking up to 6-12 months to be paid; invoices paid twice; invoices not appropriately approved; lack of tenders and quotations for goods and services and engagement of consultants; poor record-keeping; lack of policies; lack of internal controls; poor security over cash and assets; poor debt collection and large write-offs of rental debts; problems in HR systems <p><u>Solvency</u></p> <ul style="list-style-type: none"> The Council has had periods of significant financial difficulty in the past decade, including: <ul style="list-style-type: none"> In 1999-2000, a deficit of \$1.6 million in 2002-03, the unspent grant balance exceeded cash and investments by \$312,325 and there was a shortfall of assets over liabilities of \$78,534 (Queensland Audit Office 2003a) in 2003-04, the shortfall of cash to cover unspent grants was \$115,280 	<p>concern raised in Lockhart River’s audit reports has been consistently higher than the other two case study Councils</p> <ul style="list-style-type: none"> Audit reports in recent years have documented a litany of problems with Council financial administration. Some selected examples are: <ul style="list-style-type: none"> incomplete Council minutes; lack of internal controls; invoices not appropriately approved; lack of tenders and quotations for goods and services and engagement of consultants; poor record-keeping; lack of policies; poor security over cash and assets; poor debt collection; loans to councillors and formal councillors; problems in HR systems <p><u>Solvency</u></p> <ul style="list-style-type: none"> Starting from a healthy situation of having \$800,000 surplus funds invested in 1999, the Council has suffered a significant deterioration in its financial status over the past decade. This surplus was run down and Council grants funding was over-expended to the point where at the end of 2004/05, the Council had a net cash shortfall of \$508,628 (Queensland Audit Office 2005b). The Department’s concerns about poor financial management led to the appointment

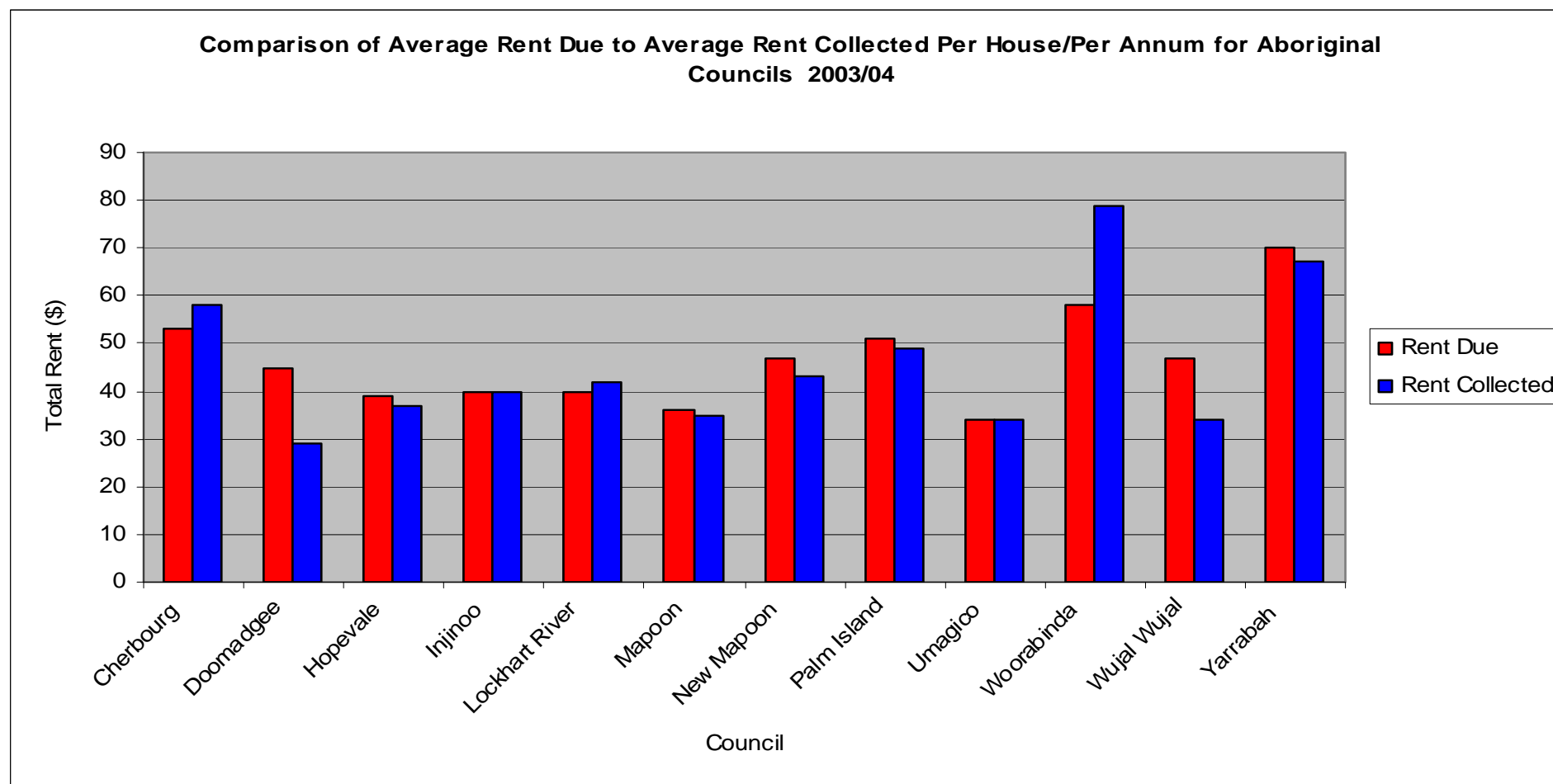
Function	Yarrabah Council Assessed Level of Performance	Hope Vale Council Assessed Level of Performance	Lockhart River Council Assessed Level of Performance
	<p><u>Acquittal of grants</u></p> <ul style="list-style-type: none"> • The Council administers up to 48 separate grants from 16 different government agencies and information about the reliability of the Council's acquittal of these grants was not available for all grants • Several government agency representatives indicated the Council's good performance in providing timely acquittals and reports (YG3, 7; YG1, 13, YG10, 23). On the other hand, acquittal data obtained from agencies relating to social services and aged care programs indicated patchy acquittal performance • The Council has put significant effort into refining its systems to ensure reporting requirements are met. The CEO explained that the Council has tried to "standardise the procedure" for managing projects to ensure that reporting requirements are met at a certain stage of the project life (YC#, 84). The Council has also found it useful to separate the function of implementing a funded project from the function of reporting on the project. For each new grant, the Administration Manager creates a file and takes responsibility for managing the funds and the financial reporting (YC#, 16) • Most importantly, Council staff stressed that the key to their approach is to build effective partnerships and positive relationships with funding providers (YC1, 84; YC2, 104) 	<p><u>Acquittal of grants</u></p> <ul style="list-style-type: none"> • Acquittal data obtained from agencies relating to social services and aged care programs indicated patchy acquittal performance. Interviews with Council staff and government agencies confirmed that the Council has not been reliable in providing acquittals for grants (MG1, 75). Poor acquittal performance has been raised in past audit reports (Queensland Audit Office 2004a, p.A-9) • On occasions, funding has been withheld by government agencies because acquittals for previous years have not been provided (HC8, 190) 	<p>of a Financial Controller in 2004 and again in 2007.</p> <p><u>Acquittal of grants</u></p> <ul style="list-style-type: none"> • The Council's fundamental problem since 2001 is that due to poor financial management practices, it has been unable to provide evidence to agencies that grant funds have been spent on the purposes for which the funding was provided. Expenditure has not been allocated against relevant grants and much expenditure has been outside the conditions of grants. Therefore, the Council has been unable to properly acquit much of its grant funding. Attempts to have Government agencies write off these grants have failed, which leaves them on the Council's books as unexpended grants, with no possibility of the Council being able to prove that they have been spent on the relevant purposes or of repaying the amounts • In the late 1990s, the Council had sound financial management and grants were acquitted as required (LG3, 24). However, a high turnover of accountants between 2001 and 2004 saw a rapid deterioration in acquittal performance • A review of correspondence on Council files for 2005 indicated Council's failure to provide necessary acquittals for several grants and concerns raised by funding agencies about expenditure on non-grant related purposes

Function	Yarrabah Council Assessed Level of Performance	Hope Vale Council Assessed Level of Performance	Lockhart River Council Assessed Level of Performance
			<ul style="list-style-type: none"> • On occasions, funding has been withheld by government agencies because acquittals for previous years have not been provided • Acquittal data obtained from agencies relating to social services and aged care programs indicated poor acquittal performance. • Interviews with government agencies indicated that acquittal compliance had been poor for a number of years but had improved from about 2004 to 2005 with the appointment of a financial controller who subsequently took over the CEO role in 2005 (MG1, 71; LG5, 25)
21. Attracting grants and funding	<p>Performance: High</p> <p>Priority: High</p> <ul style="list-style-type: none"> • Attracting grants to the community and contracting with government to take over the delivery of important services has been a central long-term objective of the Council, underpinning its vision of self-management • Figure 8 shows the receipts of Aboriginal Councils in 2007. The figures show that Yarrabah has the highest grant income of any Aboriginal Council, totalling almost \$17 million. The bulk of this funding (about \$11 million) is for employing people under the Council's CDEP scheme • The Council has employed a project officer who has full time responsibility for writing 	<p>Performance: High</p> <p>Priority: High</p> <ul style="list-style-type: none"> • Figure 8 shows the receipts of Aboriginal Councils in 2007. The figures show that Hope Vale has the second highest grant income of any Aboriginal Council (after Yarrabah), totalling more than \$10 million. The bulk of this funding (about \$5.8 million) is for employing people under the Council's CDEP scheme • The 2000-2004 Council employed a project officer to write submissions, but this task fell to the Deputy CEO in 2005. The lack of time to write submissions was considered to be a problem (HC10, 158). It was hoped that a new enterprise development manager would 	<p>Performance: Low</p> <p>Priority: High</p> <ul style="list-style-type: none"> • Figure 8 indicates that Lockhart River Council attracts the ninth-highest level of grant receipts of the 15 Aboriginal Councils • The Council has not been effective in chasing available funding (LC2, 92; LG2, 20). For example, visiting departmental staff in 2003 noted that the Council had failed to access road funding that was readily available • A review of Council correspondence in 2004 and 2005 revealed several letters rejecting grant submissions due to deficiencies in the submissions

Function	Yarrabah Council Assessed Level of Performance	Hope Vale Council Assessed Level of Performance	Lockhart River Council Assessed Level of Performance
	<p>grant submissions and attracting funding for Council projects. One government officer suggested that this had enabled Yarrabah to attract funding which other remote communities could not attract, because other Councils were not aware of the availability of the funding (YG3, 13)</p> <ul style="list-style-type: none"> • Council officers attributed their success in grant submissions to the ability to write good submissions and the Council's good track record of financial accountability (YC8, 17; YC4, 40; YC2, 31). A former CEO of the Council suggested that having strong elected leaders also helps in attracting funding (YC8, 17) 	<p>be employed to take on this role</p>	
22. Advocacy and representation	<p>Performance: High</p> <p>Priority: High</p> <ul style="list-style-type: none"> • Yarrabah Council has placed a high priority on its role of advocating and representing the interests of the Yarrabah community and of Indigenous people generally, which is reflected in its mission statement (Council minutes 18/11/04) • The Council has been very proactive in lobbying for funding through a variety of avenues: <ul style="list-style-type: none"> ○ multiple letters to Government Ministers and bureaucrats; ○ use of the political process, including meetings with Members of Parliament 	<p>Performance: Average</p> <p>Priority: High</p> <ul style="list-style-type: none"> • Hope Vale Council has historically been actively involved in advocating community and broader Indigenous interests to government and the wider community. Hope Vale leaders tend to be well-educated, articulate and politically active. • Government Ministers and bureaucrats have regularly visited Hope Vale, including the Prime Minister in 2005. • The Mayor elected in 2004 has been particularly active in advocating community interests, travelling widely to meet with government officials. While there are some concerns in the community about how 	<p>Performance: Low - Average</p> <p>Priority: Moderate - High</p> <ul style="list-style-type: none"> • In the past, the Lockhart River Council has not placed a high priority on the role of advocating the community's interests to government and the wider society. The Council seldom wrote to Ministers or bureaucrats and did not actively engage with government through meetings or lobbying activities. For example, when the Queensland Premier flew to the community in 2003 in response to a scandal involving a government Minister's jet carrying alcohol illegally into the Lockhart River community, none of the councillors met the Premier. A community worker commented that the Council did not appear to realise "the value

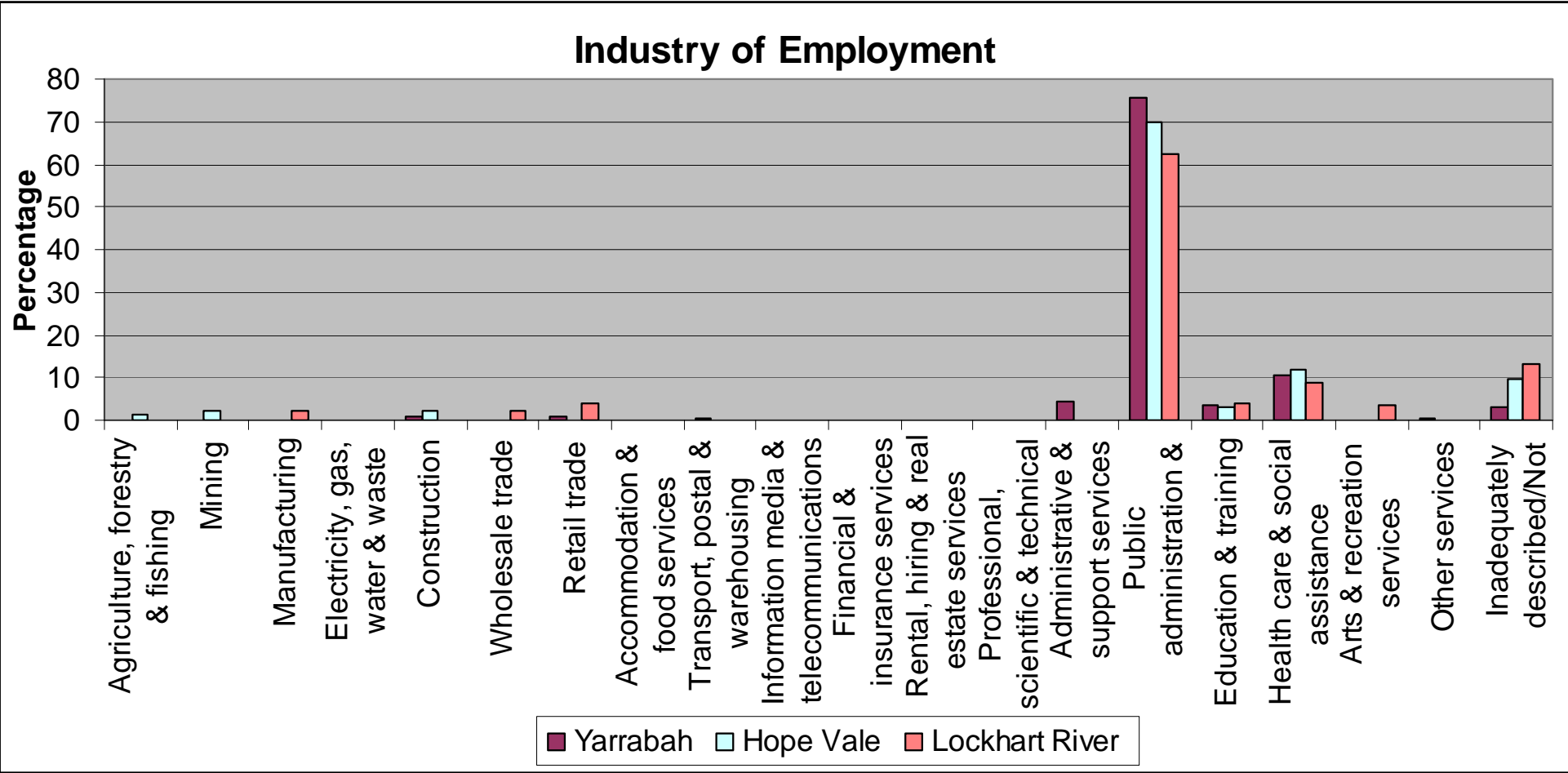
Function	Yarrabah Council Assessed Level of Performance	Hope Vale Council Assessed Level of Performance	Lockhart River Council Assessed Level of Performance
	<p>and requests for government Ministers to visit the community;</p> <ul style="list-style-type: none"> ○ use of the media to highlight issues of urgent unmet need. ● The Council has actively participated in reviews of legislation that impact on the community. For example, in 2003, the State Government released a Green Paper on Indigenous Community Governance. The Council not only set aside time at a regular Council meeting for a presentation from government officers, but it also held a further special meeting over one day to workshop the Green Paper and compile a detailed Council submission (Council minutes 19/05/03). ● The Council has actively participated in peak bodies for local government and Indigenous affairs. Yarrabah councillors regularly held the Chair or Deputy Chair positions in the former peak body for Aboriginal Councils, the Aboriginal Coordinating Council. From 2004-2008 the Yarrabah Mayor was the President of the Aboriginal Local Government Association of Qld. The Council is one of the few Aboriginal Councils with long-term membership of the mainstream LGAQ. 	<p>effective or strategic this effort has been, the community has received significant new funding for a Welfare Reform Project and new housing in recent years.</p> <ul style="list-style-type: none"> ● While the Council has been proactive in lobbying for funding and resources, its approach has often been more adversarial and oppositional than that of the Yarrabah Council. For example, a letter from the Council to the Department of Housing on 4/9/2006 accuses the Department of bias and incompetence in administering housing funding. 	<p>of advocacy or the value of the opportunity” (LG7, 118).</p> <ul style="list-style-type: none"> ● The Council has never been actively involved in peak bodies such as the Aboriginal Coordinating Council. ● A government officer who has worked closely with the Council expressed the view: “I think that’s one [thing] that Lockhart hasn’t been good on, at advocating to that broader [world] – so for that reason, it’s missed out on a lot.” ● There has been significant improvement in the Council’s capacity and willingness to advocate and represent the community’s interest since about 2002 as the result of a community leadership development and mentoring process. For example: <ul style="list-style-type: none"> ○ in response to a review of the Alcohol Management Plan in 2004, the Council consulted the community and prepared a detailed submission to the government; ○ the Council has actively lobbied the government for resources to implement its 2004 community plan and Puuya Strategy. In 2006, members of the Council even travelled to Brisbane to meet with government ministers and bureaucrats and with the Queensland Governor to push their cause; ○ The Council has actively engaged in the government’s negotiation table process as a means of pushing its agenda.

Figure 6. Comparison of average rent due to average rent collected per house/ per annum for Aboriginal Councils 2003-04⁷³



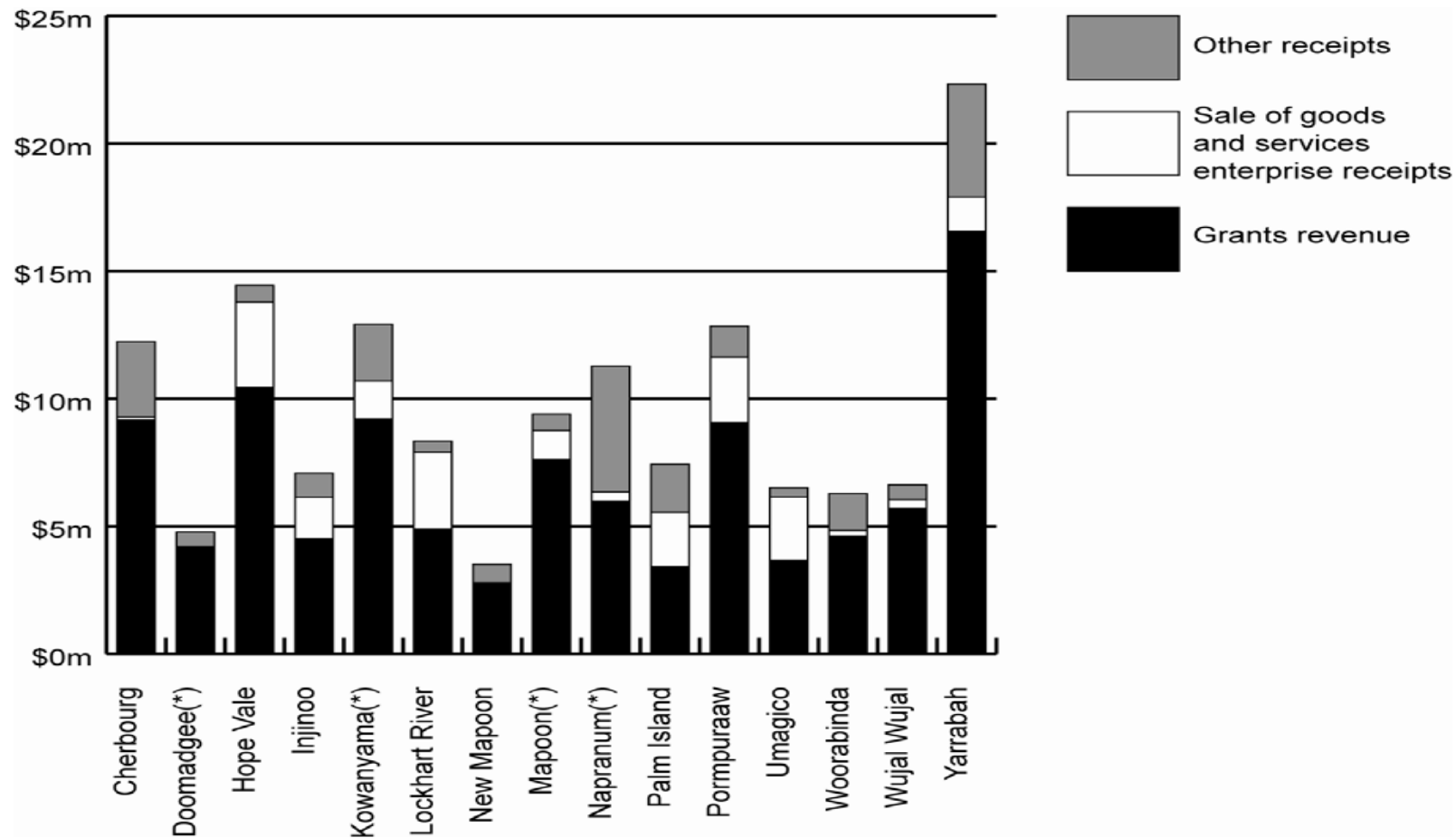
⁷³ Data sourced from Department of Housing (2004)

Figure 7. Industry of employment, Yarrabah, Hope Vale and Lockhart River, 2006⁷⁴



⁷⁴ Data sourced from 2006 census.

Figure 8. Analysis of revenue of Aboriginal Councils 2007⁷⁵



⁷⁵ Figure reproduced from Auditor General of Queensland (2007, p.37).

5 Conclusion

The examination of Council performance in this chapter has established that the constituents of the three case study Aboriginal Councils desire a broadly similar set of community government outcomes. The overriding expectation of the residents of the Aboriginal communities is that their Councils will deliver outcomes that will improve their quality of life. To this end, high priority outcomes relate to fundamental standard of living issues such as more full-time jobs and better standard housing, but performance expectations also extend to delivery of essential local government services, social service provision, business and economic development and cultural strengthening. Governance process-related outcomes such as strong financial management and effective advocacy and representation of community interests also feature in the Council outcomes desired by constituents.

Performance data collected from a wide range of sources enabled a comprehensive evaluation of the Councils' success in achieving the outcomes desired by their constituents. This type of rigorous performance evaluation has not previously been undertaken in relation to Aboriginal community governments in Australia. Previous studies that have purported to study the factors underpinning 'good governance' in Indigenous communities have tended to pay scant regard to establishing the actual level of performance achieved by the Indigenous government under investigation. If the determinants of successful community government performance are to be identified, it is crucial that empirical evidence is presented to properly establish the level of performance attributed to a particular community government.

The performance evaluation found that Yarrabah Council performed at a significantly higher level than Lockhart River and Hope Vale Councils during the period under investigation (broadly, from 2000 to the time of data collection in 2005 and 2006). This gap was most evident in relation to the provision of community facilities, environmental health services, community planning, management of community housing, provision of social services, financial management, local law development and advocacy and representation. Yarrabah Council has had remarkable success in meeting its constituents' desires regarding new community infrastructure and facilities and necessary social services such as aged care, child care, primary health and family support. Lockhart River and Hope Vale Councils, by contrast, were failing to achieve the outcomes desired by their constituents in a number of significant respects, including provision of essential services, environmental health, housing, community infrastructure and facilities and financial management.

***Focus area 2 – Governance attributes that
contribute to successful Council
performance***

Chapter 6 – Internal governance processes

1 Introduction

In the literature reviewed in Chapter 2, several of the governance attributes that emerged as potentially significant determinants of Council performance related to what might be termed the ‘internal’ governance processes of an organisation. Internal governance processes encompass an organisation’s particular approach to making decisions, from the perspective of both practices and principles. The literature about good governance in non-Indigenous and Indigenous contexts highlighted the importance of attributes such as a strong separation of powers, adherence to the rule of law and clear strategic vision (see the Summary in Table 2 at the end of Chapter 2). The objective of this chapter is to report on the data obtained from the three case studies in relation to these key aspects of the Councils’ internal governance processes. Assessing the Councils’ practices in these three areas in the light of their relative performance levels enables some conclusions to be drawn about the impact of these factors on Council performance. For analytical purposes, this thesis distinguishes internal governance processes from those aspects of governance that relate to the Council’s engagement with the community, which is addressed in Chapter 8, and its interaction with external stakeholders such as government, business and the broader non-Indigenous community, which is considered in Chapter 9.

2 Separation of powers

In Chapter 2, the literature review highlighted that the principle of the separation of powers between politics and administration has a lengthy lineage in public administration theory. While this doctrine has often been criticised as unduly simplifying the overlapping, or at least complementary, roles of politicians and administrators, it has continued to have currency, including in the local government sphere in Australia. In the context of an Aboriginal Council, the separation of powers delineates, on the one hand, the strategic role of the elected councillors in setting the Council’s direction and making policies and, on the other hand, the operational role of the Council administration in implementing the strategic direction and Council policies on a day-to-day basis without interference from the elected councillors.

The research investigated the extent to which the three Councils adhered to the principle of the separation of powers, both in terms of councillors’ and staff’s level of understanding and commitment to the principle and the actual level of conformity with the principle in practice. Evidence was sought regarding the extent to which elected councillors interfere in day-to-day

operational and administrative issues. Data were also collected regarding the way in which councillors conceive their strategic and policy-making role and how actively they engage in this activity.

Managing the extent of interference by councillors in operational issues is a crucial challenge confronting the governance of Aboriginal Councils. It is useful to differentiate between two types of interference. Firstly, there is interference of a broader systemic nature, arising out of a belief that councillors have a legitimate role to play in directing the day-to-day operations of the Council. This issue reflects competing views about the appropriate division of responsibilities between elected councillors and the Council administration. Secondly, there is interference of a personalised and ad hoc nature, where councillors seek to influence staff to gain particular favours or outcomes for themselves or specific individuals or groups.

2.1 Division of responsibilities between Council and administration

The principle elected councillors' decision-making focus should be at the strategic policy level is reinforced by funding and legislative accountabilities that dictate that significant decisions about services and programs require a resolution of the Council. In practice, there is a core list of common matters that come before Council meetings for decision in all three Councils:

- housing allocations;
- significant contracts, tenders and expenditure of funds;
- human resources issues such as employment of staff and setting of wages and working conditions;
- submission of funding bids;
- approval of the outcomes of studies and plans and building designs;
- adoption of new policies and amendments to policies;
- approval of projects proposed by Council work units;
- budgets, financial statements, minutes, plans, delegations and other procedural matters;
- requests by residents for approval for various activities.

Beyond this core list, differences emerge in the extent to which the elected councillors in the three case studies become involved in making decisions about operational and administrative matters. It should be noted that the line between strategic and operational issues is often difficult to draw in practice. Raising an issue about specific aspects of the delivery of a service

is a valid part of councillors' role in representing their constituents' interests.⁷⁶ As elected politicians, councillors have a legitimate role in putting forward their proposals for improving Council services and programs.⁷⁷ As a Yarrabah Council officer pointed out, "*Councillors obviously have their own agendas, which is great... and they try and work their own agendas, which is why they have been elected...*" (YC4, 51).

Nevertheless, from a systemic viewpoint, it is a constant struggle for councillors to keep their focus at the strategic level and resist the temptation to interfere in operational issues. An external auditor suggested that it was inevitable in small Councils that councillors will "*encroach in the operations more*" (YN1, 16). Indeed, some commentators argue that in a small council, including in an indigenous community, it is desirable for elected councillors to become intimately involved in service delivery (Graham, 2006, pp.6-7). There is no doubt that councillors have to grapple with an expectation on the part of Council workers and residents that they will be involved at an operational level. This is illustrated by a public notice to the Council workforce that the Hope Vale Council displayed on 26 July 2000. The notice reiterated the reporting hierarchy within the workforce and instructed workers that "*Council [i.e. councillors] will not intervene in worker's disputes*" and "*Do not come to Council to solve your work-related problems.*"

At Yarrabah, the division of decision-making responsibility between the administration and the Council is clearly demarcated, and it conforms to the orthodox principle of the separation of powers. The practical manifestation of this is that the Council relies on its managers to make day-to-day decisions about operational issues and to provide recommendations about significant issues for Council decision. Managers confirmed that councillors diverge from the managers' recommendations about implementation of programs and services "*very rarely*" (YC4, 51; YC3, 46; YC1, 138; YC2, 72). The Council has delegated substantial powers regarding expenditure and recruitment of staff to the CEO (Council minutes 11/05/04), who in turn exhibits a high degree of trust in managers to run programs on a daily basis. According to a manager: "*Council's always been pretty hands-off and this Council's more so. They've delegated more to [the CEO], which is good so we're not answerable to [the CEO, the Deputy CEO] and the seven councillors; we're just answerable to [the CEO]*" (YC7, 34).

⁷⁶ For example, a Yarrabah Council officer made the following point: "*Sometimes they'll have a gripe. For example, if they see the street is still messy or the pothole not fixed. [I] don't blame council because I was getting tired of it myself, because you're trying to get people to turn up to work and get supervisors to do the right thing. When it becomes a community issue, like the streets are dirty, I don't mind if the council says something*" (YC2, 77).

⁷⁷ This point was acknowledged in the review of the literature in Part 6.2 in Chapter 2.

The Yarrabah Council does not make decisions about the minutiae of Council programs and services. In practice, the CEO filters the inwards correspondence to be considered at the Council meetings, to ensure that only substantive rather than procedural or administrative matters are referred to the Council (YC#, 134). Procedural or administrative matters are referred by the CEO to the relevant manager for action.

It is clear from the following comments from the Yarrabah CEO and Deputy CEO that these officers play a key role in constantly reinforcing the separation of powers:

There's still some conjecture about who does what. Councillors, some councillors, still think that they can make decisions on daily operations – I'm constantly reminding them about that. I've actually drawn the line on a number of them and said 'look, you just can't do that.' (YC#, 184)

When they first got in, in the few months, they were trying to interfere with that [operational] stuff, but then when they understood the separation of powers after they [had] done a bit of their training, they know that's not their business. (YC#, 12)

A Council manager acknowledged that because of the turnover of councillors, the CEO and the Deputy CEO have had to “*educate and train*” the councillors to “*just do the policies and let us managers do the day-to-day*” (YC3, 47). The manager expressed the view that the councillors were “*catching on*” and “*the message is getting through*” (YC3, 48).

By contrast, at Lockhart River, councillors have frequently interfered in operational issues. A report by a government officer in 2004 commented that: “There is still considerable intervention by Councillors in the day-to-day Council operations, and this is having a detrimental effect on the workforce” (Financial Controller 2004c). Much of the interference by Lockhart River councillors is of a personalised nature, which is discussed in the next section, but there was evidence of interference of a systemic nature, particularly in the 2000-2004 term of the Council (LG2, 48). CDEP workers spoke of their frustration when councillors in the past directed gangs to move to a different job without finishing their current task (LFG2, 20). A review of the Council minutes reveals that Council meetings over the years have been pre-occupied with numerous day-to-day operational issues such as the canteen, workers’ pays, running of CDEP, interpersonal issues involving staff and residents and various issues around the use of Council resources.⁷⁸

⁷⁸ Council minutes for the Council term from 2000 to 2004 included councillors making resolutions about clearly operational issues, such as the following:

Resolution: That a loader and the backhoe work under the Project Officer and Co-ordinator for all of next week (Council minutes 08/08/00).

However, there had been far less interference by the 2004 Lockhart River Council (LC1, 130; LC4, 30). A number of people commented that the councillors placed a high level of trust in the CEO to manage the Council administration (LG5, 77; LG2, 114; LC1, 72). Furthermore, the CEO was active in reinforcing the separation of powers and educating councillors about the limits of their powers to intervene in administrative matters (LG7, 92; LC1, 132; LC2, 221).⁷⁹ A government officer explained the situation as follows:

This particular Council, they hold [the CEO] in pretty high regard and accept the advice that [the CEO] provides to them, which has been good, it's kept the Council stable. Whereas in the past, Council members would have the attitude that 'we make the decisions, it's not the CEO,' so the community loans, or loans to councillors would happen. [The CEO's] definitely pulled a stop on all of that. (LG5, 49)

At Hope Vale, in stark contrast to the Yarrabah Council's delegation of operational issues to its administration, the Hope Vale Council deals with numerous micro-level operational issues at its monthly meetings. These include decisions about renovations to be made to particular houses and decisions about myriad requests for screen doors, security windows, grading of land, replacement of items and so on (e.g. Council minutes 23/05/05, 02/05/06). The councillors also make decisions about operational human resource issues, such as a worker's number of hours and organisation of rosters (Council minutes 12/07/00), and day-to-day issues about service delivery.⁸⁰ When asked why so many operational matters are put to Council meetings, the response of a senior Council officer was as follows:

That's because we often deal with it in administration, but then we get feedback [from the councillors] that they're not happy with the way we've gone about it, so then we have to send it back across to Council and explain why we have to deal with it this way. (HC7, 115)

This comment reveals that Hope Vale councillors hold a belief that it is their role to be directly involved in the day-to-day operations of the Council administration and the workforce. The feedback of Hope Vale councillors during community government consultations in 2003 further illustrates this attitude: "[Councillors] need to stay at grass roots level and not be distanced from the community. You cannot keep councillors separate from the day-to-day operations" (Minutes of DATSIP consultation meeting, 20 May 2003). According to a Council officer,

Resolution: That the road gang vehicle travel to Bamaga. (Council minutes 28/09/00)

⁷⁹ The CEO ensured that the Council had approved appropriate delegations of powers to the CEO, such as recruitment of non-senior staff (Council minutes 11/08/05).

⁸⁰ An extreme example of this is a decision by the Council to write to a resident requesting that he remove a power lead plugged into the Aged Person's Home (Council minutes 21/07/05).

“Council really don’t understand that separation of powers”, and interference by councillors “happens on a daily basis, it’s a huge issue” (HC7, 67-69). The main area of interference has been in recruitment decisions and the management of the workforce. For example, the Council’s accountant included the following comment in his report to the Council in December 2003:

It is essential that Council not involve themselves in the running of the workforce and leave this function to the CEO. Councillors do not have the capacity to act impartially or be seen as acting impartially because of their close family and clan ties, and also perhaps because of intimidation issues. (Meyer, D. 2003)

This comment was made in the context of the accountant’s recommendations about addressing the high level of wages expenditure and the non-performance by certain staff and certain work areas. The accountant’s concern was that councillor interference in these matters was preventing proper management of the workforce by the CEO and the administration.

Like the CEOs at Lockhart River and Yarrabah, the current Hope Vale CEO has sought to reinforce the principle of the separation of powers (HC10, 83; HC8, 62) and this appears to have reduced the direct interference by councillors in day-to-day administration (HC8, 67; HC9, 17). Furthermore, the Council and the Mayor in particular have been generally supportive of the efforts by the Council administration to reform the Council workforce (HC7, 97; HC6, 101).

A possible explanation for the greater level of interference in operational matters at Hope Vale is that all seven councillors were remunerated on a full-time basis. At Yarrabah and Lockhart River, only the Mayors were engaged full-time in Council business.

2.2 Interference by councillors of a personalised nature

The personalised nature of much of the interference by councillors in Aboriginal Councils stems from the intense pressure that councillors in these communities experience from family members and other constituents. This pressure is felt in all three Councils. Senior Council staff at Hope Vale explained it as follows:

The clear separation of powers is difficult... They want to have it, but people are continually going to Council because it’s been happening for so many years. It’s very difficult for them to say ‘no, look, I can’t do that,’ or ‘no, you’ve got to go back over there’. (HC6, 101)

One of the biggest issues is, lots of people if they want something, let’s say they want a loan off the Council, rather than coming to administration, they’ll go straight to Council. And pull in Uncle Fred or Aunt Mary or whatever, and then, basically, you

get a phone call from them, which is basically ‘oh, help them out’, so then you’ve got to say ‘ok, now I’ve got to please my upper masters [as well as] try and balance my budget’. (HC7, 69)

As an example of this level of interference, the external auditors commented adversely on councillors instructing the supermarket manager to advance cash payments to suppliers or wage advances to employees (Queensland Audit Office 2004a, p.A19).

A former CEO at Lockhart River explained how a resident would come to him seeking money for something and when he refused it on the basis that it was outside Council’s guidelines, the resident would go across the hall to the Mayor’s office (LG2, 44). The CEO would receive a visit from the Mayor soon after, directing him to pay the amount to the resident, who was usually a relative of the Mayor. The same officer also spoke of his frustration at returning from trips away to find numerous expenditure approvals signed by the Chairperson and councillors satisfying requests from individuals despite being contrary to Council guidelines (LG2, 52).⁸¹

Other examples of councillor interference cited by Lockhart River Council staff were overruling decisions by the canteen manager to ‘bar-out’ a resident contravening canteen rules (LC2, 100) and interference in attempts to discipline staff (LC3, 61; LC2, 175). There were also instances involving councillors seeking to influence staff to obtain loans or other benefits for themselves or family members or acquaintances (LC1, 130; LG3, 64).

At Yarrabah, councillors are subject to these family and constituent pressures too, but according to one Council manager, “everyone’s aware of where their boundaries are” (YC6, 46). Senior staff have attempted to coach councillors about how to respond in these situations:

Some people try to use the Council for personal gain. Like some of the councillors, in their own time people will be approaching them saying ‘what are you going to do about this and that?’ But the Council have learnt now that you can’t go making promises and they understand what the budget process is and who you’ve got to go and speak to. So we tell them ‘don’t make any promises’... (YC2, 62)

2.3 Role of staff in policy-making

The separation of powers dictates not only that councillors should not interfere in the business of administrators but that administrators should not interfere in the business of councillors. It was clear, however, that the CEOs of all three Councils were intimately involved in strategic

⁸¹ There is a broader issue here about the expectations that residents have regarding the role of Council and the historical relationship of dependency between residents and Aboriginal Councils. This issue is discussed further in Chapter 13, Part 3.

direction-setting and policy-making by the Councils. CEOs were well aware that it was councillors who were required to make the key decisions about Council plans, budgets, policies and strategic priorities but because of their greater level of knowledge and expertise regarding most aspects of Council business, their participation in these matters was unavoidable. They provided extensive advice and guidance during Council meetings, while away from the meetings it was the CEOs or senior staff who prepared the drafts of new policies and plans. This situation was a reality that seemed to be generally accepted by both councillors and CEOs in all three communities. It is consistent with the literature reviewed in Chapter 2 that suggested that there is an important and unavoidable role for administrators in policy processes. Similarly, the CEOs of all three Councils were actively involved in managing the political dynamics between the individual councillors and the factions within the elected council. The CEOs spent a significant amount of time managing their relationship with the Mayor. These observations are consistent with studies such as Marton's (2003) analysis of local government managers in Melbourne.

The role of CEOs and senior staff in councillor decision-making can cause tensions, however, where the relevant officer is an 'outsider'. For example, there was evidence at Lockhart River about some sensitivity about the amount of authority wielded by the non-Indigenous CEO: *"And that's what a lot of people get cross about, they say the CEO being an outsider has got too much say, [because] it's the decision of the people of the community"* (LC8, 35). A Yarrabah councillor, on the other hand, commented on the virtues of having a local community member as a CEO, because councillors were happy to have the CEO actively involved in policy deliberations about community issues. The impact of Councils employing local or outsider staff is examined in more depth in Part 5 of Chapter 10.

2.4 Explanation of differences in approach

Why has there been a much greater adherence to the separation of powers at Yarrabah than in the other two Councils? The evidence suggests several explanations for the difference in approach. Fundamentally, there is a much clearer understanding of the appropriate roles and responsibilities of councillors and Council staff at Yarrabah and a clearly evident commitment to respecting these roles and responsibilities. In discussing the Council's strategic direction over the next four years, the Mayor referred to the separation of powers as *"the essential starting point"* (YC#, 5). Councillors and managers at the Council demonstrated an understanding of the principle of the separation of powers and an awareness that this was central to the Council's direction (YC1, 106; YC2, 12; YC3, 47-48; YC4, 48; YC7, 34; YC10, 5).

Significantly, the separation of powers is conceived at Yarrabah as more than just an edict that councillors should not interfere in operational matters. Rather, it is seen as an imperative for

councillors to actively focus on their role of strategic agenda-setting and policy-making. This is evident in the following comment by the CEO.

We're also trying to change the purpose of Council meetings. Whereas before it was the means to just collect all the correspondence about the goings on in the community, we're now trying to give them more a strategic role – I'm talking about what they should be doing in terms of policy review and endorsement. (YC#, 106).

To reinforce their strategic role, councillors have been seeking improved reporting by managers at a more strategic level: “[They] don’t want detail in their reports anymore, they want recommendations on how we change policy, how we make it better” (YC2, 62).

The extent to which Yarrabah councillors conceive of the separation of powers in terms of actively pursuing their strategic role is a key point of differentiation from Hope Vale and Lockhart River. At Hope Vale, councillors seem to hold the view that they have a legitimate role in directing the everyday operations of the Council (HC4, 84), which is borne out by their tendency to ‘micro-manage’ administrative issues. At Lockhart River, too, although the CEO enforced a strict separation of powers, comments by councillors suggested that they were not entirely comfortable with their exclusion from operational issues. One councillor complained about the rule that staff could not approach councillors directly about their work issues but had to go through the CEO: “*But it’s really silly, if the CEO is employed by the [elected] Council, why shouldn’t they [staff] come directly to us councillors?*” (LC7, 113). The Lockhart River CEO spoke about one of the councillors who “*gets a bit shirty*” when he is reminded that “*under the legislation he cannot direct or influence any of the workers whatsoever*” (LC#, 221).

Adherence to the principle of the separation of powers, then, is strongly influenced by the extent of councillors’ understanding of the appropriate roles and responsibilities of councillors and staff. Yarrabah councillors demonstrate a much more developed understanding of their strategic policy role than councillors at Lockhart River and Hope Vale. The CEOs of the Councils clearly play a critical role in educating councillors about their appropriate role. This leads to another key factor that differentiates Yarrabah. At Yarrabah, the CEO and Deputy CEO are local members of the Aboriginal community, whereas the CEOs of the other two communities are non-Indigenous outsiders. Because they are longstanding staff members with a high degree of credibility, the Yarrabah CEO and Deputy CEO are in a much stronger position to reinforce the separation of powers with councillors than is the case with ‘outsider’ CEOs. Respecting the separation of powers at Yarrabah does not equate to councillors ceding authority to an outsider in the same way as it might be perceived in this way at Hope Vale and Lockhart River.

2.5 Impact on Council performance

At least so far as the role of councillors is concerned, the extent to which the separation of powers has been institutionalised can be seen to have impacted on the relative performance of the three Councils in three ways. Firstly, at Yarrabah, the strong separation of powers has empowered the Council's managers to manage their respective programs without the threat of inappropriate political interference in their day-to-day operations. The managers have clear lines of responsibility and reporting to the CEO. This has led to a stable and strong administration that some observers have credited with the Council's successful administrative performance (YC2, 163; YN2, 111; YC6, 35; YC8, 17; YG14, 9; YG10, 16; YN1, 9; YG3, 7). By contrast, the systemic interference by Hope Vale councillors in the management of the Council's workforce has compromised the Council administration's ability to manage effectively. A clear manifestation of this has been the Council's inability to balance its budget due to over expenditure on wages over several years (Meyer, D. 2003). Similarly, at Lockhart River, past interference by councillors was said to have had "a detrimental effect on the workforce" (Financial Controller 2004c) and frustrated workers' capacity to carry out their jobs (LFG2, 20).

Secondly, the case studies showed that councillor interference of a personalised nature at Hope Vale and Lockhart River has undermined the authority of CEOs, destabilised the workforce and created inconsistent and inequitable outcomes. This contrasts with the approach of the Yarrabah Council, which has been to rely on the administration to deliver programs and services using rational program criteria such as identified needs, equity and efficiency.

Thirdly, the institutionalising of the separation of powers at Yarrabah has led to a more strategic focus by councillors than has been the case in the other two Councils. The benefits of this strategic orientation for Council's performance are discussed later in this chapter.

On the other hand, the separation of powers was not rigorously respected in relation to limiting the role of the CEO and senior administrators in political and policy processes. Rather, CEOs and senior staff were often closely involved in these processes. The case studies support the proposition derived from the literature reviewed in Chapter 2 that adherence to the separation of powers in relation to non-interference by councillors in operational matters and a focus on strategic and policy issues is significant to enhancing community government performance, while a separation of administrators' roles from political and policy processes is less important.

3 The rule of law

Chapter 2 reported that the rule of law has been put forward as a fundamental principle in the general literature on good governance as well as in studies of indigenous governance.⁸² In the context of an Aboriginal Council, adherence to the rule of law will be evidenced by the Council's orientation towards consistent application of laws, rules and policies in all aspects of its business. In addition, in a Council that is committed to the rule of law, there will be less evidence of decision-making that is arbitrary or is biased towards councillors' families or associates. This part of the chapter reviews the three Councils' adherence to the rule of law.

3.1 *Adoption of policies and laws*

Based on a review of available Council minutes and records and interviews with councillors and staff, Table 11 sets out the policies that were adopted by the three Councils between 2000 and 2006. The comparison reveals that Yarrabah Council has adopted a broader range of policies and has been more likely to develop original policies or adapt model policies to its own circumstances. Yarrabah Council has also tended to adopt policies earlier than the other two Councils. The review covers only the period since 2000, but many of Yarrabah's policies were adopted before this time.

It is also evident that most of the policies at Hope Vale and Lockhart River were adopted since 2004. This is partly because new legislation has made a number of policies mandatory since 2004. It also reflects the influence of the CEOs in these two Councils during this period, and the Department's encouragement for the Councils to take on a more strategic policy role.⁸³ Many of the policies adopted between 2004 and 2006 have simply been model policies provided by the Department and adopted in order to satisfy the legislative requirements. Adoption of these policies does not indicate a greater appreciation by councillors of the utility of policies as a guide to good decision-making. In fact, it was clear at Lockhart River and Hope Vale that there was very little understanding of these model policies by councillors.⁸⁴ A Council CEO pointed out that the councillors "*don't even understand why we have to have them*" (LC#, 88):

⁸² See Part 6.4 of Chapter 2.

⁸³ This encouragement has occurred through the Councillor Training Program and the assistance rendered by the Department's Senior Management Consultants.

⁸⁴ According to a staff member at Hope Vale: "*They don't understand them; a lot of them are there because we have to have them. And there's very few of them that they as councillors will ever have to refer to or understand or know that they exist*" (HC6, 91).

We've now got all the policies that are required under the Act. I just got the model policies off [the Department], took them into the Council meeting and said 'we can spend weeks talking about these, working through them, or we can adopt these, what do you want to do?' [They said:] 'Oh, we'll adopt those'. Because it's meaningless bureaucratic bullshit... (LC#, 88)

A comparison of the extent to which the three Councils have adopted by-laws (now known under the legislation as local laws) is also instructive as to the Councils' relative degree of focus on rules, laws and policies (see Table 10). Yarrabah Council has been far more active in making new by-laws across a range of its functions. In fact, the original by-laws made by Yarrabah in 1987 are still used by many other Aboriginal Councils, including Lockhart River. Despite being a local government for two decades, Hope Vale remains one of the few Councils that does not have any by-laws dealing with general local government matters.

Table 10. By-law making activity of Yarrabah, Hope Vale and Lockhart River Councils

Council	By-law activity
Yarrabah	1987 Passed general local government by-laws 1988 Passed law and order by-laws 1996 Passed new law and order by-laws 1996 Passed animal control by-laws 2002 Passed new local government and law and order by-laws 2006 Passed new housing and CDEP committee by-laws
Hope Vale	1994 Passed law and order by-laws
Lockhart River	1990 Passed general local government by-laws based on Yarrabah

Table 11. Adoption of policies by Yarrabah, Hope Vale and Lockhart River Councils 2000-2006

Policy	Yarrabah	Hope Vale	Lockhart River
Councillors' code of conduct*	Adapted model 2000	Adapted model 2005	Original 2004
Councillor remuneration policy*	Original 2004	Original 2004, 2005	Original 2004
Media policy	No	Original 2006	No
Councillor/staff interaction protocol	No	Original 2004	Original 2004
Staff code of conduct*	Adapted model 2000	No	No
Corporate structure	Original 2000	Original 2006	Original 2004
Registers of councillor and CEO interests	Yes	Yes	Yes
Staff training policy	Original 2000	No	No
Disciplinary process	Original 2000	No	No
Schedule of delegations*	Original 2004	Adapted model 2005	Model 2005
Contracts and tendering policy*	Adapted model 2005	Model 2005	Model 2005
Revenue policy*	Adapted model 2005	Model 2005	Model 2005
Policy for contracts and acquisition of goods & services under \$10,000*	Adapted model 2005	Model 2005	Model 2005
Internal audit policy*	Adapted model 2005	Model 2005	Model 2005
Audit committee policy*	Adapted model 2005	Model 2005	Model 2005
Borrowing policy*	Adapted model 2005	Model 2005	Model 2005
Schedule of fees and charges*	Adapted model 2005	Adapted model 2005	Model 2005
Vehicle policy	Original pre-2000	Original 2000, 2004	Original 2004
Travel policy	Original	Adapted model 2006	Model 2004
Housing policy	Adapted model 2000	Adapted model 2005	No
CDEP policy	Adapted model 2000	No	No
CDEP work conditions policy	Adapted model 2000	Original 2004	No
Employment conditions policy	Original 2000	No (except TOIL)	No
Position descriptions	All positions	Senior positions	Senior positions
Recruitment and selection policy	Original 2000	Original	Model 2004
Workplace health and safety policy	Adapted model 2000	No	No
Private use of Council vehicles policy	No	Original 2005	Original 2004
Private use of Council equipment policy	Original pre-2000	No	Original 2005
Lending to residents policy	Policy is 'no lending'. Pre-2000	Original 2005	Policy is 'no lending' 2004
Provision of sponsorship and donations	Original 2000	No	No
Youth policy	Adapted model 2000	No	No
Complaints policy	Adapted model 2006	No	No

Source: Council minutes and records and interviews with staff

Explanation: * denotes that policy is mandatory under legislation; *Original* – Council has devised an original policy specific to its circumstances; *Model* – Council has adopted a model policy without change; *Adapted model* – Council has adapted a model policy to its circumstances. Year stated is the year in which Council adopted policy.

3.2 Orientation towards policy development

The above comparison of the rate of adoption of policies and laws by the three Councils suggests a difference in their relative degree of orientation towards policy development as a focal Council activity. This was confirmed by other data from the case studies.

At Lockhart River, policy-making has not been a regular activity of the Council. Although the Lockhart River Council has begun to put some basic policies in place since 2004, prior to that the Council's governance was characterised by the complete absence of policies (LG3, 70; LG7, 10; LG5, 67). A Council officer explained that: *"Historically, everything's been done with a nod and a wink. There's never been any policies. There was no policies when I was here in 1995 and there still isn't until today"* (LC2, 199). Audit reports have been critical for many years about the Lockhart River Council's lack of policies to ensure consistent decision-making in a wide range of areas such as staff leave (Queensland Audit Office, 2001, p.A20), financial management (2002, p.A3), councillor remuneration (2002, p.A6), management of debtors (2002, p.A9), lending to residents (2002, p.A5; 2003, p.A11) and locality allowances (2005, p.A19). Staff spoke of their difficulty when they started work at the Council due to the absence of any policies or procedures, any position descriptions or even an organisational structure (LC6, 22; LC4, 16-18; MG1, 17).

A greater orientation towards the use of policy in decision-making at Lockhart River has been evident since 2004. The drivers behind this change would appear to be the new CEO appointed at that time, the mentoring and leadership development by a new community development facilitator and the leadership of the Mayor elected in 2004 (LG5, 49; LC2, 199). One observer commented on the change as follows: *"[T]here is the beginnings – there is a housing strategy, there is some policies – but it's only just begun to be implemented, and before that, there didn't seem to be anything too much operating anywhere"* (LG7, 10). Apart from simply adopting the model mandatory policies, the Council has shown some initiative in developing its own code of conduct and councillor protocols and in implementing policies governing the use of vehicles and the use of Council equipment (Council minutes 15/07/04, 12/08/04). The CEO introduced greater structure and procedure through measures such as ceasing loans to residents and introducing standard public service policies for conditions of work, travel allowances, and recruitment and selection procedures. The Mayor spoke of the gradual learning process for councillors and staff and his hope that this process would continue under future councillors: *"It took us a very long time. I've been on the Council for the last 16 years. Now people slowly aware of all these policy, you know"* (LC#, 40). He emphasised the importance of sustaining this approach, however:

Like, whoever going to be the Mayor for the next term will have to be strong. If he's not strong, then everything's going to go downhill again. Saying 'this is how it's going to be' and one rule for everybody. (LC#, 124)

At Hope Vale, it has also been the case that the majority of policies have been adopted since 2004. In the past, rather than set uniformly applicable policies, the Council has decided matters on a case by case basis. This has led to arbitrary and inconsistent decision-making, although the Council has sometimes decided matters based on precedents (HC6, 91).⁸⁵ The 2004 Council showed a greater willingness to develop policies in an attempt to deal with matters in a more consistent fashion. This direction has been influenced by the two CEOs at the Council since late 2004, and possibly by the Councillor Training Program, which reinforces councillors' strategic policy role. In addition, the Council created a Deputy CEO position which is dedicated to the role of improving human resource management practices (HC7, 166). However, by the admission of senior staff, the process is still reactive rather than strategic: *"As the issue rears its ugly head, then we design the policy, which is not the way to do it. That's called 'policy on the run'"* (HC7, 188).

In contrast, for a number of years Yarrabah councillors have shown a strong orientation towards the use of policy to aid decision-making.⁸⁶ This was a key theme in the interviews with councillors, Council staff and government officers (YG1, 18; YG4, 21). For example, a Council officer observed that at Yarrabah, *"Councils over the years have been really strong on policy... [they] have been very proactive in getting people engaged in abiding by rules and laws"* (YC8, 31). Each newly elected Council has held a dedicated policy workshop in the months following its election. The Council's orientation towards policy is also evident in its tendency to review or make adjustments to its policies as a means of responding to specific issues that arise.⁸⁷ A Yarrabah councillor explained the Council's philosophy in the following way:

⁸⁵ An example of the shortcomings of the Council's approach is contained in a review of the Council conducted by ATSIC in 1996: "Council appears to respond to individual requests for housing as they arise and decides each case individually without recourse to an agreed policy. In light of this practice Council risks criticism for inequitable and biased allocation which may be difficult to refute" (ATSIC 1996, pp.26-27).

⁸⁶ An example of the Yarrabah Council's orientation towards the use of policies is its approach to dealing with requests from community groups for donations and support for community activities. Rather than deal with these on a case-by-case basis and risk inconsistency in decision-making, the Council has had a longstanding policy of providing 25% of the amount requested (Council minutes 18/12/00, 07/09/04).

⁸⁷ For example, in response to issues regarding noise, the Council resolved to amend its housing policy to include new conditions to address the problem (Council minutes 10/11/04).

For the last few Councils now, there's some clear policies that we've got in place, and I think that's really important, very important, to have policies in place so that you can make good, honest, correct decisions, you know – and consistent decisions. (YC5, 38)

One of the most important and contentious issues that Councils have been required to make decisions about is the allocation of housing in the community. A case study of the different Councils' approaches to decision-making about housing is contained in Appendix 1. The case study exemplifies the difference between the three Councils. Yarrabah Council has introduced and sought to implement a Council housing policy which decides allocation based on length of time on the waiting list and needs-based criteria. To maintain equity and fair process, the Council has also increasingly administered its housing using the standardised procedures in the *Residential Tenancy Act*. In contrast, at Lockhart River and Hope Vale, the Councils have allocated houses without reference to a waiting list or needs-based policy, resulting in decisions that have typically favoured councillors and their families. At Hope Vale, for example, the allocation process involves each councillor bringing to the meeting their own list of preferred tenants for the available houses, which is then narrowed down to a shortlist through deliberations at the meeting.

The Yarrabah Council's greater orientation towards using laws, rules and policies to address issues in the community is also evident through its preparedness to make new by-laws. As Table 11 illustrated, Yarrabah Council has been far more active than the other two Councils in the making of by-laws. The Council has typically been amongst the first to adopt new model by-laws produced by the State government and has also been an innovator in developing new by-laws to address particular issues.

3.3 Adherence to Council policies in practice

Respect for the rule of law requires more than an orientation on the part of decision-makers to use policies as a means to set strategic directions and guide decisions about important resource allocations. It also requires a commitment to enforce and adhere to the policies in practice. Again, the case studies revealed a divergence between Yarrabah and the other two Councils in this regard.

At Yarrabah, the case study data indicated a strong level of compliance with the Council's policies and procedures. This was particularly evident with respect to financial policies and procedures, and the Council's approach has been rewarded with exemplary audit results.⁸⁸

⁸⁸ Representatives from an accounting firm that has audited the Council in the past highlighted the fact that the Council staff follow well-developed procedures (YN1, 10, 22).

Several Yarrabah Council staff indicated that, although there had been instances of nepotism in the past, the Council's recruitment and selection process is now strictly followed (YC6, 24; YC1, 69, 90; YC11, 17; YC4, 59). Council minutes from recent years confirm that selection decisions are made on the basis of a recommendation from a selection panel. Selection of non-senior staff has been delegated to the CEO. The Council's employment policy sets out a process for disciplinary action to be taken against staff in the form of successive letters of warning and there was evidence that this process is invoked occasionally⁸⁹, although not always consistently (YFG3, 38). The Yarrabah Council's preparedness to rely on its policies to guide its day-to-day decision-making is discernible from its meeting minutes, which regularly record instances where councillors refer to their adopted policies in making decisions about matters that arise.⁹⁰

At Lockhart River and Hope Vale, on the other hand, the case studies revealed that Council policies, where they existed, were not consistently followed or enforced. A Hope Vale councillor commented on the flurry of policy development and adoption since 2004, noting, with a hint of sarcasm, *"by the time we finished, we're going to have more policies than John Howard"* (HC4, 80). There is a feeling within the Council, that despite these efforts to put in place policies, the mindset has not really changed.

They've attempted to introduce rules and policies, but again, when they do come in, they're sort of supported up to a point, and then all of a sudden its 'no, no, no, don't worry about that rule or that policy this time; next time we go back to that rule or policy.' (HC7, 103)⁹¹

Hope Vale councillors and Council staff raised several instances of Council's policies not being followed with respect to a wide range of issues including recruitment and selection, vehicles, travel, CDEP hours of work, and housing repairs and maintenance (HC10, 71, 73; HC4, 78; HC7, 105). In 2000, the Council attempted to introduce a vehicle policy stipulating that Council vehicles are to be impounded at night to prevent private use (Council minutes

⁸⁹ For example, Letter re Disciplinary Warning from Human Resources Officer to Community Police Officer, 18/11/99.

⁹⁰ For example, Council minutes 31/01/01, 09/10/01, 19/04/02.

⁹¹ Another Hope Vale officer cited an example of where councillors' commitment to the spirit of a policy was questionable: *"That's what they're trying to do here [put in place policies]. And if you can adhere to the policy... But even so, you know, they've got a loan policy saying that it's only really for emergencies, but three councillors can decide. They've decided tows, car repairs, and stuff like that. So you can have all the policies in the world, but..."* (HC8, 271)

23/02/00). Council minutes included repeated discussions throughout 2000 about the need to enforce this policy, culminating with a resolution on 24 January 2001 which implored workers to *“please do not breach this policy as repercussions will be forthcoming from Council.”* Evidently, the Council gave up its attempts to enforce this policy. The new Council CEO in December 2004 sought to reintroduce the policy of impounding vehicles at night, but the Council declined to adopt it (Council minutes 15/12/04).

A culture of non-compliance with Council policies was also in evidence at Lockhart River. A former Council CEO explained that: *“You’ll find an absence of consistency of application. It’s the most frustrating thing. You’d have a unanimous resolution at a Council meeting on a Tuesday and on the Wednesday, you’ll have a councillor breaking it. Or quite literally, even that afternoon”* (LG#, 144).⁹² Another former Lockhart River CEO suggested that at Lockhart River, rules and policies were seen as *“more of a whitefella thing, it’s just not the way things operate”* (LG#, 174). Numerous comments by informants pointed to the non-compliance with and non-enforcement of the Council’s policies (LG3, 85; LC1, 56; LG7, 90; LC8, 75). On the other hand, intervention by the new CEO and the leadership provided by the new Mayor brought about an improvement in compliance with policies from 2004. In contrast to Hope Vale’s failure to enforce its vehicle policy, a major achievement for the Lockhart River Council has been the introduction and successful enforcement of a policy requiring vehicles to be compounded at night (Council minutes 15/07/04, 03/11/04; LC2, 207; LC5b, 76).

To establish a strong culture of adhering to consistent rules and policies, it is essential that the elected councillors back up decisions made by their staff, rather than overturn them when approached by an aggrieved constituent. This is an area where the contrast between Yarrabah and the other two Councils is particularly marked. An officer from the Department of Housing was one of a number of interviewees who commented on the Yarrabah Council’s preparedness to back the decisions made by staff: *“I know the councillors there will back their staff. Because, you see, once the housing officer makes those decisions, if the tenants don’t like it, they go straight to the Council, and the Council’s got to back everything”* (YG1, 46). The Yarrabah Mayor affirmed that the proper rules and processes in relation to housing had to be consistently applied *“no fear, no favour, no agreements”*:

If we don’t hold the line on anything, then where does good governance and administration go? Well, it’s no use the administration holding the line, [but] they [the tenants] run to Council, and Council say ‘well, change that’. (YC#, 133)

⁹² Another former Council CEO concurred: *“That’s the old saying, the people who normally make the law are the first to break it”* (LG#, 44).

At Lockhart River, the CEO related an example where the canteen manager had enforced Council's canteen rules and 'barred-out' an individual for misbehaviour, only to have the Council override this ruling on the basis of a councillor's friendship with the individual (LG#, 100). This lack of support was apparently a factor in the canteen manager's subsequent decision to resign. In the same vein, a former CEO spoke of his dismay when constituents would approach councillors to have his decisions overturned (LG#, 44).

Likewise, at Hope Vale, the earlier discussion about the separation of powers highlighted the propensity of councillors to interfere in the decisions of staff following direct approaches from constituents. A staff member reflected on how difficult it becomes to maintain one's integrity and professionalism in these circumstances:

And sometimes it's really hard, as a person, if you have standards in your life where you really want to excel in your job and you want to do a good job, it's really hard to do a self-analysis on yourself then when all this other thing is happening. You think: 'Am I getting weak?... I'm supposed to be doing my job well, but all these things are happening, and it's out of my control.' It's hard to deal with. And you're trying to do a good job, and trying to teach people that there are systems, there are rules, there are policies that you need to apply, but the support base around you crumbles, you know. (HC10, 113)

This comment, more than any other, highlights the importance of respect for the rule of law for the governance of an organisation. Failure to consistently follow the organisation's rules and policies creates an environment where it is increasingly difficult for staff to not only carry out their jobs, but have pride in what they do. It creates a corrosive organisational culture that is profoundly disempowering for staff.

Fundamentally, organisational culture is largely set by those at the top (Schein 1992). A hallmark of organisations that respect the rule of law is that those at the top do not see themselves as above the rules, but are bound by them like every other member of the organisation. As the comments from the former Lockhart River CEOs indicated, however, it was the councillors who were often the first to break their own policies. Staff cited an instance where Lockhart River councillors directed the CEO to take action against staff who were not attending work as required, yet a councillor then berated the CEO when his own daughter received a warning letter the next day (LC2, 175). A former staff member complained that councillors were quick to point out improper behaviour in others but ignored the fact that they had done the same thing in the past (LG2, 42). Another staff member suggested that councillors "won't look in a mirror" (LC2, 175). An example cited was where the Council was seeking to enforce the payment of rent, yet some councillors were not meeting their rent payments (LC1, 52).

However, the Lockhart River Council elected in 2004, and especially the Mayor, were making efforts to set a positive example. Council minutes recorded an instance where the Mayor tabled a letter of complaint from the hospital about the behaviour of a member of the Mayor's family (Council minutes 15/07/04). The Council applied its policy of barring the individual from the canteen for one month, with the Mayor saying "it doesn't matter who it is, the Council can not let the staff of the Clinic be abused as they are here to help the community". In an interview for the case study, the Mayor spoke of the Council's efforts to hold the line on enforcing the 'no work, no pay' policy for staff:

You know, if we go soft on one, we'll have to be soft on everyone. We said, 'No, that's it! Doesn't matter you my uncle, you haven't been to work, well I can't pay you'... Which is really good, and people's attitude has changed a lot. And I'd like to see it change more for the better of this community. (LC#, 78)

At Hope Vale, the major challenge to the principle of respect for the rule of law is a deeply embedded leadership culture that bestows significant personal authority on councillors.⁹³ As a result, there has been a tendency over the years for councillors to take advantage of their position and privileges. For example, an interviewee suggested that councillors had misused their positions by not fully complying with the Council's own vehicle policy (HC6, 93). In late 2005, the Crime and Misconduct Commission was called in to investigate a councillor's misuse of travel allowances. The 2004 Council, however, appeared to be making efforts to lead by example with respect to compliance with Council policies. Following a confrontation between a former CEO and a councillor about vehicle usage, the Council passed a resolution that the councillor return the Council vehicle in question (Council minutes 20/04/05). The councillor who was the subject of the CMC investigation ultimately resigned from the Council following pressure from the Council. The Council acted to enforce its new code of conduct in 2005 by barring a councillor from a Council meeting (Council minutes 25/05/05). This leadership by example is critical if the principle of respect for the rule of law is to take hold in the Hope Vale Council. Asked whether the Council was making efforts to adopt and comply with policies, a staff member replied:

They have, but they need to be able to practice what they preach and set an example. And people watch them closely. As soon as the policy is set, they sit back and watch: 'OK, are the Council going to abide by these policies? If they do, well we will.' And it's always that game. And if you have a councillor that's prepared to do that, or the whole body of Council that's prepared to do that, then you have a community willing to do it. (HC10, 75)

⁹³ This distinctive leadership style at Hope Vale is discussed in more detail in Chapter 13, Part 2.

At Yarrabah, the research did not reveal instances where councillors considered themselves as above the Council's rules and policies. Rather, one incident observed during the case study clearly illustrated the extent to which Yarrabah councillors are subject to the Council's policies as much as anyone else. The Mayor had incurred expenditure for a mobile phone that was not authorised under the Council's financial policies and procedures. As a result, the CEO wrote a letter to the Mayor pointing out the responsibility of councillors to uphold the Council's policies and to avoid any perception that public resources were being used for private benefit. The letter was tabled at a Council meeting and discussed by the councillors, with the Mayor excusing himself from the room due to his interest in the matter. The result was that the Mayor reimbursed the Council for the expenditure. Audit reports have criticised questionable expenditure by councillors in other Aboriginal Councils (see, for example Queensland Audit Office 2004b, p.A7-8), but at Yarrabah, the collective adherence to sound policy, applying equally to all, appears to have prevailed over factors such as personal power and privilege.

3.4 Overcoming barriers to the rule of law

The case study data highlight several significant barriers to instilling a culture of respect for the rule of law in an Aboriginal Council. The Yarrabah case study is most instructive, however, because it demonstrates the means to overcome these barriers.

The most significant factor undermining the consistent and fair application of rules and policies is the pressure on councillors and staff from family and kin. As a former Lockhart River CEO commented, when it comes to a conflict between a Council policy and an obligation to kin, *"traditional obligation always wins, and that's the issue"* (LG#, 146). The impact of family pressure on governance practices is discussed in detail in Chapter 12. It is worth highlighting at this point, however, that it is the rule of law that may provide the key to resolving this issue in practice. It seems that at Yarrabah, councillors and Council staff have come to understand that a key advantage of a policy-driven approach is that it protects them from allegations of bias or favouritism when they are making decisions:

I think the adherence to a rule allows people almost to justify the decision and they can use the rule as the argument or the defence and [it] can help take away from those family disputes at times. They say 'well, we've got to stick to the rule'.... (YG4, 22)

The Housing Officer confirmed that she sought protection from policy in making important decisions: *“I’ve made three or four evictions. I’m not liked very well here, but I just say to people, ‘I’m just doing my job, that’s what the policy says’”* (YC#, 28).⁹⁴

A second obstacle to the rule of law in Aboriginal Councils is the lack of understanding on the part of councillors, staff and residents about policies and processes. A government officer who is resident in Lockhart River explained that the failure to comply with a policy may not necessarily be dishonest, but rather the result of a lack of understanding:

I had a debate [with myself] one day thinking ‘now, is this person actually ripping off the system, or does this person not know?’ So I thought, ‘OK, I just have to confront this’. And they genuinely didn’t know. They had no idea. They were mortified. But I could have just thought... ‘you know how this works, and you’re just ripping off the system’. (LG7, 90)

The Yarrabah CEO made the point that local staff *“don’t always comprehend the relationship between policies, process and implementation”* (YC#, 148). Rather, the instinctive approach of staff is to seek to make decisions based on their local knowledge: *“there really is a non-reliance on referring back to the Act, or the policy and procedure. There is still a misconception that they have to make decisions based on what they know as opposed to what’s contained [in the law or policy]”* (YC#, 110). This lack of understanding of the importance of consistent policy-based decision-making gives rise to a tendency for councillors and staff to be swayed by emotional grounds, which according to the CEO, *“can be dicey when you’re having to deal with a situation where you know consistency really is going to be a problem”* (YC#, 138).

At Yarrabah, any lack of understanding of the importance of policy and process is addressed through constant reinforcement by the CEO and by senior staff.⁹⁵ According to the Deputy CEO, reinforcement by other councillors also ensures that rational policy-based decision-making is winning out:

Sometimes they can be guilt-driven, because people have come and saw them on the street and they really need the house and all this kind of stuff, but when the other

⁹⁴ The Deputy CEO also emphasised the importance of policy in providing a defence against allegations of bias: *“The CEO and myself, being local as well, it’s important for us to ensure that the Council are being fair and across the board and sticking to their policies, because it will always come back to bite them. Because that’s what we do, we practice fairness even though we have big families here as well”* (YC#, 116).

⁹⁵ Council minutes record an instance where the CEO has reminded councillors *“of the need to not make decisions on emotion and for this to be based on facts”* (Council minutes 10/11/04).

councillors start talking about what the policy is, it sort of switches the other ones back to say, 'yeah, that's right.' (YC#, 73).

When a policy-based approach is constantly reinforced by councillors and senior staff, it can contribute to a greater understanding of the importance of process throughout the Council organisation. This is evidenced by the following comment from the Yarrabah Housing Officer about dealing with tenants who needed to be evicted due to non-payment of rent:

We go through the Residential Tenancy Act process, that's all we can do. Yeah, and just have a 'win-win situation.' [The CEO] says it to me like that as if it's that simple – to him it may be... But now I'm finally seeing where they're coming from. (YC#, 62)

A third obstacle to a policy-oriented approach was the view raised during the research that Aboriginal Councils are too small to require extensive policy frameworks and that Council staff are too busy to invest time in this task (LC1, 111; LG2, 172; HC7, 186). Of course, this ignores the fact that ultimately, an approach based on rules and policies is more efficient from an administrative point of view. The Yarrabah Council's external auditor pointed out that putting in place clear rules and procedures to follow is an effective response to a situation where staff have limited formal training or skills (YN1, 33). The efficiency dividend that would accrue from having policies in place was recognised by the Lockhart River CEO: *"What I keep saying, the difficulty is, without the policy, the administration staff... don't know what to do. So everything comes to me. Whereas if we had a policy, there's no need to come to me"* (LC#, 199).

A final challenge for instituting the rule of law in an Aboriginal Council is maintaining a strong and stable senior management. It is notable at Yarrabah that the CEO and other senior staff play a key role in reinforcing compliance with Council policy by both the councillors and other staff. As the Yarrabah Deputy CEO explained:

The CEO and myself, we make it pretty clear from day one when Council comes on, that if we think any funny business is going on, we won't hesitate to report it. So they know, and it's the best way to be with the new Council because you're not beating around the bush then. (YC#, 75)

At Yarrabah, the Council staff are in a position to keep the councillors accountable to the rule of law as a result of their generally long tenure and their credibility with the Council as local residents. At Hope Vale, on the other hand, the high turnover of CEOs in the past five years and the fact that they have not been local residents have been obstacles to implementing a rules-based environment. A senior officer at Hope Vale emphasised the fragility of the current reforms in that Council:

What we're doing is we're laying the foundation. Now those foundations have got to be built on. A couple of quick changes of upper management and those foundations are gone again. And this is what happens to a lot of these Councils is they have this quick turnover of management. (HC7, 240)

3.5 Impact on Council performance

The case studies yielded evidence to support the proposition from the literature that adherence to the rule of law contributes to successful community government performance. In key service areas such as housing management, the benefits for performance of the policy-based approach at Yarrabah can be clearly identified. For example, it is reasonable to assume that the strict enforcement of the rule that tenants are responsible for paying for damage that they cause has contributed to houses being better cared for and in better condition than in other Queensland Aboriginal communities (see Figure 3 in Chapter 5). In the area of financial management, comprehensive policies and procedures and strong internal controls have been pivotal to the Yarrabah Council's exemplary audit performance over the past decade. In contrast, at Hope Vale and Lockhart River the lack of consistent enforcement of policies around use of Council resources such as vehicles has led to resource wastage and the poor standards of financial accountability reported by successive audit opinions.⁹⁶

The dividends of Yarrabah Council's focus on good policy and process can also be seen in its success in achieving accreditation for its services in areas such as day care and aged care. Conversely, at Lockhart River, the absence of basic policies and systems has led to its submissions for child care funding being rejected, despite the urgent need for this service (MG1, 61).

As in the case of the separation of powers, the Yarrabah Council's commitment to fair and equitable policies has been driven by its objective of providing fair and equitable service delivery outcomes. The Council's approach has limited the scope for arbitrary criteria to influence decision-making. For example, application of a fair recruitment and selection policy and process has led to more equitable employment decisions. Adherence to the housing policy has led to more equitable housing allocations. This contrasts with what a Hope Vale councillor described as the "*social disruption*" that is caused by the inequitable outcomes of arbitrary and preferential decisions made in the absence of settled policies (HC4, 76).

The case studies illustrated how the propensity of a Council to consistently back up the decisions of staff affects Council performance in terms of the stability of the workforce and the level of pride that workers take in their work. At Yarrabah, the Councils' support for staff has

⁹⁶ The question of financial management and internal controls is discussed further in Chapter 7, Part 7.

led to a stable and committed workforce who take pride in their systems and processes. At Hope Vale and Lockhart River, staff felt frustrated by councillors overriding their decisions, leading to an organisational culture that is disempowering for staff. The absence of the rule of law ultimately manifests itself in higher turnover of staff and difficulty attracting skilled people to work for the organisation.⁹⁷

The Yarrabah case study further demonstrated that a policy-based approach has led to greater efficiency, with Council staff being able to respond to situations through application of a Council-endorsed policy rather than having to refer each matter arising to the Council for decision. Furthermore, the reliance on policy has relieved the pressure on local staff when making decisions that affect family and community members and on councillors who are in a position of having to make difficult decisions that will adversely affect some community members for the greater good.

The adherence to both the separation of powers and the rule of law has an additional dividend in relation to Councils' outcomes in attracting funding and support. At Yarrabah, the institutionalising of these practices has given comfort to funding providers that the Council will deliver efficient, fair and equitable and financially accountable administration of grants and programs. By meeting these expectations of funding providers, the Council has been able to achieve its objectives in terms of attracting grants and funding to fulfil community priorities regarding construction of new facilities and local management of programs and services. By contrast, there are solid grounds for concluding that the comparative failure of Lockhart River and Hope Vale to attract funding for major infrastructure projects and community services is linked to these Councils' failure to reassure funding agencies that they have adequately implemented practices such as the separation of powers and the rule of law.

While the case studies suggest that the rule of law and the related principle of the separation of powers are important in improving Councils' service delivery performance, these principles can sometimes be seen as contradictory to the element of Council performance that relates to strengthening and respecting Aboriginal cultural traditions and values. At Yarrabah, for example, although the Council's success in administration was generally acknowledged by the community, there were concerns voiced about the extent to which the approach was too mainstream and process-driven and did not accommodate local culture and lifestyles (YC8, 33, 67; YC5, 42; YN2, 105). A councillor reflected that applying the housing policy strictly, such as in relation to evicting a family, was sometimes difficult because it ran against cultural values regarding caring for kin and community. There appears to be delicate balancing act for Councils between adopting 'western'-derived governance approaches that will assist them in

⁹⁷ This issue is discussed further in Chapter 7.

delivering improved services, and respecting Aboriginal values and lifestyles. This important issue is discussed in detail in Chapter 12.

4 Strategic vision

The extent of a government's strategic vision is commonly identified as a key factor in its performance. For example, strategic vision is one of the United Nation's nominated universal principles of good governance (see Box 1 in Chapter 2) and is highlighted in documents such as the CPA Australia's (2005) manual on *Excellence in Governance for Local Government*. The Harvard Project on American Indian Economic Development has identified strategic thinking focused on a long-term approach to 'nation-building' as one of the critical factors in successful indigenous governance (Cornell, 2002).

The role of strategic vision in the three case study Councils' governance processes was specifically canvassed during the case studies. Inquiry was focused on three aspects of this question for each case study: firstly, whether the Council exhibited a strategic orientation in its approach to community governance; secondly, the extent and quality of strategic planning by the Council; and thirdly, whether the substance of the long-term vision of the Council has been clear and consistent over time.

4.1 Strategic orientation

In all three communities, stakeholders commented on a perceived tendency for community members, including councillors, to live from day-to-day, without regard to long-term plans or aspirations. A councillor at Yarrabah attributed this to a cultural predisposition of Aboriginal people:

[B]ecause of our culture, we used to think a day, even a week at a time, very rarely we'd think 12 months ahead... Living from day-to-day, it's a cultural thing with our people. I mean, a lot of Aboriginal people don't even think about what they'd like to do when they grow up, you know, it's something new that our kids only just sort of catching up with now... (YC5, 47-8)

A former CEO at Lockhart River said the norm in the community was for people to "live for the minute" (LG#, 156). The history of DOGIT communities may also partly explain why long-term planning is not reflexive for members of these communities. For most of the last century, the lives of the residents of the three communities were strictly controlled by firstly the missionaries, and then by the government. Residents had little or no say in their long-term future and were entirely dependent on church or government administrators to meet their needs.

A Yarrabah chairperson in 1989, shortly after the government handover to the local Council, reflected on the lack of a vision for Yarrabah people: “I see my role and others like me as giving a vision to these people. I believe that without a vision these people will perish. We have not in the past been given a vision for the future” (Connolly 1989).

A government officer working at Lockhart River offered a further explanation why long-term thinking was not prevalent in that community:

My response to that would be: Maslow’s hierarchy. How do you think to vision or to anything else when you live in an overcrowded house, you don’t have a job?... So even to get people thinking a couple of years out to do this community plan, it’s quite an effort. (LG7, 108)

Indeed, a former Lockhart River councillor reflected on how difficult it had been as a councillor to actively focus on more than the day-to-day issues when “*you’ve got your own job, you’ve got your own problems and worries*” (LC8, 33). Compounding all of these personal pressures, Aboriginal Councils confront a bewildering level of community social and economic needs and are charged with a diverse array of programs and services to deliver.

In such circumstances, the challenge is for Aboriginal Councils to rise above the day-to-day pressures and demands to look for long-term pathways to address community needs and aspirations. The success of Councils in meeting this challenge will be crucial to effective community governance. The evidence reveals that this is a key factor of differentiation between the three case study Councils.

Hope Vale Council has been very much oriented towards a short-term focus on day-to-day issues. Councillors and Council staff commented on how the Council made little use of strategic plans and were more reactive to short-term issues. Typical observations were that councillors were “*more reactive to things that are actually giving them the most headaches*” (HC6, 17), that they “*get bogged down... in the day-to-day issues*” (HC9, 131) and are just “*putting out bushfires*” (HC4, 32), and that their meetings tend to just deal with “*a lot of little things in piecemeal fashion*” (HC6, 107).⁹⁸ The result of this short-term focus is that, in the view of one Council officer, the councillors “*definitely lack direction*”, which is reflected in the

⁹⁸ These comments echoes the assessment of the research team who conducted a case study of the Hope Vale community for the evaluation of the *Meeting Challenges, Making Choices* strategy in 2004. The report noted that “the Council activities appeared to be reactive response to currently perceived immediate issues” (Injury Prevention and Control (Australia) 2004, p.6).

fact that in their negotiations with government their agenda is “*all over the place*” (HC6, 13).⁹⁹ The lack of a long-term strategic orientation at Hope Vale is illustrated by the following observation made about the councillors by a Council officer:

They’re all very spontaneous like that. There isn’t a lot of planning with any of them. They’ve got some ideas, but it’s giving them a strategic plan and developing it. You’ll put something to them, and they’ll go ‘OK, we’ll do that next week’, and it’s ‘no, no, this is for the next five years.’ (HC6, 95)

At Lockhart River, Councils have also been oriented towards dealing with short-term issues (LC2, 225; LC8, 33; LG2, 24; LG3, 60; LG1, 156). Asked about the long-term vision of the Council that he served on, a former councillor replied: “*I think it was mainly just dealing with the crises... it was basically just the day-to-day running of things*” (LC8, 33). As the result of assistance provided by the State Government under the negotiation table process, however, there has been a significant shift in the strategic orientation of the Council at Lockhart River in recent years. Critical to this has been the placement of a community development facilitator in the community to work with the Council and community leaders to develop a vision, undertake community planning and build community capacity generally (LC2, 227; LG6, 12, 34). The Mayor of Lockhart River reflected on how the Council had moved from reacting to the short-term agenda driven by visiting government agencies to setting their own strategic vision:

I think back in the 90s, where you might have 300 visitors coming in and they demanding things and they’re wanting this, wanting that. And at that time, we didn’t have a vision quite clearly, but now we can see where we’re going and where we are. We can look at our health, our working structure, our Council vision. (LC#, 28)

The facilitator highlighted the greater level of strategic orientation of the councillors since the first negotiation tables (called ‘learning circles’) five years ago:

If you looked at the first learning circles here, they were basically [about] issues from the floor, on the day, at that moment. So there were lots of heated issues and [it was] all over the place. To now, where there is a sense of: ‘these are priority issues, this is the group of things we need to be looking at...’ So you can see a real difference, that they’re talking at strategy level, they’re talking longer term things... (LG7, 108)

The Lockhart River CEO acknowledged the progress in councillors’ strategic thinking, although he noted that short-term factors were still drivers in Council’s business: “*They’re still coming to*

⁹⁹ The Government champion charged with facilitating the negotiation table processes confirmed that the Council had not yet “*nailed*” its strategic vision and that this was the key priority for the next year (HG#, 32).

grips with it. In the day-to-day operation of the actual Council, it's still crisis management, but in the vision, it's gone to strategic" (LC#, 225).

The contrast with Yarrabah is marked. A number of people interviewed for the Yarrabah case study emphasised that successive Councils have demonstrated long-term thinking and a strategic orientation towards their business (YC8, 55; YG3, 25). In the words of the CEO:

Since I've been here, since '97, there's been a consistent element within the Council that's said, 'what are we aiming for, where do we want to be in five, ten years' time, twenty years' time, how is it that we go about achieving this and how do we support the local initiative with local people and capacity?' (YC#, 194)

The principal of the Yarrabah State School commented on the fact that the Council often asked about the school's forward plan for education in the community, covering a twenty year timeframe (YG#, 38). A government stakeholder contrasted the approach of the Yarrabah Council with the less strategic thinking evident in Councils in some other Indigenous communities: *"They definitely have plans on where they want to be... [T]hat thinking process is there, whereas in some more remote communities, it's just the day-to-day thing" (YG3, 25).*

While the Yarrabah Council clearly demonstrates a strategic orientation, the CEO's comments reveal that the Council still struggles against the tendency for residents not to think long-term:

In our context at this point, we're still trying to encourage more people to have that forward thinking. There's still a high proportion of the community that just live day-to-day and there is a reliance upon other people to do all that [forward thinking] work. (YC#, 193)

4.2 The role of strategic planning

Planning is the fundamental tool for setting, and taking steps to implement, an organisation's strategic vision. Aboriginal Councils play such a central role in the development of their communities that there is in practice little distinction between strategic planning for the Council organisation ('corporate planning'), and strategic planning for the whole community ('community planning'). Local government legislation now requires each Aboriginal Council to prepare a corporate plan each year.¹⁰⁰

¹⁰⁰ Such plans must cover at least a four year period and set out Council's "objectives in the short, medium and long term, through an integrated response to the present and future needs of its community" (s.19, *Local Government (Community Government Areas) Finance Standard 2004*).

While Aboriginal Councils have not previously been required to prepare strategic plans, many Councils have prepared government-funded community plans with the assistance of external consultants. However, these plans have typically suffered from poor consultation methods and lack of community involvement and ownership, with the result that they have little ongoing use or impact on Council operations. They are often prepared only to meet a prerequisite condition for a government grant, and are characterised by many people as ‘shelf plans’.

All three case study Councils have prepared this type of consultant-produced community plan in the past: Lockhart River in 1995 (Lockhart River Aboriginal Council 1995); Yarrabah in 1996 (Nev Bates and Associates 1996); and Hope Vale in 2003 (Kleinhardt-FGI 2003). With the possible exception of the Yarrabah plan, there was no evidence that any of these plans had led to any significant tangible outcomes for the Council or the community.

At Hope Vale, the interviews revealed very little awareness of the 2003 community plan amongst community stakeholders, councillors or Council staff (HC10, 127; HC9, 133; HFG1, 93; HG3, 30; HC5, 178). The CEO confirmed that the councillors were not using the plan (HC#, 17), which was also a finding of the research into MCMC implementation in 2004.¹⁰¹ There has been more recent planning at Hope Vale conducted around the negotiation table process (HG1, 149), but a senior Council officer expressed the view that the Council’s approach to the negotiation tables had been “*fluffy*”, with too many issues canvassed and little strategic focus (HC6, 9).

At Lockhart River, in contrast to Hope Vale, the negotiation table process has been the catalyst for an intensive community planning process in the past few years. With the assistance of the government-funded community development facilitator, the Council produced the Lockhart River Community Plan 2004-2008 along with an accompanying *Puuya Strategy* focused on community capacity building and empowerment. The plan took 18 months to finalise and was based on an informal community-based process involving the Council “*just listening to things that were coming up*” in community meetings, discussions and other forums (LG7, 8). According to the Council: “The plan has been written as it has been spoken about in our community – in our language, and our way. It has deliberately not been written in a bureaucratic style” (Lockhart River Aboriginal Shire Council 2005a, p.9).

¹⁰¹ The report found that: “A Community Development Plan had been completed to facilitate progress in Hope Vale, although it was unclear that this had been used to drive Council activity. Rather the Council activities appeared to be reactive responses to currently perceived immediate issues and were better articulated within a community context in the Negotiation Table documents” (Injury Prevention and Control (Australia) 2004, p.6)

Unlike Lockhart River's previous consultant-produced 'shelf plan', there is a high level of ownership of the current community plan on the part of the Council (LC5b, 126). This is reflected in the comments of a government officer with a close association with the community: *"A lot of the councillors would say it isn't a 'whitefella' document, because they've actually articulated the document from their heart. It's the most indigenous-friendly community development plan that I have seen"* (LG6, 42).¹⁰² Most importantly, the plan is being actively used by the Council to drive its strategic agenda.¹⁰³ The plan is the starting point for the Council's discussions with the government at the learning circles. According to the Mayor: *"Each time, we look how far we are and where our aim is, which is really good..."* (LC#, 128).

Notwithstanding the level of Council ownership of the Lockhart River community plan, it was clear from interviews with community residents that the Council still faces a challenge to communicate the plan and the strategic vision to the community (LFG2, 32; LFG1, 93; LN1, 36; LG8, 49; LC5b, 132). This issue is discussed further in relation to community engagement in Chapter 8.

A further challenge for the Lockhart River Council is to muster the capacity to put in place concrete programs and activities to implement the vision set out in the community plan. Some informants expressed the view that there was *"not much genuine fruit"* from the process to date (LG1, 28) and that the plan was *"airy-fairy"* (LC1, 20) and *"a feel-good, sound-good thing for the government Departments"* (LC8, 25).

The Yarrabah Council has been active in community planning since the 1980s. The Council's first foray into community planning following the handover in 1986 was in the area of community health. Various plans throughout the late 1980s and 1990s led to the employment of Council community health workers and ultimately the establishment of a community-controlled health service in 2001 (Baird 2002, 9). The Council commissioned a five-year community development plan in 1995 (Nev Bates and Associates 1996) and a further five-year plan was commissioned in late 2001 (Council minutes 15/11/01) and finalised in 2003 (Cardno MBK 2003). In 1995, the Council also developed a five-year Education and Training Plan (Yarrabah Aboriginal Council 1995).

¹⁰² Another Government officer commented that *"this is the first time that I've really seen the community or the councillors so excited about [a plan]"* (LG5, 71-73).

¹⁰³ Government agencies such as the health clinic, police and school were also involved in the development of the plan (LG4, 37; LG8, 31). The school has used the plan to set the direction for some of its own activities (LG4, 37).

Like so many consultant-produced plans, there has been some criticism of the process used for the latest Yarrabah community plan in 2003. There appears to have been limited consultation (Y7, 34) and one staff member raised concern about the plan being disconnected from Council officers' everyday work: *"Like it's alright for those people [the consultants] to come in and say we're doing a community development plan and want to consult, but a week later [the staff have] forgotten about it because they don't even know it exists"* (Y7, 38). There does not appear to be a high level of awareness of the plan within the community (YG4, 28; YN2, 73). Some informants expressed the view that the planning was just to meet the requirements of government funding bodies and was just *"planning for planning's sake"* (YN4, 65; YC8, 55).

Whatever the merits of the latest five-year plan, it was evident that the plan was being used by the Yarrabah Council to a greater extent than previous plans: *"We're getting it out and ticking it off – what we've done, what we haven't done, what's still relevant... We're pulling it out a lot more and using it"* (YC2, 96-7; also YC7, 171; YC2, 94). A longstanding councillor reflected on the fact that the Council was doing a lot more planning in recent years¹⁰⁴ and that this was probably because of government policies which meant that *"it's a requirement for us to think that far ahead"* (YC5, 47). Training for the councillors had also reinforced the centrality of planning for the new Council:

I do see a change through the councillors' training, where they're coming to meetings and they're talking about that stuff now, like the planning, and reporting against plans. In the first four months when they got on, there was no thought of that. (YC2, 95)

4.3 Clarity and consistency of vision

The third area explored in relation to the strategic vision of the three Councils was the degree of clarity and consistency of the vision. Again, there was a discernible difference between the three Councils in this respect. The Yarrabah case study revealed that a shared vision of self-management has been a conspicuous feature of governance at Yarrabah over the past two decades. Since the handover of administration of Yarrabah from the State Government to the Council, the Council's focal objective has been to build the capacity to effectively manage the community's services and take control of the community's future. This objective is clear from numerous statements of individuals and various policy documents over the years. It is seen very much as an evolutionary process whereby the community emerges from the legacy of disempowerment and dependence on outsiders to a state of self-sufficiency and self-

¹⁰⁴ In addition to the focus on the community development plan, the Council had undertaken some internal strategic planning since its election in 2004, which led to the adoption of a new vision and mission statement (Council minutes 18/11/04).

determination. This broad vision of self-management is underpinned by two subsidiary and complementary goals: firstly, a commitment to building the community's capacity for self-management through education and training; and secondly, a desire for Yarrabah residents to achieve the same quality of life and opportunities as non-Indigenous people.

The relationship between the vision of self-management and this first goal, the commitment to education and training, is clear from the following statement by the Training Officer (also a councillor) in the Council's Annual Report of 1998-99:

I must also say that the people of Yarrabah should be proud of themselves for participating in the training and development opportunities throughout the year, no matter how big or small. It is all part of the evolutionary process in controlling and managing our own affairs. (Yarrabah Aboriginal Council 1999, 10)

An area where the consistency of the Council's vision is most evident is in the Council's sustained efforts over the past two decades in relation to education and training for Council employees and the community as a whole. These efforts are reviewed in Chapter 10.

The link between self-management and the second goal, achieving a standard of living equivalent to other Australians, is clear from the following vision statement adopted by the Council in 2000:

We will strive to make Yarrabah a United, Self-Sufficient Community managing our land and our sea, where our people enjoy a standard of Health and Education equivalent to the rest of Australia, where there is a commitment to the community and particularly our children and where the residents have the opportunity to achieve their aims in life. (Yarrabah Aboriginal Council 2001, 9)

In Yarrabah, there has been a tendency to think about local service provision in terms of how it matches up to the quality of service delivery available in mainstream locations. This has led to a strong focus on the Council adopting mainstream local government practices. In recent years, this vision of achieving standards of service delivery applicable in the mainstream has manifested itself in the Council's commitment to making the transition to the status of a Shire Council under the new community government legislation. A manager of a community organisation noted that it was "*common knowledge amongst everyone*" in the community that achieving this transition was central to the Council's long-term vision (YN3, 96; YC10, 175). The Council is aware that associated with this transition are a number of changes in the way the Council practises governance. For example, the Mayor's strategic direction was strongly focussed on entrenching the concept of the separation of powers within the Council: "*that will be the core to how the community moves forward in the end*" (YC#, 57). The Council is also

aware that the transition process reinforces further the need for education and training for staff in order to meet the new standards under the local government legislation (YC10, 77).

For many years, the Lockhart River Council lacked a clear strategic vision shared by the community's leaders. Different clan groups have had their own vision, focused on aspirations for development and use of their homelands, but until recently, there has been no shared vision for the community as a whole (LG1, 152; LFG1, 81). In his PhD dissertation on community management at Lockhart River in the late 1990s, Clifford argued that the clan groups' separate land and culture-based aspirations underpinned a "latent potential" for community members to "clarify their core common interests and aspirations" and "articulate a collective community vision, community goals and strategies" (Clifford 2003, p.350). In the past, however, the community has been unable to formulate these disparate clan-based visions into a shared vision. At the commencement of the Lockhart River negotiation table process in 2003, a government officer recalled that the Council put forward a diverse list of things they wanted that reflected a "*cargo cult mentality*", but did not make it clear "*what they wanted to do as a community*" (LG6, 12). Since that time, an extensive community planning process has sought to harness the community's aspirations into a shared community-wide vision:

So when you look at their long-term thinking, they want to be an enterprising community, they want to get up and go, they want respect, trust all of those things. Wellness. They can now articulate that in quite a sophisticated way. By comparison [with] five years ago... this is a very powerfully articulated vision both in the community development plan and in the Puuya strategy... (LG6, 34)

Since 2004, the Council has aligned itself behind the core vision of "empowering the community" (Lockhart River Aboriginal Shire Council 2005a, 2). Linked to this overall vision in the community plan are the related goals of creating real jobs through enterprise and developing homelands and outstations. While it is early days for the implementation of this vision and progress on specific initiatives has been slow, observers see the level of shared vision that has been developed in the community as an important foundation stone for improved community governance outcomes (LG6, 92; LC3, 62; LC5a, 28; LC2, 225).

If a clear and consistent vision has been the hallmark of Yarrabah's governance over the past two decades, the absence of such a vision has been a defining feature of Hope Vale's Council. The lack of a shared vision on the part of Hope Vale's councillors and leaders emerged as a consistent theme in interviews for the case study. According to the CEO: "*If I listen to them as individuals, they're all talking about community benefit, but they're all staggered, it's not focused*" (HC#, 7). A councillor echoed this frustration at the inability of the Council to settle on one direction: "*Every individual [councillor], we've all got to contribute, one understanding, and this is the direction we're taking, that's it. And then once we know, we can take it out to the*

people, and once the people know, then there's a unity" (HC2, 59). A former councillor reflected on how the lack of shared vision was holding the community back:

We've got to share values. Every time I put my paddle in this way, the chairman's putting his paddle in the opposite direction. We learn from this, but I tell you it takes time and the longer it takes, the community becomes stalemate and it's staying in one place. That's the sad thing of it. (HFG1, 171)

Hope Vale has many highly capable and skilled individuals who have strong long-term visions for the community, but this has not translated into a shared vision. As far back as 1992, consultants conducting a social impact assessment of the silica mine at Hope Vale observed that it was not the lack of vision, but the lack of *shared* vision that was the challenge for the community: "This is a community that plans, in a quite remarkable way, not for the short term gain but for its children's future. The difficulty is, however, that different people see the future differently" (Holden & O'Faircheallaigh 1995, p.165).

Many observers at Hope Vale raised the high rate of councillor turnover as a central factor in the lack of continuity in the Council's direction (HC1, 14, 71; HC9, 131; HG1, 145; HC10, 127; HFG1, 97; HN1, 96; HC7, 10). As a Council officer pointed out, "*the plan needs to be the one plan, not new Council come along and do another plan*" (HC10, 127). Figures 9 to 11 indicate the relative level of turnover for the three Councils at the past four Council elections, based on the best available information. At Hope Vale, Figure 10 shows that in the past four elections, the majority of councillors elected have been individuals who have never been on Council before. In 1997, no sitting councillors were re-elected and in 2000, only one sitting councillor was re-elected. The situation has improved slightly at the past two elections, with two sitting councillors re-elected. Table 12, which sets out other indicators regarding the turnover in the three Councils, shows that Hope Vale has had a higher level of turnover than the other two Councils.

Table 12. Selected data regarding turnover of councillors at Yarrabah, Hope Vale and Lockhart River Councils as at 2008

	Yarrabah	Lockhart River	Hope Vale
Number of individuals who have served more than one full term since 1994	6	5	3
Number of occasions a sitting councillor has been re-elected	9	8	5
Total number of individuals who have served on Council since 1994 ¹⁰⁵	23	20	29

¹⁰⁵ These figures include those elected to Council in mid-term by-elections.

Figure 9. Turnover of councillors, Lockhart River, 1997 to 2008

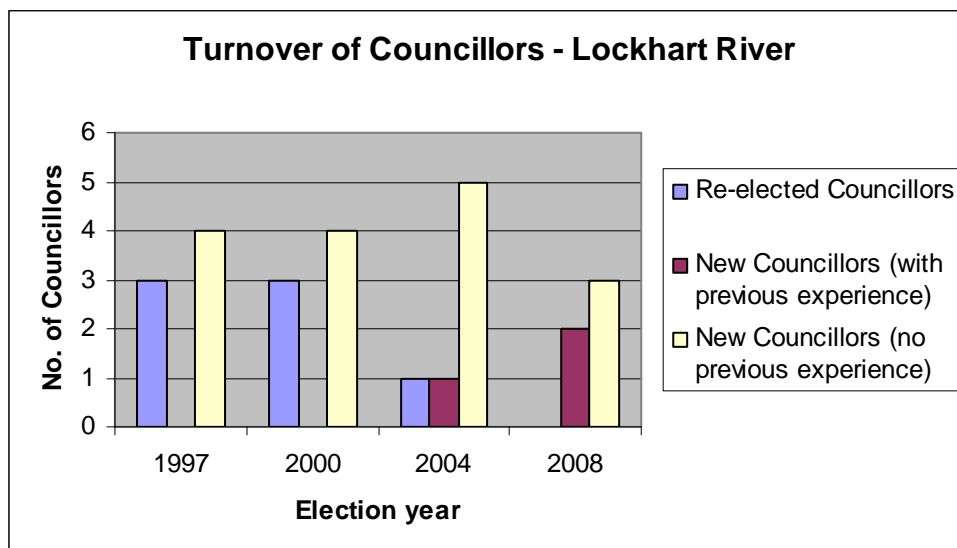


Figure 10. Turnover of councillors, Hope Vale, 1997 to 2008

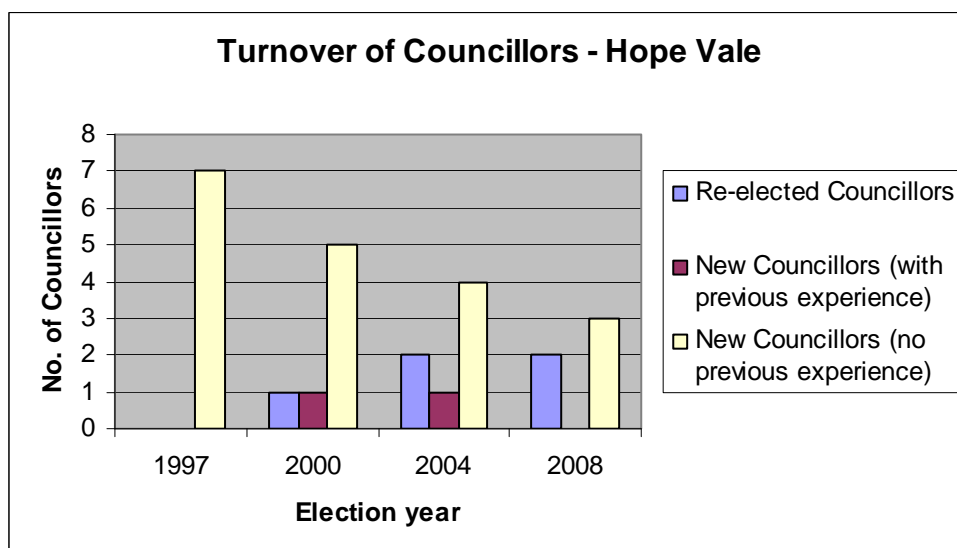
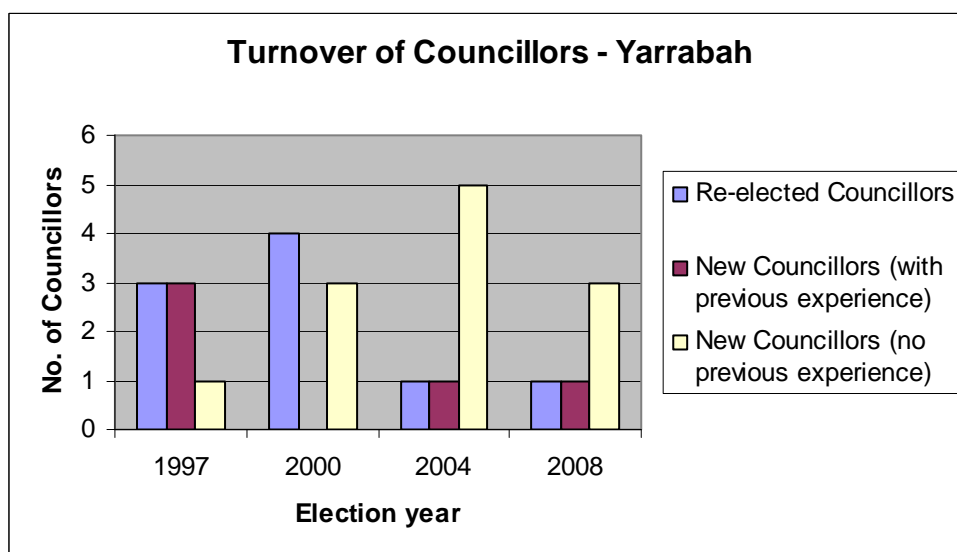


Figure 11. Turnover of councillors, Yarrabah, 1997 to 2008



Such a high degree of councillor turnover will inevitably make it more difficult for a Council to maintain a consistent strategic vision. A Hope Vale councillor pointed out that there had been a lack of continuity with many of the Council's long-term projects and ventures, like the Ti Tree Farm (HC2, 14). Another former councillor complained that *"these new councillors are not interested in how far the old Council's projects went. They're too busy looking for a new one, rather than finding out about previous Council's projects and completing those projects"* (HFG1, 97). Other observers pointed out that continuity is affected by the fact that new councillors have *"promised people something else"* (HC2, 73; HC7, 81; HN1, 166).

At Lockhart River, the Council has had a moderate level of turnover, although a former CEO noted that the representation across clan groups was relatively constant, with turnover of councillors tending to result from a clan group 'trying' different representatives (LG#, 60). While the turnover of individuals has undoubtedly made developing a shared vision more difficult, the discussion earlier highlighted that the principal problem at Lockhart River has been that the Council has not even sought to develop a strategic vision until recently. As several people noted, the challenge for Lockhart River Council is to sustain the current vision following the further turnover of councillors at the 2008 election (LG2, 24, 126; LG5, 76).

The composition of Yarrabah Council showed a greater stability in the 1997 and 2000 terms, when several leading councillors were re-elected. In the past two elections, however, there has been significant turnover at Yarrabah, with only one councillor re-elected at each election. Nevertheless, it is noteworthy that the turnover at Yarrabah has not significantly affected the consistency of the Council's strategic vision. The fact that new councillors have shared and built on the vision of previous councillors at Yarrabah is evident from the following comment of the 2004 Mayor: *"Well, actually this Council didn't come about the position where it is if there wasn't a long term goal by previous Councils. We basically built on what was already here..."* (YC#, 174). In contrast to Hope Vale, long-term projects at Yarrabah have continued uninterrupted across the term of several Councils. As the review of performance in Chapter 5 demonstrated, this long-term consistency of focus has enabled the Council to gradually accumulate infrastructure and facilities in the community over a sustained period. The leadership of a core group of strong leaders who have served multiple terms on Yarrabah Council has played a part in maintaining continuity of the Council's strategic vision. However, the role of particular individuals should not be overstated as it is clear that the vision has been shared by all councillors and sustained even when there has been high turnover, such as occurred at the 2004 election.

4.4 Impact on Council performance

The case studies provide compelling evidence to support the literature suggesting strategic vision is an important factor in governmental performance. The sustained improvement in the Yarrabah Council's performance over the past two decades has been a direct consequence of the shared long-term vision of self-management that Yarrabah's leaders have pursued over this period. Successive councillors and senior Council administrators have picked up the baton and steered a consistent course on the Council's journey to self-management. There is little evidence that energy has been wasted on sidetracks or alternative paths or that elected Councils have floundered or stagnated as a result of factional differences over strategic direction. Moreover, the prominence of the shared vision has encouraged councillors to take a strategic orientation to Council business and to invest in community planning activities that have underpinned Council's activities.

The clarity and consistency of the strategic vision at Yarrabah has been in marked contrast to Hope Vale Council's lack of strategic orientation, poor record of community planning and inability to settle on a shared vision. The evident impact on Council performance has been to "*stalemate*" progress (HFG1, 171) and prevent continuity of Council projects and priorities across successive Councils. The results of this are self-evident in the Hope Vale Council's inability to meet its key objectives of creating sustainable employment and enhancing facilities and services in the community.

Similarly, until recently at Lockhart River the lack of strategic orientation and vision has played a part in stagnating community development. While the positive progress in strategic visioning and strategic planning of recent years has yet to yield tangible outcomes, the lessons from Yarrabah suggest that it will provide a strong foundation for improving the Council's performance as long as it is sustained and acted upon.

5 Impact on Council performance

The literature reviewed in Chapter 2 suggested a range of governance principles and attributes that might be expected to contribute to good performance by a government. This chapter explored the evidence from the three case study Councils with particular reference to three key governance attributes arising from the literature: the separation of powers, the rule of law and strategic vision.

As Chapter 3 explained, there are two levels of data analysis that can be employed to test hypotheses about the impact of governance factors on Council performance – a broader approach focused on correlation and a more micro approach focused on evidence of direction

causation. On the first approach, relating to correlation of the factors with positive or negative performance, the significance of the hypothesised factors is supported. At Yarrabah, a high level of performance can be observed in concert with a strong commitment to the principles of the separation of powers and rule of law and the existence of a clear strategic vision. At Lockhart River, on the other hand, past poor performance has been contemporaneous with the absence of all of these factors. It should be noted, however, that the moderately improved performance at Lockhart River in the past two years has been achieved at a time when there has been a somewhat greater adherence to the separation of powers and the rule of law, and a significant improvement in the level of strategic vision. At Hope Vale, the Council's continued lack of performance is correlated with a poor commitment to the separation of powers and the rule of law and the distinct lack of a shared strategic vision. These findings are summarised in Table 13. While these correlations provide a general basis for drawing conclusions about the importance of the governance attributes discussed in this chapter, it should be noted, however, that they do not indicate which factors are more or less important.

Table 13. Correlation of extent of selected governance attributes with overall performance

	Adherence to separation of powers	Adherence to the rule of law	Level of strategic vision	Overall Performance
Yarrabah	High	High	High	High
Lockhart River pre-2004	Low	Low	Low	Low
Lockhart River post-2004	Improved	Improved	High	Improved
Hope Vale	Low	Low	Low	Low

Throughout this chapter, an effort has been made to employ the second approach to data analysis, regarding direct evidence of causation between the hypothesised factors and Council performance. By doing so, the general level of correlation between the four attributes and Council performance in Table 13 can be reinforced by a range of evidence from the case studies regarding a direct causal relationship between the particular attributes and Council performance. For example, whereas the data demonstrated that the firm separation of powers at Yarrabah has underpinned the Council's stable and efficient administrative performance, at Hope Vale and Lockhart River there were myriad instances to show that systemic and personalised interference by councillors in operational matters has had a range of negative consequences such as over-expenditure on wages, destabilisation of the workforce and inconsistent and inequitable outcomes in service delivery. The chapter has also reported data that show how Yarrabah Council's increasing reliance on the rule of law to guide its decision-making and operations has

had direct dividends in terms of the Council's performance in managing programs such as housing. The evidence suggests that the relationship of causality between the rule of law and performance stems from the way in which creating a stable, rules-based environment for the delivery of programs and services is not only efficient but creates security and protection for local staff from family and community pressures. In relation to strategic vision, the case studies illustrated how a shared, consistent vision can harness the energy and resources within a community in order to achieve tangible improvements, and conversely, how the lack of such a vision will lead to stagnation and governance atrophy. This evidence of direct causation considerably strengthens the broadly-observed correlations between these factors and overall Council performance in the three case studies.

The governance attributes explored in this chapter might be considered to be derived from 'western' governance traditions.¹⁰⁶ It was noted that adopting principles such as rule-based decision-making and a strictly delimited role that prevents councillors from rendering assistance to constituents potentially runs counter to Aboriginal cultural values and therefore compromises the Councils' performance in relation to respecting and maintaining Aboriginal cultural practices and lifestyles. Concerns expressed by constituents about Councils becoming too mainstream highlight the risk that an approach based on principles such as the rule of law and the strict separation of powers, while it may enhance service delivery performance, may also compromise the level of cultural sensitivity of a Council's governance processes. These concerns reflect some of the dilemmas that are inherent in the role of Councils as 'intercultural institutions', discussed in Chapter 2. The case study data can be interpreted through the prism of the new discourse on Aboriginal governance that highlights the importance of Aboriginal governance organisations mediating a process of engagement between Aboriginal communities and non-Aboriginal society. The Yarrabah Council, for example, has intentionally and actively sought to adopt mainstream governance technologies in its efforts to improve its services and therefore the standard of living in the Yarrabah community. These issues highlight the broader questions surrounding the competition between mainstream and Aboriginal cultural values that are being played out within Aboriginal communities. This topic is considered further in Chapter 12.

6 Conclusion

In summary, the case studies support the proposition that an Aboriginal Council will achieve better Council performance if it implements a firm separation of powers between its elected councillors and its administration, institutionalises the rule of law through consistent

¹⁰⁶ There are some who argue that many of the frequently-cited universal governance principles have analogues in indigenous governance traditions (Missens 2008).

implementation of equitable rules and policies, and develops a unified, shared strategic vision for the organisation and the community as a whole. Thus, the data confirm the importance for Aboriginal Council performance of the three governance principles and attributes explored in this chapter. However, it will be necessary to revisit these causal inferences following consideration of the other variables in the following chapters. It is not yet clear whether there are other more important factors in Council performance or whether it is a specific combination or interplay of factors that is determinative. The principles and practices in this chapter may prove to be necessary but not sufficient for good performance.

Chapter 7 – Administration

1 Introduction

In the literature reviewed in Chapter 2, effective administration was commonly identified as important to the performance of governments, including Indigenous community governments (see Table 2 at the conclusion of Chapter 2). Administration encompasses a range of aspects of the operation of a government, including financial administration, operational planning, internal communication, reporting, stability of staffing and human resource management. Chapter 2 also canvassed literature from the fields of management and public administration that emphasise the potential impact on government performance of ‘soft’ factors such as organisational culture. The objective of this chapter is to examine the evidence from the case studies regarding the impact of administrative and organisational factors on Council performance.

2 General administrative efficiency

During the case studies, data were collected about the general administrative efficiency of the three Councils, in terms of the basic day-to-day functions of administering an office and the various correspondence, meetings, communication, records management and other administrative tasks associated with managing the Council’s business. In this area, the superior performance of the Yarrabah Council was starkly evident, while the significant difficulties faced at Lockhart River were a recurring theme in that case study.

The efficiency of the Yarrabah Council’s administration was highlighted in interviews with several stakeholders who deal regularly with the Council (YG4, 14; YN2, 67; YG1, 46). Officers from funding agencies were for the most part very positive about the Council’s administrative performance in managing funded programs (YG14, 11; YG10, 22; YG1, 18; YG8, 25). One Council officer suggested that a key to the Council’s success was a good understanding of how bureaucracy works (YC8, 19). Government officers indicated that the Council generally submits reports on time and responds to requests promptly. The list of inwards and outwards correspondence in the Council’s minutes indicates that correspondence is turned around promptly and efficiently. As discussed in Chapter 7, the Council has well-developed policies and procedures for its administrative operations.

A key factor in the effectiveness of the Yarrabah Council's administration is the existence of a very stable organisational structure with clearly defined reporting relationships and roles and responsibilities. This stable structure allows the Council to use delegation effectively. This is crucial to manage the Council's broad scope of responsibilities because it means that the day-to-day management of programs is delegated to the various managers of Council's operational areas. Managers are given substantial autonomy to manage their programs, but their accountability to the CEO and the Council is clear. For example, the Housing Officer explained that in relation to the expenditure of housing funds, although the CEO and Deputy CEO will have their views, *"they like to leave it up to us managers because we are the ones here on the ground, and we know what's what – the condition of homes and all that."* (YC#, 36)

Although management responsibility is delegated, the councillors receive monthly reports from the program areas to ensure they are aware of progress. Coordination between the autonomous program areas is facilitated through fortnightly senior management meetings. The Deputy CEO emphasised the importance of involving staff in whatever is going on, *"so they have that ownership of the organisation"* (YC#, 159). Managers commented positively on the management meetings, not only in terms of efficient structure but in terms of developing a collaborative work culture, an issue that will be discussed further in Part 6 (YC4, 48, YC3, 29):

It's all about supporting each other. That's why each fortnight we have our senior staff meeting where we talk on each area and we try to come up with recommendations for Council, to better that area or this area. (YC3, 29)

Because of the clear segregation of roles and responsibilities, each officer is able to gain a high degree of familiarity and competence regarding their particular functions. The Yarrabah Council's external auditor attributed the Council's effectiveness to the fact that *"they've got the basics down there. They've all got their jobs and people know what to do"* (YN1, 39).

At Hope Vale, mixed views were expressed about the efficiency of the Council's office administration. Senior staff commented that the office staff know their jobs well and *"the work gets done"* (HC8, 54; HC7, 129). When new office and financial administration software was introduced in 2005 it was reported that the staff mastered the new system very quickly (HC9, 41). On the other hand, government stakeholders indicated that the Council struggled to submit required reports or grant acquittals on time (MG4, 20; MG1, 75). A former Council manager complained that orders for supplies were not filled promptly and occasionally lost, and the pays for staff members in her area were frequently wrong (MG1, 113, 123).

It is noticeable that the organisational structure at Hope Vale is not as clear and stable as Yarrabah Council's and the delegation of management and administration to program managers is not clear in all cases (HC7, 196-8). While services such as the Aged Persons Hostel operate autonomously and efficiently, the management of other areas is characterised by lack of clear reporting lines and sometimes disputation. For example, a senior Council officer spoke about how two particular work teams *"are all dysfunctional and none of them are working together... This is where it's falling down, there's no one there to coordinate it all. It needs a coordinator"* (HC7, 172).

At Lockhart River, the deficit in basic administrative capacity is immediately evident to anyone who deals with the Council. Telephones in the Council office are frequently unanswered (Council minutes 13/01/05). A Council officer reflected on the fact that when the officer started work at the Council, staff did not know how to use the photocopier or the Yellow Pages, let alone a computer (LG7, 66). Reports by Departmental officers over many years have highlighted the absence of administrative systems covering basic aspects of the Council's operation.¹⁰⁷ Audit reports have documented a litany of administrative deficiencies over several years. One of the particular problems for the Council has been poor management of records and Council minutes.¹⁰⁸

In contrast to Yarrabah, there is very little delegation at Lockhart River. A Council officer highlighted the difficulty for the current CEO in putting in place a new management structure, *"because basically before there was no management structure – you had a CEO and a hundred and fifty people reporting to the CEO"* (LG7, 64). A Departmental Briefing Note about the Council's problems in 2002 stated the problem as follows:

Currently there is no middle-management position in the Council Structure for the Council Clerk to delegate substantial areas of day-to-day administration including human resource management, grant applications and monitoring, and actioning vital Council correspondence, hence the Council Clerk is overloaded and critical matters go unattended. (Briefing Note to Minister for Aboriginal and Torres Strait Islander Policy, 19/02/02)

¹⁰⁷ In 2001, a Departmental officer reported that *"many of the administrative systems and internal controls have broken down"* (CSO Field Report, September 2001, DATSIP) and in 2004, another officer commented on the *"total breakdown of administrative systems"* at the Council (Financial Controller's Report, 13-23 January 2004, DLGSR).

¹⁰⁸ Departmental officers visiting the Council have referred to *"the general disarray of the filing"* (CSO Field Report, 27-31 May 2002, DLGSR; CSO Field Report 15-19 September 2003, DLGSR) and a senior

At Lockhart River there are simply too few staff with the education and experience to independently undertake the administrative tasks required. A recurring theme in interviews with current and former Council staff was the reliance on too few people to keep the Council operation running (LG3, 26; LC4, 10; LG5, 9). Essentially, there are three key positions that carry a large proportion of the administration workload: the CEO, the Finance Manager and the Office Manager.¹⁰⁹ The absence of skilled staff means that these senior officers often carry out routine tasks that would be delegated to more junior staff in other organisations. For example, the Finance Manager is involved in tasks such as answering the phone and performing cash counts.¹¹⁰ Senior staff are conscious that the Council needs to develop better systems, policies and procedures (many of which are statutory requirements or are recommended by the audit reports) but the staff are too immersed in day-to-day demands to develop these systems and even if they had time to do so, they do not have the support staff to implement them (LG5, 9; LC1, 142).

Notwithstanding these difficulties, the Lockhart River Council has made serious efforts to address its administrative performance in recent years. The Council stated its resolve in a letter to the Auditor General in response to the 2003/04 audit report: *"We are still working very hard to get our systems in the Council working well. We are making good progress, but the systems and the mistakes of the past cannot be fixed overnight"* (Letter from Johnson Chippendale, Mayor, LRASC to Queensland Audit Office, 18 July 2005). The implementation of a new management structure since 2004 has brought about some improvement in the Council's administrative performance (LC6, 24; LG7, 64; LC1, 124). However, the Council acknowledges that progress will be slow, because staff capacity needs to be built, and more significantly, many staff have simply not had any experience of organisational structure before: *"These are new structures, but not only are they new, they're brand new, it's not a new structure in an organisation that's had a structure before, that you even had something to go from. There was no structure here"* (LG7, 66).

officer confirmed that many records had been lost, including Council minutes (LC1, 48-50). Audit reports have noted that Council minutes are often incomplete or missing (LC1, 50).

¹⁰⁹ In recent years, one of the Council's standard responses to matters raised at the audit report has been that "it is difficult to comply with many normal administrative procedures when the administration suffers from severe staff shortages from time to time and it becomes impossible for a couple of staff to undertake all administrative duties on time", (Queensland Audit Office 2004b)

¹¹⁰ It was noted in Council Minutes on 16/09/05 that a reason why the Financial Statements for the month were not available was that the Finance Manager *"is spending all his time doing the daily tasks instead of getting the financial matters attended to."*

3 Operational planning and project management

The quality of operational planning and the ability to manage projects through to completion is critical to the effectiveness of any organisation, but is especially so for Aboriginal Councils, which deliver many of their programs and services through specific project grants. The objective of operational planning is to develop concrete annual plans to implement the broad directions set out in the Council's strategic (or corporate) plan (*Local Government Act 1993*, s.510). Thus, weaknesses in strategic planning are likely to flow through to weakness in operational planning. In Chapter 6, the weaknesses in Hope Vale Council's strategic planning were discussed and it is evident that this weakness extends to the Council's operational planning and project management practices. A number of Council staff interviewed at Hope Vale lamented the poor planning around Council's activities (HC10, 119; HC9, 83; HC4, 18). At a meeting of the Council's Civil Construction Team, the minutes record that "*workers feel there is no forward planning – they are pulled from one job to another without completely finishing the job they are working on*" (Minutes of Civil Construction meeting, 17 April 2006).

Even at Yarrabah, where strategic planning has been strong at the senior leadership level, translating strategic direction into operational plans has proven to be a challenge for the Council. According to the CEO:

We're still developing how we're managing projects... We'd like to think we're a project management based organisation, and we aspire to doing that, but again there are still a lot of those intricate details that we're still trying to figure out. We're committed to investing in that regard, but it's a long term thing. (YC#, 202)

As a result of training that highlights the strategic role of councillors in planning and overseeing the implementation of plans, the councillors at Yarrabah have been pressing the administration for a greater focus on project planning and project management (YC2, 95). This direction is part of the Council's drive to institute a clear separation of powers. The Council has made numerous requests for work areas to produce work plans or schedules with costing and timeframes, either annually or on a six monthly basis (for example, Council minutes 07/09/04, 28/04/05, 05/03/05, 05/04/05). An indication of the Council's level of priority on this issue is the following extract from the Council's minutes:

Council request the reports reflect the objectives and specified outcomes outlined in the operational, corporate and development plans of the organisation. Councillors [are] aware of the accountability element and the need for work activities to achieve set targets... Key issue is about civic pride and community image. (Council minutes 11/01/05)

The Yarrabah Council has been frustrated by the lack of planning and project management capacity within the organisation. Council staff acknowledged that this was a “*really new*” area (YC7, 31) that “*people are still learning*” (YC6, 27) and that it was an area where staff required more training and qualifications (YC2, 14).¹¹¹

The Yarrabah Council has performed very well in implementing major community infrastructure projects. Project management for these projects is usually contracted out to external firms while the Council focuses on efficient administration of the funding and project implementation. For a number of years, the Council has employed a dedicated Project Officer to focus on preparing funding submissions for major projects, managing the delivery of the projects and ensuring funding is acquitted. This has improved the level of project planning for large projects, but has not addressed the deficiencies in operational planning for the Council’s everyday delivery of programs and services. This was confirmed by the Mayor’s assessment of Council’s project planning:

It can only get better – having a look at all the various factors that we need to actually consider in regards to a project. The big ticket [infrastructure] projects: not a problem – they fall on line. [But the problem is] relaying the skills, techniques, maybe knowledge, from the senior level down to the middle managers and the supervisors so that little Johnny 2-day worker [on CDEP] would have a structured way of doing things (YC#, 165).

At Lockhart River, like Hope Vale, it is clear that the absence of strategic planning in the past has flowed on to poor operational planning (LC2, 52). A Departmental officer’s report on the Council’s problems in 2004 included the observation that there was “*no planning for what the Council intends to do during a year, week or day for their workforce, so the old saying [applies], ‘Fail to plan, Plan to Fail’*” (Financial Controller 2004b) .

As discussed in Chapter 6, there has been a significant improvement in the quality of strategic planning by the Lockhart River Council in recent years, but there are still those who question whether this is “*airy-fairy*” when there are “*no definitive targets put in place*”, “*no five to ten year construction plan*”, and nothing that can be used as a basis to break down a budget over successive years (LC1, 20). The CEO explained that he had sought to introduce better planning by Council’s work areas in 2004, and even developed a template for the plans, but this initiative

¹¹¹ The confusion felt by some managers is illustrated by the following comment in a monthly report from a Council manager to the CEO: “*I have not developed a 6 month plan at this time as I’m not sure what needs to be involved. I would be willing to discuss this further with yourself and other council staff to see how they put together their plans. Please contact me if you have any ideas*” (Yarrabah Council Manager Report to Council, January 2005).

petered out after a short time (LC#, 52). A perusal of the Council's records showed that there have been sporadic attempts at rudimentary planning by Council staff, such as a calendar of activities prepared by the Sport and Recreation officers for the school holidays at the end of 2006. Planning by the Council's works area amounts to a whiteboard with a list of projects (LC1, 121).

The major obstacle to improved planning at Lockhart River is the lack of staff skills and experience in this area. As one of the Council's managers attested, *"there's never been any planning in this community before, so it's just slow-slow"* (LC3, 37). According to the CEO, the lack of a stable management structure with supervisors who understand their role means that his attempts to instil better planning are not sustainable: *"It's because it's all new. They'll do it for a week and then it will fall over, because there's no-one to supervise"* (LC#, 66).

4 Reporting

A critical part of the operational planning cycle is reporting on progress. In all three Councils, there have been attempts to instigate monthly reporting by Council work areas. The success of this has been variable and again, is affected by the quality of operational planning and the skills and experience of the various Council managers.

At Hope Vale and Lockhart River Councils, a review of Council minutes and records showed that reporting is sporadic, with some areas reporting regularly, some areas reporting occasionally and some areas not reporting at all. The low levels of literacy of many of the staff at Lockhart River mean that most reports tend to be basic. The CEO introduced a simple, plain English template for reports on Council activities to record objectives and outcomes and questions such as 'what did we do well?', 'what did we learn?' and 'what could we improve?' Like operational planning, regular reporting has never happened at Lockhart River before (LG7, 64). At Hope Vale, in the absence of plans for work areas, those reports that are submitted tend to merely report on activities that have occurred and day-to-day operational issues or problems that have arisen.

At Yarrabah, all work areas report on a monthly basis, although most reports are vague regarding plans and targets. This has been a source of frustration to the councillors at Yarrabah, who have urged managers to report on the implementation of work plans and progress against targets, rather than just reporting on day-to-day operational issues (Council minutes 11/05/04,

10/11/04, 08/02/05, 05/03/05).¹¹² The desire for better reporting was one of the reasons for the establishment of Council portfolio committees at Yarrabah in late 2005. These committees provide an opportunity for managers to provide direct verbal reports to the councillors who sit on those committees, as an adjunct to the written monthly reports.

5 Internal communication

At all three Councils, internal communication was raised as a key issue impacting on the effectiveness of the organisation. A particular issue in each Council is the natural divide that has emerged between the office administration area and the outdoor workforces. This would seem to arise not only from the physical separation of these staff and the different nature of their work, but also from issues of power and in some instances, race.

At Yarrabah, senior management has sought to overcome the geographical separation of the Council's program areas by bringing the various Council managers together at fortnightly management meetings. While this seems to have improved coordination and communication at the middle management level (YC4, 48; YC2, 10), frontline workers still feel disconnected from management. CDEP workers, in particular, felt very strongly that the communication channels were poor (YFG1). They did not believe that information about Council directions and other operational issues was flowing down from the meetings that the CDEP gangers were having at the Works Office every morning. Workers also expressed the need for more staff meetings involving all workers.

At Lockhart River, the same disconnect between the office administration and the CDEP and outdoor workforce was evident. A CDEP worker complained that "*they don't tell us nothing*" (LFG#, 32). However, the level of dissatisfaction was milder than that expressed at Yarrabah (LFG#, 62). A more significant communication breakdown at Lockhart River exists between the senior level of Council, both councillors and senior management, and the managers of various Council social programs. The managers perceive a lack of respect and support and a lack of communication from senior levels of the Council (LC3, 95, 99; MG1, 17, 45, 47). No regular managers' meetings were being convened.

At Hope Vale, the communication problems within the Council are even more pervasive and have numerous cross-cutting dimensions. Hope Vale is a highly politicised community and many of the communication issues have roots in family or interpersonal conflict, but the

¹¹² For example, Council minutes recorded the following: "Council are concerned that monthly reports are containing normal day-to-day activities reporting. Reports should be more informative and based on future outcomes and recommendations for Council to consider" (Council minutes 08/02/05).

problem also appears to be structural. Physically, the Council organisation is split between three buildings: the Council chambers, the administration office and the works building. A Councillor expressed the view that *“these three buildings, they’re not connecting. One doesn’t know what the other is doing, which then results in social disruptiveness in the community...”* (YC#, 30).

The division between the Council and the office administration was also evident from Hope Vale Council minutes and interviews with councillors and senior staff. Over the years, there have been major rifts between previous CEOs and councillors (Council minutes, 20/04/05), and the high level of interference by councillors in administrative matters puts a constant strain on relations. While the current CEO has a good relationship with the councillors, he believes that communication is a high priority and concedes that *“we’ve got to get our wires connected because there’s quite a few loose ones at the moment”* (HC#, 101).

The third side of this communication triangle, the councillors and the works area, has also given rise to problems because of the tendency for councillors to interfere in operational matters. A Council worker indicated that there is significant confusion amongst workers about the lines of reporting and the roles and responsibilities of councillors and senior staff: *“nobody knows where to go, because this guy will say, ‘see that guy’ and he will say, ‘see another guy’”* (HFG1, 101).

Amongst the elected councillors themselves, significant communication breakdowns were also apparent. At the time of the case study, tension had arisen due to a perception that the Mayor had not adequately consulted with other councillors before committing the Council to major new initiatives (HG1, 101).

Communication breakdowns are also evident within the works area, with a senior Council officer describing it as *“all dysfunctional and none of them working together”* (HC7, 172). The Deputy CEO resorted to conducting mediations within the civil construction team, and the minutes of the meeting noted that *“the main issue appears to be a lack of communication between the supervisor and the workers”* (Minutes of Civil Construction Meeting).

The final dimension of communication problems at Hope Vale is between the various social program areas. The Hope Vale Community Plan prepared in 2003 noted that *“service and program areas are working in isolation with poor knowledge of each others’ activities and areas of responsibility”* (Kleinhardt-FGI 2003, p.8). The plan included several recommendations to improve communication and coordination, including job descriptions for all managers, a table outlining the Council’s various programs, and regular meetings and coordination workshops for all program managers. There was no evidence that these recommendations were being implemented and communication between program areas appears

to be a continuing problem. For example, an ongoing dispute between the managers of the HACC program and Aged Persons Hostel generated substantial correspondence and led to two mediation sessions in 2005.

It is evident at Hope Vale that poor internal communication is a significant factor impacting on the Council's ability to function effectively. A long-time resident who is not from Hope Vale suggested that there was a distinctive political culture in the community that contributes to this problem: *"That's part of the problem here, they've got to learn how to deal with gossips and information sharing, and not take it personally... it's really hard"* (HG1, 221). The impact of unique local political norms is discussed further in Chapter 13.

6 Work culture

The work culture of the Council organisation, and particularly work ethics and productivity levels, was raised repeatedly during data collection for the three case studies. It is notable that the work culture in the three Councils is qualitatively different between the Council office and the outdoor workforce. The work ethics and productivity of staff within the office administrations at Yarrabah and Hope Vale were considered by informants to be adequate to enable the proper functioning of the Council administration (YN1, 9; HC8, 54, 59; HC7, 129). At Lockhart River, staff absenteeism is an ongoing issue (Financial Controller 2004b, LC4, 6), but the Council has a small core of reliable office staff who keep the administration running (LC6, 20).

In contrast to the office administrations, in all three Councils there were concerns about the work ethic of the outdoor workforce. Informants for the case studies universally viewed the introduction of a CDEP scheme into the three communities as having been detrimental to work ethics (LC2, 94; LC5a, 84, 110; LC8, 71; LG2, 104; HC10, 37; HN1, 116; HC9, 81; YN2, 83, 85). The Mayor of Lockhart River explained that *"when CDEP first came in to our community, a lot of them see it as sit-down money and didn't really bother to work"* (LC#, 84). A Hope Vale Council officer described the gradual erosion of work ethics as follows:

And welfare came in, and just pressured the whole thing down. Because as a 16 year old, when I got my first job here, we'd have to be at work at 8 o'clock for devotion... And you'd have to stay at your workplace until 5 o'clock, till the siren went off, and then you left. So the work ethics was built in as soon as you came into the workforce. As soon as CDEP came in, there was all that business of 'oh, you're working for your dole, so you don't have to work' (HC10, 23).

Data collected during the case studies confirmed that work attendance by CDEP workers is poor in all three Councils. Hope Vale Council minutes from 2000 report that an internal audit of the CDEP program found that while 294 CDEP workers were working the required 16 hours per week for their CDEP wage, a further 160 people were receiving a CDEP wage but not working (Council minutes 30/08/00). This situation has evidently not changed greatly, with the CEO indicating to a Council meeting in July 2006 that there are “200 CDEP workers who we can’t find” (Notes taken at Hope Vale Council meeting 31/07/06).¹¹³ Likewise, at Lockhart River, a former CEO indicated that out of 120 people on CDEP, only 20 were actually working (LG2, 104). At Yarrabah, it is harder to ascertain the exact number of CDEP participants who attend work. There are certainly some CDEP gangs that demonstrate a strong work ethic, including the women’s gang responsible for maintaining public areas near the entrance to the community (YFG3, 14; YN2, 83). However, a community organisation manager expressed scepticism about whether workers were consistently completing their CDEP hours across the whole scheme (YN2, 83).

One of the problems with poor attendance within the CDEP schemes is that it impacts on the work culture of the full-time workforce in the three Councils. An observer commenting on poor work ethics in CDEP at Yarrabah suggested that “*that sort of malaise has spread not only [through] CDEP, but through Council workforce as well*” (YN2, 83). At Hope Vale, the Council’s accountant in 2004 reported to the Council that “*large sectors of the workforce received wages for no or very little output. I am not referring to CDEP workers but those on top-up or where we are funding say 36 hours out of our own revenue*” (Accountant Report to Hope Vale Council Finance Meeting, 24 June 2004).¹¹⁴ Reflecting on recent attempts to improve productivity in the workforce, a Council officer stated that “*neither the workers nor the supervisors would turn up to work – that’s been the practice for 20 years*” (HC7, 75). The situation is the same at Lockhart River, where the practice of paying residents their CDEP wage

¹¹³ The level of non-attendance of CDEP workers at Hope Vale appears to have remained fairly consistent over the past decade. An ATSIC review in 1996 found that “205 persons listed on the participant schedule were unallocated to a particular project” and that the ‘no work, no pay’ principle appears to apply only to those CDEP participants working over 16 hours per week and only then does it apply to the additional hours (Aboriginal and Torres Strait Islander Commission 1996).

¹¹⁴ Several reports have highlighted the impact of poor work ethics on Hope Vale Council’s performance. A Land Use Plan in 2000 pointed out that non-attendance by workers was hampering Council’s ability to maintain houses, gutters and streets to an acceptable standard (Cavill Jones Surveyors & Brazier Motti 2000). A human resources consultant in 2003 referred to “*low productivity and motivation*” in the workforce. The 2003 Community Plan emphasised that “*poor work performance (by some)... contributes very strongly to poor overall community outcomes*” (Cavill Jones Surveyors & Brazier Motti 2000, p.4).

whether they work or not has eroded the work ethic of those who are employed full time on Council wages (LC4, 6; LC3, 47; Council minutes 28/09/04, 13/01/05, 16/09/05).

There are several likely causes for the poor work ethic that has developed out of the CDEP program in the case study communities. Firstly, there is the prevailing attitude, alluded to in the earlier comments of the Hope Vale Council officer, that CDEP payments are a welfare entitlement, rather than a wage for work performed. Secondly, there are structural disincentives to work in Aboriginal communities as a result of the operation of the welfare-based economy.¹¹⁵ Some Aboriginal parents receive more money by staying at home on parent pensions than working for the Council (LC3, 63). It is possible that the absence of opportunities for private home ownership lessens the incentive for full-time work. There are also few job opportunities other than low level Council jobs, with the result that there is no career path.

[E]verything comes to a funnel, and it's caked up. Some people can be on this set of stairs and should be allowed to move further so [the] next participant [can] come through, but it's all blocked. There's no pathway, no opportunities. And everybody just turn and say 'he's just a lazy bastard who want to stay home'. But if you don't give him opportunities, you don't have the cheek to call him a lazy bastard. (HFG1, 21)

A government officer who resides at Lockhart River summed up the lack of incentives with the statement: *"There are no rewards for being a good person in Lockhart River – there are no jobs you can get, there is no decent housing you can aspire to"* (LG8, 73).

A third cause of poor work ethics is the lack of meaningful work available. A Lockhart River Council worker put it as follows:

You can't blame those blokes on CDEP for not turning up a day. I mean, that's their full time job, cutting grass. These are grown blokes with kids and families, and they're cutting grass every day of every week for the rest of their lives. (LC8, 73)

The poor project planning and management skills of Council supervisors are a fourth factor affecting work ethics, and this exacerbates the abovementioned problem of trying to create meaningful work for Council workers. The Lockhart River CEO noted that there had been an improvement in work attendance in recent years, but that this did not necessarily lead to better productivity: *"they're coming to work, but they just sit around, because they don't know [what*

¹¹⁵ The need to address these systemic disincentives has underpinned much of the work of Noel Pearson in recent years (Cape York Institute for Policy and Leadership 2005b). In early 2006, the Cape York Institute for Policy and Leadership received funding from the Federal Government for a Welfare Reform Project to re-design the welfare system in selected Cape York communities to remove disincentives and create more incentives to work.

to do], and the gangers don't know how to organise them to put them to work" (LC#, 64).¹¹⁶ This comment highlights the problem that workers with fewer skills require a higher level of direction and supervision to perform their work. A Lockhart River Council worker stated that "our blokes can do it as long as they've got the right people to show them what to do" (LC8, 81). As a Council manager explained:

*They have a reasonable work ethic, but there's only one of me, and if you've only got one person that's prepared to show you what to do, and you have to wait to get your turn in a train-the-trainer type situation, then you don't know what you're doing – it's very much intensive one on one stuff. You need one chief and one Indian and then the work will flow. And quite often once you've shown them the basics, the work flows quite well. (LC1, 142)*¹¹⁷

A fifth reason for poor work ethics in Aboriginal communities relates to lifestyle issues. Clifford (2003, p.165) reports that at Lockhart River, "reasons for not meeting work commitments tend to be associated with fishing or hunting, or due to the high mobility of Lockhart River people throughout Cape York Peninsula". He also cites health problems, substance abuse and incarceration as factors inhibiting work attendance. A Yarrabah Council staff member pointed out that the cultural context of an Aboriginal community means that the work culture of an Aboriginal Council will necessarily be different to that of other places:

That expectation is too high and I think they [government agencies] need to be more... I guess not so much culturally appropriate, but probably realistic that there's a vast difference between living in the city and being in the community. It's slow, we take each day as it comes, whereas city people are just, they're on the go, fast, fast, they gotta get this done, they gotta get that done. (YC7, 21)

The impact of family relationships on supervision is a sixth factor that undermines work ethics in Aboriginal Councils. Where a person is in the position of supervising a relative, it is difficult for that person to strictly enforce workplace requirements. For example, Yarrabah Council minutes in 2003 noted that there is a flaw with the process of recording of attendance of CDEP

¹¹⁶ In contrast, where the Council was able to organise the construction of several new houses at Lockhart River in 2006, the workers proved to be extremely reliable and the jobs were much sought after in the community (LC5b, 82).

¹¹⁷ This observation is borne out by the success of the Lockhart River stores project in 2006. A mentor was brought into the community for several months to train the Council's storemen in running an effective stores operation. The report on the project noted a demonstrable increase in the productivity of the storemen following the coaching and mentoring (LG5, 23).

participants in that *“family members are negatively influencing process”* (Council minutes 16/12/03).

Finally, the case studies revealed that one of the most pervasive influences on work culture is values and attitudes to work that are intergenerational and therefore self-perpetuating. The Mayor of Lockhart River noted that for some families, *“nearly three generations have been working on CDEP, and that’s not a real job”* (LC#, 110). He went on to reflect on the difficulty that young people were having developing consistent work habits: *“a lot of them finding it very difficult to work, because of their family haven’t been working all their lives: ‘Why should I go work? My mum didn’t work but somehow she found food to put on the table, or my dad did’”* (LC#, 114). The Mayor’s advice to his own children leaving school is that *“if you don’t start now, by the time you reach 30 you won’t know how to work”* (LC#, 112). Indeed, a feasibility study into child care at Lockhart River reported that: *“While many of the respondents expressed the desire to work or for young women to be employed, intergenerational unemployment is common, and there seemed to be little evidence or understanding of work ethics or related responsibilities or skills”* (Rocco 2005).

A striking similarity between the three Councils is the constant level of frustration that the councillors and senior Council staff have expressed about the inability to improve the productivity of their respective workforces. Council minutes from the past five years in all three Councils record periodic attempts to motivate the workforce, instil greater work ethics and improve productivity.¹¹⁸ These initiatives, however, have rarely been sustainable.¹¹⁹ Through the case study interviews, it became clear that the Council leaders’ frustration is symptomatic of deep-rooted generational differences in norms and values about work and education, an issue that is discussed further in Chapter 10. Moreover, Council leaders’ efforts have been thwarted not only by the numerous systemic barriers to improving work ethics discussed above, but also by the pressure from their own kin to maintain the status quo (HC7, 71; LC3, 61). Elected leaders in particular, are subject not only to family pressure but political pressure at election

¹¹⁸ At Hope Vale, attempts to increase productivity occurred following the election of new Councils in 2000 and 2004, (Hope Vale Council minutes 29/08/00, 15/12/04, 20/04/05) and following a crackdown by the Department of Employment and Workplace Relations (DEWR) regarding CDEP attendance in 2006 (Council minutes 31/07/06). At Lockhart River, the new Council elected in 2004 sent memos to all staff regarding improved work performance (Council minutes 15/07/04). Similarly, the new Yarrabah Council elected in 2004 raised the issue of improving work ethics on several occasions in its first year in office (Council minutes 11/05/04, 07/09/04, 08/02/05).

¹¹⁹ Three months after the Lockhart River Council’s July 2004 initiative to boost productivity, the Council minutes record that *“discussion took place concerning the workforce and how it had once again become slack and was not performing to expectations”* (Council minutes 28/09/04).

time.¹²⁰ The efforts by outsider Council staff to enforce standard work conditions are occasionally met by intimidation and threats of violence (LC2, 64).

7 Financial administration

7.1 Budgeting

An organisation's ability to accurately budget is highly dependent on the effectiveness of its planning, especially its annual operational planning. Not surprisingly, therefore, the deficiencies in operational planning in the three Councils have affected their performance in budgeting. The CEO at Lockhart River explained that because the Council's managers do not have the skills to prepare a work plan, he is unable to do a budget: *"I need the plan to do the budget. That's why I keep saying, I want to know what you're going to do, and how much it's going to cost, so we can say 'yes, you can do that but no, you can't do that'"* (LC#, 52).

Generally, the approach to budgeting in the three Councils is for the accountant to prepare the budget based on the historical figures for expenditure from the past year (YC8, 13; YC6, 28; HC8, 126; LC1, 121). This approach is generally adequate because the bulk of expenditure is linked to specific grants and is for staff wages. However, at Lockhart River even this approach has not been sufficient because of poor record-keeping. A departmental officer reported in 2004 that "in the past it has been a practice that the Council would purely compile a compliance budget which bore very little resemblance to actual operating costs of any particular grant or Council operation" (Financial Controller 2004a). Even taking the 'short cut' approach of using historical figures and merely compiling a 'compliance budget' has not enabled Lockhart River Council to prepare annual budgets by the 31 August statutory deadline (Community Services Officer 2002b; Queensland Audit Office 2005a).

Historical records of expenditure (if they are available) may help to prepare budgets for recurrent costs, but this approach does not provide a sound basis for project-based budgeting for expenditure from the Council's discretionary funds. Ideally, these expenses should be budgeted based on a plan of projects and activities for the year, which requires the input of the manager of the program.¹²¹ This level of input by managers into the budget was only evident at Yarrabah,

¹²⁰ A Hope Vale resident reported that one successful council candidate ran on a platform of continuing to allow residents to receive CDEP wages for 'home duties', in contravention of the scheme's 'no work, no pay' rule (HFG1, 45).

¹²¹ For example, a Departmental officer reported that the Lockhart River Council had not been able to finalise its budget because of "managers of the programs never having anything to do with formulating

and was a recent initiative whereby the Council project manager met with the relevant manager to work out a budget for the year. A Yarrabah Council manager noted that it was an improvement on the previous situation where *“the budget was just sent without any input from the workers or the managers”* (YC#, 33). She pointed out that the budget was more accurate: *“at least we know what the money’s there for, and it’s not just about them being employed and being paid the wages.”*

At Hope Vale and Lockhart River, senior Council staff were conscious that it would be best practice to involve Council managers in budget preparation, but they either did not believe that the managers had sufficient understanding to assist in this way, or did not have the time to meet with the managers (LC2, 52; HC8, 102). At Lockhart River, it was evident that this has caused frustration on the part of managers, through not knowing what is in their budgets nor having the delegation to make expenditure decisions (MG1, 33, 43).

It was suggested by one informant that there are cultural and lifestyle reasons for the lack of budgeting skills amongst local Council staff in remote Aboriginal communities. He expressed the view that cost was a *“foreign concept”* to residents, *“because they live in a feast and famine existence”* (LC2, 159). Moreover, the welfare economy of remote Aboriginal communities gives residents no opportunity to experience budgeting in a way that is necessary to function in the outside world. As a non-Indigenous staff member explained:

When people don’t budget personally, then there’s no way of translation of your personal budget into when you’re talking about \$6 million... [A]nd it’s not something that you can easily teach. It’s something that you and I grew up with, it’s something we got from going to school, it’s something we got from watching our parents budget the household thing. I got it because my parents ran a small business, that I worked in from when I was this high, in counting the money, doing the banking, I actually did the books for them, did the journals... Whereas here, there is nothing to actually compare it with... and it’s hard to explain to anyone. (LC2, 159)

This comment highlights the value of experience of the outside world to the ability to work effectively in a service delivery organisation such as a Council. This is a significant issue discussed further in Chapter 10.

the budgets in the past [so] they do not know what their grant totals are let alone how much it costs to operate their programs” (Financial Controller, 2004a).

7.2 Financial management practices

The relative performance of the three Councils in overall financial management was assessed in Chapter 5. This assessment canvassed both the Councils' compliance with good financial management processes, as assessed in audit reports, as well as the 'bottom line' regarding continuing solvency of the Councils (see Item 20 in Table 9). The evidence revealed that Yarrabah Council has maintained a high level of financial management performance over the past decade, with its main weakness being rising levels of rental arrears. Hope Vale and Lockhart River Councils, on the other hand, have had a more turbulent history of financial management since the late 1990s. They have both travelled roughly the same path, from a healthy financial position in 1999 to a dire financial position during the period of 2000 to 2004 and then a recovery in recent years.

The case studies provided an opportunity to examine the financial management practices of the three Councils in order to identify differences in approach that might account for the different levels of performance. A significant difference that was immediately evident is the greater level of scrutiny by councillors at Yarrabah in relation to the financial reports placed before Council. Yarrabah Council minutes record detailed scrutiny of financial reports by individual councillors. Councillors typically request clarification from the CEO or accountant with respect to a number of items of expenditure in the monthly transaction summaries presented at the Council meetings.

By contrast, at Lockhart River, the CEO indicated that there was never any discussion about the financial reports at Council meetings: *"I pass the financials around, they look at them, no-one will ever ask a question about them"* (LC#, 159). According to the former CEO, *"the councillors used to just come out straight [and say] 'why am I reading this monthly report, I don't know nothing about it. There's figures in here, it's a foreign language for me'"* (LG2, 40). The CEO and the accountant in 2006 had sought to explain the statements in plain English, but the Lockhart River councillors' general level of education and numeracy was not adequate to enable them to scrutinise the statements in any meaningful way (LC2, 159).

At Hope Vale, the councillors generally have a higher level of education than those at Lockhart River, and are therefore better equipped to perform the financial oversight role expected of the Council. However, there does not seem to be a practice of councillors querying or taking much interest in the financial reports at Hope Vale (HC8, 72). The Hope Vale Council's record of substantial over-expenditure on wages suggests that maximising the number of people that the Council can employ has been a much higher priority for the councillors than balancing the budget.¹²²

¹²² This was also a view expressed by senior Council officers (HC8, 80; HC6, 33).

The calibre and influence of the CEO appears to be an important factor in prudent financial management by Councils. The turnaround in the financial health of the Lockhart River Council since 2004 coincided with the appointment of an experienced financial manager, initially as the Financial Controller and then as the CEO.¹²³ The former CEO who was in the position during the deterioration of the Council's finances readily admits his inexperience in financial management (LG#, 168). At Hope Vale, the improvement in financial management since 2004 has also coincided with the tenure of two well-qualified CEOs who have focused on sound management. At Yarrabah, capable community residents in the position of CEO and Deputy CEO have played a key role in enforcing financial discipline on the Council (YC5, 60).

Having a qualified and competent accountant, on the other hand, would appear to be beneficial but not a guarantee of good financial management. Yarrabah Council has benefited by having the same competent and well-regarded financial officer for the past sixteen years, and it is self-evident that it is more difficult to maintain adequate financial management without a competent financial officer. During the deterioration of Lockhart River's finances from 2000 to 2004 the Council either had no accountant or reputedly poorly performing accountants (Community Services Officer 2003a, 2003b). Hope Vale Council, on the other hand, had a well-qualified and competent accountant when the Council's financial performance was at its worst from 2001 to 2004. Council records show that the accountant regularly submitted frank and detailed reports to the Council outlining the reasons for the Council's deteriorating finances and suggesting measures to improve the situation.¹²⁴ The accountant's recommendations were clearly not acted upon and it is discernible that his reports became blunter and more critical of the Council over time until his eventual resignation in January 2005. An extract from the accountant's December 2003 report is illustrative:

The following comments reflect my view of the significant financial threats facing Council which in my opinion are impacting on our ability to improve our insolvent financial situation. Most of these comments and recommendations have been reported to Council many times in the past, but have not been acted upon. Unless these points are seriously addressed, Council will never recover financially and will get further and further into a financial "mess". (Meyer, D. 2003)

¹²³ It needs to be acknowledged that the CEO's efforts to improve financial management have been assisted by a committed and proactive Mayor elected in 2004.

¹²⁴ See accountant's reports to Council dated February 2003, June 2003, October 2003, December 2003, June 2004.

Most of the accountant's recommendations were directed at curbing expenditure on wages and consultants, and more recently, expenditure on a substantial increase to councillor remuneration.

Evidently, having a qualified and diligent accountant is no guarantee of good financial management if the Council is not prepared to follow the accountant's advice. The most important determinant of good financial management would appear to be the commitment of the elected councillors to their role of exercising prudent financial stewardship of the organisation, coupled with a requisite level of education and experience and the support of a strong and qualified CEO. It will become evident in the next section that a Council's commitment to maintaining internal controls is particularly crucial.

7.3 Internal controls

The level of commitment to instituting and enforcing tight internal controls over the use of Council resources is a key explanatory factor in the financial management performance of the three Councils. Yarrabah Council's strong financial performance has been built upon an organisational culture that constantly reinforces the need for accountability in the use of Council resources.

While control over resources is often seen as the focus of the CEO's position, it is significant at Yarrabah that the councillors have consistently pushed this line as well. According to the Council's external auditors: *"The prior councillors really did push for a strong control environment. They may not have pushed for 'you must do this, this and this,' or pushed a decision in one way, but they did always strengthen the controls"* (YN1, 31). The Mayor indicated that the 2004 Council had also been pushing the administration for tighter internal controls (YC#, 135). This is borne out by the Council minutes, where internal control issues have been raised in a number of contexts. For example, councillors have expressed concern about asset write-offs and the need for additional stocktakes and tighter control over stock (Council minutes 30/06/04). The case study revealed numerous instances of the Council focusing its attention on internal control matters.¹²⁵ The seriousness with which the Council has approached these issues was demonstrated by the comment of a CDEP worker, that *"Council thinks we can't be trusted. They want to know where everything is all the time. Which is fair enough, I suppose, but it makes it difficult"* (YFG3, 74).

¹²⁵ For example, the Yarrabah Council administration closely monitors the stock losses at the canteen and has had cause to write memoranda warning the canteen manager in the past (Council internal memoranda 19/01/04 and 22/01/04). External auditors confirmed that the Council generally has good controls over its payroll (YN1, 22) and its purchasing processes.

In contrast, Lockhart River and Hope Vale Councils have struggled to maintain adequate internal controls in the past, although recent years have seen a significant improvement, which has been reflected in improved audit results. During the period of Lockhart River's rapid financial deterioration between 2000 and 2004, a complete breakdown in controls over resources was evident from successive audit reports (Queensland Audit Office 2002a; 2003b; 2004b; 2005b). The Council conceded in its response to the audit in 2005 that it is "fully aware of the lack of internal controls as this is where the systems have broken down over the past few years".

The most visible aspect of the breakdown in internal controls at Lockhart River was in relation to physical assets. Upon arriving at the Council in 2004, the financial controller reported that "[t]here is so much to do, as all internal procedures have ceased to operate, and there is a culture of whatever belongs to Council belongs to individuals, as there has been a massive loss of assets" (Financial Controller 2004b).¹²⁶ A former councillor expressed the view that the situation had been "*out of control*" (LC8, 91). The Mayor confirmed the extent of the problem: "*When we look at each financial year, how many tools been bought and how many gone missing, we couldn't believe the amount of stolen goods. You know, \$200,000 gone walkabout...*" (LC#, 42). However, in 2005, the Council received a grant to employ a mentor to assist the storemen to institute a proper stores control system. Council's assets are now registered at the stores shed and staff must check them in and out. The project has been highly successful, with the Mayor suggesting that "*now I think we have set a really good system that it's worked out really well and we know exactly where our tools are and who got it, and what time he should be handing it back*" (LC#, 42).¹²⁷ It is notable that this change was not driven solely by the CEO, but was strongly supported by the councillors, who show visible pride in the improvement that has been brought about (LC#, 42; LC7, 177).

One of the most challenging areas for the Councils is the use of vehicles. At Yarrabah, vehicle usage is strictly controlled and limited to Council purposes (YC7, 35). In contrast, the Lockhart River Council's 2003 audit report noted that "there appeared to be a lack of control and security over motor vehicles registered to the Council. It was noted during the audit visit that motor vehicles had been allocated to Councillors which would appear to be in excess of work related requirements and therefore possibly being used for private purposes" (Queensland Audit Office

¹²⁶ The financial controller cites an example of there being no lawn mowers available even though four had been purchased three months prior. A check by the external auditors in 2003 was unable to locate a lawn mower, brushcutter and two chainsaws purchased a few months earlier (Queensland Audit Office 2004b, p.A15).

¹²⁷ Others attested to the success of this initiative (LC8, 89; LG5, 23; LC7, 177; LC2, 211), and it received favourable comment from the external auditors.

2004b, p.A9). As the Mayor put it, *“in the past, you see Council vehicles all over the place”* (LC#, 46). Again, since 2004, the Council has taken steps to address this problem by requiring all Council vehicles to be locked in a vehicle compound after hours and on weekends.¹²⁸ The CEO and others cite the compliance with this policy as a *“major success”* (LC#, 207; LG7, 88). In recent years, the Lockhart River Council has also tightened internal controls in areas such as cash pays to employees (LG3, 64) and the control of stock in the canteen (Queensland Audit Office 2005b, p.A6, LC4, 52).

While the new CEO at Lockhart River was a driver in the process of tightening internal controls since 2004, the level of commitment and leadership of the Council elected at that time was also critical. As the Mayor pointed out, this needs to be sustained:

Now things are happening and things are going forward. What had happened in the past, there were no controls over equipment and vehicles. It's improving but we need again, when the next councillors come, I'd like to see they put their foot down and say 'this is the policy and we'll stick by it'. (LC#, 76)

Hope Vale Council, like Lockhart River, has a history of poor internal controls. A review of the Council in 1996 noted that “generally, Council seems to have limited control over materials and hand tools purchased from grant funds” (Aboriginal and Torres Strait Islander Commission 1996, p.24). A senior Council officer indicated that keeping track of assets was still *“a very big weakness”* for the Council (HC8, 205).¹²⁹ The main difficulty for the Council in trying to assert better controls is a longstanding practice of tolerating employees’ use of Council assets for private purposes (HC8, 217; Meyer, 2003).¹³⁰ Private usage is particularly contentious in relation to Council vehicles.¹³¹ A councillor expressed frustration at the Council’s inability to control employees’ use of vehicles: *“They can do whatever they like with vehicles supplied to*

¹²⁸ The Council’s hard line on enforcing this policy is indicated by a letter from the Mayor to council officers on 8/4/05 stating that any vehicles that are not in the compound after 5pm or on the weekend will be reported as stolen.

¹²⁹ Other indications that theft of assets has been endemic at Hope Vale includes a reference in Council minutes of 23/02/05 and a recommendation that the problem be addressed in a land use plan (Cavill Jones Surveyors and Brazier Motti, 2000).

¹³⁰ Council minutes in 2005 record that several councillors raised concerns “that foremen were taking home tractors for slashing their paddocks, [and] chainsaws and other items for personal use” (Council minutes 19/10/05). Private use of materials was a central concern raised by employees at a mediation of supervisors and workers from the Civil Construction section on 17 April 2006 (Minutes of meeting, 17/04/06).

¹³¹ A resident described it as “a sore point” in the community in consultations in 2000 (Cavill Jones Surveyors and Brazier Motti, 2000).

them. Their kids, they can go shopping, they can cart grog. I see Council vehicles in the bottle shop. I talk, I talk... nothing is done” (HC4, 28).

Unlike Lockhart River Council, Hope Vale Council has not been able to institute better internal controls over the use of Council assets, including vehicles. While the Council’s financial performance has improved in recent years due to better control over wages and project expenditure, private use of Council resources continues to be a problem. The difference with Yarrabah, and with Lockhart River in more recent years, appears to lie in the councillors’ level of commitment to tightening internal controls. When the Hope Vale CEO sought to introduce a vehicle policy ensuring vehicles are compounded after hours and that vehicles are not used for private purposes, the councillors declined to adopt the policy (Council minutes 15/12/04). Subsequent attempts by the then CEO to restrict councillors’ private use of vehicles led to a major confrontation between the CEO and a councillor (Council minutes 20/04/05). As noted in Chapter 6 in relation to the rule of law, the Hope Vale councillors elected in 2004 were showing a greater willingness to lead by example in complying with Council policies, but there were continuing allegations that councillors were using their positions to gain access to resources.

8 Human resource management practices

Sound practices and policies in human resource management are essential foundations for a productive and efficient organisation. The following aspects of the case study Councils’ human resource management practices were reviewed: recruitment and selection; conditions of work; disciplinary processes; and reward and recognition of staff. The outcome of this review is set out in Table 14.

The review of human resource (HR) management practices revealed some significant differences between the Councils. Yarrabah Council has a more developed HR framework in terms of formal policy and procedures and written position descriptions. This is consistent with the finding in Chapter 6 relating to Yarrabah Council’s greater orientation towards rules and policies. It is also possible that this results from having a full-time Human Resources Manager, which the other Councils do not have. In 2006, Hope Vale dedicated a large part of the new Deputy CEO position to HR functions, which led to some improvement in HR practices. The Deputy CEO saw this focus on HR as crucial:

This is where a lot of the [Indigenous] communities are going wrong – they don’t have that focus on that HR side of things. You know, like, you look at a lot of your problems: your work ethics, your policies, your training, being haphazard if done at all. Your [workplace health and] safety, which is basically non-existent. (HC#, 160)

Table 14. Review of human resource management policies and practices

Human Resource Management Issue	Yarrabah Council	Hope Vale Council	Lockhart River Council
Recruitment and selection process	Contained in formal policy document since 2000 Advertising and selection panel process followed consistently	Not in formal policy document Advertising and selection panel process followed consistently in recent years	Not in formal policy document Advertising and selection panel process followed consistently in recent years
Conditions of work	Awards used for most positions Position descriptions for most positions Annual staff appraisals with increment	Awards used for most positions Position descriptions for most positions (since 2005) No staff appraisals	Little use of awards No position descriptions (except CEO and accountant) No staff appraisals
Disciplinary and diminished performance process	Occasional use of letters of warning a longstanding practice	Sporadic use of letters of warning (since 2006)	Rare use of letters of warning (since 2005)
Reward and recognition of staff	Annual staff awards ceremony and Distinguished Service Awards for length of service Occasional letters of commendation from Council	No staff awards Occasional letters of commendation from Council	No staff awards No letters of commendation

Although all three Councils follow a merit-based recruitment and selection process, this is quite recent in the case of Lockhart River¹³² and Hope Vale, and allegations of nepotism were still evident in all three case studies (HC7, 69; HFG2, 13; LG3, 72; LC3, 179; YC6, 25; YN2, 95). Despite these allegations at Yarrabah, a review of Council minutes over a period of five years reveals that the formal selection process has been followed consistently and councillors accept the recommendation of selection panels. At Hope Vale, the introduction of merit selection since 2005 was seen as a break from past practices:

It's never been done before. It's been 'that's my brother's or my cousin's or my nephew's or my niece's job, it's their turn for a job', which from an HR point of view, doesn't necessarily mean you're getting the best person. (HC7, 69)

¹³² A former Council officer recalled that the person to fill a key position had once been recruited from the casino (LG3, 70).

Yarrabah Council has a longer history of using letters of warning to deal with problems regarding discipline or diminished performance. Council minutes record the occasional invoking of letters of warning (for example, Council minutes 10/11/04) and following three letters, an officer can be dismissed (for example, Council minutes 11/05/04). Hope Vale and Lockhart River Councils only started introducing this approach from 2004 and 2005 and it had not yet led to any dismissals (HC7, 224; LC2, 197).

Differences in approach were also evident in relation to conditions of work. The lack of industrial awards at Lockhart River has been to the detriment of staff, because there is no provision for incremental salary scales (LC2, 129).¹³³ Although the awards are in place at Hope Vale, the Council has not consistently followed the terms of the awards to provide increments to the staff, including where staff have achieved a qualification that entitles them to a higher rate of pay. A former manager of a Hope Vale Council service recalled a situation where staff who had achieved a qualification were denied increased pay they were entitled to: *“The [staff] went down to the office and threatened to walk out. It upset them because they did a lot of hard work, and they were told they wouldn’t get backpay”* (MG1, 117).

Another key difference is that the Yarrabah Council has a well-developed system for reward and recognition of staff, which is not evident in the other two Councils. This is exemplified by its annual staff awards and its Distinguished Service Awards for long service.

Overall, the evidence about human resource management practices leads to the conclusion that the Yarrabah Council has instituted more measures to create an environment in which staff feel valued and supported than the Lockhart River and Hope Vale Councils. The consequence of this becomes clear when the level of stability of staffing is examined in the following section.

9 Stability of staffing

In considering the administrative performance of the three case study Councils, one of the most striking differences is the relative levels of stability in the Council’s administrative staff, particularly at senior levels. One indicator of this is the length of time that senior Council managers have been working for the Council. Table 15 sets out the length of tenure of the senior managers in the three Councils at the time of data collection for each case study. Yarrabah’s managers have been with the Council for an average of 15 years, in comparison to an average of 4 years for the other two Councils.

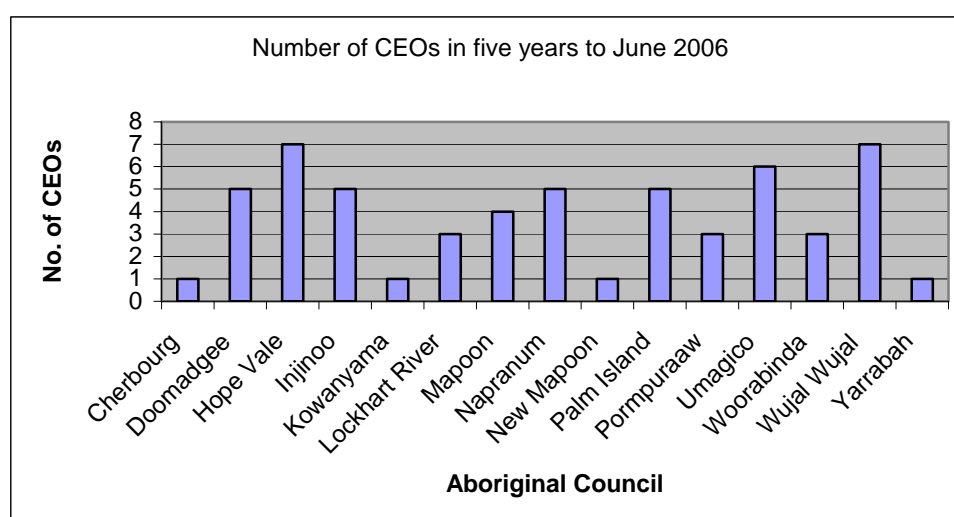
¹³³ An officer can therefore stay at the same salary level for several years. Council records show that Council officers occasionally write to the Council seeking a raise in salary for length of service, but this is obviously not an approach that will lead to consistent treatment of staff.

Table 15. Length of tenure of senior managers

Position	Length of tenure with Council ¹³⁴		
	Yarrabah	Lockhart River	Hope Vale
CEO	8 years	2 years	2 years
Deputy CEO	14 years	N/A	6 months
Finance Officer	15 years	1 year	3 months
Community Services Manager	19 years	6 months	N/A
Human Resources Manager	20 years	N/A	N/A
Projects Officer	20 years	N/A	N/A
Office/Administration Manager	11 years	2 years	6 years
Superintendent of Works	15 years	2 years	15 years
Assistant Superintendent of Works	25 years	N/A	N/A
CDEP Coordinator	3 years	15 years	1 year
Average:	15 years	4 years	4 years

Another indicator of stability of staffing is the turnover in the position of Council CEO. Changes in CEO have a more significant impact on the stability of the organisation than turnover in other positions. Figure 12 compares the turnover of CEOs in all fifteen Aboriginal Councils over a five year period. The data clearly demonstrate the very high level of turnover of CEOs at Hope Vale, with 7 different people in 5 years. Lockhart River has had three in this time, while Yarrabah has had the same CEO throughout this period.

Figure 12. Number of CEOs in five years to June 2006¹³⁵



¹³⁴ At the time of data collection, which for Yarrabah was in mid-2005, at Lockhart River in early 2006 and Hope Vale in late 2006. Length of tenure is the time that the officer has been working for the Council, not the time in the particular management position.

¹³⁵ Data sourced from Department of Local Government Sport and Recreation records.

Many people interviewed for the case studies, both within and outside the Councils, considered stability in staffing as a pivotal factor influencing Council administrative performance. A significant proportion of people interviewed for the Yarrabah case study mentioned the stability of the Council's workforce as a key factor in the Council's exemplary administrative performance over the past decade (YC2, 163; YN2, 111; YC6, 35; YC8, 17; YG14, 9; YG10, 16; YN1, 9; YG3, 7). The CEO indicated that “*we’re pretty proud of our retention rate*”, and highlighted that some people had qualified for long service leave two or even three times (YC#, 201). The importance of stability in staffing was emphasised by the Deputy CEO when asked what factors accounted for Yarrabah's success:

I think the most important [factor] is employment of local people from Yarrabah. We have a very low turnover in staff... I see, with some of the other Indigenous communities, that's where their problem is. I think that's where we've been successful, having our own people here, and we want the best for our community, so we do whatever we possibly can to make it the best for the people. That's what I believe [is the most important factor]: having the people from the area working and getting into the higher positions. (YC#, 163)

Conversely, the lack of stability in staffing was credited as a key reason for the poor administrative performance of the Lockhart River Council over the five years leading up to the case study (LG5, 9; LG2, 24). In addition to having three CEOs, the Council has had difficulty retaining a financial officer for any length of period, and there has been high turnover in the office administration staff.¹³⁶ In requesting a Financial Controller be appointed in 2003, the Council wrote that “we accept that our current situation is a direct result of lack of control of our financial management and considerable staff turnover (senior management)” (Bally 2003). In fact, Lockhart River did have a period of successive unqualified audit reports in the mid to late 1990s. A long-time observer of the Council explains the difference from more recent performance by the fact that the Council had a stable senior management team in the 1990s, and a number of local staff were employed in administrative positions for a long period of time (LG5, 13).

Hope Vale Council has had a relatively stable office administration in recent years,¹³⁷ and as mentioned earlier, the administration has been relatively efficient. At the senior management

¹³⁶ The impact of turnover is illustrated by a Departmental officer's report on Lockhart River Council in 2001: “The major area of concern is the void left by the resignation of the Office Manager and with her go a lot of experience, history and day-to-day knowledge of the Council's operations” (Community Services Officer 2001).

¹³⁷ At the time of the case study, the office manager had been in the position for 6 years, the administration officer for 7 years and the payroll officer for 4 years.

level, however, Hope Vale has had one of the highest levels of turnover of any Aboriginal Council. The highest rate of turnover of CEOs occurred between 2000 and 2004, at a time when the Council's financial situation was deteriorating rapidly.

There appear to be several explanations for the greater level of stability in staffing at Yarrabah than at the other two Councils. Importantly, the majority of administrative positions at Yarrabah are held by local Indigenous residents, whereas Hope Vale and Lockhart River have tended to rely on outsiders, especially for senior management positions. The level of pressure that Indigenous community members experience in working for their local council is discussed further in Chapter 12. It appears, however, that at Yarrabah, local staff have been able to cope better with this pressure than in other communities. The Council's greater commitment to the separation of powers and the rule of law may provide protection to staff and enable them to perform their jobs without fear or favour. In contrast, at Hope Vale and Lockhart River, local residents have been unable to overcome the pressure of working in senior positions in Council.¹³⁸ Furthermore, although outsiders who are recruited to senior positions at Hope Vale and Lockhart River do not experience the same family pressure as local staff, they are "*worn out*" by the demands of a position that has no protection in terms of a separation of powers or a robust framework of rules and policies that can be invoked to meet the numerous demands made of staff (HC7, 184).

In addition to the protection afforded to staff by positive governance practices, there is a further factor explaining the greater stability and longevity of staff at Yarrabah. This is simply that, in the words of the Yarrabah CEO, and echoed by the sentiments expressed by other Yarrabah staff, the Council is "*a good place to work*" (YC#, 201; YC6, 61; YC3, 37). Interviews with Council staff reveal that the Council has succeeded in cultivating a supportive and positive work environment. As one staff member explained: "*I've been here for 11 years... I really enjoy working here and working with my fellow staff and the networking that I have with other government agency personnel that I find supportive and helpful*" (YC6, 36). Another senior officer said that people enjoyed working in a place which had "*good systems in place*" (YC8, 49). The comment from the Deputy CEO cited earlier illustrates that many people stay in the job because they receive job satisfaction and pride from doing work that is for the benefit of the community. According to another senior officer:

¹³⁸ A good example is the Lockhart River community member who was CEO between 2001 and 2004, and readily admits that he became "*burnt out*" under the pressure of the position (LG#, 160). This issue is discussed further in Chapter 12, Part 4.

My contribution back to the community is one of the main reasons why I like my job. And helping towards the changes, and trying to improve it so that the needs of our community are met – and that’s where we utilise our community people. (YC6, 61)

The supportive work environment in the Council is reinforced by the fact that many of the staff are related and they sometimes rely on these relationships to support each other in their work:

I think, just looking at it, when you say ‘this is more or less community-owned, community-run’, it’s just the sense of pride. And when we down and out, we know we can go to our brothers or our sisters, even though we in different positions, there’s always support around. (YC6, 59)

The extent to which the Yarrabah Council positively values and recognises staff was highlighted earlier in relation to human resource management practices. The sense of pride in mutual achievement infuses much of the Council’s business. Monthly reports from managers often include commendations about the performance or hard work of particular employees. Council minutes of discussions about certain work areas show that councillors are often prepared to commend staff for their efforts (for example, Council minutes 10/01/01). All of these examples point to an organisational culture that values and recognises staff and celebrates achievement.

The contrast with Hope Vale and Lockhart River is marked. It was noted earlier in the chapter that the workers within Lockhart River Council’s social services perceive a lack of respect and support from senior levels of the Council (LC3, 95, 99; MG1, 17, 45, 47). Similarly, at Hope Vale, serious communication problems were noted within the Hope Vale Council workforce. A former Council manager at Hope Vale explained that the unsupportive work environment had contributed to higher turnover: “*It’s a shame it wasn’t more supportive, the Council itself, because they’ve lost a lot of good workers over the years*” (MG1, 155).

An important part of the support for staff at Yarrabah has been the level of training and professional development available to staff to gain the skills necessary to do their job well. A councillor highlighted this as a reason why staff had stayed on:

And the training that was given to our staff – we had a lot of trainees in place, and they was trained for particular areas, which was really important because we have a high turnover of staff in a lot of our communities, but Yarrabah we found that there was some of them that was really committed and stayed there for a long time, you know, when they had done all the relevant training. (YC5, 14)

Another officer emphasised that this support and training for staff was what differentiated Yarrabah from other Indigenous communities that had a higher turnover. This officer had had a number of interactions with staff from other Indigenous Councils, and she expressed the view

that in these Councils, staff were “*wanting the support and the training that we received*” and that “*CEOs needed to be more supportive to their staff below them, [to] get that training*” (YC3, 37). The importance of the level of training provided to Yarrabah Council staff is discussed further in Chapter 10.

10 Impact on Council performance

This chapter has reviewed various elements of the administration and organisational culture of the three case study Councils with a view to identifying the relevant attributes that affect the Councils’ performance. Table 16 summarises the salient differences between the three Councils in terms of aspects of administrative practice discussed in this chapter.

The table is an oversimplification in that it assesses the Councils on these measures for the overall period of five years leading up to the data collection. Hence, it does not completely capture improvements in some areas, such as Lockhart River’s improved level of internal controls since 2004. Nevertheless, it provides an indication of some of the factors that might help to explain the differential performance by the Councils in many of the key outcome areas assessed in Chapter 5.

At the broader level of analysis, the correlation between Yarrabah Council’s generally well-developed administrative systems and practices and its overall positive performance reported in Chapter 5 is readily apparent. Conversely, a correlation between poor administrative practice and poor overall Council performance is strongly supported by the Lockhart River and Hope Vale case studies.

At the second level of analysis, this correlation is further strengthened by evidence of direct causality between particular administrative practices and performance in specific outcome areas. For example, the Councils’ relative levels of audit performance (see Item 20 of Table 9) clearly flow from the quality of their administrative practices. It is self-evident that Yarrabah Council’s high levels of administrative efficiency, office productivity, internal controls and adoption of best practice HR processes have translated into positive audit outcomes.¹³⁹ Conversely, Lockhart River’s numerous deficiencies in administrative practice over several years, not the least being its very poor record-keeping, have naturally led to a succession of qualified or disclaimed audit reports.

¹³⁹ See Figure 4.

Table 16. Comparison of administrative practices of case study Councils

Area of administration	Yarrabah	Hope Vale	Lockhart River
General administrative efficiency	High	Moderate	Low
- use of delegation	High	Low	Low
Operational planning and project management performance	Low*	Low	Low
Reporting to Council			
- compliance with monthly reporting	High	Low	Low
- quality	Moderate	Low	Low
Quality of internal communication			
- between elected councillors/office administration and non-office workforce	Low	Low	Low
- other dimensions (between elected councillors and administration, between program areas within administration)	High	Low	Moderate
Work culture			
- office productivity	High	High	Moderate
- outdoor workforce productivity	Moderate	Low	Low
Financial administration			
- quality of budgeting	Moderate	Moderate	Low
- involvement of program managers in budgeting	Moderate	Low	Low
- scrutiny by councillors of financial matters	High	Low	Low
- level of internal controls	High	Low	Low**
- councillors' commitment to internal controls	High	Low	Low**
Human resource management			
- use of best practice processes	High	Low***	Low***
- reward and recognition of staff	High	Low	Low
Stability of staffing			
- measures to value and support staff	High	Low	Low

* Except for major infrastructure projects where project management is done by external consultants and not Council staff.

** As noted, Lockhart River Council has made some improvements in terms of internal controls since 2004, driven in part by the greater commitment by the new councillors.

*** HR practices have improved in both Hope Vale and Lockhart River Councils in recent years, with the introduction of due process for recruitment and selection, development of some position descriptions and increased use of letters of warning.

The quality of administration, especially financial administration, also goes a long way in explaining the Councils' performance in terms of their overall financial health. Given the evidence presented in this chapter, it should not be surprising that the financial status of the Yarrabah Council has remained positive for the past decade, while the other two Councils have encountered considerable financial difficulties and periods of insolvency.¹⁴⁰

Good administrative practice flows on to positive performance in areas other than financial administration. For example, Yarrabah Council's greater level of compliance with statutory obligations and its early adoption of model local laws stem from its efficient and effective administration.¹⁴¹ Good administration further enhances the Yarrabah Council's performance in administering government-funded programs such as community housing, CDEP and social programs.¹⁴² It assists the Council to achieve accreditation for services such as child care and aged care.

Importantly, high standards of administration, and especially financial management and internal controls, strengthen a Council's submissions for additional government funding. In Yarrabah Council's case, the rewards for good administration can be clearly discerned in its positive performance in attracting grants and funding,¹⁴³ and consequently, its success in enhancing the level of community facilities in Yarrabah.¹⁴⁴

There can be little doubt that effective and efficient administration contributes to good Council performance. While this finding is unsurprising, the evidence set out in this chapter does provide some indications about attributes that underpin effective and efficient administration and some factors that appear to inhibit the achievement of such.

In the discussion about general administrative efficiency it was noted that the Yarrabah Council has instituted a greater level of delegation to its program managers than the other case study Councils. The outcome of this has been less burden on senior managers to micro-manage all aspects of Council administration (a strong contrast with Lockhart River), a greater freedom for Council managers to administer their programs autonomously, and clear lines of responsibility for program outcomes. This approach based on delegation to managers apparently correlates with good program administration, but it is difficult to establish causation due to the variability of other factors. In particular, does the higher level of skills and effectiveness of Yarrabah's

¹⁴⁰ See Item 20 of Table 9.

¹⁴¹ See Item 12 of Table 9.

¹⁴² See Items 14, 15 and 16 in Table 9.

¹⁴³ See Item 21 of Table 9.

¹⁴⁴ See Item 4 of Table 9.

managers make delegation to them more feasible, or does the delegation of responsibility to the managers improve their skills and effectiveness? Similarly, the fact that Yarrabah staff have better practices in terms of monthly reporting to the Council might lead one to conclude that this is integral to good administrative performance, but it might only be a function of the levels of literacy of Yarrabah staff.¹⁴⁵

In respect of financial management practices, the evidence reviewed in this chapter strongly suggests that the extent of the elected councillors' scrutiny of financial management and their commitment to strengthening internal controls is a crucial factor explaining the differential financial performance of the three Councils. Again, in considering the differences here between Yarrabah and Lockhart River, the level of education and capacity of the respective councillors is likely to be relevant, but this factor, as will be seen in Chapter 10, does not explain the poor past financial management performance of Hope Vale Council. The evidence suggests that more important than having an *ability* to scrutinise financial management is having a *commitment* to doing so.

Possibly the most important foundation for effective and efficient administration that was indicated by the evidence is the stability of staffing of the Council.¹⁴⁶ This factor was raised repeatedly by informants to explain both good and poor administrative performance.¹⁴⁷ Continuity of staff contributes to administrative performance in a number of ways. Staff come to know their jobs intimately and understand the Council's systems. They also have the opportunity to build their skills over a sustained period. They gain familiarity with the broader government institutional environment in which they work and are able to create beneficial networks and long-term relationships with funding agencies. At Yarrabah, the continuity in the administration has also created a level of stability in the Council's rules and systems that has insulated the Council's services and operations from the vagaries of inappropriate political interference following changes in the elected Council. A government stakeholder observed that

¹⁴⁵ Literacy is plainly an obstacle to Lockhart River staff providing written reports, but on the other hand, Hope Vale staff generally have similar levels of literacy to those at Yarrabah, yet reporting to Council is sporadic.

¹⁴⁶ Altman (2008, p.193) also highlights the importance of stability of senior management in the apparent success of the Bawinanga Aboriginal Corporation in Arnhem Land.

¹⁴⁷ Given the number of people who highlighted the stability of staff as crucial to Yarrabah's success, it is surprising that some Council leaders also cite low staff turnover as a factor inhibiting the Council's performance (YC10, 167). Concern was expressed at the senior levels of the Council that some staff have stagnated and are not equipped to meet the challenges posed by the transition to the new local government legislation and full Shire Council status.

“...just retaining the staff means the rules have been the same across the board and no one has received preferential treatment because they’re related to the mayor etcetera” (YG3, 20).¹⁴⁸

Significantly, the cross-case comparison highlights a key difference in approach that may explain the higher level of stability of staffing at Yarrabah than in the other two Councils. At Yarrabah, the Council has actively instituted measures that create an environment in which staff feel recognised, valued and supported. Examples of such measures are the provision of salary increments based on industrial awards and reward and recognition processes that include annual staff awards. Crucially, the Council has been able to retain and ‘skill up’ local Indigenous residents by putting in place systems that protect staff from community and family pressures and provide professional development opportunities for staff. The development of a supportive work environment has created a level of pride that leads to performance that is self-perpetuating. In the words of one observer, “[t]here is a lot of pride, because once you have an efficient administration running, you want to maintain it” (YN2, 111). In turn, a competent and stable workforce sourced from the local community is self-perpetuating because it creates role models for young people (YC6, 38). It is clear that the employment of local residents rather than outsiders is an important contextual factor that has an impact on many aspects of a Council’s governance. Accordingly, this issue is examined further in Chapter 10.

If the evidence in this chapter indicates aspects of administrative practice that are correlated with positive Council performance, it also suggests certain factors that appear to inhibit Council performance. The data showed that all three Councils have little capacity for effective operational planning or project management. This impacts directly on the Councils’ performance in a wide range of program and service delivery areas, from basic functions such as roads and essential services, to more technical areas such as town planning and natural resource management, to delivery of social programs. Much of the poor program and service delivery performance at Hope Vale and Lockhart River Councils can be linked to deficits in even basic planning capacity. Even Yarrabah Council, which has had significant success in implementing major infrastructure projects, where project management is outsourced to consultants, has been hampered by a lack of project planning skills amongst its own staff.¹⁴⁹ This is perhaps most

¹⁴⁸ Another community stakeholder suggested that “[i]t’s been good having that continuity in Council [administration], with people saying to new councillors ‘you can’t do that sort of stuff’” (YN2, 137).

¹⁴⁹ For example, in October 2003, the Council discussed the poor performance of its Roads Department and noted the “absence of clear direction of plans and project management” (Council minutes 14/10/03). The Yarrabah Mayor explained how poor planning has compromised basic Council operations such as the control of horses and dogs: “It comes back to the work program before the actual enforcement. [T]here may be six or seven steps, [but] people might just want to get to number five first, stuff number four to one. That’s where a lot of us, we’re not attuned to due time” (YC10, 163).

evident in the failure of the Yarrabah CDEP scheme to generate any successful new business enterprises, despite significant investments in the market garden, the museum and the barramundi farm.

Another aspect of administration that was conspicuous in its potential to impact on Council performance was the quality of internal communication. At Hope Vale in particular, multiple dysfunctional relationships within the Council undermine the capacity for collective effort and mire the Council's operations in conflict and division. This appears to be part of a broader political culture at Hope Vale which is discussed further in Chapter 13. In all three Councils, poor communication between senior levels of the Council and the outdoor workforce inevitably affects the efficacy of programs such as CDEP and the delivery of essential services.

A final issue that came to prominence in the examination of Council administrative practice concerned work culture. Although productivity of office staff has impacted adversely on Lockhart River Council, in general the three Councils maintain adequate levels of administrative efficiency and effectiveness in respect of the functioning of the Council offices. The more serious problem for the Councils is the erosion of work ethics amongst the broader Council workforce, which appears to have been a long-term consequence of the introduction of CDEP to the communities, combined with several other factors described in detail in Part 9 of this chapter. The poor productivity levels of Council workers have undermined many of the ambitions and plans of Council leaders in all three communities. The extent of the schism between Council leaders and the grassroots workforce is suggestive of a deeper intergenerational disconnect at the level of fundamental values and norms. This observation has significance in relation to the development of human capacity in the communities, which is discussed further in Chapter 10.¹⁵⁰

11 Conclusion

The data from the case studies support the general proposition in the literature that effective and efficient administration is a key factor in positive Council performance. While much of this literature concerns Western discourses about universal principles of good governance, the research reveals that the significance of administrative factors holds true in Aboriginal Councils as much as in other contexts. While this overall finding is not surprising, the analysis yielded valuable information about the specific practices and organisational attributes that have underpinned good administration, as well as some factors that have inhibited such. The case studies revealed, for example, the importance of delegation to managers, the commitment of councillors to scrutinise financial management and strengthen internal controls and the role of a

¹⁵⁰ See Part 2.2 of Chapter 10.

strong CEO. The case studies further highlighted the significance of organisational culture to the performance of Aboriginal Councils, which is consistent with literature from the public administration and management fields. Perhaps most importantly in this regard, the research illustrates that stability of staffing is critical to administrative performance and that this stability can only be achieved through positive human resource management practices that create an environment in which local staff are valued, supported and protected from family and community pressures. On the other hand, limited capacity for operational planning and aspects of organisational culture such as poor work ethics and dysfunctional communication are factors that inhibit good administration and consequently, the performance, of all of the Councils.

Chapter 8 – Community engagement

1 Introduction

As Chapter 2 indicated, many formulations of good governance highlight the importance of a high level of community engagement, characterised by open governance practices such as opportunities for community participation in decision-making, greater openness and transparency, and responsiveness to constituents' concerns and needs. The review of the literature in this area found, however, that while many theorists consider community participation and engagement as an absolute virtue in democratic government, the empirical evidence for a link with improved government performance is not readily available. The objective of this chapter is to examine the community engagement practices of the three case study Councils in order to establish the impact, if any, of these practices on the Councils' performance. The Councils' practices are examined in terms of two dimensions of community engagement emphasised in the governance literature: community participation, and openness and transparency. The quality of the Councils' engagement with community-based organisations is also reviewed.

An aspect of the engagement of constituents in the governance of a community that is not discussed in this chapter is the electoral process. Every four years, Aboriginal Councils face elections, at which constituents have an opportunity to participate in choosing their representatives to govern the community. At this time, prospective candidates engage the community through campaigning and developing their electoral platforms. The current chapter focuses on the engagement with constituents by Councils once elected rather than the engagement that occurs through electoral processes. The level of participation of voters in elections in the three communities is a contextual factor that is discussed further in Chapter 13 in relation to social capital and civic engagement.

2 Perceptions of community engagement

Community engagement is fundamentally about the quality of the relationship between a government and its constituents. Because the quality of a relationship is subjective, the expectations and perceptions of the two parties are pivotal to any assessment of a government's community engagement practices. The optimum degree of community engagement may depend on the extent to which constituents *want* to be engaged in the process of governing. This may vary between the constituencies of different governments. Residents of one community may

desire a greater level of participation and involvement in their Council's governance than residents of another community.

An unambiguous finding of the three case studies was that residents in the three communities are dissatisfied with the extent to which they are engaged by their Council in the governance of the community. This was true of all aspects of community engagement, from the opportunities for participation in Council decision-making, the degree of openness and transparency of the Councils and the responsiveness of the Councils to residents' complaints and requests. The depth of residents' dissatisfaction with the level of community engagement will become apparent over the course of this chapter. The following comment from a former Lockhart River Council officer is illustrative of the tenor of comments made in relation to all three Councils:

The Council's probably got a very poor relationship with the community. Simply because they don't get community involved in a lot of activity. They don't engage very well with the community. They tend to do things a lot behind closed doors. (LG2, 148)

Similarly, at Hope Vale, a resident lamented that the "biggest thing that's lacking in our community" is that there is "no community consultation and no community communication" (HFG1, 51). A Hope Vale Council officer expressed the view that "there needs to be more community involvement in Council decisions" (HC10, 7).

At Yarrabah, a Council officer suggested that the amount of attention paid to the relationship between the Council and the government had led to engagement between the Council and community being neglected:

There's so much emphasis being placed on capacity building between governments and leaders of Council, but not so much emphasis between the community and the leaders. I mean, we talk about community engagement, it's good at the macro level but at the micro level it's not happening. (YC8, 27)

It should be noted that the case studies did not afford the opportunity to systematically canvass the views of residents in all three communities about the quality of community engagement. The sample of people interviewed is biased towards the more politically active and aware members of the communities. On the basis of studies such as that by Moran (2006), reviewed in Chapter 2, it might be argued that 'the average resident' does not have such a desire to be consulted or informed by the Council about decisions made about Council services. As one CEO suggested in defending his Council's lack of consultation about major infrastructure projects, "generally, most people... aren't overly fussed, provided they're getting a facility that's going to benefit the community. They don't care if it's on that corner or that corner" (HC#, 71). Also echoing previous studies on this topic, an issue commonly raised by

councillors and Council officers was that very few people participated in public meetings or other community engagement exercises (LC2, 171; LFG1, 105; LC7, 157; LC8, 5; HC5, 166).

The strength and consistency of the views expressed by those interviewed for the case studies, however, cannot be ignored. While the sample was biased towards the more politically active constituents, it was CDEP workers and residents who expressed some of the most ardent criticism of the Council's community engagement. Examples of this were the Yarrabah CDEP worker who told the researcher, "*I have been here on CDEP since 1989 and this is the first time someone has asked me what I think*" (YFG3, 10) and the Lockhart River CDEP workers who complained vehemently about the Council, on the grounds that "*they don't tell us nothing!*" (LFG2, 32). The case studies provide persuasive evidence, therefore, that the residents of the three Aboriginal communities do desire greater engagement by their local Council in the processes of community governance.

3 Community participation

In Chapter 2, it was noted that there are myriad ways for a community government to involve its constituents in the processes of governing the community, ranging from informal processes such as councillors canvassing ideas through their networks to more formal processes such as structured consultations or establishing advisory committees. The data collection process explored each Council's approach to community participation and found that, although there were some differences, the Councils' practices followed largely the same pattern. A detailed analysis of the data relating to community participation is contained in Appendix 2. This part of the chapter will highlight some of the key features of that analysis.

The review of community participation revealed that none of the Councils have well-developed structured consultation processes, such as advisory committees or regular consultation forums. In terms of structured consultations, the principal tool used by Councils is occasional public meetings. The data revealed that Lockhart River and Hope Vale were using public meetings occasionally (up to six times a year) while Yarrabah had convened public meetings very rarely. Yet, a substantial proportion of people interviewed in all three communities expressed a view that Councils should hold more public meetings (YFG1, 23; YFG2, 24; YFG3, 48; YFG4, 29; YC8, 29; HFG1, 59; HG1, 115; LFG2, 40; LN3, 36; LC7, 81, 85; LG7, 54). Councils are reluctant to convene public meetings because of the level of conflict that often arises in such a forum (YC8, 25; YC#, 145-150; LG7, 54). Council leaders expressed concern that the meetings tended to be dominated by those who wished to agitate against Council or use them as a forum for grandstanding. The Yarrabah CEO indicated that the reason they hold so few public meetings is that it becomes a "*theatrical event*" and "*people with other interests want to come in and... hijack it*" (YC#, 145-150).

For the most part, councillors rely on their own personal networks to gauge public opinion about issues of concern that arise during Council business (YC1, 143; YC5, 35; LG7, 60; LC2, 173; LC5b, 64; HC6, 71). Council leaders generally considered that in a small community, informal communication between councillors and constituents obviated the need for any more formal consultation processes. A number of informants pointed out, however, that a risk in this approach is that only a narrow cross-section of community opinion will be taken into account by decision-makers. For example, some families are not represented on the Council and the representation of women has been inadequate.¹⁵¹ It was notable, however, that an area where the Councils are usually proactive in their engagement is in relation to land use matters that affect traditional owners.

Formal community consultation only occurs where it is undertaken by contractors in relation to new infrastructure projects or community plans. The case studies indicated that these consultation exercises were often considered inadequate.

The Councils had sought to put a degree of structure around councillors' engagement with the community through the allocation of a portfolio area to each councillor. Councillor portfolios are a longstanding feature of Hope Vale Council's approach. Hope Vale councillors, who were employed full-time, were active within their portfolio areas, engaging with community groups and agencies in relation to relevant issues. Lockhart River and Yarrabah Councils had only recently implemented portfolios and were not yet using the system effectively. Unlike some other local governments, none of the case study Councils had used formal advisory committees as part of this portfolio system.

In an Aboriginal community, councillor portfolios would seem to be a useful tool for instituting a more structured approach to councillors' consultation with the community than the use of councillors' personal networks. Portfolios encourage the formation of institutional networks between the Council and key interest groups. Furthermore, advisory committees provide a more structured means for interested community members to participate in Council decision-making. As one Yarrabah resident suggested, advisory committees are a means for Councils to engage with community residents without the same level of conflict that occurs in larger public meetings (YN2, 69). However, a potential drawback of portfolios that was raised by the Hope Vale CEO is that councillors can become narrowly focused on specific issues rather than taking a broader strategic perspective (HC#, 9). It may be that this compartmentalised approach to councillors' roles contributes to the lack of a unified strategic direction at Hope Vale, as discussed in Chapter 6. It is perhaps worth noting that Yarrabah Council, which has not had

¹⁵¹ See Chapter 13, Part 4.

portfolios until recently, exhibits the most united and consistent strategic vision of the three Councils studied.

A critical area for a Council to engage its constituents is in any processes for strategic planning for the Council organisation or community planning for the Council as a whole. The three Councils' efforts in strategic planning were discussed in Chapter 6. It was noted that a succession of consultant-produced community plans in the three communities had generally used methods that involved limited community participation. The analysis in Appendix 2 indicates, however, there has been a significant improvement in community involvement in planning arising out of the Queensland Government's negotiation table processes. Chapter 6 outlined the widely-acclaimed community planning process at Lockhart River, which has been facilitated by a government officer placed in the community for a number of years to assist and mentor local leaders. In more recent times, negotiation table processes have also given rise to more participatory community planning at Yarrabah and Hope Vale.

4 Openness and transparency

In the prescriptions of good governance reviewed in Chapter 2, including the United Nations' list of universal principles (see Box 1 in Chapter 2), openness and transparency in governance are a recurring feature. The case studies included an evaluation of the three Councils' practices in terms of openness and transparency in their decision-making and operations. This analysis is contained in Appendix 3. The key features of the Councils' approaches are outlined here.

4.1 Council meetings

Although legislation requires that Council meetings are open to the public, it is rare for a member of the public to sit in the public gallery during any of the three Councils' meetings.¹⁵² At Yarrabah and Lockhart River, the Councils had designed their Council Chambers in a way that is not conducive to attendance by members of the public and the Hope Vale Council was regularly holding meetings outside the township to avoid disruptions. In all three Councils, doors to the meeting rooms are firmly shut while meetings are in progress. There is a sense of being 'under siege' in the way that the Councils conduct their Council meetings. Their

¹⁵² Yarrabah Council minutes for 2004 record two individuals as being present in the public gallery (Council minutes 11/05/05, 07/09/04). A longstanding Yarrabah councillor confirmed that when the rule about meetings being open to the public was introduced in the mid-1990s, there was more interest from the community, but that people soon got bored with sitting in on meetings (YC5, 36). At Hope Vale and Yarrabah, councillors and staff could not recall a total of more than a handful of people sitting in the public gallery over the past five years (HC4, 64; HFG1, 127; LC8, 43; LFG1, 123; LG7, 62; LG2, 156).

reluctance to open the meetings up to members of the public is borne out of the same misgivings that the Councils have about convening public meetings. There is a desire to avoid conflict and disputation and reduce the opportunities for residents to make direct demands on the Council.

The consequence of this approach, however, is that residents see the Councils as aloof and disengaged, conducting their business in secret. A strongly recurring theme of interviews with residents in the three communities was the complaint that Councils make their decisions “*behind closed doors*” (LC8, 41, 63; LN1, 50; LG2, 148; HFG1, 61, 125; YFG1, 33). The following comment by a Lockhart River resident (and ex-councillor) is illustrative: “*Council’s always been a behind the door, secret society sort of thing*” (LC8, 63). Another example of this perception arose during an interview with CDEP workers at Yarrabah, where the view was expressed that “*the Council, they do everything behind closed doors, without anyone knowing*” (YFG1, 33).

Although legislation governing Aboriginal Councils also requires that meeting minutes must be open to inspection by the public, residents rarely access the minutes at Lockhart River and Hope Vale. Yarrabah Council, on the other hand, has demonstrated a commitment to transparent decision-making through making comprehensive meeting minutes readily available to residents.

4.2 Conflicts of interest

The analysis in Appendix 3 also examined the Councils’ commitment to transparently managing conflicts of interest. In closely-knit Indigenous communities, conflicts of interest arise frequently for councillors as a result of family affiliations. The legislation requires that a councillor who has a material personal interest in a matter being discussed must declare that interest and withdraw from decision-making. A review of Council minutes indicated that this requirement is followed scrupulously in Yarrabah, but less consistently in Lockhart River and Hope Vale. In almost every meeting at Yarrabah, there is at least one instance where a councillor declares their interest and leaves the room while a matter is being discussed. This rule is repeatedly enforced by the CEO and by the councillors collectively. By contrast, at Lockhart River, the Auditor General has occasionally had cause to criticise the failure of councillors declare their interests and withdraw from decision-making, even in cases where the subject matter directly involves their own personal interests, such as the allocation of a house to a councillor (Queensland Audit Office 2003b, p.A10).

4.3 Public communication practices

The Councils’ principal avenue for conveying information to the community about Council activities is through ‘word of mouth’ channels (YFG3, 60; YC5, 37; YG7, 32; HG1, 135; HC6, 230

53; LG7, 70; LC7, 93; LFG1, 127; LFG2, 52; LC2, 177; LC8, 13). Of course, this method of communication carries the same limitations as the reliance of councillors' informal networks for consultation. Residents marginalised from the networks of power and influence will be left out of the loop, and even where information is passed on, it may be distorted through a process of "*Chinese whispers*". Conflict and disharmony caused by misinformation is an ongoing challenge for the Councils and consumes a large amount of the CEOs time:

The problem is [residents] get little snippets of information and they try and build something out of it. They don't ask what it means... That automatically ignites and goes off like dry grass on a windy day. Next thing you know, it's everywhere. And I spend the next two weeks trying to put out bushfires and all the little spotfires. And I've got to continue to repeat myself. (HC#, 53-55)

All three Councils have sporadically used newsletters to communicate information about Council activities to the community. This is welcomed by the community, but the effort to maintain a newsletter has rarely been sustained. The use of annual reports has also been sporadic. Other means of communication that have sometimes been used by the Councils include community radio (BRACS)¹⁵³ and public notices.

4.4 Community awareness of Council activities

Given the evidence reported here about the unstructured nature of Councils' communication practices and the level of residents' dissatisfaction reported in Part 2, it is not surprising that the case studies found that constituents were not well-informed about Council activities. The lack of consultation and community information about significant new Council initiatives was raised repeatedly by residents in all of the communities. Insufficient information about Councils' plans was a prime cause of disharmony. For example, at Lockhart River, a resident complained about an absence of communication about the Councils' plans to relinquish management of CDEP and housing: "*we don't know about it, and it's happening underneath our feet*" (LC8, 55). Even in relation to the positive community planning exercises at Lockhart River in Yarrabah in recent years, residents expressed scepticism about the extent to which the community was really engaged and aware of the plans. A Lockhart River Council worker commented that "*it's still happening upstairs, them things, we don't know nothing. All them elders, they don't know...*" (LFG1, 93). Similarly, a Yarrabah officer observed: "*It's good having strategic planning but some of that strategic planning stuff is all rhetoric and you really disconnect from local community people out there... [S]itting down there on the beach with someone, well, they really don't know what's happening*" (YC8, 57).

¹⁵³ BRACS stands for Broadcasting in Remote Aboriginal Communities Scheme.

5 Engagement with community-based organisations

An important aspect of an Aboriginal Council's engagement with the community is its engagement with the various community-based organisations that participate in the processes of community governance. These include unincorporated community groups and committees, incorporated non-government organisations (NGOs) that deliver various services, enterprise bodies, traditional owner organisations, adjunct bodies to government agencies such as Parents & Citizens committees, and the local church. The other institutions that play a pivotal role in the governance of Aboriginal communities are the three government agencies that typically have a local presence: police, health and education. Although these agencies are fundamentally different in nature from community groups and NGOs because of their position within the broader apparatus of government, the local dynamics of community governance often sees their officers (notably, the police officer-in-charge, the school principal and the Director of Nursing) playing a similar role to representatives of other community-based institutions. Because they are also residents of the community with social networks that permeate the Council and community institutions, many community-based government officers conceive of their role in a very different way to those government officers based outside the community. For these reasons, the Councils' engagement with locally-based government agencies is examined here under the same rubric as Councils' engagement with non-government community institutions.

For the case studies, the Councils' relationship with community-based institutions was a specific focus for data collection. Appendix 4 contains a cross-case analysis of these data. Relevant issues from this analysis are highlighted in the following discussion.

The case studies revealed differences in the approaches taken by the Councils to engaging with community institutions. As noted earlier, Lockhart River and Hope Vale Councils have created a framework for their engagement with the community by allocating portfolios to each councillor. Community organisation representatives, including locally based government officers, were generally positive about this approach because it creates a single point of contact through which to liaise with the Council (LG7, 29; HG3, 12; HG1, 66; LG4, 33). By contrast, agency representatives at Yarrabah were critical about the lack of portfolios and what they saw as the Councils' inadequate lines of direct communication with agencies (YN3, 15, 39, 102; YG7, 26; YN2, 67).

At Lockhart River and Hope Vale, the Councils have from time to time made efforts to improve their coordination and engagement with community organisations by holding regular inter-agency meetings. Agency representatives were generally positive about these efforts, although

the experience at Lockhart River had been mixed due to an authoritarian and adversarial approach taken by some councillors.

The relationship between the Councils and the three community-based government agencies was generally positive in all three case study communities. This was especially the case with respect to the school, where the case studies found close collaboration and sharing of resources between the Councils and the school principals. Councils' relations with State police have sometimes been strained, although there is a general congruence between their objectives. There has also been a mostly positive relationship between the Councils and local health organisations.

In all three communities, there has generally been a positive and collaborative approach between the Councils and the local church. The quality of this relationship is undoubtedly a legacy of the key role of the church missions in the history of the communities. The Councils are generous in their support for the churches and the local ministers continue to play an important ceremonial role in the communities.

In contrast to the Councils' relationship with government agencies and the church, their relations with local Indigenous community organisations have been more vexed. Many commentators have noted that the tendency for Aboriginal community organisations to be set up as vehicles for the interests of particular family groups has often led to increased factionalism and counter-productive competition for resources in Aboriginal communities (House of Representatives Standing Committee on Aboriginal Affairs (HRSCAA) 1990, pp.18-19; Smith 2002, p.9).¹⁵⁴ Some organisations in the case study communities were established as family-based entities or had become 'captured' by particular families, while others were non-aligned and focused on service delivery to the whole community. The organisational configuration of each community is complex and unique, dictated by history and local political factors.

In all three communities, there were tensions between the Councils and the community justice groups. This is generally politically-inspired, because justice groups tend to be seen as an alternative power base and a threat to the Council. Similarly, the Councils have had difficult relationships with traditional owner groups. This is sometimes the result of personal political competition, but also reflects the divergent and competing interests between Councils and traditional owners regarding development of land. Lack of agreement with traditional owners has significantly affected housing development at Yarrabah and establishment of a new dump at Lockhart River. At Hope Vale, disputes over land during the 1990s regularly escalated into

¹⁵⁴ Others have argued that it is a natural expression of Aboriginal political organisation and has benefits for the practice of community governance (Rowse 1992, p.89; Westbury & Sanders 2000, p.6).

riots within the town. Overall, the approach of the three Councils to engaging traditional owners has generally been ad hoc and ineffective.

Yarrabah is the only one of the communities that has sizeable functioning community organisations. The Yarrabah Council has historically been in conflict with a particular community organisation that is seen as family-aligned. It has limited engagement with two other health-related organisations in the community. However, the Yarrabah case study revealed that the Council has been instrumental in building the capacity of the community sector through support for organisations and by providing a role model for successful governance and management.

6 Explanations for current levels of community engagement

Several likely explanations for the three Councils' current poor community engagement practices emerged from the case studies. In discussing the Councils' reluctance to hold public meetings, it was noted earlier that the desire to avoid conflict is a strong factor behind the tendency to do business behind closed doors. This conflict avoidance strategy extends to other aspects of community engagement, such as public information. At Yarrabah, the CEO explained that the Council deliberately avoids communicating Council decisions to the public in order to minimise potential contestation:

Council decisions, we don't normally advocate too much because there is a tendency for people to take the message the wrong way. There is a tendency for it to become too much of a political football. So what we do, once the decision has been made, it's communicated to the individuals concerned and more to the managers who have to then go back and readjust their operational requirements accordingly. (YC#, 159)

This is evidently a longstanding practice of the Yarrabah Council. At a consultation workshop conducted for the 1996 five year development plan, residents stated that "Council currently discourages any information about decisions that they make" (Nev Bates and Associates 1996, Appendix 2).

It is likely that the desire for secrecy is a form of defence on the part of councillors and Indigenous Council staff, enabling them to manage the intense pressure that they experience from the community and their own families in trying to carry out their duties. The following comment at the aforementioned Yarrabah workshop illustrates this: "It was suggested that people hide behind closed doors (and each person votes, but when asked if they supported

something contentious, they say ‘no, not me’, who did then?). Council needs to be more accountable” (Nev Bates and Associates 1996, Appendix 2).

Not only do councillors want to avoid situations where they are likely to be criticised by their factional enemies, they also want to avoid situations where their own family and friends can make direct demands on them. Residents of Aboriginal communities often have unrealistic expectations about what local Councils can provide and as a result, councillors and staff are constantly dealing with a multitude of demands. When a councillor or staff member has cultural or kinship obligations to the person making the demand, their position is exceedingly difficult. The far-reaching impact of these forms of pressure on councillors and local staff in shaping governance in Aboriginal communities is discussed further in Chapter 12.

The personality-driven nature of community politics is another factor that affects Councils’ engagement, especially with Indigenous community organisations. An observer at Hope Vale noted that the Council was suspicious about the establishment of a men’s and women’s group in the community because they were worried they might “*gang up*” on the Council (HG3, 46). By contrast, it appears that the perceived neutrality of community-based government organisations has made it easier for Councils to collaborate with these organisations without putting any political capital at stake.

A further explanation for poor community engagement, which has echoes of the literature reviewed in Chapter 2, relates to the level of apathy and disinterest amongst members of the community. A number of councillors and Council staff made the point that there is a disincentive to hold public meetings because so few members of the community turn up (HC5, 166; LC7, 157; LC2, 171; LC8, 7; LFG1, 105). Moreover, it tends to be the same small group of interested community members who turn up to each meeting. A Council officer explained:

It’s very hard to get people together. If you call a public meeting, you only see people from here in this office are down there and only certain people from the community goes to that meeting. You want the whole community to be there. (LFG1, 105)

Community apathy also affects Councils’ attempts to form committees to enhance community participation in decision-making. The Lockhart River Council twice sought expressions of interest for its housing management committee, but “*not one person*” came forward, so the Council just appointed a committee (LC2, 112).¹⁵⁵

¹⁵⁵ Of course, it should be noted that apathy about community governance is not an issue that solely affects Indigenous communities. As a Lockhart River Council officer put it: “*You see, fundamentally, they don’t give a shit. It’s the same as you: how many community meetings do you go to? It’s no different*”

In their efforts to engage the community, Councils are struggling against not only apathy but also a high degree of cynicism. For example, the point was made at both Lockhart River and Hope Vale that residents were reluctant to participate in Councils' negotiation tables because they did not believe there would be any result: *"I think the community feel that, why do we bother, because our voices aren't heard"* (HC9, 129; see also LC7, 157; LC8, 5).¹⁵⁶

A further reason suggested during the case studies for the poor level of community engagement by Councils was that Councils were too focused on their dealings with government. A Hope Vale Council officer noted that *"Councils have been engaging with government, [but] they haven't been getting community support for the issues... So there needs to be more community involvement in Council decisions..."* (HC10, 137). An observer at Lockhart River suggested that the orientation of Councils towards government demands rather than community needs was a result of the historical relationship: *"I think [councillors] see themselves very much as the representatives of the people, but the forces of the government are so strong, and their history of dependency is so long..."* (LG7, 118). The significance of this relationship of dependency is discussed further in Chapter 13.

It is certainly evident that the absolute dependence of Aboriginal Councils on government funding inevitably focuses Councils' attention away from the community and on to the myriad demands and compliance requirements of funding providers. The intensity of these demands is exacerbated by the array of services and programs that Aboriginal Councils are expected to deliver. In these circumstances, Councils simply do not have the time to conduct time-consuming and resource-intensive community engagement exercises such as public meetings, public information and awareness strategies and community consultations.¹⁵⁷ Faced with the need to prioritise the use of limited resources, Councils who wish to maintain the flow of government funding perhaps have little choice but to put meeting administrative demands before community engagement.

History offers another compelling possible explanation for Aboriginal Councils' poor levels of community engagement. The case study data strongly suggest that the Councils' current community engagement practices stem in large part from a history of disengaged governance

here" (LC2, 183). Nevertheless, it will be argued in Chapter 13 that the level of apathy at Lockhart River has a particular impact on community governance not seen in other places.

¹⁵⁶ The Hope Vale Land Use Plan reported a comment by residents that "no community consultation ever shows results" (Cavill Jones Surveyors & Brazier Motti 2000, p.2).

¹⁵⁷ For example, at the time of the data collection, two Council interviewees spoke about the Council's plan to hold a council meeting in the community hall to encourage community participation, but they both indicated that Council had been too busy to organise it (YC1, 126; YC2, 46).

that reaches back to the decades when the communities were run by paternalistic government and church administrators. A Yarrabah resident expressed regret that the Department's legacy had made the Council administration conservative and bureaucratic, with a focus on merely administering services without engaging the community. He commented that *"government taught us their way too good"* (YN4, 39).

The influence of previous administrations can be discerned not only in Councils' lack of engagement but also in the authoritarian and paternalistic way in which councillors conceive of their role. While there were indications that this attitude has affected councillors at Yarrabah and Lockhart River (YC2, 158; LG7, 48), it was most prevalent at Hope Vale. The attitude is epitomised by the comments of a female Hope Vale councillor who complained that *"some councillors think that when you're a councillor that you can say and be all – you're big man now"* (HC4, 112). Another councillor reflected on how this mentality had prevented councillors from moving on from old habits: *"We're still back in... we still look at ourselves as being the macho boss man, you know, instead of... I don't know, they're in that mentality..."* (HC2, 16).

Based on the evidence presented here, there might be a temptation to conclude that councillors in Aboriginal communities are simply not committed to the principle of community engagement. The reality, however, appears more complex. Aboriginal Councils have been evolving for two decades and community engagement appears to be one of the most rapid areas of change in recent years. A senior Yarrabah Council officer commented that she had noticed a change in the approach of the councillors, from past attempts *"to play the big brother thing, [where] they knew best"* to a current attitude that *"they want to give people empowerment [and] involve them in what's happening"* (YC2, 158). She also noted, however, that the councillors did not yet seem to know how to go about engaging the community. This growing commitment to community engagement was evident from the comments of councillors at all three Councils (YC5, 31; LC5a, 22; HC2, 59). The following comments are illustrative:

That's really important for us to get out there, because they're our constituents, and we should be letting them know what's happening, you know, and allowing them to have input, if they feel we're doing the wrong thing. (YC5, 31)

Maybe we might have to take a backward step and let the community take the lead. More consultation with the people. Clear up the communication so that the Council know where they're going. (HC2, 59)

These statements appear at odds with constituents' perceptions about the Councils' attitudes to community engagement and the evidence about the Councils' poor practices. This paradox can be explained by considering the evolutionary change process currently underway in the Councils. The evidence from all three Councils supports the suggestion by the Yarrabah Council officer cited above, that councillors are becoming more aware of the importance of

community engagement and they are committed to the principle, but they are still struggling with how to go about it in practice. The most significant improvement in community engagement practices has been at Lockhart River, where the Council has been supported in its efforts by an energetic community development facilitator. Likewise, recent community engagement initiatives at Yarrabah have been possible due to the employment of a transition change manager. At Hope Vale, on the other hand, there is a sense that the Council is still tentative and lacking direction in its efforts to engage the community. An independent observer said that with the election of councillors who were younger than those on previous Councils, she had noticed they seemed more committed to community engagement (HG1, 125). She suggested, however, that they were still fearful in their efforts at engagement: *“I think they try [to engage], but they’re afraid of what the answer’s going to be”* (HG1, 113). A government officer who has worked with the Hope Vale Council reflected on the need for the community’s leaders to develop the capacities for negotiating through conflict in a highly politicised community:

[O]ne of the things that State Government hasn’t done all that well, and you know, part of the purpose of offering to give them some community engagement training, was to actually give them the opportunity to think through what it takes to be a leader in a contested democratic role but in a fractured community. The sort of personal attributes and behaviours and styles that that demands. (HG2, 14)

7 Impact on Council performance

The objective stated at the outset of this chapter was to examine the community engagement practices of the three case study Councils in order to consider the evidence regarding the impact of these practices on the Councils’ performance. The chapter seeks to examine the element of the guiding hypotheses in Chapter 3 that postulates the significance of participation and community engagement for an Aboriginal community government’s performance.¹⁵⁸ The analysis of the case studies has shown that all three Councils have generally poor levels of community engagement, measured in terms of constituents’ perceptions about the adequacy of engagement, an analysis of the Councils’ actual practices, and an assessment of the extent to which constituents are aware of the Councils’ activities and plans. A misguided reliance on councillors’ networks was a feature of the Councils’ approach to community engagement, along with the deliberate avoidance of many forms of consultation and information-sharing in an attempt to avoid conflict and reduce pressure on decision-makers. All of the Councils have proven generally ineffective in their engagement with community-based organisations, although they have had greater success in dealing with the government agencies based in the community.

¹⁵⁸ See hypothesis 1(h) in Box 2 in Chapter 3.

The main points of difference between the Councils were the greater use of councillor portfolios at Hope Vale and Lockhart River, the improved engagement by the Lockhart River Council since 2004 as a result of a facilitated community development initiative, the greater accessibility and detail of Yarrabah Council's minutes and Yarrabah councillors' higher level of transparency in relation to conflicts of interest.

As explained in Chapter 3, the first level of data analysis for this study seeks to identify correlations between the factor being investigated and a Council's overall level of performance. In the case of Hope Vale and Lockhart River, there is a *prima facie* correlation between their poor record of community engagement and their poor community government performance. The most intriguing feature of the data, however, is that Yarrabah Council has achieved a higher level of community government performance with similarly deficient levels of community engagement. It might even be argued that Yarrabah Council's community engagement has been poorer than the other two Councils. The data therefore leave open the possibility that community engagement is not necessary for successful Council performance, or even more controversially, that greater community engagement actually inhibits Council performance, as it has been defined for this study.

In order to better understand the relationship between community engagement and performance, it is necessary to move to the second level of analysis, which seeks evidence of direct causation between aspects of community engagement and Council performance in specific outcome areas. In relation to engagement with community-based organisations, the impact on the Councils' performance arising from their poor engagement practices was evident in a number of instances. Poor engagement with traditional owner groups has delayed community infrastructure projects at Yarrabah and Lockhart River due to lack of traditional owner consent for development. At Lockhart River and Hope Vale, the Councils' lack of coordination with the community justice groups has thwarted efforts to implement law and order local laws that are needed to address justice issues in these communities. By contrast, the benefits of an approach that engages community agencies are evident from the Councils' positive collaborations with the local church, school, police and health. These examples suggest a causal effect between engagement of community organisations and Council performance.

The evidence about Yarrabah's poor community engagement warrants further consideration. It is worth noting that a reason offered by staff at Yarrabah for the lack of attention to community engagement was that they were too busy meeting the other demands of their jobs. Furthermore, they appeared to be concerned that engagement with the community would generate more conflict and therefore create more work, or as the CEO mentioned, might lead to the Council having to implement "*an uncompromising position*". Put simply, their position seems to be that it is more efficient, both in terms of time and energy, not to engage the community. Efficiency

is undoubtedly the hallmark of the Yarrabah Council's performance, particularly in areas such as the administration of grants and programs¹⁵⁹ and the implementation of major infrastructure projects.¹⁶⁰ The findings beg the question whether this would have been possible if the Council had invested greater energy in community engagement. In other words, does greater community engagement cause *poorer* performance in administration?

Many of the perceived benefits of community engagement are about things like motivating people, giving them ownership of the outcome, and making them feel included and valued. Because these benefits are intangible rather than concrete, it may be difficult to draw conclusions about their impact on Council performance. The recent experience of Lockhart River, however, lends some weight to the proposition that these community engagement benefits can enhance aspects of Council performance. The data at Lockhart River showed that, although the Council has historically practised very little community engagement, in recent years this has changed through a community planning process instigated by a community development facilitator. The case study found a strong perception in the community that this process had led to the community being more motivated and engaged in Council activities. For example, the CEO noted that more people have been coming to work (LC#, 64).¹⁶¹ A former Council officer now living in Cairns has noticed the improvement during his visits to Lockhart River: "*Things are starting to happen outside, in the community now... You can see, you get there and the lawns are cut at least, and the roads are a bit better. There's some community involvement. But, it's a long way to go*" (LG3, 89). Similarly, a government officer commented that "*I definitely have noticed the improvement in the last couple of years. Just the general community is looking tidier*" (LG5, 17).

The Lockhart River Council is in no doubt that greater engagement of the community is critical to improving its performance. According to the Mayor:

I think what we're trying to do is empower the whole community and [to] empower the whole community we got to engage everyone in the community and if there's an activity, it's about the community, it's not about Council and it's not about the justice group, it's about the whole community and whoever live there... And we want to make sure that everyone work together and live together happily. (LC#, 22)

The Lockhart River Council's Puuya Strategy is focused strongly on the objective of empowering the community and the Council is endeavouring to reinforce this in its day-to-day operations. For example, a memorandum from the CEO to supervisors on 6 January 2005

¹⁵⁹ See Item 20 in Table 9.

¹⁶⁰ See Item 4 in Table 9.

¹⁶¹ The CEO also credits the Alcohol Management Plan with the increased work attendance.

requested monthly meetings to discuss work plans and “ideas to create community involvement in your section’s activities”. It went on to request “monthly reports to the Council re achievements, increasing community involvement and activities to build the community.”

There is therefore at least some anecdotal evidence that the Lockhart River Council’s efforts at engaging the community in the Council’s activities have had a performance dividend in some areas. It is interesting to note, however, that these improvements are perceived to have been “*outside in the community*” (LG3, 89), rather than in the efficiency and effectiveness of the Council administration. Indeed, the CEO acknowledges that in order to enhance the level of community engagement in the last couple of years, many administrative tasks have been neglected. This is a conscious strategy based on the belief that a more motivated and empowered community is of greater benefit than a clean set of books: “*So what we’re trying to do is actually get the community working, and meeting their obligations, and hopefully we can fix the accounting and all that later*” (LC#, 62). Long-time observers of Lockhart River noted the fact that during the late 1990s, when the Council was receiving unqualified audit reports, there was very little productive work outside in the community, and the community was “*very dysfunctional*” (LG5, 17). According to a former Council officer: “*We got unqualified audits for many years, so all the boxes were ticked and everything was right. However, outside, not much happened*” (LG5, 8).

When contrasted with the findings from Yarrabah, the data from Lockhart River therefore give rise to the following proposition: that greater community engagement may improve Council performance in non-administrative areas such as the motivation and productivity of the workforce, but it may have a trade-off effect on Council’s administrative performance. The Yarrabah case study seems to support this proposition from the inverse perspective: that a lack of community engagement may be more efficient from an administrative point of view, but it will inhibit the success of activities that require greater community commitment and involvement.

To reinforce this proposition, it is possible to identify numerous instances in the case studies where performance in an outcome area that requires community commitment and involvement has suffered due to lack of community engagement. At Yarrabah, it was evident that the community hall that the Council had built on the edge of the township was rarely used and its proximity to the dump meant that it was inundated with flies. If the community had been engaged to a greater degree in the planning of the facility, rather than consultation being the task of an external contractor, perhaps a more suitable location would have been identified, and the design might have been such that the building attracted greater usage. Likewise, it is possible that a number of the Council’s underperforming funded projects might have been more successful if greater community ownership and commitment had been engendered through a

community engagement process.¹⁶² In 2005, the Yarrabah Council decided to enter the Tidy Town competition, and proceeded to make a number of directives to the workforce about tidying up the community area. Council minutes record that the Council was disappointed with the efforts of the workforce over the months following the decision. A Council worker noted that it was not surprising that the initiative had failed, because the Council should have consulted people before making the decision to enter the competition “*rather than just ordering everyone to clean up*” (YFG4, 42). Similarly, at Hope Vale a Council officer explained that many of the Council’s plans had not come to fruition, because “*they haven’t been getting community support for the issues*” (HC10, 137). These examples reinforce the point made in the literature that better community engagement may improve the outcomes of an initiative by improving the knowledge and information that is brought to bear on the issue and by garnering greater ownership by constituents.¹⁶³

The examples illustrate how the extent of community engagement in a project can affect the workforce’s motivation and productivity regarding that project. Likewise, the extent of community involvement in the development of a policy can affect the level of community commitment and compliance regarding that policy. The following example from a former CEO of Lockhart River is illustrative:

Council copped a lot of criticism in housing allocation, because they didn’t get community involved in the policy process. They probably need to get the community involved in some of the policies they develop... And then it’s a policy that’s been developed by the community, you know, not by the Council. Anyone who questions it, you can say ‘hey, you were part of the process’, [so] the ball get thrown back in their court (LG#, 178).

Community ownership of the outcome is particularly important for the success of community planning processes. This chapter has highlighted that there has generally been limited community involvement in the development of community plans in the three communities, with the result being that these plans have tended to be ‘shelf’ plans with little relevance or utility. The exception to this is the Lockhart River community plan, for which there has been greater community involvement. A government officer commented that it was “*the first time that I’ve really seen the community or the councillors so excited about [a plan]*”, because it was simple and expressed their aspirations (LG5, 71).

¹⁶² For example, projects such as the market garden, the museum and the barramundi farm might have been more successful with greater community planning and involvement.

¹⁶³ See Chapter 2, Part 7.

The outcomes of community planning are also particularly affected by a Council's lack of engagement with community-based organisations. A Hope Vale councillor suggested that the lack of coordination for which government is often criticised also afflicts Indigenous communities: *"we talk about the silo mentality and the bureaucracy in 'White Man World'. Hey, you better believe it; it's in the 'Black Man World' too"* (HC5, 264).

Another intangible benefit of community engagement commonly cited in the literature reviewed in Chapter 2 was an increase in legitimacy and respect for the government.¹⁶⁴ A Lockhart River Council worker highlighted this when he commented in relation to the Council, *"I think once it becomes more, where people can see what's happening behind those closed doors, and they become more friendly with the community, I think they'll probably get more accepted"* (LC8, 63). In a similar vein, a former Yarrabah councillor suggested that keeping residents informed about Council activities through the newsletter would increase respect for the Council (YN4, 63). It is difficult to discern any demonstrable performance dividend from greater legitimacy and respect, although it might be speculated that a community (and a workforce) that respects its Council and sees it as legitimate is more likely to actively support the Council's plans and activities (Brinkerhoff 2005; Cornell 1993).

It is somewhat ironic that one of the common reasons proffered by councillors and Council staff for the lack of community engagement was the desire to avoid conflict, when the evidence strongly suggests that the very lack of engagement is what fuels much of the conflict. In an interview, a Hope Vale councillor repeatedly made the point that the Council's poor consultation and lack of openness and transparency caused *"social disruption"* in the community (HC4, 76, 108, 38). The councillor gave the example of residents being *"irate"* about a Council decision to move the nursery to a location out of town, but once they were informed about the reasons for the move (that it would be closer to a bore and not use so much town water), they were happy with the decision (HC4, 76). In this instance, simple communication could have avoided the anger directed at the Council. The reduced conflict that would result from more open Council communication practices was a recurring theme in the case studies (YFG3, 48; YC5, 30; HC6, 111; LG2, 176). During a Hope Vale Council meeting observed by the researcher, a councillor advocated holding a public meeting because *"it makes people feel better"* and *"it's just beneficial to allow the stuff to come out – get rid of all this shit that they've been holding in"* (Hope Vale Council meeting, 31/07/06). In an interview, another

¹⁶⁴ Ibid.

Hope Vale councillor expressed the view that *“the more honesty we give the people, the more better things are, because then they haven’t got things to make up”* (HC5, 147).¹⁶⁵

While the benefits for Council performance of having a happier and more relaxed constituency might seem intangible, the evidence suggests that the impact of disputation and disharmony on Council productivity and effectiveness should not be underestimated. CEOs reflected on the amount of time that they spend dealing with conflicts stemming from a lack of communication. Such conflicts also have a tendency to spill over into the Council workforce, thus affecting Council productivity.¹⁶⁶

8 Conclusion

The analysis of the case studies in this chapter has found that, although there are some minor differences in approach, the extent and quality of community engagement by all three Councils has been generally poor. Several explanations were identified for this situation, including some that can be found in the literature on local governments generally, such as the avoidance of conflict, the desire to minimise pressure on decision-makers and the demands of the relationship with government. Other explanations are rooted in the unique history of governance in Aboriginal communities – most notably, the disengaged governance modelled by previous government and church administrators.

Whatever the causes of current levels of community engagement, their direct impact on Council performance is difficult to discern. The fact that Yarrabah Council has succeeded in many areas despite poor community engagement suggests that community engagement is not essential for Council performance and that performance in some areas may even be enhanced by less community engagement. Nevertheless, some instances were identified where poor community engagement has been detrimental to Council outcomes, particularly where success is dependent on the input of information and knowledge from the community, greater community ownership, or coordination with community-based organisations. Further, at Lockhart River, the case study found an apparent link between recent improvements in the level of engagement of the community in governance and improvements in Council performance in terms of levels of activity and productivity. On the other hand, Council performance in administration remained weak, with the Council explicitly prioritising participatory programs and projects over administrative tasks. Together, the Yarrabah and Lockhart River case studies lead to the

¹⁶⁵ The Mayor of Hope Vale refers to this as people *“taking a paintbrush and painting their own picture”* (Notes of Council meeting held 31/07/06).

¹⁶⁶ See Chapter 12, Part 7

conclusion that, while energy spent on community engagement may enhance Council performance in some areas, it has trade-offs for performance in other areas.

The findings are consistent with the body of community engagement literature reviewed in Chapter 2 that argued that community engagement is not an absolute virtue but an appropriate tool for governance in certain circumstances. It was noted in Chapter 2 that a number of writers have suggested that the appropriate form of community engagement is dependent on the function in question.¹⁶⁷ The Aboriginal Council case studies suggest that community engagement is most important in areas where the success of an activity will be contingent on (a) input of information and knowledge from a broad range of different interests, (b) the motivation and commitment of the Council workforce and the community or (c) coordination with, or leveraging of resources from, community-based organisations. On the other hand, community engagement will be less important and perhaps even counter-productive in relation to Council activities where efficiency is paramount, such as those of an essentially administrative nature or the delivery of basic services.

¹⁶⁷ See Chapter 2, Part 7.

Chapter 9 – External engagement

1 Introduction

The literature review in Chapter 2 highlighted the likely importance of a community government's interactions with its broader 'governance environment' in determining its overall success. The impact of government policy and legislative changes on Indigenous government organisations was a key theme of the ANU's Indigenous Community Governance Project (Hunt & Smith, 2007). Martin (2005) has argued that to be successful, Indigenous governments must facilitate 'strategic engagement' between Indigenous and non-Indigenous society, in terms of not only institutional forms and practices but fundamental values.

The objective of this chapter is to examine the Councils' engagement with the institutions that form part of the external governance environment and consider whether and how the quality of this engagement impacts on Council performance. This will enable exploration of the study's guiding hypotheses that relate to institutional engagement.¹⁶⁸ The chapter considers the Councils' engagement with higher levels of government and with other external institutions such as local governments, non-government organisations and the business sector.

2 Engagement with government

2.1 The context for Councils' relationship with government¹⁶⁹

The difficult circumstances in which Indigenous Councils and organisations operate have been written about extensively in the literature on Indigenous governance in Australia (for example, Clifford, 2003; Hunt & Smith, 2007; Moran, 2008). The case studies confirmed much of what has been written in this area. The Councils struggle on a daily basis with the problems of poorly integrated and short cycle funding arrangements, complex and overlapping reporting and acquittal requirements, inflexible program guidelines, uncoordinated programs and services delivered by government agencies operating within silos, high turnover of bureaucrats lacking

¹⁶⁸ See hypotheses 3 and 4 in Box 2 in Chapter 2.

¹⁶⁹ In this chapter, the term 'government' is used as a generic term for the higher levels of government that Aboriginal Councils are engaged with – that is, the Commonwealth Government and the State Government.

cultural sensitivity or understanding, and disingenuous consultation exercises which produce no return on effort. The debilitating effects of this environment on the Councils' capacity for good governance cannot be overstated. The rigid scaffolding of policies, programs and administrative arrangements erected by governments over the past two decades under the supposed rubric of 'self-determination' can form an impenetrable cage around the Councils' aspirations for autonomy.

On paper, there is substantial scope for the Councils to govern their communities autonomously. The Councils have had local government status since the passage of the *Community Services (Aborigines) Act 1984*, and they have jurisdiction to do anything to ensure the "good rule and government" of their community areas, provided it is not inconsistent with State laws (*Local Government Act 1993*, Ch.2, Pt.1, Div.3). The principal constraining factor for the Councils, however, and the one that defines their relationship with government, is their almost complete dependence on government for funding.

Unlike other local governments, Aboriginal Councils are unable to raise rates from residents, as the land within their jurisdiction is communally owned rather than privately owned by individual ratepayers. As a consequence, the State Government makes annual grants to the Councils under the State Government Financial Assistance (SGFA) scheme to cover their basic operational costs and to assist in providing essential services to the communities. The grants are calculated on the basis of a formula that takes into account the per capita cost of delivering a suite of local government services. The pool of funding is finite, however, and the actual amount of funding received by each Aboriginal Council falls below the amount stipulated in the formula for delivery of minimum services. The Councils also receive a small grant from the Commonwealth Government from a pool of funds for all local governments, known as the Financial Assistance Grants (FAGs). In order to deliver required services, Councils are forced to supplement their SGFA and FAG funding with grants from a multitude of other State and Federal government sources and any own-source income they can generate.

There are two consequences of this funding environment that are particularly damaging to the Councils' ability to govern autonomously. Firstly, the predominance of funding that is tied to specific purposes severely limits the Councils' scope for setting their own priorities for expenditure. Secondly, the huge administrative burden that results from administering grants from a multitude of different agencies exhausts the Councils' limited administrative capacity and resources.

These issues were recurring themes through the course of the three case studies. The Councils' frustration at the lack of discretionary funding is clearly evident from the following words of the Yarrabah Mayor:

We're hamstrung because 90% of our funding is specific. We've got no money that's not attached to anything to actually do what we want to do – put in infrastructure or employ people or do something like that – so we're still tied to the welfare mentality... (YC#, 177)

The only discretionary funding for Councils is the SGFA and FAG grants, together with any income from Council-run enterprises.¹⁷⁰ The bulk of the Councils' funding is provided under grants tied to specific purposes, which are circumscribed by government funding guidelines and contractual obligations.¹⁷¹ The Hope Vale CEO estimated that less than 10% of the Council's funding each year was untied (HC#, 117).

Even where a specific purpose grant is received for a purpose that does align with a Council objective, Councils are frustrated by rigid guidelines that stipulate the way in which the objective must be achieved, rather than leaving flexibility for the Council to determine an appropriate way to implement the grant. A government officer working at the community level commented that *"it's parameters about process, it isn't parameters about outcomes"* (LG7, 100). She highlighted the gap between government's rhetoric and the reality: *"I think our rhetoric in government is to say 'give responsibility', but we're actually not giving responsibility. We're going 'here it is, but you can't do it this way'..."* (LG7, 98).

The Lockhart River Council invested significant time and energy for three years to settle on its objectives and priorities through its Community Plan and Puuya Strategy. The inability of government to provide flexibility within funding programs to respond to the Council's defined priorities illustrates the difficulty for a Council trying to set its own direction. Following repeated attempts to obtain new funding and negotiate changes of purpose for existing funding, the Lockhart River Mayor wrote to all Australian and State Government agencies on 14 June 2005 out of sheer frustration:

We hear lots of talk from you, but as I said in my last letter, it is very hard for us to navigate the maze of funding bodies and rules to action our Plan and strategy. The rules are too rigid and there are too many departments. Talking and meetings aren't enough from you... We want you to DO something NOW. You must tell us how you will adjust your rules and programs to help us meet our priorities – which I believe line up

¹⁷⁰ See Figure 8.

¹⁷¹ The Hope Vale CEO gave the following example: *"It's all tied, it's very rigid... You take CDEP, we've got to provide all of the financials and expenditure on that every 3 months. You can't go buying a car out of the wages [component] or doing anything like that with that money, otherwise they stop your funding – it's as simple as that, no ifs or buts"* (HC#,117).

well with government priorities. (Letter from Johnson Chippendale, Lockhart River Mayor, to Australian State Government agencies, 14 June 2005)

The second way in which the funding environment diminishes the Councils' autonomy is by tying up Council capacity and resources in the multitude of administrative processes involved in applying for, reporting on, and acquitting program grants. Lockhart River Council's Puuya Strategy highlights the difficulties of this situation:

Funding to Lockhart River comes from multiple sources, which is neither coordinated nor streamlined. Lockhart River is currently funded by 21 different Australian and State government departments and has to administer a minimum of 58 separate grants. In Aboriginal Communities, under resourced, under skilled and untrained people are expected to be accountable for the allocation of funding from numerous sources, each having countless accountabilities, complex accounting practices and reporting requirements.

It has been observed that some of these funding streams actually have conflicting outcomes. The management of the funding sources is unrealistic to undertake, impossible to sustain and a drain on the meagre resources of the community involved. Arguably, it may take a number of trained external experts to successfully complete the tasks. The focus on controlling inputs and processes, limits the flexibility of the Lockhart River Aboriginal Council and the community to actually act on some of their most important priorities.

Presently the few people who are able to do this work within the community are overwhelmed with the task and while doing their best, are at risk of becoming counterproductive as reporting and complex accounting drains any value gained by such funding. (Lockhart River Aboriginal Shire Council 2004a, 14-15)

A manager at Yarrabah explained that to fund a new initiative, it was often necessary to find funds from several different sources, which would then require her to complete three or four different reports for the one project. The result was that she never had time to provide training or mentoring to staff because she was constantly “*stuck doing bureaucratic bullshit!*” (YC4, 83).

A government officer pointed out that the burden on an Aboriginal Council to comply with financial accountability requirements and report to multiple sources in multiple formats is far greater than a unit within a government department with an equivalent scope of funding and responsibilities (LG7, 102). The Hope Vale accountant spoke of a recent financial report which had taken her four hours to complete for a Sport and Recreation Officer grant for only \$50,000 (HC#, 180). The Administration Manager at Hope Vale lamented that there was “*far too much*

red tape. The community is just bombarded. It seems to me we have to justify our existence on this planet” (HC#, 37).

Running in parallel with this reality of dysfunctional and overbearing funding arrangements is the government rhetoric of consultation, partnerships and collaboration. This rhetoric is manifested in a cycle of consultation exercises and meetings for the purposes of negotiation and community planning. There is a high degree of community cynicism about these types of activities.¹⁷² These attitudes are summed up by the sentiments of a former Lockhart River councillor:

I think a lot of the issues that get brought up by government departments are sort of a little bit away from [local] people’s way of thinking. And the thing is... the decision that the community actually make, they don’t seem to get any feedback out of it, you know... That’s why a lot of people think they’re just talking for the sake of talking.
(LC8, 5)

A common refrain from those interviewed for the case studies was that, despite the talk of consultation and local negotiation, governments were ‘imposing external solutions’: “[T]hey are actually taking the problem from the community, they take it outside, they ‘solve’ it, and they bring back a solution, where they should be coming into the community, solving the problem here, with local solutions” (LC2, 58).

The evidence presented here illustrates that Aboriginal Councils’ principal points of engagement with government are through processes for the transmission of funding and through consultation and negotiation processes, and the circumstances of both these forms of engagement are profoundly disempowering for the Councils. The terms of engagement are very much set by government and Councils are locked into the relationship by their dependence on government funding. In such circumstances, how can Councils respond in a way that maximises their autonomy? The case studies revealed significant differences in the way the three Councils approach their relationship with government, and these are discussed in the next section.

2.2 Isolation versus engagement

In the face of being “bombarded” with a barrage of compliance measures along with demands for participation in hollow consultation and planning exercises, it is understandable that those working within Aboriginal Councils experience feelings ranging from fatigue and resignation to

¹⁷² Noel Pearson recently referred to Aboriginal communities as having “plan fatigue” (Four Corners, ABC Television, 16 July 2007).

anger and resentment. At Lockhart River and Hope Vale, these pressures have led to a tendency for the Councils to adopt an isolationist position in their dealings with government, at least until recently.

At Hope Vale, an isolationist approach evolved in the past as a consequence of the Council adopting an attitude of fierce defiance towards government. A public servant who began working with the Hope Vale Council in 2002 recalled how he was confronted with “*a high degree of antipathy toward State Government*” and how “*a legacy of poor engagement by government had fed this sort of almost isolationist positioning by the then-Council*” (HG2, 12). A current Council officer, reflecting on the councillors’ approach, commented that “*in some respects they have an idea that they can just tell government to go away, but what they don’t realise is if they do that, they’re on a lose situation. Government doesn’t lose, they do*” (HC7, 154).

At Lockhart River, the Council has also maintained an isolationist position in the past, but in this case it has been spawned more from fatigue than defiance. When the negotiation table process started at Lockhart River in 2002, the councillors did not readily engage:

The first [negotiation table] was run dragging the community leaders along and they did nothing unless it was hand fed to them, no food, no chairs, nothing – they were not reluctant but rather exhausted with constant government demands and hollow promises – they had heard it all before and knew that nothing real or useful to them was going to happen. (Government officer cited in Lockhart River Aboriginal Shire Council 2004a, 11)

It is clear that the Lockhart River Council had responded to the demands and pressures by simply disengaging from the relationship with government.¹⁷³ The extent of the Council’s disengagement is illustrated by an incident in 2002. Following a major political controversy, where a bottle of wine had been discovered on a government Minister’s plane in contravention of Lockhart River’s alcohol restrictions, the Queensland Premier had flown to the community at short notice to apologise on behalf of the government. None of the councillors, however, turned up to meet the Premier on his arrival in the community. An observer at the time was at a loss to explain why this was the case, speculating that perhaps “*they did not realise the value of advocacy or the value of this opportunity*” or alternatively “*maybe they were just in their tired days*” (LG7, 118).

¹⁷³ An indication of the Council’s withdrawal from the relationship with government is that a Financial Controller appointed to the Council in 2004 reported that he was constantly being contacted by government officers because the CEO and the Chairperson never returned phone calls (Financial Controller, 2004b).

The isolationist positioning by Lockhart River and Hope Vale Councils in the past is in stark contrast to the Yarrabah Council's approach to its relationship with government. A desire to proactively engage with all levels of government has been a defining attribute of Yarrabah Council's approach to governance over the past two decades. The Council has identified engagement with government as a critical means to achieving its vision of greater community self-management. It has nurtured its relationships with government in order to push its agenda for greater devolution of service delivery to the community and to ensure that funding and programs provided by government align with community needs and priorities. As the Yarrabah CEO explained:

[T]he objective is to establish good working relationships [with government agencies] and for there to be a consistent understanding about how certain funding criteria relate to the overall community social needs or community development needs. Where that's not lined up, we try and be pretty clear in terms of what it is we are trying to achieve as part of any relationship and hopefully it'll be reciprocated. (YC#, 189)

As will be seen later in the chapter, the desire to engage with government operates at all levels of the Yarrabah Council. The philosophy of engagement, however, is driven by the Council leadership. It is clearly evident in the way the Council has sought to engage government at the political level through lobbying and advocacy. Over the years, the Council has regularly written to Ministers and government officials seeking funding assistance for proposed Council projects. The Council has taken the opportunity to meet with Ministers, members of Parliament and senior officials wherever possible to put forward community issues and concerns (Council minutes, 22/02/00, 30/10/00, 03/08/04, 12/10/04, 08/02/05).¹⁷⁴ In contrast to the Lockhart River Council's missed opportunity in relation to the Premier's visit, when the Yarrabah Council received a visit from the new Minister for Aboriginal and Torres Strait Islander Policy on 17 February 2004, the Council minutes show that, prior to the visit, the Council discussed the issues that it wished to raise in depth and formulated a list of 20 issues to be discussed (Council minutes 12/02/04). The issues ranged from local issues such as the Council's swimming pool project to 'big picture' issues such as the "policy platform of the State Government" and the implementation of the recommendations of the Royal Commission into Aboriginal Deaths in Custody. The success of the Yarrabah Council's efforts to engage with government is illustrated by the fact that in July 2007, the Yarrabah Council hosted the first Cabinet meeting to be held in a Queensland Indigenous community.

¹⁷⁴ The effectiveness of the Council's advocacy is illustrated by letters on Departmental files from the local State member to the relevant Minister seeking responses to issues raised by the Council (DFYCC File AIA118).

Ultimately, the three Councils are all responding to the same problem of how to maximise community control in the face of a governance environment that has constantly undermined local autonomy. The difference between Yarrabah's engagement-focused approach and Lockhart River and Hope Vale's isolationist approach simply reflects divergent philosophies about how best to maximise autonomy. At Hope Vale, an attitude of defiance is seen as the means to keep government at bay and minimise its reach into community affairs. At Lockhart River, community leaders have in the past tended to disengage from the relationship with government and retreat into the community domain where government has less reach and residents are more able to exercise autonomy. This phenomenon is consistent with the situation observed by other researchers in many remote Aboriginal communities (Myers 1986; Tonkinson 1982; Trigger 1988). At Yarrabah, on the other hand, community leaders have seen maximising community control as a matter of drawing government into a partnership whereby government's resources can be leveraged to meet community priorities. A manager of a community organisation at Yarrabah described the community's philosophy for dealing with government as follows:

It's an acknowledgement by a lot of people that community control is not about excluding, but it's about working together. And some people do have that perception... that community control is at the exclusion [of others]... But it's not, it's about saying 'look, we're here, you want to work with us, [and] we want to work with you also, but you need to listen to us, you need to take on our terms of reference with regard to community control and you need to have an understanding, and you need to work towards us in our community-controlled structures.' (YN3, 71)

The Yarrabah Council's approach is perhaps best summed up by the concluding statement in the Council's education and training plan:

We must get those government Departments and agencies to also come to the table and realise their responsibilities to us as indigenous people in the struggle for empowerment in the process of self-determination and self-management in this country. To achieve this we include them in our plans, under our control. (Yarrabah Aboriginal Council 1995, 22, *emphasis added*)

2.3 The negotiation table era

The context for the relationship between Aboriginal Councils and government has changed considerably since 2002 with the introduction of a new State Government strategy for engaging Aboriginal communities through partnership and negotiation mechanisms. This approach was initiated as part of the *Meeting Challenges, Making Choices* strategy announced in 2002 in response to Justice Tony Fitzgerald's Cape York Justice Study report. The strategy involved the appointment of a CEO of a government agency as a 'Government Champion' for each discrete Aboriginal community to oversee a series of 'negotiation tables' between the community and government agencies. The objective of the negotiation tables was to provide a forum for collaborating on community action plans that set out how government and community would work together to address community needs and priorities.

The advent of Government Champions and negotiation tables presented an opportunity for a radical overhaul of the relationship between Aboriginal Councils and government. It is illuminating to consider how the three Councils responded to this opportunity. Initially, the Yarrabah Council appeared sceptical about what could be gained from the process. The Council had been successfully negotiating with government to meet many of its priorities without the need for a Government Champion or staged negotiation tables, and was concerned about a further drain on Council time and resources for little additional return (YC10, 113). The Council took the opportunity, however, to negotiate with government for the employment of a change manager position within the Council to manage the processes around the negotiation tables. Once this officer was in place, the Council more or less took control of the process and arranged a series of negotiation tables on key community priorities, starting with the Council's highest priority – housing. The Council recognised the opportunity presented by negotiation tables to leverage government funding for priorities such as housing, but it was firm in its desire for the process to be managed locally by the Council, rather than by government.¹⁷⁵

Given their isolationist stance towards government, it is not surprising that the Lockhart River and Hope Vale Councils were underwhelmed by government's latest plan for community engagement. The initial engagement by the Hope Vale Council in the negotiation table process was quite limited and was imbued with the Council's continuing antipathy towards government (HG2, 12). At Lockhart River, the Council refused to even meet with the nominated Government Champion. A government officer described the initial engagement:

¹⁷⁵ The Government had created a framework around negotiation tables whereby a government officer based in Cairns had responsibility for organising and supporting the negotiation tables. In Yarrabah's

Two years ago government representatives were kept waiting outside the Council in the heat for a day without so much even as the offer of some water. On eventually being briefly allowed into the Council meeting they noticed part of the agenda was 'Reject Community Champion.' (cited in Lockhart River Aboriginal Shire Council 2004a, 10)

From these inauspicious beginnings, the engagement by both Hope Vale and Lockhart River Councils in the negotiation tables has improved considerably. At Hope Vale, this appears to have resulted from the election of a new Council in 2004 along with the committed leadership and enterprise of the Government Champion allocated to the community. As discussed in Chapter 8, the negotiation tables have been deficient in terms of engagement of the broader community, but there was a broad consensus from those interviewed that the process has substantially improved the relationship between the Council and government (HG2, 12; HC7, 149; HG1, 167; HC5, 80; HC10, 137).¹⁷⁶

Nevertheless, despite what one observer called a “*sea-change in terms of the [Council’s] skill and preparedness and attitude toward engaging with government*” (HG2, 14), an aggressive and confrontational posture is still evident in some of the Council’s dealings with government. For example, in a letter from the Council to the Regional Manager of a government agency in late 2006, the Council accuses the Department of “unjust conditions”, “bias” and “incompetence” in relation to the delivery of a program (Letter from Hope Vale Mayor to Regional Manager of Aboriginal and Torres Strait Islander Housing, 4 September 2006).

This level of posturing can be partly explained by the distinctive Hope Vale leadership style discussed in Chapter 13, with its emphasis on the strong and authoritative ‘big man’. This was certainly evident in the bravado displayed by a particular councillor during a Council meeting and public meeting observed by the researcher. The councillor repeatedly criticised government officials and Ministers and spoke vociferously of the need to confront them (Council meeting 31 July 2006; Public meeting 1 August 2006).

There is also an historical explanation for the Hope Vale Council’s continuing oppositional attitude towards government. During the Second World War, the German Lutheran missionaries at Hope Vale were interned by the authorities and the entire mission population was relocated thousands of miles to the south at Woorabinda, inland from Rockhampton.

case, however, the change manager appointed within Yarrabah Council appears to have taken over this role.

¹⁷⁶ This confirms the findings of an evaluation of the Meeting Challenges, Making Choices strategy, which identified good communication between the Government Champion and the Hope Vale Council as a “strong feature” of the implementation of the strategy in Hope Vale (Injury Prevention and Control (Australia) 2004, p.6).

Members of the community suffered great hardship and suffering, and the feelings of resentment towards government are still strong today. As a Hope Vale Council officer explained:

This community feels hard done by because it was the only community that was moved away... They weren't even able to pack, [some] died on the way, from the cold... That's the sadness within the community, because as a community we were never recognised for what we went through. And I think the government will be the target til the end of the day, til they recognise Hope Vale for what it went through. And the Council carries that. (HC10, 39-41)

At Hope Vale, the Council is showing a greater preparedness to engage with government, but the way in which it is engaging is not necessarily effective or strategic in terms of furthering the community's goals. This was acknowledged in the following comment of a Council officer: “[We] are engaging well with government, [in that] if we don't think government is doing something right, we tell them. Whether that gets us necessarily the outcome that we desire, is different...” (HC7, 149). There is a sense that although the level of engagement has been far greater since 2004, it has not led to tangible outcomes. A Council officer spoke about the urgency on the part of councillors to be involved in government meetings, but expressed the view that because of the lack of preparation and planning by the councillors “*only one in five meetings are productive*” (HC6, 75).¹⁷⁷ In short, while there is more engagement, it is not yet effective.

At Lockhart River, the shift in the Council's attitude towards engaging government has been much more substantial than at Hope Vale. One of the first steps taken by the Government Champion in 2002 was to place a senior public servant in the community to facilitate leadership development, community planning and engagement with government. This facilitator has worked intensively with leaders in the community for several years, focusing firstly on empowering the community to settle on a vision and plan for the future and secondly on facilitating meaningful engagement with government to enable this plan to be progressed. In 2004, the Council published the *Lockhart River Community Plan 2004-2008*. At the same time, it released the *Puuya Strategy*, which sets out a detailed proposal for continuing the process of community empowerment and community development in a sustainable way. Both documents highlight engagement with government as the key plank in the community's strategy to move forward. This is best summed up by the Mayor's words in the introduction to the Community Plan: “We want to walk together with government, side by side in partnership, sharing

¹⁷⁷ There is a high degree of cynicism in the community about the amount of travel that current councillors have undertaken and their motivations for this travel (HC4, 54).

responsibility for improving the working and living conditions for the people of Lockhart River” (Lockhart River Aboriginal Shire Council 2005a, p.2).

The negotiation tables held at Lockhart River are referred to as ‘learning circles’, in recognition that they are a site for government and community to share information and build mutual understanding. The learning circles have been held two or three times a year over several years and are the forum for negotiating action plans on the priorities identified in the community’s planning processes. It is clear that the learning circle process, led by an energetic and committed Government Champion and supported by the facilitator on the ground, have profoundly changed the Council’s relationship with government. In the words of the Mayor: *“It’s a link with government and community which is working really well”* (LC#, 12). Government agency representatives also attested to the effectiveness of the learning circles as a forum for communication and exchange (LG4, 39): *“The community and the Council are able to articulate what they want, [and] they’re understanding the frustrations of working in government as well”* (LG6, 26).

The last few years have seen Lockhart River Council move from a disengaged and isolationist position to a positive commitment to engage with government. The case study revealed, however, that there are huge challenges to be overcome if such engagement is to be productive. The Council suffers from a significant deficit in its capacity for engagement. This is most evident in the communication barriers that remain between Lockhart River community members and government officers. Such barriers operate at several levels. One issue is that residents of Lockhart River speak a form of non-standard English that is heavily influenced by local Aboriginal dialects along with Torres Strait creole. But perhaps more significant than the language barrier is the divergence in life experiences, world view and cultural beliefs between Lockhart River people and government officers who visit the community. As a government officer stationed in the community explained:

It’s the same as me coming here, it’s a different map. So the maps that I have in my head about how leadership works, or how decisions are made, or how to negotiate, and all of those things, are irrelevant to me here. See I think we’re under a huge myth here, that says, because we’re speaking english, we’re speaking the same language, we’re not. Absolutely not. (LG7, 126).

In engagement between government and the Council, government officers regularly fail to understand the point of view of Council leaders. The Council’s submission in 2005 to the review of the alcohol management plan cited a common community concern as: “Government needs to listen to us – they keep coming here and saying that they are listening but they aren’t really” (Lockhart River Aboriginal Shire Council 2005b, 3). The Lockhart River Mayor explained that *“we’ve had difficulty, you know, trying to voice our opinion to government”*

(LC5, 8). Conversely, government representatives speak in terms that the Council leaders do not understand. A former Council officer, now with government, explained:

Lockhart Council is quite willing to engage, but I just think the Government needs to come a bit their way. They're just talking at different levels. I mean, you go out there and there's half a dozen PhDs sitting on this side of the table and one Diploma on [the other] side. (LG3, 76)¹⁷⁸

In recognition of the cultural, educational and language divide between councillors and government representatives, the community development facilitator and the CEO at Lockhart River have invested time in simply translating and interpreting for the councillors during meetings with government. The CEO explained the typical interactions in such a meeting:

They're now more self-confident in their ability. One of the things that we just keep [telling the councillors] is 'don't accept what the [government] people say'. Because that's what happens. A whole room of public servants come in and they go 'blah, blah, blah'. They talk at this level, [but the councillors are] interpreting down here, no one's actually speaking the same language and the public servants go away saying 'oh well, they agree with it'. We've now actually taught [the councillors] to say: 'well, no, hang on, we don't understand' or they'll turn to either Denise or I and say 'what are they talking about?' And we're acting as interpreters between government and Council. (LC#, 231).

An important strategy in building the capacity of Council leaders to engage is to role play and rehearse interactions prior to meetings with government. As part of the mentoring process, the CEO and the facilitator discuss the strategic aspects of the meeting and questions such as “who are you meeting with, what do you think they'd want, what are they interested in, what are you interested in... how would you do that, do you need to get angry, do you need to give them facts and figures?.” :

[I]t's a skill set, so this is part of the work both [the CEO] and I do in mentoring the Council... [I]f it's a meeting with people, before people come, going 'who are you meeting with, what do you think they'd want, what are they interested in, what are you interested in, what things can we tell you about that, what would that mean you need to tell me, how would you do that, do you need to get angry, do you need to give them facts

¹⁷⁸ The point about the PhDs might seem like an exaggeration, but in fact the Council newsletter, Waanta, reported on 25 November 2005 that: “On 9 November, Noel Pearson and [Dr] Subho Banerjee from CYI, and Dr Ken Henry, Dr David Tune, Dr Bob Gregory from a high level of government in Canberra came and met with councillors. Talked about flexible grant conditions and pooled funding with agreed outcomes.”

and figures?’ Thinking about those things. Because advocating and building relationships and understanding what it is and who it is you need to build relationships with is a complex map. (LG#, 124)

While councillors are starting to realise the importance of engaging with government and are starting to build the skills to do so, they still display a tendency to withdraw from these processes. A concern commonly expressed by government officers who deal with Lockhart River is that councillors are not available to meet or respond to enquiries (MG1, 17; LG7, 118; Minutes of Government Agency Meeting re Lockhart River youth issues, 2005).

One of the reasons why Council leaders disengage from dealings with government is that there is still residual scepticism about the benefits of the engagement. Indeed, after several years of learning circles, Lockhart River leaders are increasingly expressing their frustration with government’s tardy response to the community’s priorities.¹⁷⁹ This is illustrated by the words of a community elder:

They [government people] come up, you know, and then you talk to them – you want this and that and whatever. And then they go back and... well, I don’t know what they talk about down there. We here waiting and that paper must be just sitting down there. (LN1, 32)

Implicit in this statement is another obstacle to productive engagement between the Aboriginal communities and government – that is, an attitude of dependency on the government to provide solutions to local problems. This attitude was particularly prevalent at Lockhart River. While the Council had been through an extensive process of community planning and settled on several priority initiatives, the councillors seemed to consider that the next step was to sit back and wait for government to implement these initiatives. There did not seem to be an appreciation on the part of leaders that the Council itself could take steps to progress many of these initiatives, even where government support was limited. A government participant in the negotiation tables recalled that the Council displayed a “*cargo cult mentality*” where they expected that if they presented a list of things they wanted, the government would provide them (LG6, 12). In 2006, when some of the embryonic community development initiatives were stalled by an outbreak of inter-family violence, a councillor expressed the view that the government should solve the problem (LC7, 145). A former Council officer with a

¹⁷⁹ A government officer observed that the Council at Lockhart River was “*quickly losing interest in whether these learning circles are worthwhile, [and] whether they should be wasting their time continuing with them, because government is not coming to the party*” (LG5, 19).

longstanding relationship with the Lockhart River community observed that the community was “*still letting go of the dependency and learning to take responsibility*” (LG1, 84).

In contrast, the rhetoric of the Yarrabah Council revolves around taking ‘ownership of the problem’ and ‘ownership of the solution.’ With such a starting point, the tenor of the Council’s engagement with government is distinctly different to Lockhart River’s. The Yarrabah Council seeks to engage with government in order to subsume government into the Council’s plans. This is evidenced by the statement cited earlier: “we include them in our plans, under our control” (Yarrabah Aboriginal Council 1995, 22). This contrasts with the more passive starting point for the Lockhart River Council’s engagement with government, where the focus is on convincing government to take the lead in rolling out funding and programs in response to community needs.¹⁸⁰

The case studies revealed a further contrast in the approach to government engagement on the part of the Lockhart River and Yarrabah Councils. Much of Lockhart River’s dialogue with government in recent years has consisted of railing against the constraints of government funding and program guidelines and service delivery processes. In its Puuya Strategy and correspondence with government, the Council is demanding that the government radically change its approach to delivering programs and services in Lockhart River. For example, the Mayor’s letter to government agencies about government inaction in responding to the Council’s community plan states that: “We have changed our ways – now it’s your turn to change – you will have to do some things in different ways now” (Letter from Johnson Chippendale, Lockhart River Mayor, to Australian State Government agencies, 14 June 2005).

At Yarrabah, on the other hand, the Council has not called for wholesale changes to government’s approach to service delivery in the community, but has rather worked within the constraints of the existing system in order to meet its own objectives. The Yarrabah CEO uses the metaphor of ‘playing the game’ to describe the Council’s approach to negotiating its way through bureaucratic processes to achieve its purposes:

The game we are playing is not a game created by us. It does not mean that we cannot play, it means in order to achieve the desired results we need to adapt (and continue to do so) in order to maintain some involvement. (YC#)

¹⁸⁰ The attitude of dependency on government to provide solutions to local problems was also in evidence at Hope Vale, although to a lesser extent than Lockhart River. For example, a Hope Vale councillor attributed the lack of community facilities at Hope Vale to a failure of government, lamenting that “*the government doesn’t give us anything!*” (HC5, 83).

This comment suggests that Yarrabah Council shares Lockhart River Council's concerns about the rules of the 'game' created by government. Indeed, the Yarrabah CEO expressed his frustration at government regularly "*shifting the goalposts*" (YC#, 112). Yarrabah Council, however, has made the pragmatic decision to adapt to the rules and play the game rather than seek to convince government to change the rules. Over a period of time, the Yarrabah Council has developed the skills and knowledge of the game to succeed. This may simply not be an option for Lockhart River Council. As the next chapter will reveal, the capacity deficit at Lockhart River is such that the Council may never be able to play the game under the current rules set by government. The need for government to change the rules in order for Lockhart River to compete is acknowledged by the Government Champion for the community:

The community is a lot more empowered than it was 5 years ago. It's much more clear on what it wants and what it doesn't want. And I think the real issue now for both the Council and the community is really the ability of government to get its act together to meet business needs. So this might sound almost paradoxical thinking – I actually think the problem now is not the Council, it's actually the government. (LG#, 14)

Similarly, in the case of Hope Vale, the Government Champion acknowledged that while the Council needs to build its capacity to engage, the government should share some of the blame for poor engagement in the past because "*government is not creating the negotiating environment to enable [the Council] to operate at a strategic level*" (HG2, 24)

In summary, in the case of Lockhart River and Hope Vale, the negotiation table era has seen a far greater willingness on the part of the Councils to abandon their previously isolationist stance in order to engage productively with government. Furthermore, the negotiation table processes have provided a mechanism to improve the quality of engagement. However, having remained isolated and disengaged from government for so long, there is a sense that the Council leaders at Lockhart River and Hope Vale have a long way to go to develop the capacity and skills for effective engagement. These Councils do not display nearly the same degree of finesse as the Council leaders from Yarrabah, who have been actively engaging and partnering with government for two decades. Moreover, it is now acknowledged by government that reform is needed on the government side to provide an environment for more effective engagement between Aboriginal Councils and government.

2.4 Council engagement with government at an operational level

The preceding sections have examined the nature of the relationship between the Councils and government at the broader level of ideology and strategy. The differences in the Councils'

approaches observed at that level are clearly evident in the practical matters of carrying on the day-to-day operations of the Council. The tenor of the Council's relationship with government is set at the top.

This was immediately evident in terms of the quality of the relationships between Council officers and government agency representatives. At Yarrabah, Council officers interviewed for the case study spoke repeatedly about the importance of "*effective partnerships*" (YC1, 84) and "*good relationships*" (YC2, 104) with government officers.¹⁸¹ The CEO pointed out that "*the most value we've got is making sure those [government officers] have their questions met, have a friendly or the same person to deal with, and when you say you're going to do something, actually get it done*" (YC#, 84). In contrast to the confrontational approach observed at Hope Vale, the Yarrabah Council seeks to avoid confrontation with government:

The way we deal with the government departments is we go out – a lot of communities go out looking for a fight – but we go out, we pick the fights we want, and I think that's the best way to go. If you go and talk on a sound level and work through the stuff together, things will work out. Council doesn't use the media a lot to ping government departments, we would prefer to work it out face to face. I think we've got a good working relationship with most government departments. (YC2, 104)

This is not simply a matter of rhetoric. Government officers interviewed about Yarrabah Council were overwhelmingly positive about the Council's ability to build effective relationships with their agencies (YG10, 17; YG9, 35; YG1, 36; YN1, 6; YG3, 16).¹⁸² Typical comments were that the Council staff were cooperative and always kept their appointments (YN1, 26-28) and that the Council administration was always quick to respond to queries and to provide information requested by the agency (YG1, 36; YN1, 6; YG3, 16; YG8, 22; YG7, 17).

¹⁸¹ This approach is even written into the Council's policy and procedures manual, which includes the following under the heading 'Interface with organisations': "Staff are encouraged to network with agencies relating to their functions. Many Federal and State agencies deal with issues covered by YAC structure and local planning. It is a matter of working closely with these agencies to establish quality networks and to enable information sharing" (Yarrabah Aboriginal Council 2001, p.43).

¹⁸² Only one Government officer raised concerns about the Yarrabah Council's approach to dealing with the officer's agency. The officer had only dealt with one officer in the Council and commented that sometimes the Council officer seemed to be arguing excessively for exemptions or flexibility regarding funding requirements (YG#, 22). In fact, this example further reinforces the extent to which the Council seeks to strategically engage with agencies to meet its own objectives, although evidently the approach was not so successful in this case.

An example provided by an officer from the Department of Housing illustrates the value that the Yarrabah Council places on maintaining relationships with funding agencies. The Council's rate of debt collection had fallen below the Department's required minimum and this had triggered a letter to the Council from Central Office indicating to the Council that this might affect future funding. The Council was upset that the Department had not communicated directly with the Council previously about how to address the problem:

Yarrabah take these things to heart... so they phoned this office, they spoke to one of the deputy managers, and they were looking at... well, they took offence, really, to the letter, and I guess I don't blame them in a way – they said 'we don't mind dealing with you, you know, lets try and work through this together, but you know, getting this letter...' And that's why they said 'if we're not meeting the core eligibility criteria, we want to address that,' and they have. (YG#, 30-31)

The same quality of relationships between the Council and government agencies at the officer level was not evident at Lockhart River and Hope Vale. For example, government agency representatives dealing with Lockhart River commented that, for the most part, Council staff did not proactively engage with government, and were not responsive to agencies' requests (MG1, 93, LC3, 88).

A practical benefit of building relationships with government agencies is greater opportunities for partnerships that enhance service delivery. A number of government agency representatives interviewed about Yarrabah Council commented on the willingness of the Council to form partnerships with mainstream service providers outside the community in order to enhance the Council's service delivery. There were several examples cited, such as the Council's Life Promotion Program officers forming positive working relationships with mainstream health services in Cairns (YG13, 14-17), the Council's Family Support Program integrating with mainstream services in nearby Edmonton (YG10, 18), the Council's Older Persons Action Program conducting joint activities with aged care services in Cairns, and the Council environmental health officer working closely with Queensland Health's Tropical Public Health Unit.¹⁸³

Agency representatives commented that Yarrabah Council officers seemed much more open to the possibility of collaborating with mainstream service providers than other Aboriginal Councils (YG3, 17; YG10, 18). Indeed, there was little evidence of these service delivery partnerships at Hope Vale and Lockhart River, with Council services operating largely in

¹⁸³ An example of the latter can be found in an internal report to Council: "Visits were made to Tropical Public Unit in Cairns to gather resources plus introduce the trainees to outside health agencies outside of the community that I work close knit with." (EHO Report to CEO, December 2003)

isolation. Of course, Lockhart River Council faces significant challenges in building relationships with other service providers due to its remoteness, but this factor does not assist to explain why Hope Vale Council has not developed more service delivery partnerships. It is very likely that the Hope Vale Council's history of taking an isolationist and oppositional approach to dealing with government has affected its officers' ability to form partnerships at the officer level.

A further practical illustration of the difference in approach between the Councils concerns their approach to soliciting grants. Yarrabah is the only Council of the three that employs a project officer dedicated full-time to writing grant submissions, liaising with government agencies and project managing and acquitting grants. At Hope Vale and Lockhart River, senior Council staff seek to undertake these tasks amongst their other duties. The Deputy CEO at Hope Vale admitted that the Council misses out on grants as a result of the lack of officer time to write submissions: *"At the moment, I have four I could apply for by the end of this month, and a number more will come in, so I have to decide which ones to go for... I could spend all day applying for grants and get nothing else done"* (HC#, 158-160).

2.5 Impact on Council performance

In all of the data collected for the case studies, the quality of engagement with government was one of the most striking points of difference between Yarrabah Council and the other two Councils. The correlation at Yarrabah of effective engagement with government and high Council performance and the correlation of poor engagement and poor performance at the other two Councils presents a prima facie case that this factor is a key determinant of Council performance. This case is strongly reinforced by a range of specific data linking effective government engagement and enhanced performance, which will be outlined here.

Given the Councils' almost complete reliance on government funding, the potential impact of the Councils' relationship with government on their ability to achieve their objectives is self-evident. It is not surprising that the biggest dividend from a Council's positive engagement with government is increased funding. Yarrabah Council's efforts at constructively engaging with government have been rewarded with the highest level of grant funding of any Aboriginal Council in Queensland.¹⁸⁴ The value of such funds for the Council's ability to deliver infrastructure in the community is immediately evident at Yarrabah in terms of the levels of community facilities in the community. By contrast, the paucity of community facilities at

¹⁸⁴ See Item 21 of Table 9.

Lockhart River and Hope Vale is a testament to those Councils' failure to engage with government to attract funds for new infrastructure.¹⁸⁵

The link between the Yarrabah Council's approach to engaging government and the outcomes it has achieved in terms of infrastructure funding can be seen at a number of levels. At the political level, the commitment and skill of Council leaders in lobbying and advocating at senior levels of government has facilitated funding commitments from government agencies. At the officer level, the Council's commitment to building positive relationships and meeting agency accountability requirements has helped it maintain an immaculate compliance record. This creates a virtuous cycle whereby the Council can make its case for future grants on the strength of its record of accountably managing previous grants.

Apart from the obvious dividend of extra funding, the strategic way in which the Yarrabah Council has sought to engage government has enhanced the Council's ability to meet its own goals in other ways. For example, in relation to the Council's overriding goal of achieving self-management, the Council has achieved a significant measure of autonomy from government through proactively negotiating the terms of individual grants with government to ensure that they align with the Council's priorities.

The benefits of the Yarrabah Council's approach is illustrated clearly in relation to one of the Council's highest priorities, that of maximising community employment. The Council has successfully negotiated the devolution of numerous government programs to the community level in the past two decades, creating additional local employment opportunities. As Figure 7 in Chapter 5 shows, Yarrabah has a high level of employment in the government and administration sector. Furthermore, it is evident from Council minutes that the Council has fought strongly for maximising local employment as part of any new projects funded by government. A constant theme of the Council's discussions around the housing renovation funding provided by the Commonwealth Government was its desire to see more local people employed in place of external contractors. This issue was also a focal point of the Council's negotiations with funding providers for the construction of the new swimming pool in Yarrabah in 2007 (YC2, 82). The Council has also pursued its community employment goal through expanding its CDEP program as a means of providing more employment opportunities, thereby creating the largest CDEP scheme in the country.¹⁸⁶

Effective engagement with government has created a level of confidence and sense of belief that has reinforced local control at Yarrabah. This was in evidence when the Deputy CEO

¹⁸⁵ See Item 4 of Table 9.

¹⁸⁶ See Item 15 of Table 9.

commented that *“personally... I don’t believe that there is much dominance from outside. I believe we are doing things ourself and achieving them ourself, in the way we want to”* (YC#, 80).

Lockhart River’s plight illustrates the difficulties faced by a Council that has struggled to engage effectively with government. Several people interviewed for the case study commented on the number of grants that Lockhart River had missed out on because the Council had neglected its relationship with government (LC2, 92; LG2, 20; LG7, 120). One informant explained that even where the Council was able to convince a government minister to fund a project *“when you don’t answer the telephone calls or their emails or any of their letters, they drop you like a hot potato. The minister doesn’t follow up on it”* (LC2, 92). He noted that agencies *“were always crying out for acquittals”*, but correspondence just piled up around the office, unanswered (LC2, 92). A government officer suggested that poor advocacy by the Council was the main reason why the physical infrastructure at Lockhart River was poor compared to other Aboriginal communities (LG7, 120-122).

Even where new infrastructure was constructed at Lockhart River in the past, the Council did not engage effectively with government to ensure that it met the community’s needs and priorities: *“if you look at the community hall, people on Council would say ‘we don’t know why government put that there’”* (LG7, 38). While poor government consultation practices were partly to blame, an observer suggested that it might also indicate that *“the community didn’t play their part in pushing to have their views [put] forward, but maybe they didn’t know they could”* (LG7, 38).

On the other hand, there is evidence that the efforts by the Lockhart River Council in recent years to abandon its isolationist stance and build its capacity to engage with government have produced some dividends. Negotiations at the learning circle in 2002-03 led to the allocation of substantial ongoing funding from the Department of Health and Ageing for a drug and alcohol diversion program at Lockhart River.¹⁸⁷ This funding has been successfully used to employ local people to run a number of positive lifestyle activities for residents (Lockhart River Aboriginal Shire Council 2004b). A project to set up a Council stores system in 2003-04 demonstrates the Council’s improved ability to engage government agencies in collaborative partnerships. The funding to employ a mentor for the Council storemen was provided by one government agency and the Council negotiated with another agency to secure accommodation for the mentor.

At Hope Vale, like Lockhart River, it is hard to escape the conclusion that the poor state of the community’s infrastructure and services is linked to the Council’s isolationist and somewhat

¹⁸⁷ The Council received \$27,457 in 03/04 and \$109,830 in 04/05, which is now ongoing.

confrontational approach to engaging with government. Current Council officers acknowledged that the Council had failed to capitalise on government funding opportunities through a lack of effective advocacy (HC8, 202; HC7, 158). A community plan commissioned by the Council in 2003 listed as a key problem area the fact that “Hope Vale is not optimising opportunities to access program funding” (Kleinhardt-FGI 2003, 45).

Effective engagement with government has benefits for Council performance beyond increased funding and provision of infrastructure. There are also opportunities for a Council to enhance its service delivery outcomes through partnerships with government agencies and mainstream service providers. A recurring theme from government representatives’ assessment of the Yarrabah Council’s service delivery was that the Council’s programs partnered well with mainstream service providers in nearby centres. It is likely that these partnerships contribute to the higher standards of service delivery achieved by Yarrabah Council, as documented in Chapter 5. Conversely, it is reasonable to conclude that the absence of these service-level partnerships with government has contributed to Hope Vale and Lockhart River Councils’ inferior service delivery performance.

3 Other external engagement

3.1 Engagement with other local governments

The differences between the Councils’ quality of engagement with higher levels of government are mirrored in their approach to engaging with other local governments, both Indigenous and non-Indigenous. Those not acquainted with the realities of Aboriginal politics are often surprised at how limited the collaboration is in practice between Aboriginal Councils. A combination of historical conflicts and the intense localism of Aboriginal politics results in a tendency for Aboriginal Councils to operate mostly autonomously. Yarrabah Council, however, is much more involved in collaborating with other Councils than the Hope Vale or Lockhart River Councils. This is most evident in the leading role that the Council has historically played in the peak body for Aboriginal Councils, formerly the Aboriginal Coordinating Council (ACC) and subsequently the Aboriginal Local Government Association of Queensland (ALGAQ). Hope Vale Council has also been active in Aboriginal Council peak bodies in the past, but it has had a lesser role in recent years. In contrast, Lockhart River Council was traditionally isolated from the inner circle of the ACC (LC5, 8; LG2, 132), and did not join the ALGAQ when it was formed in 2005. The Council has sought to build greater links with other Aboriginal Councils in recent years and has conducted fact-finding visits to other Aboriginal communities (Council minutes 14/06/05, 16/09/05), but in practice, its networks are still weak (LG2, 130).

Yarrabah Council has also achieved close working relationships with non-Aboriginal local governments to a greater degree than Hope Vale and Lockhart River Councils. The Council has been a member of the Local Government Association of Queensland (LGAQ) for several years and has actively involved itself in the LGAQ's activities (Council minutes 29/11/00).¹⁸⁸ The case study revealed several instances of the Council's efforts to partner with other local governments to enhance its delivery of essential services.¹⁸⁹ At Hope Vale, the only evidence of such a partnership was an arrangement with neighbouring Cook Shire in relation to water services. However, the Council has been taking a leading role in the development of the Regional Organisation of Councils of Cape York (ROCCY) (HG1, 171). Lockhart River, on the other hand, does not have any relationships with non-Aboriginal local governments. The Council is not a member of the LGAQ and its participation in the ROCCY has been poor (LC2, 127, 233).

3.2 Engagement with non-government organisations (NGOs)

None of the Councils has particularly strong links with mainstream NGOs.¹⁹⁰ In relation to Indigenous NGOs, the potential for relationships is affected by political factors in a similar manner to the Councils' engagement with other Aboriginal Councils. Over the past two decades, several regional Indigenous NGOs have been established in Cape York, starting with the Cape York Land Council in the early 1990s.¹⁹¹ Hope Vale leaders such as Noel Pearson

¹⁸⁸ A Yarrabah councillor indicated that it would be increasingly important for the Council to "*start interacting more with the LGAQ*" to get staff involved in their training and get more support from them (YC5, 64).

¹⁸⁹ The Council has had numerous dealings with the Cairns City Council, over matters such as local laws, animal control and waste disposal. It has also entered a sister city arrangement with the Hobson's Bay City Council in Melbourne, Victoria. This has enabled sharing of advice and expertise (such as access to the Hobson's Bay engineer), and staff exchanges (YC2, 107).

¹⁹⁰ Yarrabah's efforts at external engagement have been firmly focused on government, where the bulk of Aboriginal Councils' funding is sourced. In the past, Hope Vale Council's antipathy towards government has led it to seek to build relationships with philanthropic organisations, but there is little evidence of tangible outcomes from this engagement. Lockhart River's recent Puuya Strategy contains a proposal to form a 'Friends of Lockhart River' organisation as a means of engaging philanthropic organisations (Lockhart River Aboriginal Shire Council 2004a). The Council has had discussions with Red Cross and Rotary in recent years about community projects, but these relationships have yet to bear fruit for the community (Council minutes 12/01/05, 04/05/06).

¹⁹¹ Other regional NGOs include Apunipima Cape York Health Council, Balkanu, Cape York Development Corporation, Cape York Partnerships and the Cape York Institute for Policy and Leadership.

have been influential in the growth of these organisations. As a result of these links, the Hope Vale Council has been closely involved in the activities of these organisations. However, due to internal politics within Hope Vale, the Council has not been consistently on good terms with the regional NGOs. The benefits that have accrued to Hope Vale from these relationships appear to be limited to assistance with leadership development and access to some resources available under programs administered by the regional NGOs. At Yarrabah, there is outright antipathy towards these organisations, which are considered by Yarrabah leaders to represent sectional interests not favourable to Yarrabah. Similarly, the Lockhart River Council is highly mistrustful of the regional NGOs (Council minutes 12/08/04), although since 2005 closer links have been developing.

3.3 Engagement with business

The case studies showed very limited engagement by the Councils with the business sector. Yarrabah Council has had tentative dealings with tourism operators about possible enterprises (Council minutes 03/08/04). More recently, the Council has sought to involve the Cairns Chamber of Commerce in the management of the CDEP scheme in order to improve the scheme's business orientation. Apart from limited negotiations with tourism operators, there has also been little engagement by the Lockhart River Council with the private sector.

Of the three case studies, Hope Vale Council has had the greatest involvement with private business. In her thesis on economic development in Cape York, Holden (1994) described how Hope Vale has had a history of entrepreneurialism and was seen as "the Queensland Government's showcase of Aboriginal economic development" (1994, p.12). The principal link with business at Hope Vale has been through the Cape Flattery Silica Mine, established in the 1960s and still operating today. The Council receives royalties through an agreement with the operators of the mine, and dozens of Hope Vale residents are employed at Cape Flattery, which is part of the Hope Vale Council area. Another relationship between Hope Vale and the business sector was an arrangement with The Body Shop for the operation of a ti tree plantation in the community, but the project was not sustainable (HC2, 14).

Councils sometimes exhibit a reluctance to allow private enterprise to operate in the community where it is not totally owned and operated by local community members (HC8, 37). This ideological stance has limited the scope for entering partnerships with the business sector.

3.4 Impact on Council performance

The data from the case studies show that the Councils generally have weak levels of engagement with local governments, NGOs and the business sector. It is therefore difficult to

draw conclusions about the impact that engagement with these types of organisation might have on Council performance. The only evidence of performance benefits from such linkages was the modest enhancements in service delivery that Yarrabah Council officers have derived from their relationships with mainstream local governments in the areas of environmental health, waste management and animal control. The rhetoric of the three Councils in recent years underlines their belief that there are opportunities for improving service delivery through partnerships with other local governments, but this has yet to be realised in practice.

The Councils have not engaged with non-Indigenous NGOs and political dynamics have tempered their relationships with Indigenous regional NGOs. It is possible that there is untapped potential here too for improved service delivery were Councils to improve their engagement with such organisations.

Mainstream business is another oft-cited opportunity for Aboriginal Council engagement, but with the exception of the Hope Vale Council's agreement with the Cape Flattery Silica Mine, none of the Councils have accrued gains from business partnerships. Such partnerships would undoubtedly improve the three Councils' mediocre performance in developing their own businesses and encouraging enterprise development in their communities.¹⁹²

4 Conclusion

This chapter set out to examine the impact on Council performance of Councils' external engagement with the various institutions that populate the community governance environment. Aboriginal Councils' external engagement with government is one of the most crucial aspects of their business, due to their almost complete reliance on government for funding and resources. The case studies confirmed the widely-acknowledged dysfunctional aspects of the relationship between Councils and government. The main difficulty for Councils is that the relationship undermines Council autonomy: firstly, by circumscribing Councils' capacity to set and pursue their priorities; and secondly, by suffocating Councils with an overwhelming administrative compliance burden combined with demands for Councils to participate in seemingly endless consultation and planning exercises.

At Hope Vale and Lockhart River, the Councils have in the past adopted an isolationist and sometimes confrontational stance in response to the demands of the relationship with government. Both Councils have been drawn into a much closer relationship with government in recent years through the State Government's negotiation table process, but their engagement is not yet effective or strategic. Having remained isolated for so many years, the Councils have

¹⁹² See Items 18 and 19 of Table 9.

yet to build the capacity for effective engagement with government, and the legacy of poor engagement in the past continues to affect their relationship with government.

By contrast, a commitment to effectively engage with government has underpinned Yarrabah Council's strategy for achieving self-management for the last two decades. The Council considers engagement with government as the best means to overcome the constraints on autonomy imposed by restrictive funding processes and a cloistering bureaucratic environment. Yarrabah's engagement is both strategic and pragmatic in that it seeks to work within the system and draw government into partnerships that are on the Council's terms and contribute towards achieving the Council's plans and priorities. Most importantly, the Council's leaders have made the psychological shift from approaching the relationship with government with an expectation of dependency to an acceptance that the Council must take responsibility for the outcomes sought from the engagement. In adopting an approach of positively engaging with government, the Yarrabah Council has also tackled the difficult issues of imposing or seeking to adapt mainstream governance and administrative standards that are often in conflict with Aboriginal cultural values or lifestyles.

The differences in approach between Yarrabah Council and the other two Councils are readily evident through an examination of the relationships between the Councils and government agencies at the operational level. At Yarrabah, Council officers have nurtured positive relationships with government agencies at the officer level, including partnerships that enhance Council service delivery outcomes. The Council has also developed its capacity in grants management to ensure rigorous compliance in the area of funding submissions, grant guidelines and financial accountability.

The importance of effective engagement with government for an Aboriginal Council's capacity to achieve its performance objectives is amply demonstrated by the case studies. The quality of engagement with government profoundly affects a Council's access to funding and infrastructure, which underpins its ability to pursue its priorities. The significant differential between the levels of funding and infrastructure at Yarrabah and the levels at Lockhart River and Hope Vale correlates with the much more effective engagement with government by Yarrabah Council in contrast to the other two Councils. It is also apparent that the Yarrabah Council's approach to proactively engaging with government in negotiations for new funding and projects has enabled it to meet its priorities in areas such as employment creation.

The cost of poor engagement with government by the Lockhart River and Hope Vale Councils can be seen in the evidence of missed funding opportunities and suboptimal outcomes from infrastructure projects. Conversely, the improved engagement with government by the Lockhart River Council in recent years has yielded benefits such as new funding and collaborative partnerships with government agencies for new initiatives.

This chapter also explored Councils' engagement with other local governments, NGOs outside the community and the business sector. The data from the case studies revealed limited engagement by the Councils with these sectors. There are, however, opportunities for enhancing Councils' performance in the delivery of essential services through greater partnerships with other local governments. Improved engagement with the business sector is also likely to yield benefits to Councils' performance in business management and economic development.

The analysis of the case study data in this chapter makes it possible to test some key guiding hypotheses that were derived from the literature reviewed in Chapter 2. In particular, the data have relevance for the following hypotheses stated in Chapter 2:

2. The performance of an Aboriginal community government will be greater where it adopts an approach to governance that embodies the principle of strategic engagement between the Aboriginal community and the institutions and values of non-Aboriginal society in an intercultural context.
3. The performance of an Aboriginal community government will be greater where it engages and networks effectively with individuals and institutions outside the community.¹⁹³

The hypothesised significance of networking derives from the body of literature in both management theory and public administration that highlights the growing importance of networks in organisational effectiveness and effective community governance.¹⁹⁴ It is argued by the researcher elsewhere that the success that Yarrabah Council has derived from its engagement with government can be viewed as an illustration of the virtues of networked governance (Limerick & Yeatman, 2008). Equally, the networked governance paradigm might be usefully employed to explain the poor performance of the Hope Vale and Lockhart River Councils.

The concept of strategic engagement discussed in Chapter 2 can be understood as a specific iteration of this networked governance paradigm, relating to the unique conditions of Indigenous governance. It derives from studies that have emphasised the role of Indigenous governments as 'intercultural' institutions and the centrality of their task of facilitating strategic engagement between an Indigenous community and the broader society, especially government.¹⁹⁵ The concept of strategic engagement refers as much to the engagement between Aboriginal and mainstream values and lifestyles as it does to the practical engagement between institutions and individuals in the practice of community government. The data in this chapter confirm the observation of other studies that Aboriginal Councils are situated as crucial

¹⁹³ See hypotheses 2 and 3 in Box 2 in Chapter 2.

¹⁹⁴ See Parts 5 and 6 of Chapter 2.

¹⁹⁵ See Parts 4.2 and 4.3 of Chapter 2.

‘intercultural’ institutions that serve to mediate the relationship between Aboriginal and non-Aboriginal societies. Chapter 12 will explore this contest of values in greater depth, but the evidence in this chapter about the quality of engagement between the three Councils and external institutions, especially government, supports the view that a Council that embraces the role of proactively and strategically engaging with the outside world will benefit from this approach. In all, the case studies provide compelling evidence that effective engagement with government is critical to the successful performance of an Aboriginal Council.

Conclusion to focus area 2

Chapters 6 to 9 have examined the case study data with respect to the governance attributes that were suggested by the literature to be likely determinants of Aboriginal Council performance. These attributes, which were spelt out in the guiding hypotheses in Chapter 2 (see Box 2), relate to various aspects of the Councils' internal governance, administration and engagement within and external to the community. The data analysis has enabled conclusions to be drawn about the impact of these factors on Council performance. These conclusions answer the element of the research question that seeks to understand *how* Aboriginal Councils have achieved a particular level of performance, or in other words, *what are the particular governance attributes that contribute to the successful performance of Aboriginal community governments?*

The overall finding is that in an Aboriginal community context, the following configuration of governance attributes will lead to successful community government performance:

- a *strategic orientation* based on a *shared vision* (see Chapter 6, Part 4);
- a clear *separation of powers* between politics and administration (see Chapter 6, Part 2);
- respect for the *rule of law* through a commitment to impartially applying equitable rules and policies (see Chapter 6, Part 3);
- an *effective administration* featuring a commitment to sound financial management, a stable workforce and human resource management practices that value, support and develop staff (see Chapter 7);
- appropriate *community engagement* in relation to those community governance activities where success is contingent on input of information from a range of interests, the motivation and commitment of the community or coordination with community-based agencies (see Chapter 8); and
- *strategic engagement* with government and other institutions external to the community (see Chapter 9).

This list comprises a particular configuration of what might be considered 'orthodox' governance principles, institutions and practices identified as important in many non-Aboriginal contexts. One of the significant conclusions to be drawn from the case studies is that, not only are certain orthodox governance approaches relevant in an Aboriginal community context, they take on a special importance in light of the unique pressures faced by leaders and staff within Aboriginal community governments. An Aboriginal Council is one of the most challenging of governance environments, where leaders and staff are faced with profound levels of community disadvantage, a bewildering and disempowering bureaucratic framework, a highly dependent constituency, and for leaders and staff who are also local community members, suffocating

personal pressure arising from family and kinship obligations. Sanders (2006) has described the problem of “isolated managerialism” that confronts both Indigenous and non-Indigenous staff of Aboriginal governance organisations. The case studies illustrate that adherence to a particular set of sound governance practices underpinned by a shared vision can provide the protection, the security and the inspiration for leaders and staff of an Aboriginal Council to effectively meet their constituents’ desired community government outcomes.

This finding underlines the truism that governance is about people working together to achieve shared objectives. Put simply, the critical ingredient for the success of an Aboriginal Council, like any government, is capable people with a shared sense of purpose. The unique environment in which Aboriginal Councils operate poses significant challenges in building this human capacity. Success in this environment requires a sustained effort to build the systems, processes and governance culture that will firstly, support people in performing their roles and secondly, motivate and inspire them to contribute to the community’s development. The common thread that runs through the successful governance factors outlined above is that they all contribute to these purposes.

The Yarrabah case study illustrates this point. The consistent narrative of the Yarrabah case study is that of a community that has cultivated a shared vision for its future and worked assiduously to put in place the foundations to develop, support and motivate its people to realise that vision. The Yarrabah Council’s commitment to the separation of powers and the rule of law have provided support and protection for both councillors and staff. Councillors have been able to resist the pressure from family members for preferential treatment through recourse to equitable policies and by relying on staff to make difficult decisions in accordance with settled policies. Staff have also benefited from the security of a policy-based environment while the separation of powers has insulated them from inappropriate interference by councillors. The devolution of responsibilities to staff under a separation of powers has helped staff to feel empowered and valued in the organisation. It has encouraged them to vest greater personal responsibility and pride in the outcomes of their work. Yarrabah Council’s successful administrative practices can also be seen as part of this narrative of supporting and mobilising staff. These twin goals are evident in the effective use of delegations to staff, the pride in strong financial management, and the focus on positive human resource management practices that recognise, support and motivate staff. Finally, the encouragement of staff to strategically engage outside the community has been an effective means of supporting staff through nurturing partnerships, overcoming isolation and providing opportunities for personal development. Yarrabah’s encouragement for staff to participate in mainstream professional associations is an example of this approach.

The outcomes of Yarrabah’s sustained investment in supporting and motivating its people are readily apparent. The Council has a much higher proportion of local community members in key Council positions, including the top echelons of management. In contrast to the high turnover of both Aboriginal and non-Aboriginal staff in other Councils, Yarrabah has enviable stability in its management. Moreover, the workplace at Yarrabah has a relatively happy and harmonious atmosphere, and is staffed by people who take visible pride in their achievements. In such circumstances, it should not be surprising to find a higher standard of Council performance.

The Lockhart River and Hope Vale Councils, on the other hand, are characterised by high turnover of staff, a reliance on outsiders in senior management positions, poor morale in the workplace and reluctance on the part of capable community members to step up into positions of responsibility. In short, staff are neither supported nor motivated. This malaise is perhaps best summed up by the desperation expressed by Hope Vale Council officer, who said: *“It’s hard to deal with... you’re trying to do a good job, and trying to teach people that there are systems, there are rules, there are policies that you need to apply, but the support base around you crumbles, you know”* (HC10, 113).

The conclusions from Chapters 6 to 9 provide the beginnings of an explanatory model for Aboriginal Council performance. This can be illustrated diagrammatically in Figure 13.

Figure 13. Governance attributes that contribute to successful Council performance



Having identified the various dimensions of a successful approach to governance, an explanatory model for Council performance must then identify the contextual factors that are likely to lead to such a successful approach. This is the third focus area for the study, reflecting the element of the research question that seeks to understand *why* a Council has achieved a particular level of performance, or in other words, *what are the contextual, historical and cultural factors that shape a Council's approach to governance, whether successful or unsuccessful?* The chapters under this focus area will investigate the data relating to the hypotheses in Box 3 in Chapter 2.

***Focus Area 3 – The contextual, historical
and cultural factors that shape a
community's approach to governance***

Chapter 10 – Human resources and capacity

1 Introduction

In the literature about Indigenous governance reviewed in Chapter 2, an Indigenous community's level of human capacity, in terms of education, skills and experience, was highlighted as a factor that impacts on community governance. It was hypothesised that Council performance would be better in a community with greater human capacity and resources.

The objective of this chapter is to review the evidence from the case studies regarding the possible link between an Aboriginal Council's human resources and available human capacity and its performance. In the framework set out in Chapter 1, human capacity can be viewed as a contextual factor that shapes a Council's particular approach to governance, whether successful or unsuccessful. This chapter seeks to understand the way in which this causal relationship may operate, in order to identify the dimensions of human capacity that lead to a Council developing successful governance attributes. This level of understanding is a prelude to understanding how human capacity might be built in a way that contributes to better Council performance in an Aboriginal community. To understand the various dimensions of human capacity, the chapter will canvass prevailing education standards in the community, the extent to which members of the three communities have had exposure to the outside world, the level of governance skills and experience in the community, the significance of a Council's preference for employing local community members over outsiders and the Councils' approaches to training and professional development.

2 Education levels

Indigenous Councils tend to draw much of their workforce from the population of the community. Thus, it can be expected that the educational standards in the community will have an impact on the Councils' ability to recruit skilled workers at all levels of the Council workforce, which will impact on the overall performance of the Council.

2.1 Relative levels of education in the three case study communities

A cross-case analysis of the data regarding relative education levels in the three case study communities is contained in Appendix 5. Consistent with Indigenous communities nationwide, the three communities have lower levels of educational attainment than the non-Indigenous population. The analysis revealed that Yarrabah residents have on average achieved a level of schooling that is slightly higher than the residents of Hope Vale and significantly higher than the residents of Lockhart River. Hope Vale has the highest proportion of residents with non-school qualifications (that is, TAFE certificates or university degrees), although Yarrabah is the only community where residents reported having a tertiary qualification. Anecdotally, there is evidence that a significant number of Hope Vale community members have achieved tertiary degrees (HG1, 50; HN1, 110), but the census data indicate that none of these individuals are living in Hope Vale.

National testing data indicate that literacy and numeracy in the three communities is well below the State average. These data indicate the very low literacy and numeracy levels at Lockhart River, even in comparison with the other communities.

Historical factors play a strong part in explaining relative education levels in the community. Hope Vale's Lutheran missionaries placed a strong emphasis on education and from the 1960s onwards, up to 30 Hope Vale children were away from the community at boarding school or with host families in mainstream locations. Similarly, at Yarrabah, the Anglican Church encouraged children to attend boarding schools. Yarrabah and Hope Vale leaders continue to place a very high value on education. The Hope Vale Council provides significant bursaries for residents to pursue higher education, funded from its mining royalties. At Yarrabah, interviews with leaders showed that education was inextricably linked with the community's shared vision of achieving self-management. Lockhart River leaders also showed a strong commitment to education, but outcomes have been hampered by language barriers, the community's physical and social isolation and poor attendance at the primary school.

2.2 Generational factors

Chapter 7 referred to the divergence of attitudes to work between different generations within Aboriginal communities. Cross-generational norms and values are also a powerful explanatory factor for the levels of educational attainment within the communities and they have a particular significance in projecting future trends in this area.

The head of the secondary school in Yarrabah, Bernadine Yeatman, has undertaken an inter-generational analysis of attitudes to education and work across the Yarrabah community (Yeatman 2005). This analysis identifies four separate generations at Yarrabah, whose attitudes were shaped by particular eras in the community's history. The 'Dormitory Generation', now aged over 65, grew up at a time when the government's policy was for the community to be isolated and self-sufficient, and they developed a strong work ethic and commitment to gaining skills and education directed towards this goal of self-sufficiency. Children were offered only four years of education, up to the age of 10, but there was a strong focus on reading, writing and arithmetic. The 'Station Generation', now aged 55 to 65, were sent out to work on cattle stations from the age of 14 and 15, and had little reason to value education, or opportunity to pursue it. The 'Hope Generation', now aged 35 to 55, grew up under the government's policy of assimilation and integration and were therefore encouraged to leave the community to seek further education. They were often raised by their grandparents, which saw a return to the values of hard work and gaining education and skills. Many of these people attended boarding school, and some went on to achieve university qualifications. The 'Present Generation', aged under 35, has grown up in a situation of increased dependency on welfare and diminished work ethics through CDEP. According to Yeatman's analysis, this generation lacks vision and direction, and consequently sees no purpose in obtaining an education.

The interviews for the case studies revealed that Yeatman's analysis resonates with many leaders across all three communities. Government policies towards Aboriginal communities were largely consistent across the State over the period of the analysis, so it is not surprising that these generational trends are mirrored in each of the communities. Many of the people interviewed for the case studies were leaders and Council staff who are part of what Yeatman identifies as the 'Hope Generation'. These people consistently expressed concerns about the changes in values in the community since their youth and the prospects for the future (YN2, 77; HC10, 17; LG2, 100; HC10, 31; LG2, 100; YG7, 44). They noted that whereas their generation had been encouraged to pursue education, often by their grandparents (the 'Dormitory Generation'), the generation that followed did not seem to have that motivation or encouragement. The comments of a Hope Vale manager typified this sentiment:

When the Church was in charge they really took education by the handle and made sure a lot of the young people were sent to foster homes and parent care and all that. We went to good schools, we were placed with good parents, good foster parents. My fear is that we've lost that now for our younger generation. People like us, who went through that and have been involved in all aspect of community and trying to get things happening, we're dying out, we're a dying out race now. (HC10, 17)

Several interviewees commented on the fact that school attendance was enforced much more rigorously by the church and the Department during their youth than it was now (LG2, 100; LC#, 102; HC10, 31). Some recounted stories of police seeking out children who failed to attend school.¹⁹⁶ These leaders universally lamented what they perceived as “*a downward trend in terms of the value placed on education*” (YG7, 44). Their frustrations were evident in their concerns about truancy at the local schools and their irritation when young people failed to complete traineeships or apprenticeships. A senior Yarrabah Council officer spoke of the “*lazy attitude*” of many young people and their dependence on welfare (YC1, 240).

Community leaders expressed some hope, however, that their own efforts to instil the value of education and work in their children would lead to the emergence of a new generation to lead the community.¹⁹⁷ The Deputy CEO at Yarrabah explained:

I think the group of people who are the age group between 30 to 45, this age group that's leadership potential at the moment, a lot of them went away to boarding school and got exposure through that, so we see a different group of people here now. But then, I can see, the people from probably 18 to 29, that group is not going to be a potential for leaders there. But now, the boarding school thing is starting again, because the parents in the 30 to 45 year old group, it's their children who are down there in the 13 to 16 year old [group] now, so they're starting to send their kids away because that's what they did. (YC#, 153)

It was also hoped that the example set by the generation who have achieved high levels of education will spur more young people to gain further education. The Mayor of Yarrabah explained: “*See, the top of the hill before us was, you just complete year 12, but then we had academics coming behind us, and now we're getting a swelling in those numbers*” (YC#, 247). A leader at Hope Vale commented on how Noel Pearson's academic achievements seemed to have motivated others in the community to aspire to higher education (HG1, 52). A Yarrabah Council manager spoke of how she tried to reach out to capable young people who may not have the necessary support base at home to go further. She recalled that: “*We had a local government rally down at the community hall, just showing our positions and what we done to*

¹⁹⁶ The Mayor of Lockhart River recalled how “*the Department of Community Services said, 'right, you got to go to school', and the community police would go round and collect everyone*” (LC#, 102). Similarly, a Hope Vale manager said: “*I remember if we didn't attend school here, the police man was around at your door. I was scared stiff to stay away from school*” (HC10, 31).

¹⁹⁷ Senior managers within the Yarrabah Council highlighted the amount of support within their families for furthering their children's education (YC6, 62; YC7, 40). One officer explained that in her family “*there's more encouragement from parents and uncles and aunts to go out and get an education and come back and work for your community*” (YC7, 40).

get to where we are today and it was more or less an eye opener to the young ones” (YC6, 62). Despite these positive role models, the downward levelling of norms about education and work that has been wrought by a generation of welfare dependency presents serious challenges for community leaders in terms of future succession to leadership roles and building community governance capacity generally.

2.3 Impact on Council performance

The Yarrabah case study would seem to support the hypothesised link between higher education levels in the community and Council performance. The availability of well-educated local people has translated into a Council administration where skilled residents have been able to fill senior positions within the Council. A survey of the senior positions at the time of the case study is illuminating. The Council CEO had a Bachelor of Arts degree and was studying for a Master of Business Administration. The Deputy CEO had a Diploma in Indigenous Leadership. The Administration Manager had a Bachelor’s degree in Indigenous Community Management and Development. The Finance Officer had a qualification in local government. At least three of the Council’s managers had Diplomas or Advanced Diplomas, such as in Communications, Environmental Health and Children’s Services. Numerous Council employees had Certificate qualifications, some up to Certificate 4 level, in areas such as office administration, primary health, children’s services, aged care, electronic systems and essential services.

This level of educational achievement of staff has clearly contributed to the Yarrabah Council’s capacity for good administration. In interviews for the case study, the capacity of the Council’s staff was repeatedly mentioned as one of the key factors explaining the Council’s strong administrative performance over the past decade (YG1, 41; YN1, 35; YG8, 25; YC2, 163; YG4, 54). Having qualified staff has also been integral to the Yarrabah Council’s success in gaining accreditation for community services such as the child care centre and aged person’s hostel. Many accreditation regimes require staff to be qualified to a certain level as a precondition.

The Lockhart River case study would also seem to support a link between education levels in the community and the performance of the Council. The lower levels of education have meant that very few residents have the qualifications and skills required to fill key Council positions. Where local residents have been appointed to manage Council services, they are under-qualified for the positions and the performance of the service has suffered. A 2005 study at Lockhart River found that poor literacy extended to “people who held positions of responsibility requiring the reading of documents” (Rocco 2005). In 2005, the Council commissioned a report into the skill level of its community services team. The report found that few workers had any qualifications, their literacy and education levels were low, many workers “are nervous about undertaking training because of their low literacy level,” and “all workers use English as their

second, third or fourth language which adds to their difficulty with understanding and writing” (Sellers 2005, pp.1-2). Overall, the report concluded that “the skill levels of the workers needs to be raised in order that an overall improvement in the effectiveness of the services is achieved” (Sellers, 2005, p.2).

The impact of the lack of skills is widely evident at Lockhart River. The Council has been unable to establish a much-needed child care centre in the community because it is unable to apply for a licence without staff who have qualifications. A review of the Council’s audit reports shows that many of the deficiencies in the Council’s financial management identified by auditors are simply the result of unqualified staff. The Council’s written response to a litany of issues raised in by the Auditor-General in 2003-04 was simply: “The capacity of the staff allocated these tasks at times has not been adequate nor has there been the availability of suitably skilled staff to undertake these tasks” (Queensland Audit Office 2005a). The Council’s own Puuya Strategy openly acknowledges skill shortages are a major problem: “Government programs assume a level of skill that is not necessarily available in the community...There is an acute shortage of baseline skilled community members” (Lockhart River Aboriginal Shire Council 2004a, p.13).

The lack of skills in the Lockhart River community is not simply a matter of a lack of qualifications to undertake skilled positions. Staff spoke about a shortage of people with even the basic literacy and numeracy and life skills that are required for basic tasks involved in office jobs, such as counting cash, using the Yellow Pages and operating the photocopier.¹⁹⁸

The impact of education levels on Council capacity at Lockhart River and Yarrabah is also evident in relation to the elected councillors. Although it was not possible to obtain an educational profile for each of the councillors in these two communities, most of the Yarrabah councillors seem to have completed Year 12, while Lockhart River councillors have mostly not proceeded beyond Year 10, which is consistent with the educational profile of the general populations of Yarrabah and Lockhart River. This educational disparity is a likely contributing factor in many of the differences observed in the two Councils’ governance practices, such as the Yarrabah Council’s more rigorous decision-making processes and greater degree of scrutiny of financial matters. As a former Lockhart River councillor observed, “*some councillors can’t even read or write and they’ve got to make all these big decisions*” (LC8, 39).

¹⁹⁸ The accountant explained that he did not have staff to whom to delegate even basic finance tasks: “*I didn’t envision having to do all the receipting or checking of the supplies and that the tax is all correct. So you’ve got, basically, an unskilled work force*” (LC#, 74). Another Council staff member recalled: “*When I started here last year, the workers that I had working with me didn’t know how to use the Yellow*

There is no doubt that the poor levels of formal education within the Lockhart River community have adversely affected the capacity of the Council to deliver good services, and that the availability of educated individuals has contributed to Yarrabah Council's performance. These case studies support the hypothesis that education levels within the community affect Council performance.

The Hope Vale case study, however, is a paradox. A greater proportion of Hope Vale residents have non-school qualifications than at Yarrabah, yet the Hope Vale Council's performance as measured in Chapter 5 is considerably poorer than Yarrabah's. In comparison with Lockhart River, despite Hope Vale having a much greater pool of educated and skilled individuals to draw on, the Council's performance has not been a great deal better than Lockhart River Council's. Most of Hope Vale's councillors have completed Year 12, many of them at boarding schools away from the community, yet the previous chapters have shown that the Council has not developed many of the governance attributes that are necessary to improve Council performance. This paradox was widely acknowledged by people interviewed at Hope Vale (HG3, 38; HC9, 107):

It's strange. We have most probably some of the best educated people on the Cape. We have very capable people. But when it comes to actually doing anything and getting together and making decisions, we just don't seem to be able to do it. (HN1, 110)

There are areas of the Council's services where the availability of skilled staff does appear to have contributed to good service delivery. Several people acknowledged that there were some well-educated and competent staff who were performing well within the administration area of the Council (HC7, 131; HC8, 54).¹⁹⁹

On the whole, however, the availability of well-educated community members has not translated into strong Council performance at Hope Vale. One apparent explanation for this is that many of Hope Vale's better-educated community members have not been willing to take on positions of responsibility within the Council.²⁰⁰ A government officer gave the example of two competent and qualified workers at the child care centre: "*The two girls at the child care centre were even asked if they wanted to run it for a while, and they said: 'Oh, we can't do that. Too much responsibility'. They said: 'We'll get all the blame...'*" (MG1, 199). The highly

Pages, didn't know how to use the photocopier, much less a computer, didn't know how to organise a meeting, didn't feel confident enough. This was amazing to me..." (LG7, 66).

¹⁹⁹ For example, Council administration staff quickly mastered a sophisticated new accounting software package when it was introduced in 2005 (HC9, 41).

²⁰⁰ This theory is supported by the 2006 Census data, which indicates that none of the members of the Hope Vale community who have achieved tertiary qualifications are residing in Hope Vale.

politicised and contested environment within the Council workforce is a strong deterrent to talented local people taking on senior positions. Several people pointed to the fact that the former CEO of a regional organisation had returned to the community and taken on a lower level Council position when the individual was well-qualified to be the CEO of the Council (MG1, 167; HG2, 18). It was suggested that family politics would make it impossible for this person to take on the CEO's job. A senior Council officer reported that several skilled community members had been approached to take on higher Council positions but that they always refused because of the pressure (HC7, 190). Conversely, family and interpersonal jealousies often result in capable people not being appointed to positions for which they are qualified. A Hope Vale councillor lamented: *"It's a bad case of tall poppy syndrome, which is really bad because sometimes we don't use the people that can be of real benefit to us"* (HC5, 123).

Even where skilled individuals have taken on Council positions, this does not seem to translate to improved Council services. A Council officer gave the example of an intelligent and qualified officer who was under-performing in a key Council program area: *"What they do is sit down and point the finger and get involved in everybody else's business, and don't actually get on with doing their job and leading by example"* (HC6, 29).

An analysis of the three case studies suggests that the availability of a pool of well-educated and skilled community members is a necessary, but not in itself sufficient, foundation for better Council performance. Such a resource will not contribute to Council performance unless it can be mobilised and harnessed productively for the Council's and the community's benefit. Both Yarrabah and Hope Vale have this resource, but Yarrabah Council has capitalised on it while Hope Vale Council has not. It is necessary to consider the range of other factors that differentiate Hope Vale and Yarrabah Councils in order to identify why this is the case. The explanation would seem to lie in the interaction between a number of different variables, including those highlighted in earlier chapters. For example, the greater level of commitment to the rule of law and the separation of powers at Yarrabah insulates local staff from the same pressures that have deterred talented Hope Vale residents from seeking positions of responsibility. The better human resource practices and the more supportive work environment for staff at Yarrabah Council make it a better place to work than Hope Vale Council. Another apparent factor is the discernible difference in the political environment at Hope Vale and Yarrabah, which will be discussed further in Chapter 13.

3 Exposure to the outside world

3.1 Comparison between the case study communities

In addition to formal education, the capacity of people to work effectively is significantly shaped by the experiences that they have had and their level of exposure to lifestyles and practices outside the community. A comparison between the three communities indicates some stark differences in the extent of residents' exposure to the outside world, which has important implications for the capacity and performance of the case study Councils. The principal opportunities for residents of Aboriginal communities to gain exposure outside their community are through schooling, work, the church, political activities and social and recreational opportunities. These five areas are discussed in turn below.

In interviews with senior staff at Yarrabah, one of the most consistently offered explanations for the effectiveness of the Council's administration was that many of the Council's local employees had attended boarding school.

What we've found, if you look at the statistics or information relating to schooling and who went to boarding school and who didn't, you find that a higher proportion of those staff currently employed by Council actually benefited from going to boarding school. (YC1, 238)

The recurring theme from these discussions was that people who had been to boarding schools had benefited from greater exposure to the wider world and a greater ability to interact with people from elsewhere (YC5, 63; YC2, 168; YN3, 110). According to a long-standing councillor:

I've found that, even in administration here, that it's most of our kids that had that experience of going out, not only to work, but to go out to schools, boarding schools. The ones that have the skills in interacting with people out there are the ones that seem to be coming back and being more committed and able to adapt and able to fit in with this new style of doing things – having that, what's the word for it... exposure, to the wider world. (YC5, 63)

It was felt that the experience of boarding school changed young people's perceptions of Yarrabah and its place in the world, and lifted their aspirations:

You see the differences in kids that come back, that go to boarding school. There's a different attitude, there's a whole different approach to life. They learn independence away from the community. Here, if they just grow up and stay here all the time, all they learn is their community dependence... [W]hen they go away to boarding school, they

say 'jeez, Yarrabah is not the centre of the universe and there are different rules and stuff that apply outside, and life is different outside, and there is, there can be greater things to achieve, you know'. (YN2, 78-9)²⁰¹

Apart from the awareness of the outside world, it was also suggested that the discipline and routines of boarding school were a good preparation for working in Council administration (YC2, 165; YN2, 79).

At Hope Vale, it was also apparent that the local community members who were in positions of responsibility at the Council had mostly attended boarding school or been fostered out as children to attend schools in mainstream towns (HC10, 13; HC3, 10; HC9, 9; HC7, 131; HN1, 26). As at Yarrabah, these individuals were positive about the benefits of this exposure outside the community. The second significant avenue for residents of Indigenous communities to gain experience of the outside world has been through work. In the second half of the twentieth century, the movement of residents to work in mainstream locations was a strong feature of the histories of the Yarrabah and Hope Vale communities. At Yarrabah, this began in the Second World War, when Aboriginal labour was required in the canefields and the pastoral industry (Hume 1991, p.19),²⁰² and it continued through the 1950s and 1960s.²⁰³ Following a strike over working conditions in Yarrabah in 1957, as many as 200 people were granted 'exemption certificates' allowing them to leave the community to pursue employment elsewhere, often on the railways or in the canefields (Craig 1979b). Many of these people later returned to the community as leaders who applied their experience of the "alternatives to the reserve system" and acted as "brokers" to assist residents in their dealings with the outside world (Craig 1979b, p.168).

At Hope Vale, the Lutheran missionaries pursued a conscious strategy of facilitating work opportunities outside the community as a means of building the skills of members of the community and inculcating mainstream behaviours.²⁰⁴ Other external work opportunities for

²⁰¹ This observation was borne out by a Council officer who had experienced boarding school: *"Well, for me personally, it helped me to become independent and to appreciate what we've got here and to help young people to [understand] that there's a world out there, that there's life out there other than Yarrabah"* (YC7, 45).

²⁰² Craig (1979b, p.108) reports that 100 residents were working outside the reserve in 1945.

²⁰³ According to Hume (1991, p.23), "[o]utside employment made Aborigines more conscious of what life off the mission was like, and undoubtedly made them more aware of the differences between their own situation and that of non-Aborigines."

²⁰⁴ According to Holden (1994, p.123): "From the beginning of the establishment of the mission at Cape Bedford, right up until the Lutherans handed it over to self-management in the 1980s, a continuous effort was made to train people. Over the years Hope Vale people worked as stockmen, truck and tractor

residents of the Hope Vale and Yarrabah communities have included the armed forces and the public service.²⁰⁵ By contrast, at Lockhart River, residents have historically had only limited opportunities to live and work outside the community. The consequences of this are discussed further below.

The churches have provided a further avenue for residents of Indigenous communities to gain exposure to the outside world. At Yarrabah and Hope Vale, many of the leaders within the Council in the past two decades have also been leaders within the church. Two of the Yarrabah Council chairpersons in the 1990s were ministers in the local church. The CEO stressed that the experience and knowledge that these individuals had gained through being part of the church and working away from Yarrabah had benefited both themselves personally and the Council organisation (YC#, 198). Hume (1988, p.258) described how Yarrabah residents active in the church had been able to “widen their experiential horizons”, participate in “future-oriented planning” and “gain self-esteem as they become more confident about speaking in public and in front of large numbers of people, both black and white”. The church has been crucial in providing these opportunities in all three communities, especially for young people.²⁰⁶

A fourth opportunity for leaders of Aboriginal communities to gain broader exposure is through political activities, such as involvement in representative bodies. Yarrabah councillors have been active in the peak body for Aboriginal Councils, the Aboriginal Coordinating Council and more recently, the Aboriginal Local Government Association of Queensland. They have also participated as representatives for the former Aboriginal and Torres Strait Islander Commission (ATSIC) Regional Council. Hope Vale councillors have also participated in regional bodies, notably the ATSIC Regional Council and the Cape York Land Council. By contrast, Lockhart River councillors have rarely participated actively in political activities or representative organisations beyond their community.

drivers and in cultivating and slashing, carpentry, fencing, improving tropical pastures, tree poisoning, seed-picking, butchering, assisting in the store, timber-getting and milling... In the 1960s and 1970s people from Hope Vale were sent by the mission authorities to work throughout the state, including on some politicians' farms such as those of Joh Bjelke-Petersen in Kingaroy and Russ Hinze in the Upper Coomera.” A resident of Hope Vale who worked in Kingaroy commented during an interview that it gave her a new understanding of the saying ‘working for peanuts’, for she was, in fact, paid in peanuts.

²⁰⁵ A current manager of one of the Yarrabah Council's programs served many years in the army and credits this experience with increasing his capability as a manager (YC11, 35).

²⁰⁶ A Lockhart River resident spoke about how the bible study trips to Cairns were a major incentive for locals to become involved in the community's Anglican Church. Some residents of the three communities have even had the opportunity to travel overseas through church activities. According to a

A final area in which Aboriginal community residents gain exposure to the outside world is through social and recreational opportunities and shopping. Yarrabah and Hope Vale are located within an hour's drive of large non-Indigenous settlements. Residents of Yarrabah travel to Edmonton, Gordonvale and Cairns for shopping, entertainment and to access services (YN2, 41; YFG1, 48; YFG3, 68; YG7, 27, 41). Hope Vale residents travel regularly to Cooktown for similar reasons (HG1, 203). A number of people commented on the exposure that young people in the three communities gain through participation in sport. Children from Lockhart River travel to several sporting carnivals, although mainly those held in other Aboriginal communities across Cape York (LFG1, 27). Yarrabah's proximity to a regional centre gives it more extensive opportunities to participate in sporting activities in the mainstream, such as football competitions (YFG1, 45; YFG3, 68; YN2, 35): *"They have had a history of junior league teams in the Cairns competition, so there's been a need for them to interact with, for a better word, the wider society, and hence, kids who have potential... have benefited from that interaction"* (YG7, 28)

3.2 Isolationism

The preceding discussion illustrates that the residents of Lockhart River have had far fewer opportunities to gain exposure to the outside world than those of Hope Vale and Yarrabah.²⁰⁷ In fact, Lockhart River's isolation, both physical and social, is a condition that has profound implications across all aspects of the community's functioning, including community governance.

Anthropologist Athol Chase wrote in 1980 that "Lockhart River can best be understood through the theme of isolation" (1980, p.38). Chase explained that Lockhart River's isolation is as much social as physical. Prior to settlement, the people who now live in Lockhart River were dispersed along the east coast of northern Cape York. They were not discrete bounded tribes but part of a broader social matrix that extended across Cape York and beyond. Now that Cape York Indigenous populations "have been severely reduced and the remnants gathered into

Yarrabah resident: *"There's a girl here, she's been nearly all over the world, that's involved with the church. She does these big conferences around the world, she's guest speaker..."* (YC2, 164)

²⁰⁷ While the problem of isolationism is most prevalent at Lockhart River, it affects all discrete Aboriginal communities to some degree. Yarrabah is considered one of the most open Aboriginal communities, but its history as a closed mission gives rise to some residual attitudes in the community that are isolationist. A Yarrabah school representative reported that there were many children and residents who *"still have a sense of protection... and are quite closed to the whole idea of going outside [the community]... outside that comfort zone. Some of the young people have never been out of the community"* (YG7, 84). A senior Council officer also noted that many of the staff had not been to Cairns for several years and because they hadn't been exposed to outside experiences, it made it difficult to get them into training (YC2, 150-151).

permanent settlement points,” the range of social interaction for Lockhart River people has actually reduced from pre-contact times (1980, p.66). The community has been isolated not only from the mainstream Australian community, but also from other Aboriginal communities across Cape York. According to Chase, *“they are much more closed off now than they ever were”* (LN#, 126).

Ironically, Lockhart River was one of the first areas of the Cape to have extensive contact with outsiders in the late nineteenth and early twentieth century. An important objective for the Anglican Church in establishing the Lockhart River mission in 1924 was to ‘protect’ the local population from the pressures of contact with outside influences through the pearling and sandal wood industries. The outcome of the mission’s work was to isolate Lockhart River people not only from these outside influences but also from their existing Aboriginal social networks. While better communication and transport have opened up the community considerably since the 1980s, Chase’s conclusion that isolation defines Lockhart River is still accurate in many respects today.

The development of a distinct creolised Lockhart River language is one manifestation of this isolation, which, as was shown above, has had a deleterious effect on educational outcomes. A perhaps even more debilitating outcome of isolation, however, is that many Lockhart River residents have little understanding of the outside world. This too presents difficulties for educating children. For example, children do not understand many of the concepts used in textbooks or learning materials. More importantly, however, it has a direct and significant impact on the Council’s capacity. A central finding of the Lockhart River Council case study is that it is this lack of exposure and experience of the outside world that is the most fundamental constraint on the Lockhart River Council’s human capacity. It frustrates efforts to improve the Council organisation at every level. At the strategic level, it constrains efforts to develop a vision for the future of the community. As a community planning facilitator put it, *“how can you imagine anything else, when you’ve never experienced it? How do you imagine what it’s like to have small businesses in a place, when you’ve never even seen it, let alone experienced it?”* (LG7, 46).

At the workforce level, the most serious consequence of the lack of exposure is that local staff do not have the life skills or the experience of a working life or a functioning workplace to be effective workers. This point is best illustrated by the following comment:

You see, most of the people here don’t have any social skills, don’t have any life skills. So it’s more than just teaching someone how to drive a nail in. It’s actually teaching them ‘alright, well you’ve done this today, I’ll see you tomorrow morning.’ Like ‘when you go home tonight, set your alarm for 6.30 and get up and have your breakfast, come to work.’ But there’s a whole of lot assumptions there... one, they’ve got an alarm

clock; two, they'll have something to eat – all of those sorts of things. One of the problems is that there are so many things that need to be attacked at the same time. Training is one small part of it. (LC1, 22)

A skills audit of community services workers in Lockhart River in 2005 highlighted that “the current skill level of the workers is low due to their lack of exposure to other work environments or work settings” (Sellers 2005, p.1). The report further found that “training in the past has not related to the work they do and given the lack of role models or experience of the work force has not made sense to them” (2005, p.2).

3.3 Impact on Council performance

The preceding discussion illustrates that Yarrabah and Lockhart River are at the opposite ends of the spectrum in terms of the extent of their residents' exposure to the outside world. The fact that they are at the opposite ends of a continuum of Council performance suggests a plausible link between a community's degree of exposure to the outside world and its community government performance. Certainly, many Yarrabah leaders seem to attribute the Council's success to the extent of the community's exposure to the outside world. This view is encapsulated in the following statement by the Yarrabah Council chairperson in 1989: “I believe that the YCC [Yarrabah Community Council] is better organised and governed than the other northern communities. I say this not to downgrade these communities but because we at Yarrabah have more experience in the broader community” (Connolly 1989).

A government officer with a long association with the Yarrabah community was asked to nominate the factors that made the Yarrabah Council more successful than other Aboriginal Councils. His response was that the key factors for Yarrabah were its history and in particular, *“the education plus exposure of the local people themselves, to wider society”* (YG4, 39).²⁰⁸

Again, however, the Hope Vale case study is an enigma. Residents of Hope Vale have a history of travelling and working outside the community that mirrors the experience of the Yarrabah community, yet this resource pool of residents with experience of mainstream work practices has not translated into superior Council performance.

To establish a clear link between exposure to the outside world and Council performance it is necessary to consider specific evidence where a causative effect is discernible. The most obvious link is in relation to the effectiveness of workers. As discussed above regarding

²⁰⁸ The Yarrabah Mayor described the process of acquiring and then applying experience as follows: “I guess it'll be the principle of going outside, engaging with all aspects of education from Government to the school of hard knocks, and bringing it back here and having a go” (YC#, 239).

Lockhart River, there is ample evidence that local staff's lack of experience and exposure outside the community has affected their work-readiness and effectiveness as Council workers. The positive correlation between outside exposure and work effectiveness became increasingly apparent during the interviews with staff of the three Councils. The most senior local Indigenous staff at Yarrabah had without exception had experience outside the community, either at boarding school or through work, and a number of them nominated this as the key reason for their success. Boarding school was seen as a principal ingredient for these individuals' success as much for the degree of exposure to the mainstream as for the quality of education received.

At Lockhart River, it was evident that the only local residents who were working effectively within the Council administration were those who had gained experience outside the community. An office worker who was interviewed was in no doubt that the main impediment to local residents working in the office was that they had no experience of working in other locations (LC6, 14). She spoke of how her time in office jobs in Napranum, Aurukun and Weipa had prepared her for work at the Council (LC6, 14). Another worker related that his years living in a capital city meant that *"you sort of have an outlook on the outside world too, instead of just the inner circle of Lockhart"* (LC8, 105).

At Hope Vale too, the office manager explained that in terms of local people in management roles *"just about everyone"* had experience outside the community (HC9, 51). A manager of a Council health service recalled how one of his local staff who had gained some brief experience working in a mainstream health service during a few months living in Cairns had returned with several new ideas about improving her work (HG3, 24).

One of the key benefits of working in a service in a mainstream location or another Indigenous community is simply seeing what a functioning service looks like. As part of the professional development offered to workers in community services at Lockhart River, some of them were offered the opportunity to work for a brief period in the relatively functional community services at Bamaga. A government officer observed that these workers were *"very hungry for knowledge, and to see how things work proper"* and since this visit, *"I notice some of the girls now are starting to talk up, in regards to what they want [for the Lockhart River services]"* (MG1, 37).²⁰⁹

²⁰⁹ The 2005 skills audit of Lockhart River community services recommended "that an exchange of learners/workers between Lockhart River Community and other communities is organised in order that workers experience other ways of working in community services" (Sellers 2005, p.5).

The degree of exposure of a community's residents to the outside world influences their outlook not only as employees of Council but also as consumers of Council services. Residents' expectations about Council services also have important implications for the Councils' performance. In reviewing the performance of the Lockhart River Council, there was a sense that the services were of a lower standard than those offered in other communities partly because residents did not know what a normal standard of services should look like. For example, a Council officer suggested that the poor state of the roads within the community does not seem to be of great concern to local residents because they have little experience of well-made roads (LC8, 141). A community adviser recalled that when she spoke about the need for achieving certain standards in delivery of community services, the workers often responded "but this is Lockhart River!" In contrast, some people interviewed at Yarrabah made the observation that residents' experience of nearby towns such as Cairns has given them an expectation that the standard of services and facilities in Yarrabah should be similar.²¹⁰ A councillor pointed out that there was an expectation in the community and the Council that services would be of a high standard *"because we've got first hand experience of seeing how services are provided in Cairns"* (YC5, 62).

The potential impact on a Council's performance where elected councillors have had limited exposure outside their community is illustrated by the Lockhart River case study. A number of people interviewed pointed to the Lockhart River councillors' lack of worldliness and experience. Councillors were considered to have little understanding of much of the business before Council, especially financial matters (LC8, 39; LC2, 56, 88, 145, 159; LG2, 40, 144). Some observers pointed out that councillors tended just to accept the advice of the CEO and did not comprehend many of the things that they agreed to (LG2, 114; LC2, 145; LC8, 123).²¹¹ One observer suggested that in Council meetings the councillors do not ask enough questions and *"really haven't got enough confidence to sort of get a grasp of what they've been talking about"* (LC8, 65). A former CEO saw broader exposure as the key to improvement at Lockhart River:

Council never understand how the government operates, you know. And they don't even understand how their own management structure operates...I think the Council

²¹⁰ The level of engagement with the mainstream has also changed the way Yarrabah residents see their community. One resident commented on the fact that community members were more conscious of their image in the wider region, and that this made things like drug use and public drunkenness more socially unacceptable (YN2, 127).

²¹¹ A former councillor said of his experience: *"I know when I was in Council a lot of decisions were made where everybody was in favour but half the time the people didn't even know what they were putting up their hands for, you know"* (LC8, 123).

still has a lot to learn in practising good governance. And I think that's going to fall to a lot of young people getting out and getting educated... getting out of the community and experiencing the real world out there... (LG#, 24, 84, 114)

A final area where the link between the level of exposure outside the community and the performance of the Council is apparent is in regard to engagement with individuals and organisations outside the community. Chapter 9 demonstrated the contribution to Council performance where the Council has the capacity to effectively and strategically engage with external parties, particularly government agencies on whom the Council relies for funding. The Yarrabah CEO emphasised that because so many of the community's leaders had had "*prior engagement*" with the mainstream through education or work, they have been able to develop "*good positive relations*" with individuals and agencies outside the community (YC#, 267). This engagement was shown in Chapter 9 to be a central ingredient in the Yarrabah Council's recipe for success, and a key shortcoming in the approach of both the Hope Vale and Lockhart River Councils. The Hope Vale case study demonstrates, however, that exposure to the outside world will not necessarily translate into effective external engagement. The Hope Vale Council has leaders and staff who have the requisite education and experience to be able to engage with government, but an oppositional political culture within the Council appears to have scuttled the prospects of constructive engagement in the past.

In all, the evidence presented here supports a finding that the skills, experience and broader perspective that residents have gained through their exposure to the outside world are important preconditions for successful Council performance. However, while they are necessary, they are not sufficient to guarantee improved performance. The interplay of other factors needs to be considered.

4 Skills and experience in governance

4.1 Opportunities for building governance skills

Another factor that can be expected to affect the human capacity of Aboriginal Councils, particularly at the leadership level, is the level of skills and experience in governance and management in the broader community. In mainstream communities, candidates for local government bring management experience from community organisations, the private sector or the public sector. Private business is virtually non-existent in Indigenous communities²¹² and

²¹² A Yarrabah Council officer contrasted the situation with mainstream communities: "...[I]t's a big learning curve for councillors who don't have the awareness and knowledge of business like normal shire council councillors - I mean most [shires] out in the world there, they've got people who are business

individuals who hold government jobs typically do not have the time to devote to being a councillor. Many of the councillors in Indigenous Councils have gained their management and leadership experience from positions within the Council administration. A large proportion of councillors in all three case study communities have held or continue to hold positions of responsibility within the Council workforce.

As indicated in Part 3 of this chapter, many Yarrabah residents have gained significant experience in leadership and management through their involvement in the Anglican Church and in regional and political representative organisations. Just as important, the strength of the community organisation sector has given Yarrabah a significant advantage over the other two communities in terms of nurturing governance and management skills. In Chapter 9, it was explained that Yarrabah has a much stronger community sector than Hope Vale, which has only a small number of community organisations, and Lockhart River, where community organisations are non-existent. The experience of community members on the boards of Yarrabah's successful community organisations²¹³ has enhanced the governance capacity of the elected Council. The Deputy CEO reported that some community members who were on boards were receiving governance training that was preparing them for serving on the Council (YC#, 148). She explained that this situation had led to six new councillors coming through from community organisations.

The transfer of governance skills between the Council and community organisations is reciprocal. A manager of a community organisation explained that the Council's strong administrative performance over the years had set the platform for the growth of the community organisations (YN2, 121-3). The Council CEO confirmed that the Council sees itself as the "*peak body*" in the community and tries to "*empower the other agencies*" so that they can build the skills and capacity to take on more responsibilities, especially in the area of health and social services (YC#, 252). In this way, the growth of governance capacity in the Yarrabah community is self-sustaining, with the Council and the community organisations feeding off each others' success.

people. Well, on [Indigenous] communities, these people have probably never had a business, a lot of them are CDEP 2 day workers..." (YC4, 51)

²¹³ The Gurinny Yealamucka Health Service and the Gindaja Rehabilitation Centre are two such organisations. There is also a successful CDEP Store, which operates under a board established separately from the Council. The Yarrabah Seahawks Rugby League Football Club is another community organisation with a sound governance record. The Bama Ngappi Ngappi Aboriginal Corporation is a successful business and community development enterprise.

4.2 *Impact on Council performance*

The extent of councillors' governance skills and experience is a contextual factor that has a strong impact on the way that a Council practises governance and consequently, its level of performance. Many of the positive governance attributes identified at Yarrabah Council in Chapters 6 to 9 have been spurred by Yarrabah councillors' comparatively strong grasp of governance principles. For example, the fact that Yarrabah councillors spoke frequently about concepts such as the separation of powers, conflicts of interest, strategic planning and financial accountability underlined their understanding and previous experience of governance process. The more rigorous processes of decision-making at Yarrabah reported in Chapter 6 reflect the experience of these councillors in the governance of community organisations and other representative organisations. The Yarrabah Council's successful strategy of proactively engaging with government and other institutions outside the community is another benefit that flows from individuals with leadership and governance capacity.

By contrast, it is reasonable to assume that the dearth of opportunities for residents of Lockhart River and Hope Vale to gain governance experience in community organisations has limited the development of governance capacity within their Councils. The case studies suggest that the existence of a vibrant community sector as a training ground for Council leaders is a key contextual factor in explaining the differences in governance between Yarrabah and the other two communities.

5 Employment of local community members

5.1 *The preference for employing local community members*

One of the issues that impacts on the human resources available to the Councils is whether they draw their personnel primarily from within or from outside the community. In each of the Councils, there is generally a preference for recruiting a local community member to a position wherever possible. There are very few employment prospects for residents of Indigenous communities outside the Councils, so Councils have tended to place a high priority on maximising opportunities for local employment.

Sometimes employment of a local person is the only available option due to the difficulty in attracting outsiders to positions in remote Indigenous communities. A significant challenge for Indigenous Councils is the lack of available staff accommodation. Councils also struggle to offer attractive salary packages, a situation that has been exacerbated in recent years by the higher pay now being offered by mining companies. Further challenges to Indigenous Councils

in attracting skilled outside staff are the limited access to services that results from remoteness and the higher levels of social dysfunction in Indigenous communities. The case studies revealed many instances where advertised Council positions received no applicants, which led to the Council resorting to a local person with inadequate qualifications for the position.

In all three of the case study Councils, virtually all of the unskilled positions within the Council are held by local Indigenous residents. The major difference between the three Councils is the extent to which the middle and senior management positions are held by local Indigenous residents. This is illustrated by Table 17. In Yarrabah, two out of the three senior management positions were held by local residents at the time of the case study, and these were the top two positions of CEO and Deputy CEO. These positions were all held by outsiders at Hope Vale and Lockhart River and this continues to be the case at time of writing. Furthermore, at Yarrabah a greater proportion of middle management positions were held by local Indigenous residents than at Hope Vale and Lockhart River.

Table 17. Proportion of management positions held by local Indigenous residents, 2005-06

Position	Yarrabah	Hope Vale	Lockhart River
Senior Management (CEO, Deputy CEO, Chief Financial Officer)	2 of 3 (66%)	0 of 3 (0%)	0 of 3 (0%)
Middle Management (Office Manager, CDEP Manager, Housing Manager, Works Director, Aged Person Hostel Manager etc)	9 of 11 (82%)	5 of 7 (71%)	3 of 6 (50%)

There is a strong belief within the Yarrabah Council that employing local people is beneficial to the capacity and output of the organisation. For example, Council officers highlighted the level of commitment that local staff bring to their jobs (YC6, 61): *I think that's where we've been successful, having our own people here, and we want the best for our community, so we do whatever we possibly can to make it the best for the people* (YC2, 163).

Another advantage of employing local residents is that they have a greater understanding of the issues in the community (YG8, 24). For example, one of the councillors reflected on the value of having a local person as the Council CEO:

It's an advantage here in Yarrabah, because our CEO is a local person, and they really get involved in the discussions, so they make it really clear to us exactly how they feel and they give us really good advice on which way we should or should not vote... In the past, I know it was difficult, we had CEOs coming in from outside the community. A lot of the time, they'll give us advice [and] we find that they don't really know the

community, the community people, the issues that affect the community people here, whereas having a local person here, it's a big advantage for us. (YC5, 25)

An important consequence of the employment of local residents in management positions at Yarrabah has been a greater level of stability in these positions, as discussed in Chapter 7.²¹⁴ This is in contrast to the high level of turnover in management at Hope Vale and Lockhart River, where predominantly outsiders have been employed in these positions.

At Lockhart River and Hope Vale, a number of people drew attention to the disadvantages of employing outsiders in management positions. It was suggested that many outsiders seek to wield power and are not sensitive to the need to build up the capacity of local people (MG1, 159; LC3, 56). Others pointed out that outside staff often do not integrate well into the community, a situation which was described as “*separatist*” (LC3, 60) and “*segregated*” (HC10, 133). There were also criticisms about the quality and the integrity of many of the outside staff who were recruited to remote Indigenous communities. One government officer suggested that Lockhart River “*seems to attract the wrong type of people for some reason*” (MG1, 85), while others raised concern about outsiders who exploit Indigenous communities (HG2, 24) or even have criminal tendencies (LG1, 60). A former Council CEO observed that the “*skill level of the people that you attract here is of a lower level*” than elsewhere (LC#, 46).

On the other hand, employing outsiders in management positions is seen as advantageous over employing local residents in some respects. Several people interviewed at Lockhart River and Hope Vale highlighted the fact that outside staff were neutral in relation to family politics within the communities (YG8, 26; YC3, 50; YC1, 96; HC7, 220).²¹⁵ A senior officer at Hope Vale explained:

I actually found that people come in here... and have a whinge and then go away – because I'm neutral, because they know that I won't say anything to anyone, they feel that they can say things and then go away. It's good actually, in a way it's good them having neutral people here. (HC8, 236)

²¹⁴ It is interesting to note, however, that at Lockhart River, senior Council staff nominated high turnover as one of the difficulties in employing local residents (LC1, 144). The CEO explained that “*we have a totally different employment cycle – the people are just fluid, in their movements around the Cape. It's a totally different culture in that, they don't own a house, there is no commitment so [they'll say, for example] 'well, we're just going to get up and we'll go over to Napranum for a few weeks.'*” (LC#, 36)

²¹⁵ This is consistent with residents' feedback during consultations at Hope Vale in 2000, which included the statement: “White people [are] needed to supervise to avoid jealousy among locals” (Cavill Jones Surveyors and Brazier Motti 2000, p.2).

When Councils are required to make difficult decisions that will adversely impact on some residents, having outsiders in senior positions gives them “*someone that you can blame*” who is not a local resident (HC8, 239). A senior manager at Hope Vale explained how an outsider who had been appointed to a position that required implementing a rationalisation of the workforce would be more immune to the “*family pressure*” than a local resident filling the same position (HC7, 220). A former Lockhart River Council officer expressed the view that the pressure on local residents was such that it was not possible to have a local person in any position that had control over resources (LG3, 72). For example, whenever a local person had been employed in the bank agency, substantial cash shortfalls had resulted, as the person was unable to resist the pressure from relatives to satisfy cultural obligations (LC1, 8). The extent of family pressure on local residents employed by Councils is a critical issue affecting the performance of Indigenous Councils and is discussed in greater depth in Chapter 11.

5.2 Impact on Council performance

The Yarrabah Council case study suggests that the employment of local community members in senior Council positions can contribute positively to Council performance by harnessing greater levels of commitment and local knowledge and perhaps most importantly, by entrenching longer-term stability in a Council’s management. On the other hand, drawbacks of employing local residents are the more limited available skills base (YC1, 174; YC10, 19; HC5, 86; YN3, 87) and a risk of stagnation and inertia where individuals occupy positions for a long time (YC2, 90).

The experiences of the Lockhart River and Hope Vale Councils reinforce a conclusion that the recruitment of outsiders to senior positions within the Council leads to a higher rate of turnover that is detrimental to Council performance. Chapter 7 described the strong evidence for a link between stability of staffing and a Council’s performance. In both Councils, there have been periods where competent administrators have brought stable and effective management to the Councils, but these have not proven sustainable.²¹⁶

The correlation at Yarrabah between local community members in management positions and good Council performance does not establish, however, that employing local residents will necessarily improve a Council’s performance. Lockhart River had a local resident as CEO between 2000 and 2004, which was the period of the most rapid deterioration in the Council’s financial and administrative performance. The broad consensus of those interviewed at

²¹⁶ Hope Vale Council has seen some improvement in its audit results in recent years since it has been able to retain the same CEO, who has an accounting background. It remains to be seen whether this improvement will be sustainable.

Lockhart River was that this was the result of the local CEO being unable to resist the pressures from relatives and community members in order to uphold proper administrative standards (LG3, 74; LG1, 110; LG5, 83, LC8, 103; LG2, 26).

To sustain a situation where local residents are able to perform effectively in senior Council positions over a longer period requires that they be protected from pressure and build the capacity and confidence to perform the role. The issue of how local staff can be protected from family and cultural pressures is addressed in Chapter 12. The issue of building the skills and confidence of local residents is addressed in the next part of this chapter.

6 Training and professional development

6.1 Councils' divergent approaches

For the two decades since their inception, one of the foremost challenges for Indigenous Councils in Queensland has been to build the capacity of their local staff to perform at the level required for effective community government. The Councils started from a very low base. Chapter 2 described the inadequate training and preparation that was provided to Aboriginal communities when administrative responsibility was transferred from the government and Church missions in the 1980s. While the Councils sought to promote their community's best and brightest into positions of responsibility within the Council, these individuals were typically under-qualified and inexperienced, and the Councils soon found themselves reliant on outsiders in senior positions. It was at this point, however, that the approach at Yarrabah appears to have diverged from other Aboriginal Councils such as Hope Vale and Lockhart River. The Yarrabah Council started putting in place the plans and systems necessary to train and develop its local staff as early as the late 1980s. As discussed in Chapter 6 (Part 4), the Council was driven by a resolute long-term vision of self-management, with training seen as one of the core pillars in achieving this. In 1989, a Yarrabah councillor made the statement that "the government's expectation of self-management for Yarrabah on a white model of local government will only work if people are properly trained" (Gray 1989).

One of the Yarrabah Council's first steps was to employ a dedicated Training Officer, a full-time position that it has continued for the past two decades. In 1992, the Training Officer enlisted the assistance of the Local Government Training Council to complete a Training Needs Analysis of the Council workforce (Yarrabah Aboriginal Council 1995, p.4). In 1995, the Council developed a five-year training plan. The plan noted that:

There is a real need for basic training. At present, Council employees in virtually all areas are trying to discharge quite complex duties often with very little or no formal

training, and many are making a very good show of it. However increasing demands strain this situation to the limits. (Yarrabah Aboriginal Council 1995, p.10)

The goals of the plan regarding Council's administrative staff were to assist employees to achieve a qualification and "to have fully qualified people in all areas of Council administration, for example Council Clerk, Senior Administration Officer, Accountant and Clerks" (1995, p.14).

A striking feature of the case study of Yarrabah is the extent to which the Council has pursued an approach to training that has been planned, strategic and purposive. Rather than having 'training for training's sake,' individuals already in Council positions have been supported at Yarrabah to undertake training and gain qualifications directly necessary to their jobs. Support for staff to receive Certificate-level qualifications at the child care centre and the Aged Persons Hostel enabled the Council to meet requirements for accreditation and funding of the services. Through its plans, the Council identified gaps and priority needs and took steps to meet them. For example, Yarrabah was the first Indigenous Council in Queensland to train one of its local residents as a qualified environmental health officer, which has been a key factor behind its superior performance in environmental health. In recent years the Council supported one of its promising staff members to undertake a university accounting degree in order to fill one of the few senior management positions that was not held by a local resident, the Chief Financial Officer. The Council has also been proactive in attracting talented young people to work for the Council, through local government job expos at the school and through offering school-based traineeships.²¹⁷

At Yarrabah, the Council has also invested in the physical infrastructure required for training to occur. In the mid-1990s, the Council converted its old Council chambers into a training centre. In 2006, this was replaced by a newly constructed Skills Training Centre. The Council has entered agreements with institutions such as Cairns TAFE, James Cook University and Batchelor Institute for the use of Council facilities for the delivery of vocational and tertiary education within the community (YC8, 71).

A conspicuous feature of the organisational culture of the Yarrabah Council is that councillors and staff have internalised this broad vision of training for self-management. It is constantly reinforced within the Council. Monthly reports to the Council from work areas commonly report on staff achievements in study and training, and the Council minutes typically record the Council's congratulations to the individuals concerned. The Council writes congratulatory

²¹⁷ In recent years, the Council has offered school-based traineeships to about ten Yarrabah students to give them paid work experience in Council for one day per week during their final year of school. Following their graduation, the Council employs them full-time on traineeships or apprenticeships.

letters to staff who achieve new qualifications (for example, Council minutes 16/03/04). The following statement by the Council's Training Officer in the 1999 Annual Report makes explicit the link between training and the vision of self-management:

I must also say that the people of Yarrabah should be proud of themselves for participating in the training and development opportunities throughout the year, no matter how big or small. It is all part of the evolutionary process in controlling and managing our own affairs (Yarrabah Aboriginal Council 1999, p.10).

Another distinctive attribute of the Yarrabah Council's approach is that it has taken a broader view of professional development that encourages not only formal training but exposure to practices outside Yarrabah through attending workshops and conferences and networking with other local governments. The Yarrabah CEO explained that "[w]e've also supported staff affiliation to associations, Local Government Managers and that sort of thing, with the same view, of being able to then engage, network, capacity build and just for exposure" (YC#, 239). In the same vein, the Council has supported staff to visit mainstream local governments under staff exchange schemes.²¹⁸ Given the importance of effective external engagement to a Council's performance, as discussed in Chapter 9, Yarrabah's investment in staff skills in this area is highly strategic.

The approach to training and professional development of staff at Yarrabah stands in stark contrast to the Hope Vale and Lockhart River Councils. While there is no question about the level of commitment to staff development at Hope Vale and Lockhart River,²¹⁹ the Councils' approaches have not been strategic, planned or purposive. Neither of the Councils has a training plan to this day. Any support that has been provided has been ad hoc, rather than tailored to the organisations' needs. A review of Hope Vale Council's human resources practices in 2005 found that "there are currently no Council training policy or procedures", "no broad Council training plan" and "no training needs analysis", and that "staff have been registering independently for training programs which may not necessarily be in Council's budget or relevant to their current role" (Simon 2005). A staff member confirmed that Council did not encourage staff to do any particular training but was happy to support any training that staff identified themselves (HC8, 146). At Lockhart River, a report in 2005 observed that "some workers have attended workshops and professional development in their community but this has

²¹⁸ For example, the Council's librarian undertook a two-week staff exchange with the Hobson's Bay City Council in Victoria in 2005. Staff at the Council's museum have had the opportunity to visit museums in Brisbane to expand their skills and knowledge.

²¹⁹ A senior Hope Vale Council officer suggested that Council is "quite supportive" of training and that "training and capacity building" is one of the Council's objectives (HC7, 135). At Lockhart River, building the capacity of staff is a core plank in the Council's Community Plan and Puuya Strategy.

been ad hoc and not in a planned way” (Sellers 2005, p.1). The report also noted that “training in the past has not related to the work they do” (2005, p.2).

The Hope Vale Council has made a significant investment in training and education over the past two decades, using part of its Cape Flattery Silica Mine royalties for bursaries to assist residents to attend university. The absence of a planned approach, however, has prevented the Council from gaining the full benefit of this investment. Many residents are either overskilled for the available positions or skilled in the wrong areas. This issue was highlighted by a recent evaluation of the effect of government policies in the Hope Vale community between 2002 and 2005:

Training and skills development were not perceived to have improved. It was believed that there was a mismatch between the type of training that is provided and the opportunities to take advantage of increased skills and abilities in terms of securing meaningful employment. There appeared to be a number of important jobs in Hope Vale which community members could fill if appropriately trained and qualified. There were also a number of skilled community members who were unable to find employment in Hope Vale in which they could productively use their skills and knowledge. (Injury Prevention and Control (Australia) 2004, p.27)

This observation was confirmed in interviews with Hope Vale stakeholders (HC10, 35; HG1, 46; MG1, 203). One Council officer explained that “we do have a lot of skilled people who have actually gone through [training] and just can’t get a job, you know” (HC10, 35).²²⁰ Much of the training that has been supported at Hope Vale appears to be at university-level, which will not necessarily be relevant to Council positions and may, in fact, overqualify the person for many Council positions. By contrast, at Yarrabah, the type of training required appears to have been identified once the individual is in a Council position, and it is often a TAFE certificate or diploma rather than a university qualification.

At Lockhart River, the lack of planning has also contributed to a mismatch between training and the Council’s needs. The Council blames the State Government for not providing appropriate training opportunities.²²¹ The more fundamental problem, however, is that the prospects for

²²⁰ The officer cited a recent skills audit that revealed a large number of skilled people in the community: “What the Council now needs to do is actually look at the whole community and try and encourage those peoples to use those skills in the areas that they’ve been trained for” (HC10, 37).

²²¹ According to the Puuya Strategy: “There is a focus on training and employment [by Government], however training is not linked to real jobs or people’s motivation and funding is not aligned. People have access to many training opportunities but it is not relevant to their immediate interest and learning needs and therefore is not sustained” (Lockhart River Aboriginal Shire Council 2004a).

training Council staff are constrained by the fact that many Lockhart River residents have poor literacy and numeracy levels, speak a language specific to the community and have little experience or life skills to prepare them for training. There is wide acknowledgement that these factors have rendered the conventional approach to training at Lockhart River unsuccessful. The Council's community plan states that "[b]rief visits from outsiders and traditional structured training and employment processes developed outside the community have had few sustainable results to date in Lockhart River" (Lockhart River Aboriginal Shire Council 2005a). Instead, the Council has argued that approaches based on mentoring and one-on-one coaching of staff are required to build the skills of local staff in the community. A former CEO explained:

You don't do virtual learning [at Lockhart River]. It's not the learning style; it's an observational learning style. You've got to have someone there mentoring, shadowing, all the way through. And not just for a year, it's got to be between 3 to 5 years to build an individual to run it. (LG#, 118)

While such training is obviously more labour intensive,²²² the Lockhart River Council has had some success with this approach in recent years. For example, to improve the stores and inventory control within the Council, a former army ordnance officer was engaged to work on a day-to-day basis coaching and mentoring the storeman and assistant storeman for six months to establish effective systems and processes. The approach has been highly successful, attracting positive comment from the external auditors and apparently resulting in improved work ethics in the stores section (LG5, 23). Council staff were confident that this approach to staff development would lead to more sustainable improvements in staff performance than attempts to provide formal training. According to a senior manager: *"You need one chief and one Indian and then the work will flow. And quite often once you've shown them the basics, the work flows quite well"* (LC1, 142).²²³

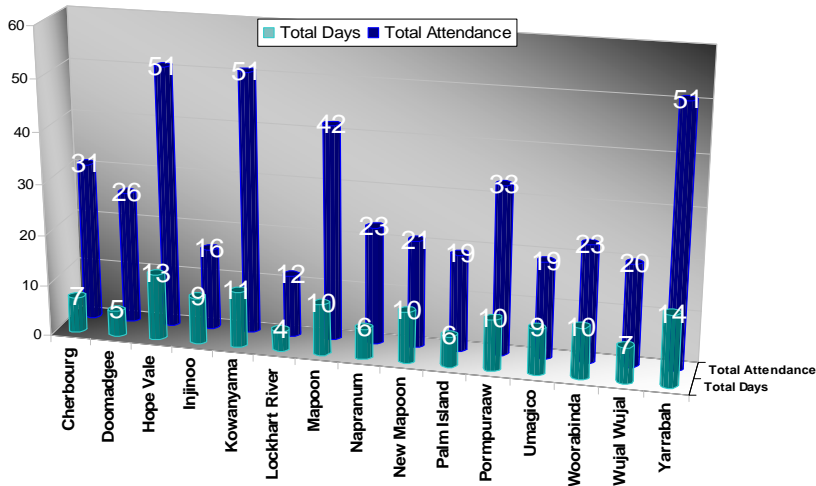
The relative commitment to training on the part of councillors in the three communities is illustrated by their participation in the Councillor Training Program delivered by the State Government since 2004. The level of take-up of the training is determined by negotiations with each Council. Figure 14 illustrates that Yarrabah has had the highest level of participation in the training of any Council while Lockhart River has had the lowest. Hope Vale Council's

²²² The CEO noted, half joking, that he needed 130 mentors for the Council's 130 staff (LC#, 151).

²²³ Another Council worker noted: *"Our blokes can do it as long as they've got the right people to show them what to do, you know"* (LC8, 81).

participation has been almost as strong as Yarrabah’s, reflecting the strong commitment to training within the community.²²⁴

Figure 14. Councillor Training Program: Number of training days held and total number of persons attending (person-days) in Aboriginal Councils, 2004-2006²²⁵



6.2 Impact on Council performance

The case studies provide strong evidence that the approach of a Council to training and professional development will have a significant impact on the Council’s performance. The outcome of a long-term, strategic and planned investment in training and professional development is evident at Yarrabah in the number of local staff who have achieved qualifications and who have worked their way up into senior positions. It is reasonable to conclude that the more systematic approach to staff development at Yarrabah has contributed to its comparatively higher level of service delivery performance. The disjuncture between the training undertaken and the skills required by the Councils in the other communities, particularly at Hope Vale, has prevented these Councils from effectively harnessing the available skills towards improving services.

Furthermore, there is a virtuous cycle between staff accessing training and development opportunities and the capacity to engage with government and the broader community, which was identified in Chapter 9 as a positive contributor to Council performance. The experience and life skills gained by Yarrabah staff through attending training and professional development

²²⁴ It should be noted, however, that all the Hope Vale Councillors are employed full time as councillors and therefore have a greater ability to attend the training, while the Yarrabah Councillors, with the exception of the Mayor, have other responsibilities making it more difficult for them to attend training.

²²⁵ Data sourced from DLGSR.

activities enhances their ability to effectively engage organisations and individuals outside their community. In turn, it gives them confidence to participate in more training and professional networking.

At Hope Vale, even though training provided has often not aligned with the Council's needs, there are areas where staff training can be seen to have contributed positively to service delivery outcomes. With mentoring and support from an outsider manager, local staff at the child care centre gained certificate qualifications required to gain accreditation for the service. Unfortunately, however, when the manager moved on, family politics led to the trained workers being unwilling to step up into the manager's role (MG1, 199). This example illustrates the deeper problem at Hope Vale, where political factors have precluded the Council from effectively capitalising on the healthy available skills base in the community. This issue will be discussed further in the Chapter 13.

At Lockhart River, the lack of training and skills development for staff clearly constrains the Council's performance. It should be noted, however, that formal training at Lockhart River may not be the best way to improve Council performance. The case study highlights the importance of using approaches based on mentoring and shadowing in circumstances where a community's residents are not well-equipped with the life experience and levels of formal education required to benefit from formal training.

7 Conclusion

This Chapter set out to examine whether there is a link between the level of human resources and human capacity available to an Aboriginal Council and its level of performance. The case studies indicate that higher standards of education in the community can contribute to Council performance, as in the case of Yarrabah, and conversely, lower standards of education in the community significantly constrain Council performance, as in the case of Lockhart River. The Hope Vale case study demonstrates, however, that a comparatively higher standard of education in a community is not, in itself, sufficient to guarantee better Council performance. A pool of well-educated and skilled community members will not translate into stronger Council performance unless it can be mobilised and harnessed productively for the Council's and community's benefit. The reasons why this has occurred at Yarrabah and not at Hope Vale require consideration of other factors that distinguish these communities and their Councils. Key factors include the greater level of protection for local staff working at Yarrabah Council as a result of the Council's adherence to good governance practices, a more supportive work environment, and differences in political environment, to be discussed further in Chapter 13.

The evidence from the case studies suggests that another resource that is as important as formal education is the extent to which residents of an Aboriginal community have gained skills,

experience and a broader perspective through exposure to the outside world. Residents' exposure through boarding school, work and the local church was considered by many participants to be a key factor in Yarrabah Council's superior performance. This link is reinforced by the fact that Lockhart River residents' lack of exposure to the outside world was repeatedly raised as a constraint to that Council's progress. The link is further strengthened by the observation that the most effective Council staff are those who have had some experience outside their community. Again, however, the Hope Vale case study shows that access to a pool of local residents who have had exposure outside the community will not, in itself, translate to improved Council performance if the Council is unable to capitalise on this resource.

Unsurprisingly, the case studies show that the quality of governance practised by elected councillors is linked to the extent of governance skills and experience in the broader community. Building this governance capacity is contingent on having a strong community sector as a governance training ground for current and potential councillors. This capacity is also enhanced where residents have had opportunities for building governance skills through other avenues such as the church or representative organisations.

This chapter also considered the potential impact on Council performance of employing local staff in preference to outsiders. The evidence suggested that while it means drawing on a narrower talent pool, employing local community members in key Council positions can harness greater levels of commitment and local knowledge. More importantly, if local staff are supported to build the skills and confidence and are protected from the pressures of being a local person in a senior management role, they can contribute to a level of stability in Council management that has significant performance dividends. In contrast, a reliance on outsiders in senior positions usually leads to high turnover and instability that undermines Council effectiveness and sustainable outcomes.

The case studies indicate that mobilising the potential of local community members to contribute to Council requires a long-term, strategic and planned investment in training and professional development of staff and councillors. In this regard, the Yarrabah's approach has yielded superior results to the other Councils. A more strategic and planned approach at Yarrabah has supported and encouraged staff to gain skills and qualifications directly relevant to Council positions. By contrast, at Lockhart River and Hope Vale, an unplanned, ad hoc approach to training has led to a mismatch between skills and positions. At Hope Vale, the Councils' substantial but ad hoc investment in residents' education has led to a situation where many residents are overqualified or inappropriately qualified for Council positions.

If the existence of a pool of educated and skilled individuals is a precondition to successful Council performance, this raises the question whether the size of the population of the

community is a significant factor.²²⁶ Yarrabah has a population more than four times the size of Lockhart River and three times the size of Hope Vale, so it has a larger potential pool of home-grown talent. Nevertheless, the senior management team of an Aboriginal Council comprises only a handful of individuals, so it is not unrealistic to expect that a community such as Lockhart River with up to 800 residents could develop local residents to take on these responsibilities. Anecdotal evidence is that the number of Hope Vale community members with tertiary qualifications is in the dozens, yet no community member is employed in a senior management position.²²⁷ A brief examination of other Aboriginal Councils in Queensland reinforces the conclusion that there is no correlation between size and Council performance. The largest Aboriginal community, Palm Island, has a poor record of Council performance, illustrated by the fact that serious financial difficulties led to the dismissal of the Council and the appointment of an administrator in 2003.²²⁸ Using available comparative data regarding audit performance and condition of Council housing, two of the best-performing Aboriginal Councils after Yarrabah are Mapoon and New Mapoon, which have populations (according to the 2006 census) of 239 and 346 respectively.

This chapter has confirmed that the extent and nature of human capacity in an Aboriginal community is a contextual factor that has a strong bearing on its practice of governance. Some key points of difference have emerged that help explain why Yarrabah Council has developed governance practices that enhance performance where the other case study Councils have not. In summary, the evidence indicates that effective governance is underpinned by a level of human capacity that comprises an educated citizenry, broad exposure to the outside world and individuals with experience in management and governance. A Council that can build on this foundation with a strategic approach to training and professional development of local staff will reap the rewards in terms of a more stable workforce and better administration and service delivery. The Hope Vale case study, however, shows that the availability of high levels of human capacity in the community, while necessary, is not sufficient to improve the practice of governance and therefore Council performance in the absence of other factors that enable this resource to be harnessed. Further contextual factors that are pivotal in shaping community governance remain to be explored in the next three chapters.

²²⁶ The appropriate scale of Indigenous governance has been the subject of considerable debate in the Northern Territory context. In recent years, the Northern Territory Government has taken the view that smaller Indigenous Councils will not have the capacity to be sustainable and that larger regional aggregations are required, with at least 5000 residents (Sanders 2008).

²²⁷ Comprising the CEO, Deputy CEO and Finance Officer.

²²⁸ The audit performance data in Figure 6 shows that Palm Island Council's financial statements were qualified on 9 out of 17 occasions between 1992 and 2006. The condition of Palm Island's housing in Figure 3 is average for Aboriginal Councils.

Chapter 11 – Financial and physical resources

1 Introduction

As the literature reviewed in Chapter 2 indicated, the extent of a government's financial resources might be expected to have a bearing on its overall performance. The availability of financial resources impacts on a government's ability to recruit and remunerate staff, provide training and professional development, and adequately resource its infrastructure, programs and services. Likewise a community government's physical resources, comprising natural resources such as land and minerals as well as economic advantages that accrue from its geographical location, might be expected to affect its prospects of success.

The objective of this chapter is to examine the evidence from the case studies to ascertain what, if any, impact financial and physical resources have on an Aboriginal Council's performance. Part 2 compares the financial resources of the respective Councils, while Part 3 reviews the three case study communities' physical resources in terms of natural resources and proximity to regional centres of economic and service activity.

2 Financial resources

2.1 Comparison of Councils

In the absence of private land on which to levy rates in the community, Aboriginal Councils are highly dependent on revenue from grants. Figure 15 shows the relative level of grant receipts for Aboriginal Councils in 2004-05. This level of grant receipts remains relatively constant from year to year. The graph shows that Yarrabah Council has significantly greater grant receipts than other Aboriginal Councils, including Hope Vale and Lockhart River. It should be noted, however, that Yarrabah has a population roughly twice the size of Hope Vale and four times the size of Lockhart River. On a per capita basis, as Table 18 shows, Yarrabah receives a lower level of grants than Lockhart River and a considerably lower level than Hope Vale. As noted in Chapter 2, a large proportion of Yarrabah's income is from CDEP grants, which is principally wages funding. For non-CDEP grants, despite Yarrabah's much larger population,

Yarrabah Council (\$6.04 million) receives only 28% more than Hope Vale Council (\$4.71 million) and 68% more than Lockhart River Council (\$3.59 million).²²⁹

Chapter 4 provided some background about total receipts for the three Councils.²³⁰ On this measure, while Yarrabah Council also has a higher overall level of receipts, its per capita level of receipts indicates an even greater level of disadvantage compared to the other two Councils.

These figures about Council income show that despite Yarrabah's larger size, on a per capita basis it is disadvantaged in comparison with the other two Councils. The figures also show that in terms of both grant receipts and overall receipts, Hope Vale has a significant advantage over the other two Councils.

Figure 15. Comparison of grant receipts for Aboriginal Councils, 2004-05²³¹

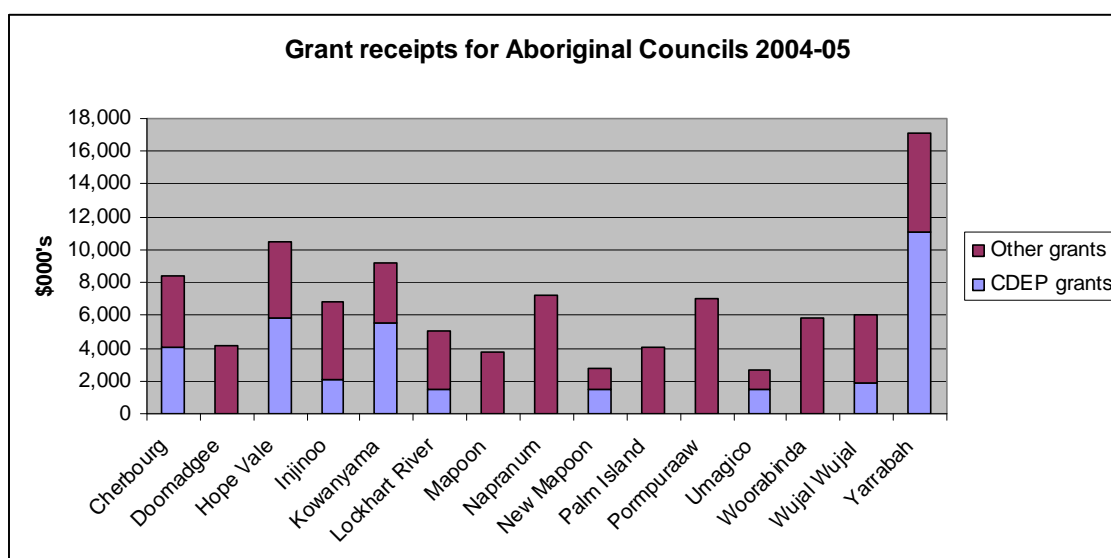


Table 18. Per capita grant receipts and total receipts for case study Councils, 2005²³²

	Yarrabah	Hope Vale	Lockhart River
Grant receipts per capita (\$)	7,224	13,432	9,146
Total receipts per capita (\$)	8,803	21,002	12,086

²²⁹ Chapter 4, Part 5 explained that many grants provided to Aboriginal Councils are for a set amount regardless of population size. For example, a grant to employ a position such as an Environmental Health Worker or a Sport and Recreation Officer will typically comprise the same amount regardless of the size of a community.

²³⁰ See Figure 8.

²³¹ Data sourced from audited financial statements.

²³² The figures are calculated using 2006 census figures for population and 2004-05 audit reports for financial information.

Aboriginal Councils do not raise substantial own source revenue, with the principle source for most Councils being a variety of Council enterprises. For Yarrabah and Lockhart River, own source revenue has been comprised largely of profits from their alcohol canteens. Lockhart River was receiving about half a million dollars per year from its canteen in the late 1990s. However, the introduction of alcohol restrictions under the Queensland Government's Alcohol Management Plans has reduced this income for Lockhart River. The canteen profit fell from \$499,038 in 2000-01 to \$206,678 by 2004-05. Yarrabah Council's canteen has never been as profitable and its net profits have also fallen from \$98,309 in 2002-03, to \$42,447 in 2004-05. The Hope Vale Council has received own source revenue from its service station and supermarket enterprises in the past. For example, in 2002-03 it made a profit of \$101,805, but by 2004-05 these businesses actually made a loss of \$166,886.

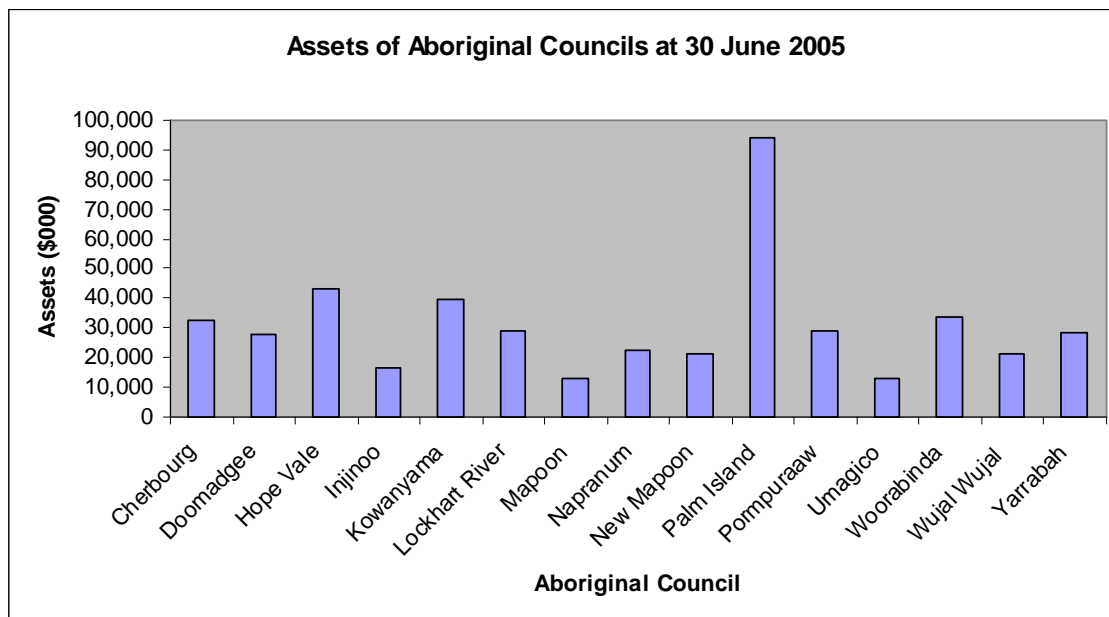
Hope Vale Council has, however, had a significant stream of revenue over the last decade from Cape Flattery Silica Mine royalties. In recent years, these royalties have been over \$700,000 per year.²³³ According to a Council officer (HC6, 119), the Council's preferred use of these funds has been to support community development and provide bursaries and subsidies for residents of the community to attend university or training. In recent years, however, the Council has increasingly relied on the royalties to meet its operating expenses, such as over-expenditure on wages (HC6, 119) and the aforementioned losses from its businesses.

In terms of assets, figures from the Queensland Audit Office displayed in Figure 16 show that none of the three case study Councils has a particularly high level of assets. In fact, despite Yarrabah's status as the second largest Aboriginal community by population, it has only an average level of assets. Taking into account relative population size, Yarrabah is asset-poor compared to other Aboriginal Councils. For example, on a per capita basis, Yarrabah's assets amount to \$11,924 per capita, compared to \$55,034 for Hope Vale and \$52,499 for Lockhart River.²³⁴

²³³ The Hope Vale Council's financial statements reveal that Cape Flattery Silica Mine royalties were \$685,093 in 2001/02, \$718,722 in 2002/03 and \$753,577 in 2003/04.

²³⁴ Calculated using 2006 census population figures and asset figures from Figure 16.

Figure 16. Aboriginal Councils' level of financial assets, 30 June 2005²³⁵



2.2 Impact on Council performance

The case studies provides little basis for linking a Council's level of financial resources to its performance. Yarrabah has the strongest Council performance, yet it does not have any advantages over the other two Councils in terms of financial resources available to it. In fact, it has a lower rate of grant receipts and assets on a per capita basis and it has considerably less own source revenue than Lockhart River and Hope Vale Councils. Lockhart River Council until recently had the benefit of considerable profits from its canteen and Hope Vale Council has received substantial mining royalties over the last decade.

The evidence about financial management set out in Chapter 7 (see Part 7) suggests that both Hope Vale and Lockhart River Councils have squandered the opportunities arising from their advantage in own source revenue. Lockhart River Council had accumulated \$800,000 in savings in 1999, but this surplus was run down and Council grants funding was over-expended to the point where at the end of 2004/05, the Council had a net cash shortfall of \$508,628. Current and former senior officers at Lockhart River did not see a shortage of resources as a significant issue in the Council's performance. For example, a former Council finance officer, when asked for the reason for the poor state of the township's roads responded that it was "*not a*

²³⁵ Data sourced from Council audited financial statements, 2004-05.

lack of resources – they had plenty of money for it when I was there” (LG#, 10). A current senior Council officer expressed the view that *“Council’s pretty well financed”* (LC#, 96).

Hope Vale Council has not capitalised on its resource advantages to improve services and facilities in the community. The Council has increasingly used its mining royalties to plug a budget deficit incurred through unsustainable expenditure on wages.²³⁶ The opportunities to use the royalty funds to build new infrastructure or enhance programs and services have not been realised.

3 Physical resources

3.1 Natural resources

Each of the Councils is trustee for large tracts of DOGIT land. Hope Vale is the only Council that has been able to extract an economic advantage from this land, through the mining royalties it receives from the Cape Flattery Silica Mine. All of the communities have had various agricultural enterprises from time to time, but none of these has proven sustainable or generated significant income for the Council. The natural beauty of the country surrounding each of the communities gives rise to tourism potential, but again, this potential has not been realised.²³⁷

3.2 Proximity

The principal physical resource that differentiates the three communities is proximity to regional centres and therefore the mainstream economy. In this regard, Yarrabah and to a lesser extent, Hope Vale, have a distinct advantage over the remote community of Lockhart River. Yarrabah is only 45 minutes drive from the growing regional centre of Cairns (population about 120,000), and 30 minutes drive from the towns of Edmonton (population 6,000) and Gordonvale (population 5,000). Hope Vale is about 45 minutes drive from the town of Cooktown (population about 1,400) and about 5 hours drive from Cairns. Lockhart River, on the other

²³⁶ See Part 2 of Chapter 7. A senior Council officer at Hope Vale described the situation as *“disappointing, because what’s happened with that money over the years is it’s just become general expenditure, where it was really initially intended to be used for more community-based activities”* (HC6, 119).

²³⁷ Yarrabah has a museum and arts and crafts centre that has attracted some tourists. A motel that has been built at Lockhart River airport is seeking to draw tourists to the community, especially fishermen, birdwatchers and naturalists.

hand, is about 10 hours drive north of Cooktown, on a road that is partly unsealed and impassable at some times of the year. Lockhart River has daily flights to Cairns at an average return cost of \$600.

3.3 Impact on Council performance

The respective natural resources of the three Councils seem to provide little benefit for the performance of the Councils. As mentioned, Hope Vale gains a significant revenue stream from the silica mine, but it is not evident that this has translated into improved services.

It is likely that the difference in the communities' proximity to regional centres, on the other hand, does have an impact on Council performance. As the Yarrabah CEO commented: "*Location is our best resource*" (YC#, 245). Proximity to the mainstream economy gives a Council several advantages.

Firstly, the Council has better access to resources and materials, which reduces the cost of running the Council and the time taken to complete projects such as building new infrastructure. The cost of materials is cheaper for Yarrabah and Hope Vale than in remote Aboriginal communities like Lockhart River. At Lockhart River, materials need to be brought into the community by barge, which is reported to add a freight cost of 28% on all goods. There is no doubt that it also takes longer to complete projects at Lockhart River, due to delays in shipping necessary materials.

Secondly, a Council closer to a regional centre can quickly access skilled labour to meet needs such as repairs and maintenance of houses or Council equipment (YG1, 18). If Yarrabah Council needs expert assistance, for example in the area of finances or information technology, it is readily available in Cairns. In addition to engaging short-term expertise, the Council is able to recruit skilled staff from Cairns for the longer-term, due to the ability to commute to Yarrabah (YN1, 13).

A third advantage of proximity to Cairns is that the Council has quick and direct access to government agencies, most of whom have regional offices in Cairns. This has enabled the Yarrabah Council to develop strong relationships with its funding bodies. A regional manager of a government agency commented on Yarrabah's advantage in this respect:

The geography does put them in a better position than a remote location like Lockhart [River] to access things. I mean, if they have a problem with us, they can drive over the range and see us. They can go and see the Department of Housing, they can go and see the feds [Federal Government Agencies], in an afternoon. (YG4, 40)

A fourth advantage is the greater opportunities for Council officers and the community in general to engage with the mainstream community and economy. As discussed in Chapter 10 (Part 3.3), there is strong evidence for linking the level of residents' exposure outside the community with a Council's performance. A Yarrabah councillor highlighted this point:

I think Yarrabah has had a big advantage because we live so close to a big city like Cairns, whereas you get the more remote communities, it's difficult, because they don't have that interaction with the wider community... In the past, Yarrabah was a really closed-in community... whereas now we travel over to Gordonvale so we have the interaction with Europeans out there and so it's easier for us to interact with people out there. (YC5, 50)

There are some ways in which Yarrabah's location close to Cairns acts against the community's interests. At a negotiation table meeting with government agencies, the Mayor expressed frustration that funding for education, health and training often goes to Cape York communities and not to Yarrabah, because Yarrabah is assumed to have access to services in Cairns (Negotiation Table minutes, November 2004). Yet the need profile in Yarrabah is often the same as for other Indigenous communities. Nevertheless, there was a strong view amongst people interviewed for the Yarrabah case study that proximity to Cairns was a key factor in the Council's success (YC1, 245; YC2, 164; YG4, 9; YN2, 55; YN1, 13; YG1, 18; YC7, 73; YC4, 50).

Before attributing too much of Yarrabah's success to its proximity to Cairns, however, it is worth reflecting on the Hope Vale case study. While not as close as Yarrabah, Hope Vale has ready access to Cairns and residents have a long history of interaction with the mainstream community of Cooktown. The Council accesses skills and labour from Cooktown – for example, the Council's plumber is based in Cooktown. Yet Hope Vale Council has not been as successful as Yarrabah, suggesting that the importance of proximity to regional centres should not be overstated.²³⁸

4 Conclusion

This chapter set out to examine to what extent the availability of financial and physical resources contributes to successful performance by Aboriginal Councils. The evidence from the case studies provides little basis for concluding that greater access to financial resources

²³⁸ The historically poor performance of less remote Councils such as Palm Island, Napranum and Woorabinda and the success of some remote Councils such as Kowanyama and New Mapoon gives further reason not to overstate the importance of proximity.

necessarily improves Council performance. The most successful Council, Yarrabah, does not have a financial advantage over the other Councils. Indeed, taking account of population size, Yarrabah suffers financial disadvantage compared with smaller Councils. The fact that Yarrabah Council has achieved the higher level of performance reported in Chapter 5 is all the more remarkable considering these financial disadvantages. By contrast, Hope Vale, and to a lesser extent Lockhart River, have had comparative financial advantages over other Councils, but these have not been harnessed to improve Council performance.

Likewise, natural resources do not account for differences in Council performance. The proximity of a community to a regional centre, on the other hand, does provide some natural advantages to Council performance. Like the availability of human capacity discussed in the last chapter, however, the Hope Vale case study illustrates that the advantage of proximity does not necessarily translate into better Council performance in the absence of other factors.

It can be concluded from the case studies that the importance of financial and physical resources to successful community government performance has been overstated in the literature. While such resources will surely help an Aboriginal Council to achieve the objectives desired by its constituents, differences in resources do not account for different levels of performance. Consistent with the findings of the Harvard Project (Cornell & Kalt 2002), the case studies indicate that other factors are more important than financial and physical resources in explaining why some indigenous community governments succeed and others do not. In the following chapters, the discussion shifts from resources to other contextual factors that may have an important role in shaping successful or unsuccessful approaches to community governance.

Chapter 12 – Cultural values

1 Introduction

The literature review in Chapter 2 highlighted a dominant discourse in Australian Indigenous governance until the 1990s, which emphasised a perceived fundamental incompatibility between a Western representative Council model of community governance and prevailing Aboriginal cultural values about governance. It was noted that this analysis has frequently been offered as an explanation for poor performance by Aboriginal Councils, in Queensland and elsewhere. The ‘cultural incompatibility’ discourse echoes the Harvard Project’s ‘cultural match’ thesis, which considers congruence between indigenous cultural norms and the design of institutions of governance as a prerequisite to successful governance. In light of this literature, the interplay of cultural values was identified as a key contextual factor that might assist to explain differences in the approach to governance of the case study Councils and hence, differential levels of Council performance. In particular, data collection sought to explore the following guiding hypotheses derived from the literature:

6. The performance of an Aboriginal community government will be greater where there is ‘cultural match’ between its governance institutions and practices and the Aboriginal community’s prevailing cultural norms and values about governance.
9. The performance of an Aboriginal community government will be greater where there is a notion of ‘community’ sufficient to found a legitimate, unified and representative council.
10. The performance of an Aboriginal community government will be adversely affected where strong kinship and family obligations influence the decision-making of the elected leaders and Aboriginal staff of the community government.

The objective of this chapter is to review the case study data in relation to the various dimensions of these guiding hypotheses. The chapter explores fundamental questions of values and how these impact on the practice of governance, with particular reference to the enduring strength of family and kinship networks in Aboriginal communities.

2 The interface of mainstream and Aboriginal cultural values

Many aspects of life in Aboriginal communities today are characterised by an ongoing contest being played out between values endemic to Aboriginal culture and values derived from the non-Indigenous mainstream of Australian society. It would be simplistic to consider this as a contest between traditionality and modernity, for this would ignore the extent to which

Aboriginal culture has evolved and continues to evolve through a dialectical process synthesising values rooted in pre-contact Aboriginal culture, values internalised during decades of mission experience and values absorbed from contemporary non-Indigenous society.

In Chapter 5, it was noted that the residents of all three case study communities hold strong aspirations to achieve the same quality of life enjoyed by people living in mainstream Australian communities. This is particularly evident in Yarrabah and Hope Vale, perhaps as a consequence of the greater exposure of residents of these communities to the outside world. Nevertheless, even in Lockhart River, where residents have generally had less direct experience of living and working in the mainstream, residents still raise issues such as better housing, health and education and increased prosperity as their highest priorities.²³⁹

In parallel with the desire to achieve mainstream living standards is a desire to protect and reinforce Aboriginal culture and identity. Planning documents for all three councils typically contain vision statements or goals referring to community aspirations to live prosperous lives at the same time as respecting traditions and valuing culture.²⁴⁰ For example, the vision statement in Hope Vale Council's Corporate Plan is for "A community for families combining modern living standards and ancient cultures" and the plan states that "[i]n furthering development, it is essential that we ensure that the lifestyle of our community is enhanced without sacrificing our culture" (Hope Vale Guugu Yimidithirr Aboriginal Shire Council 2006, p.4).

As Chapter 4 observed, despite more than a century of mission and government efforts to imbue residents of the three communities with the values and lifestyle practices of non-Indigenous society, including often vigorous suppression of traditional ways, the communities retain a strong connection with their Aboriginal identity and culture. This is most immediately apparent in Lockhart River and Hope Vale in the continuing use of traditional Aboriginal languages and the centrality of kinship roles in determining social interactions. At Yarrabah, there are fewer visible manifestations of Aboriginal cultural practice but as one observer noted, "*there are a number of cultural issues and influences that still flow quite strongly just below the surface*" (YG4, 33).

²³⁹ See the Lockhart River community's goals set out in its Puuya Strategy (Lockhart River Aboriginal Shire Council 2004a, pp.4-6).

²⁴⁰ The Yarrabah Council's vision statement is to "improve the quality of life for the Yarrabah community", but its mission includes to "promote success in a friendly and culturally sensitive environment" (Council minutes 18/11/04). Lockhart River's Puuya Strategy states that "[w]e want our young people to learn how to live in 'white man's' world, as well as in our way" and "[w]e want to have choices to live a traditional life, or a contemporary one" (Lockhart River Aboriginal Shire Council 2004a, p.5).

3 The contest of values in Council strategy, policy and practice

3.1 *Effect on strategic direction*

The effect of this ongoing tension between mainstream values and Aboriginal cultural values was evident at several levels during the case studies. At the level of strategic direction, there is a clear divergence in the way that this issue has played out in the three Councils over the past two decades. In this regard, the most striking finding from the case studies is the extent to which the Yarrabah Council, from the point of the handover from the government in the 1980s, has sought to actively embrace mainstream values and standards in the structure and operation of the Council. The Council's philosophy is exemplified by the following statement by the Council Chairperson in 1989:

We are Aborigines but I believe that we must take part in the broader community. The old tribal ways in Yarrabah have gone to the dreamtime. I have no doubt that the Yarrabah community can achieve self-management based on the local government model... (Connolly 1989)

The question of adopting mainstream values and models for community governance in Aboriginal communities has come into focus in recent years as a result of the Queensland Government's efforts to bring the legislation governing Aboriginal Councils into line with that governing other local governments in the State. New legislation in 2004 brought about the transition of Aboriginal Councils to the status of Shire Councils under the mainstream *Local Government Act 1993* (the LGA). In consultations on this issue in 2003, Yarrabah Council was one of a minority of Aboriginal Councils that supported the transition to the LGA, stating in its submission that: "Aboriginal Councils could easily be brought under the LGA and act as identical to mainstream local governments. In some cases (like Yarrabah) our Aboriginal Councils are performing better than mainstream councils" (Council minutes 19/05/03). A senior Council officer confirmed that "*the way Council is run is pretty much like mainstream. A lot of the traditional stuff is gone, and it's not practised by the Council – it's pretty much by the legislation*" (YC2, 119). At Yarrabah, as far as the delivery of Council services is concerned, the goal of achieving mainstream standards for services is accorded a higher priority than seeking to preserve cultural values or practices in Council process. As a Yarrabah councillor explained: "*It's more about good services, you know. Culture is there but it's back down the line a bit now, whereas in the past it was up ahead there*" (YC5, 52). The case study revealed numerous examples where the Council's commitment to achieving mainstream standards of

service delivery had driven the Council's agenda – for example, its successful push to gain mainstream accreditation for its child care and aged care services (see Table 9, Item 16).

The strong focus on achieving mainstream standards in the Yarrabah Council's strategic direction, however, should not obscure the fact that there is continuing debate and some ambivalence about achieving the appropriate balance of mainstream and Aboriginal cultural values. Amongst more politically aware members of the community, there is some dissent about the mainstreaming agenda. A resident stated that the Council was "*selling us out*" by going over to the LGA and there needed to be more recognition of the differences in Aboriginal communities (YN2, 105). Other residents expressed concern about the possible loss of community land arising from the move (YN4, 79; YFG4, 60). There is also dissent within the Council administration. One officer suggested that it was history repeating itself, with the impetus for the change being forced on the community, rather than the community choosing this direction (YC7, 43). Another officer was concerned that there was insufficient consideration of how Aboriginal culture fits into the new legislative framework:

We talk about building culture into policy contexts – I think that has to be fairly explored and investigated, because we can't become too mainstream... I know we've got an obligation to lead our people, but we've also got an obligation to maintain our cultural significance, or we'll become coconuts²⁴¹ and Uncle Toms. (YC8, 67)

At Hope Vale, achieving mainstream service delivery standards has not been an overt part of the Council's strategic agenda in the way that it has at Yarrabah. The Council has, however, tended to rely on external staff in senior management positions, so an assumption that the Council will function and deliver services in a similar manner to mainstream local governments has been the norm without this being an explicit strategic direction. There appears, however, to be a greater degree of ambivalence at Hope Vale about fully embracing mainstream standards and approaches to Council business. In the 2003 green paper consultations, the Hope Vale Council expressed concern about coming under the LGA on the basis that it would allow non-Indigenous persons to stand for the Council. Councillors interviewed for the case study were conflicted about the desirability of the transition of the Council to the mainstream legislation. One councillor reported that "*that's been a bit of a question mark*" within the Council (HC4, 102), while another suggested that it was "*good and bad*" and expressed concern about "*assimilation policy*" being "*back on the agenda*" (HC5, 300). The Council's desire to retain a sense of distinct Aboriginal identity in the face of the mainstreaming agenda of the new legislation is

²⁴¹ "Coconut" is a derogatory term often used in contemporary Aboriginal parlance to denote someone who has renounced their culture in favour of non-Indigenous values – they are considered black on the outside and white on the inside.

evident from the Council's request to the government that its name be changed from 'Hope Vale Shire Council' to 'Hope Vale Gu Guu Yimidhirr Shire Council' (Council minutes 19/01/05).

There is also a divergence of views amongst Hope Vale residents on this issue. On the one hand, many residents consulted in a community study in 2004 argued that the transition to Shire status would "lead to a greater 'normalisation' of community existence" which was necessary because "the mission history and defined 'settlement' boundaries were limiting factors to the 'mindset' and aspirations of community members" (Injury Prevention and Control (Australia) 2004, p.15). On the other hand, a community elder argued in an open letter to the Hope Vale Council that: "Your faith in the democratic community council system is not warranted. It is the rise of these new governance structures that are elected and that facilitate duties bound by legislation that have overshadowed and decreased the role of the family and church within our communities..." (Deeral 2002).

At Lockhart River, like Hope Vale, the management of the Council at the executive level has largely been left to outsider staff who have brought with them mainstream expectations about the appropriate functioning of the organisation. The elected councillors, for their part, have tended to emphasise Lockhart River's differences from mainstream non-Indigenous society. In contrast to Yarrabah, the Lockhart River Council's submission to the 2003 green paper recommended that Aboriginal Councils remain under separate culturally-specific legislation, because "[m]ainstream Shire Councils are a 'totally different kettle of fish' from Aboriginal Councils." The Council's more recent planning documents, however, seem to embrace a more dualistic approach that seeks to reconcile the adoption of mainstream standards with the preservation of culture. For example, the Puuya Strategy states that: "We want to build new learning and social capital infrastructure, that respects our culture and helps us move forward. We want mainstream education, as well as teaching about our traditional language and culture" (Lockhart River Aboriginal Shire Council 2004a, p.5).

3.2 Effect on policy formulation

The second level at which the conflict of mainstream and Aboriginal values is evident within the three Councils relates to the formulation of policy. Aboriginal Councils have been encouraged to adopt mainstream policies and standards in respect of many of their functions, including corporate governance issues such as human resource management, and service delivery issues such as housing and employment programs. In some areas, the Councils have sought to adapt mainstream policies to accommodate cultural practices. For example, the Councils have modified standard leave policies to include generous allowances for bereavement leave in order to satisfy the strong cultural imperatives on workers to respect 'sorry business' protocols. At Lockhart River, the Council has developed a policy response to the expectation

that the Council will pay for funeral and travel expenses for community members by developing a Community Benefit Fund to which workers contribute a portion of their weekly wages.

Because Yarrabah Council has been the most active in policy-making, the question of conflict between mainstream standards and Aboriginal cultural values has arisen frequently. The Council has sought to reconcile this conflict by adapting policies to accommodate cultural issues wherever possible.²⁴² For example, the Council's housing policy recognises that many residents travel to other communities to maintain social and kin networks, a practice sometimes referred to as 'doing orbits'.²⁴³ There are some at Yarrabah, however, who feel that the pendulum has swung too far to adoption of mainstream values in the Council's policies. For example, a senior Council officer said:

One thing I'd like to see encouraged is having flexible policies, with cultural appropriate means being put into policy. It's too process-driven... If you look around Yarrabah, we've accumulated in infrastructure well, but our social standard's decreased... and I more or less see it's because we've been accepting this white, this Western influence without trying to accommodate some of our cultural aspects with our families. (YC8, 33-35)

In a similar vein, a Yarrabah resident expressed concern about the Council's plans to apply more rigorous development controls as part of the transition to full local government status, which may lead to the demolition of temporary dwellings or 'shacks' that some residents have lived in their entire lives: *"It's just the path of least resistance, doing what the government tells us... If Council fought hard enough, they could get those exclusions or inclusions in the Act. They're selling out what's left of culture"* (YN2, 105).

On the other hand, a Hope Vale councillor spoke of the potential for people to abuse policies that have been adapted to respect cultural imperatives. The councillor cited the fact that the Council policy was to shut down the Council workforce on days when there was a funeral in the community to allow workers to attend, but in practice many workers just went home and did not attend the funeral, which affected Council's productivity. Clearly, opinions will differ on the appropriate degree of cultural adaptation of mainstream organisational policies and processes.

²⁴² For example, the Council's CDEP Policy provides that special leave is available for attending land claim meetings, in cases of serious illness within the family, representing Yarrabah at community or sporting events, attending approved ceremonial business or attendance at funerals (Yarrabah Aboriginal Council 2000a). The Council's employment policy also provides for up to 10 days paid bereavement leave (Yarrabah Aboriginal Council 2001, p.21).

²⁴³ The policy permits tenants to be absent from their house for up to 30 days without notice, or up to three months with approval from the Council (Yarrabah Aboriginal Council 2000b, cl. 4.4).

3.3 Effect on day-to-day practices

The third level at which the contest between mainstream and cultural values plays out within Aboriginal Councils is in the day-to-day practices of the Councils. According to the Yarrabah Mayor, while it is essential that the Council follow the policies and standards required of any mainstream local government, it is in the actual practices and procedures of implementation of the policies that cultural factors can be taken into account: *“there may be a policy, but the procedure on how you actually do and achieve those things would need the cultural connotation to it”* (YC#, 203). The Mayor cited the example of a policy requiring Council approval for land development. In applying the policy, the Council would need to be cognisant of cultural heritage and traditional land ownership issues and conduct the relevant consultations. At all three Councils, it was evident that land was the issue where Councils were most sensitive to cultural values in their decision-making and practices (LC7, 211; LG1, 90; YC1, 231; YFG2, 30; YFG4, 34; HC2, 41; HC5, 324; HC4, 108). The Yarrabah CEO pointed out that, as Aboriginal people, it was important that decision-makers in Council respect traditional ownership protocols regarding land: *“we’re just mindful of that implication, because we’re blackfellas and we want to ensure that we’re not eroding our own values and rights”* (YC#, 231).

It was evident from the case studies that regardless of the Western institutional framework, laws and processes that govern the Councils, Aboriginal cultural values and lifestyles profoundly impact on their day-to-day operations. It is inevitable that core cultural values held by Aboriginal councillors and workers will influence their decisions and practices. For example, a Hope Vale councillor spoke of how the respect for elders was paramount and that if an elder interrupted a meeting seeking assistance, the Council would not think twice about adjourning the meeting to respond (HC5, 229).²⁴⁴ The impact generally of Aboriginal lifestyles is evident in the work practices of the Councils. A senior Hope Vale Council officer noted that in an Indigenous community it was not possible to expect staff to sit at their desk for eight hours a day because they have other obligations to deal with: *“[T]here’s other pressures – they’ve got their families and friends to think about – so it’s important that they have that social time, even though it’s in work hours... At the end of the day, the work gets done”* (HC8, 54).²⁴⁵

²⁴⁴ Another example of how a cultural attributes such as respect for elders can influence decision-making was at Yarrabah, where the Council resolved to write off the rental debt for “all elderly tenants of the council who were subject to the Welfare Wages cases in Queensland” (Council minutes 11/05/04).

²⁴⁵ The same point was made by a Yarrabah Council officer: *“Working in an Indigenous organisation, but still governed by the Community Services Act, there’ll be a delay in our reporting, report-writing because we will take time out to do something such as sorrow business, wedding in the community,*

The Councils have tended to adapt their work practices to accommodate lifestyle and cultural issues affecting councillors and staff. The greater rigidity in some cultural practices at Hope Vale and Lockhart River can present significant challenges for Council operations. For example, the deep-rooted nature of family affiliations and conversely, family divisions in these two communities has the potential to affect service delivery. A former worker at Hope Vale's child care centre recalled how some families would not send their children to the centre because the workers there were from different families (MFG1, 119). To address this problem, the centre had to recruit staff from a balance of the families in the community. Similarly, at Lockhart River it was reported that because of the family background of the staff at the women's shelter "*there's certain clan groups that won't go there*" (MFG1, 65). At Lockhart River, there are special challenges posed by residents' adherence to cultural protocols requiring individuals in particular kin relationships (typically in-laws) to avoid any direct contact with each other. A former CEO recalled that during the term of a past Council, this required one of the councillors to be in a different room during Council meetings (LG#, 22). The existence of these avoidance or 'poison' relationships meant that often two meetings would have to be held about an issue where otherwise one would have been sufficient (LG1, 20). Intermediaries needed to be used for communication between individuals within such a relationship (LC7, 31; MFG1, 155).

3.4 Impact on Council performance

Managing the inevitable conflict between Western and Aboriginal cultural values is one of the most difficult challenges confronting Aboriginal Councils. The way in which a Council resolves this challenge will have a significant impact in shaping its overall approach to governance. In this regard, the case study data indicate differences between Yarrabah and the other two Councils that may help to explain the differences in governance approach and therefore differences in performance.

Yarrabah Council has been explicit in its desire to institute mainstream policies and standards into its governance and service delivery. This strategic direction has flowed through into every area of the Council's operations – for example, the emphasis on compliance with sound financial management practices, application of standard tenancy laws and policies in housing management, and the pursuit of mainstream accreditation in service areas such as child care and aged care. This strategy has been driven by the fact that constituents in Yarrabah are

someone being sick. Our family values are very strong. People from outside the community may not understand this. For example, under the award people are entitled to 5 days bereavement leave, but Council will give people more than that" (YC6, 64).

increasingly demanding the same standard of services as that expected by residents in non-Indigenous communities. The result of this strategy has been a high level of performance in outcome areas such as financial management, housing, child care, aged care and other areas where mainstream standards have been pursued.

The case studies reveal that this is, however, a difficult balancing act for Councils. If mainstream approaches are applied too rigidly, there is a risk that constituents will see these as insufficiently taking account of Aboriginal cultural values and lifestyles. Policies and administrative systems will be more difficult to implement effectively where they do not have the support of constituents, who may passively resist. A degree of adaptation to accommodate cultural values is critical to ensure Council policies and processes are supported and implemented. The Yarrabah Council has been active in seeking to adapt mainstream policies to meet local cultural contexts, although this remains a contested issue in the community.

On the other hand, where a degree of conflict with Aboriginal cultural values prevents a Council from adopting a 'best practice' mainstream policy or causes it to modify the policy to the point where it loses its functional integrity, then the Council's performance will be compromised. At Lockhart River, for instance, it was reported that the Council's community services workers often responded to exhortations that the standard of services should meet mainstream standards with the reply: 'but this is Lockhart'. The implication in this response is that the community's distinct culture and lifestyle justify different standards in service delivery. At Lockhart River, it would seem that an attitude that 'things are different here' has affected the Council's willingness to adopt – or even to seek to adapt to local needs – mainstream standards and policies that are needed to improve Council performance. Of course, the solution is not to simply ignore the local cultural reality and blindly implement mainstream approaches, for this would soon undermine constituents' confidence in the Council and hence, their cooperation and compliance with Council's actions. The challenge for Councils is to achieve a balance of instituting the policies and systems that will achieve the practical service delivery outcomes sought by residents, while at the same time meeting residents' expectations that local cultural needs will be respected and accommodated in the process. Borrowing from the concept popularised by the Harvard Project (Cornell & Kalt 1992, 1995, 2002), this can be interpreted as a process of achieving 'cultural match' between governance approaches and community norms.

The case studies suggest that an area where this balance is particularly crucial is in the management of the Council's own workforce. Carte blanche concessions or exemptions from usual employment practices can undermine a Council's productivity. Yet flexible employment practices that are sensitive to workers' cultural obligations are important to maintain workers' morale and engender their commitment to the organisation. The higher level of worker morale and commitment and the greater retention of local Indigenous staff at Yarrabah Council indicate

that this Council has been more successful in achieving this balance. The Council's efforts to formally codify the accommodation of cultural issues in its employment policies appears to have contributed to this success.

4 Family and kin relationships

4.1 The nature of family and kin networks

The primacy of the family and kin relationships that closely intertwine councillors, Council staff and residents in an Indigenous community is the most significant cultural value that affects the operations of the Councils. To appreciate the impact of these relationships on Council business, it is necessary to understand the nature of family and kinship networks in the three communities.

In attempting to describe the social structures and core values of Indigenous communities, there is a considerable risk of oversimplifying. Each Indigenous community has a unique historical and cultural context that has shaped its contemporary social dynamics. Documenting these complex relationships and networks was not the focus of this research. However, by using existing sources together with evidence from interviews with community residents, it is possible to sketch out some of the key features of the social structures that operate in the communities in order to better understand their impact on Council performance.

Chapter 4 provided a brief cultural profile of each of the case study communities. In relation to family and kinship networks, the communities exhibit many of the core cultural attributes that were noted in relation to Aboriginal communities across Australia in the literature reviewed in Chapter 2. Firstly, a consistent feature across the three case study communities is that family groups remain the central political and economic unit. Secondly, the social networks in the communities are defined by the central role of reciprocity, both within and outside of family structures. Reciprocity is the glue that holds together individuals' social networks and ensures their economic survival. A third important social dynamic is that beneath the surface of all of the communities is a fault line that divides those residents who are traditional owners of the community area or the surrounding territories and those who are descended from people who were relocated from other parts of Queensland – often referred to as 'historical people'. Yarrabah and Hope Vale have significant proportions of the population who have only a historical association with the community.²⁴⁶ Lockhart River has fewer residents who were

²⁴⁶ People were brought to Hope Vale from various parts of Queensland including defunct Lutheran missions at Bloomfield River and Proserpine (Haviland 1980, p.146; Powell 2002, p.178). Indigenous people were brought to Yarrabah from as far as Fraser Island and Stradbroke Island to the south and from

removed from other parts of Queensland, but there is nevertheless occasional conflict between the owners of the land on which the community has been built and those residents whose traditional land is outside that location. The advent of native title claim processes in the 1990s has intensified the divisions between traditional owners and historical people in the communities (Clifford 2003, p.161; Powell 2002, p.188).²⁴⁷ In Hope Vale in 1996 and 1997, there were a series of riots that arose out of conflicts over land. In all three communities, traditional owners of the township areas have at times demanded compensation from the other groups residing on their lands.

A fourth social dynamic that is evident in the three communities to various degrees is the existence of elites. The creation of elites who enjoy various political and economic privileges in the communities is largely a product of the efforts of the churches and the government to 'socially engineer' the residents of the Indigenous missions and settlements during the twentieth century. The existence of a form of social stratification is most prevalent at Hope Vale and was a direct result of the values of the Lutheran missionaries, as Holden explained:

Those families emerging as the elite at Hope Vale can generally be identified by colour. In the words of one resident, race discrimination in the community 'is a secret' and is a direct legacy of the policies of the Lutheran missionaries at Hope Vale. Thus full-blood (darker-skinned) families, who are the traditional residents of the area, tend to be excluded from (or do not participate in) economic and political activities in the community. This is because the mixed-blood (lighter skinned) Aborigines (who were largely brought in as children from other areas) have been favoured with work and training opportunities by the Lutheran missionaries in the belief that some white blood gives Aboriginal people a genetic advantage. Inter-marriage between persons of full-blood and mixed-blood descent was discouraged. (Holden 1994, p.307)

Anthropologist Fiona Powell (2002, p.188) has described this in terms of a hierarchy of prestige and superiority based on lightness of skin colour. The continuing relevance of this social stratification at Hope Vale was confirmed by several people interviewed for the case study (HG1, 215; HN1, 106; HC8, 256). The creation of an elite centred on about eight privileged

parts of Cape York to the north. It has been estimated that there are descendent of at least 32 tribes living in the community with 80% of the population descendants of those people who were removed to Yarrabah (Baird 1998).

²⁴⁷ A Council officer who served at Lockhart River both in the early 1980s and the late 1990s noticed this change: "The difference between my first and my second stint was marked. The first stint it was all Lockhart, all the songs were all about Lockhart, 'we all one', rah rah rah. In the post native title environment, people tended to identify with their relevant country" (LG#, 144)

family groups was initiated by the Lutheran missionaries but was perpetuated by the Queensland Government in the 1980s. In its efforts to encourage economic development and values based on individual self-sufficiency, the Queensland Government favoured certain individuals with economic opportunities such as the leasing of land (Holden 1994, p.204).

At Lockhart River, by the 1970s, an elite had emerged comprising certain families which had strong Torres Strait Islander lineage and influences. These individuals were favoured in employment and positions of responsibility because they generally had a better education and ability to speak English and had had more exposure to European organisational practices (LG1, 76; LN2, 24-30). While the political power of this elite has waned to some extent, members of these families still occupy key positions within the Council (LC3, 38). According to a Council officer: *"I think there's particular families that dominate. In Lockhart, there's a hierarchy, and it's a family hierarchy"* (LC3, 38).

At Yarrabah, the existence of an elite group of families is not as clearly evident, but there are some in the community who allege that the families that have been closest to the Anglican Church have gained preferential treatment over the years (YN4). It is clear that prominent members of some families have had leadership roles in both the Church and the Council, yet the family group that has been most vocal in alleging that the Council is biased has also had members regularly elected to the Council over the past two decades.²⁴⁸ There are large families at Yarrabah who, through the election process, have a greater ability to elect candidates to the Council (YC2, 113).²⁴⁹ At Yarrabah, several larger families appear to be balanced, however, and no one asserted that a single family or even a small group of families had succeeded in monopolising the positions of power. The political situation at Yarrabah does not appear to have changed greatly from that observed by Craig in the late 1970s:

Yarrabah is more or less an egalitarian community with little class or status stratification. Different interest groups control different enterprises on the reserve, but no one kin group dominates reserve life. The competing factions are quick to challenge each other if one attempts to achieve predominance through the Council or any other means.(Craig 1979b, pp.116-117)

²⁴⁸ In fact, a prominent member of this family was elected as Yarrabah Mayor at the 2008 elections.

²⁴⁹ A number of people commented, however, that the Council elected in 2004 contained the broadest cross-section of Yarrabah families for a long time (YC1, 220; YC2, 113; YC10, 221; YC5, 55).

4.2 Effect on councillors

Given the pervasive nature of kinship networks in Indigenous communities, it should not be surprising to discover that they have a profound impact on councillors in performing their governance role. An individual councillor will be subject to a web of reciprocal obligations that are difficult to resist in making decisions about allocation of resources. Many people interviewed for the three case studies commented on the pressure on councillors to give priority to these kinship obligations over criteria such as the equitable distribution of resources across the whole community. When it comes to a choice between respecting an obligation or following a rule or policy designed to ensure equitable outcomes, it was observed that “*traditional obligation always wins*” (LG1, 146) and “*will always preside over anything else*” (MG1, 171).

In Aboriginal society, identities derived from family and place cut across and override any other identity or role that an individual might assume. This contrasts with non-Aboriginal society, where individuals are accustomed to differentiating their various roles as a family member, a political leader or an employee of an organisation. Councillors in an Aboriginal Council, therefore, find it difficult to disentangle the role of their position with their role and identity as members of a particular family or tribal group. Several people expressed the view that councillors who made preferential decisions in favour of family and kin were simply respecting an Aboriginal cultural imperative. A former Lockhart River CEO described this as “*a traditional distribution mechanism*” (LG#, 34). Thompson has written that in hunter-gatherer societies such as that which preceded the Lockhart River mission, “there is a strong obligation to share the supply with kin in prescribed ways, particularly in hard times: not a benevolent sharing with anyone as is often assumed” (Thompson 1996, p.151). Thus, what might be considered in a non-Indigenous community as ‘rorting the system’ is often considered in an Indigenous community as simply respecting culture. As one interviewee observed: “*They’ll ‘rort’ [the system] to acknowledge an obligation, not necessarily for personal gain. That’s the interface between the cultures*” (LG1, 150).

The democratic process of electing councillors has sometimes served to reinforce this sense of obligation that councillors feel towards their families. It was widely acknowledged that in the communities residents often vote on family grounds, so that a councillor is elected to the Council primarily on the votes of his or her own family (YC1, 113; HC7, 81; HG1, 101; LN1, 22; LG2, 34).²⁵⁰ The majority of informants expressed the view that families who elect a

²⁵⁰ A former Lockhart River CEO noted that: “*A lot of councillors get picked on the basis of which family got the biggest family. It’s normally the way the majority of people get in*” (LG2, 34). Another former

representative to the Council expect that the councillor will favour their interests in decision-making (YN2, 95; YG4, 15; HC7, 81; HC6, 59; HG1, 101; HC5, 128; HN1, 92; HC9, 89; LN2, 22; LG8, 27). As one resident suggested, the councillors “*get pressure on from families – their families do feel that they should be there for family because they elected them*” (HG1, 101).

From one perspective, the councillors are simply looking after the interests of the constituents who voted for them, which is a valid democratic principle (Self 1972, pp.158-159). This is not so different from local governments in non-Aboriginal communities, where councillors actively represent particular interest groups or regions within the shire. Bern (1989, pp.166, 175) has argued that politics in Aboriginal towns is “of a similar order to that of other small towns” and should be simply seen as healthy “political pluralism.” Moran (2006, p.395) came to a similar conclusion recently in his research into the Queensland Aboriginal community of Kowanyama. The difficulty in Aboriginal communities, however, is that the Council has a much greater monopoly over community resources than in other communities and councillors’ constituents happen to be their families, which gives the councillors a personal stake in the outcome that can be characterised as a conflict of interest. But then, as a Hope Vale councillor pointed out, “*we’re all related to each other in one way or another*”, so every decision gives rise to a conflict of interest to some degree (HC5, 130). These circumstances put immense pressure on councillors in Indigenous communities. For example, a Hope Vale councillor explained that she was responsible for restructuring the arrangement for transporting food to the store, yet this meant putting out to tender a transport contract that her cousin currently held.

In the Hope Vale and Lockhart River case studies, there was a prevailing view that councillors have mostly been guided by their family affiliations when it came to important decisions about resource allocations. A senior Hope Vale Council officer summed this up with the observation that the councillors “*sort of bat for their own family when they can*” (HC7, 89). In his dissertation on community management at Lockhart River, Clifford noted that “Lockhart people fundamentally identify with their kin and this, together with matters relating to clan ownership around the community, will thus dominate their decisions” (Clifford 2003, p.182). The overriding weight accorded to family affiliation by decision-makers at Lockhart River was confirmed by several people interviewed for the case study. For instance, a Lockhart River Council officer noted that the councillors “*don’t see Council as a public service so to speak, it’s a chance to get something for the family, or myself, done while I’m here*” (LC1, 68).²⁵¹

CEO observed that: “*Some mobs have sort of boxed up the voting to get their man up so they could get access to equity of resources*” (LN2, 58).

²⁵¹ Another officer said of the councillors: “*They only think about them or their family or their clan group*” (LC2, 8). A Government manager at Lockhart River expressed the view that “*it’s family interests only, they don’t understand it’s for everybody*” (LG8, 51).

Furthermore, the case study data for Lockhart River and Hope Vale revealed numerous instances of councillors favouring family members in their decision-making. Examples include the allocation of housing (see Chapter 2 and Appendix 1), filling Council jobs (MG1, 131; HG1, 107, HN1, 98; HC7, 69; HC5, 51; LFG1, 153; LC8, 55; LG2, 176), allocating Council resources for outstations (HG1, 107; Lockhart River Council minutes 12/08/04), providing loans to residents (HC8, 271; HC7, 69) and paying for residents' private expenses (Queensland Audit Office 2003b, p.A12).²⁵²

At Yarrabah, on the other hand, while it was acknowledged that family favouritism had been a problem in the past, most informants believed that this had no longer been the case in recent years (YC5, 55-56; YC9, 69; YC6, 24; YC1, 69, 90; YC11, 17; YC4, 59; YN2, 91, 95). A Council officer reported that the councillors “*don't sit around this table and argue for their family or anything – they know what the conflict of interest stuff is and they declare their interest*” (YC2, 118). Unlike at Lockhart River and Hope Vale, the case study found no evidence of Yarrabah Council decisions that were obviously preferential towards councillors' families.

4.3 Effect on Council staff

Interviews for the three case studies revealed that, like councillors, those Council staff who are members of the local Indigenous community are also subject to pressure from family members to make preferential decisions or provide favourable treatment (HC10, 93; LC6, 10; LC2, 215; YC6, 70; YC7, 35; YC1, 216; YC9, 75). This creates a conflict with the officers' obligations to apply the Council's policies and deliver services in a fair and impartial manner. The Yarrabah Council environmental health officer explained the dilemma that this causes:

It's a very sticky situation. I've got family here who are on the housing [waiting] list and I get approached to... write a letter saying that [they] should be put up the list a bit more.' And to be fair, I can't really do that... I can't be seen pushing my own family's barrow. I try to be down the line – sometimes I'm accused by own family of not doing enough for them. (YC#, 75)

²⁵² The following is another example of apparent family favouritism. In April 2003, the Hope Vale Council was required to appoint a person to fill a vacancy on Council. A by-election was unnecessary because the vacancy was to be filled within a year of the full Council elections. The Council appointed a relative of prominent current councillors in preference to a candidate from a rival family who had tied for first place but been unsuccessful at a by-election held only a month earlier. The person appointed to Council had not been a candidate in the by-election, which had been won by the nephew of one of the prominent councillors.

Council staff spoke about the need to “*be strong*” in the face of these demands, and try to explain the rules and policies which constrain staff from providing favours (LC6, 10; HC9, 67; HC10, 93). A Hope Vale staff member spoke of how staff sometimes needed support to hold the line: “*Some crumble, they’re not strong, you know, and they’ll call for help or someone to just come and support them, another relative to come and back what story they’re explaining*” (HC10, 93). Inevitably, there are instances where staff cave in to the demands from family members: “*It happens. We’re only human*” (HC10, 95). The Yarrabah CEO acknowledged that some “*soft discrimination*” occurs in minor ways. For example, if a resident had a relative in the ‘accounts receivable’ section, “*they’d probably do a little bit more for you*” (YC#, 216). The CEO explained that “*we’re in a constant battle reminding [staff] that we’re here for the greater good.*” Another Yarrabah Council officer confirmed that while staff did provide favourable treatment for relatives and friends, they knew where the boundary was: “*it’s got to be something small, not major – they know their job’s going to be on the line*” (YC7, 35).

It is particularly difficult for staff where denying a request goes against a strong cultural protocol, such as respecting and assisting elders. A Hope Vale Council staff member indicated that when it came to requests from elders, “*that would be my weakness*” (HC10, 97) while another explained that: “*When an elder comes in, I make time because that’s the way I’ve been taught. You do it without thinking*” (HC9, 27). At Yarrabah, a senior Yarrabah Council manager spoke of the need to educate community members about what is appropriate:

You got to teach yourself too, you know, like at first instinct, I used to jump every time, well I mean, especially when it comes to an elder wanting anything... but yeah, I say ‘no, you have to wait till after work’, so you have to train yourself and you also have to train them. (YC6, 70)

While most of the preferential treatment appears to comprise this ‘soft discrimination’ of staff acceding to relatives’ requests, the case studies did reveal some cases where favourable treatment of relatives has amounted to official corruption or criminal conduct. A local person employed for a short time as Hope Vale Council’s accountant allegedly manipulated leave records to generate a sizeable long service leave payout to her spouse, who had been a councillor (Hope Vale Council minutes 24/01/01). Local residents employed in Lockhart River Council’s bank agency misappropriated \$45,000 over a four month period in 2002 (Queensland Audit Office 2003b, pp.A4-5). Senior Council officers indicated that most of this money was not taken personally by the staff but provided to relatives (LG3, 83; LC2, 215). Observing cultural protocols was a significant factor: “*People lose their bank book, so [the staff] give them \$200 on good faith. But they never pay it back. And they can’t go and ask them for it, because that’s shaming*” (LC2, 215).

Another area where Council staff are sometimes guilty of favouritism is in relation to human resource management issues such as recruitment decisions and discharging supervisory duties. Chapter 6 (Part 3) noted that there are repeated allegations of nepotism with regard to staff appointments. It was also suggested that the situation of staff supervising other family members had created difficulties enforcing work ethics in the communities. In Yarrabah, for example, the organisation of the Council's CDEP workforce has evolved to the point where many gangs comprise members of the same family, supervised by a ganger who is a senior member of that family group. A number of people interviewed commented on the difficulty for gangers in supervising workers who are family members (YC10, 209; FG3, 38)²⁵³. For example, a Yarrabah councillor observed that *"there's a lot of our CDEP people that's in that mould of thinking that, 'oh well, I don't have to turn up for work because my uncle or my relative, I know he won't dock me if I'm not there'"* (YC5, 46).

Many of the Council staff interviewed in the three communities spoke about their personal experiences of dealing with the constant pressure of being a local resident fulfilling a position of responsibility. Implementing policies that might adversely affect relatives and having to say no to requests from family takes a toll on local Council staff. In the words of a Yarrabah staff member, *"sometimes it does affect me, I mean, I can't say I'm very strong, you know I try my best to be professional at all times..."* (YC6, 37). The Yarrabah housing officer spoke of how she was personally affected by carrying out her role of evicting families under the Council's housing policy:

I get angry, but I was told [by the councillors] not to get upset or anything because they're the ones who've got to live with it, but I say 'yeah, but don't forget, I live here as well' and I get approached and people go that far, that they'll say things to my children! I can handle that now – in the beginning, I couldn't... (YC#, 50-51)

Staff who are implementing unpopular policies regularly suffer abuse and retribution from the community, including their own relatives. The Yarrabah CEO recalled the response when the Council sought to enforce by-laws prohibiting horses from roaming free in the community: *"My rangers got bombed, everyone got into them – 'you're not taking my horse, you so and so!' We've tried to just have faith in the process, but again, you have my mob running me down and saying I'm not part of the family and this and that..."* (YC#, 95-96).

²⁵³ A Government manager at Lockhart River observed that a lot of local residents *"don't feel comfortable to manage their own family and tell other people what to do when they're not from their clan"* (LG4, 67).

4.4 Impact on Council performance

The colonisation process has not diluted the centrality of family and kinship relations in Aboriginal societies. This feature remains at the core of what it is to be Aboriginal and permeates the social, political and economic lives of every member of an Aboriginal community. It is inevitable, therefore, that family and kinship networks and protocols will have a profound impact on the functioning of Aboriginal organisations. The case studies confirm this to be the case with respect to Aboriginal Councils. Managing the interface between the cultural values surrounding kinship and the organisational values of a contemporary community government is one of the key challenges for the success of an Aboriginal Council.

It is possible to cite many instances from the case studies where cultural dynamics arising from family and kinship networks have affected the practise of governance in ways that have directly impacted on the performance of the Councils. Many of these instances relate simply to the disruption to efficient process and the consequent interference with the basic functioning of the organisation where councillors or Council staff give preferential treatment to family members or friends. For example, a CEO pointed to the instance where a councillor requests that a particular individual's pay cheque be prioritised: *"They say it's only one pay packet, but [the staff] are doing 450 and that one is a pain in the arse"* (HC#, 103). Another example from Hope Vale is the practice of workers acceding to requests from residents to undertake personal work. The minutes of a meeting of the Council's civil construction meeting to discuss problems affecting the workforce included the following note:

Personal work for the community also interrupts daily work plans. Equipment and workers are often diverted to undertake work for community members, the supervisor and the workers do not know how to say no and feel they have an obligation to undertake this work. (Minutes of Hope Vale Council Civil Construction Team Meeting, 17 April 2006)

At a broader systems level, the influence of family factors on councillors' decision-making militates against the consistent application of principles of administration that are likely to enhance the performance of the organisation. Giving a job to a relative rather than appointing someone on merit means that the Council may not be getting the best person for the job. Decisions that place family criteria over service delivery criteria will affect the Council's performance. In Chapter 7 (Part 7), it was noted that Hope Vale Council's financial difficulties in recent years have arisen because the Council continued to create more jobs than the Council budget could sustain. The Council was responding to pressure from their families to create more positions for them, rather than setting position numbers based on a rational consideration of Council's workforce needs and budgetary capacity. At Yarrabah, the Council's major deficiency in the area of financial management, its escalating debtor problem, is a direct result

of the Council's inability to take firm action to collect debts owed by residents. The Council has been unwilling to pursue legal action against debtors who include members of their own families.

The possibility of an adverse impact on family members has also affected the capacity of Council staff in the three communities to implement policies and programs as required. At Yarrabah, the Council has been unable to address the public safety risk posed by stray horses because the rangers have found it too difficult to impound and destroy the horses in the face of the backlash from horse owners, who include the rangers' own relatives (YC1, 96). At Lockhart River, Council minutes report that at the alcohol canteen, "*due to cultural and family issues it is very difficult to enforce certain rules*" (Lockhart River Council minutes 09/03/06).

Improving the Council's performance in delivering services and programs often requires making hard decisions that will affect some individuals adversely but are necessary for the benefit of the whole community. The reluctance of councillors and Council staff to make these hard decisions where they may impact on their own relatives is a major constraint on the performance of the Councils. The individual who was CEO at Lockhart River when the Council's financial management deteriorated rapidly over the space of two years lamented that: "*The Council I worked with never made any hard decisions. [The family pressure] becomes way too much*" (LG#, 166). In 2006, the Hope Vale Council administration sought to use an externally-imposed requirement to spill the positions of all of the CDEP supervisors as an opportunity not to re-employ some of the non-performing supervisors. According to a senior Council manager, "*Council said 'go for it', but then when the pressure came back on them they said 'what are youse doing over there?'*" (HC7, 71).²⁵⁴ The Hope Vale case study uncovered instances where non-performing Council staff were considered "*untouchable*" (HC7, 3) due to their family relationship with senior persons within the Council. The Hope Vale accountant complained to the Council in 2003 that the Council was spending significant funds engaging external contractors to do work that non-performing Council employees should be doing (Meyer, D. 2003). The impact on a Council's performance of carrying non-performing staff in key positions is self-evident. The cumulative effect of successive Councils failing to take hard decisions to address issues is an organisational culture that tolerates non-performance. The Hope Vale accountant noted that:

²⁵⁴ The Council manager recalled that the Council staff member who managed the area was also unable to follow through with the strategy: "*Like when it came time to write the letters to these supervisors to tell them, 'right, as of July the first you're back on 16 hours CDEP', he couldn't do it*" (HC7, 222).

Large sectors of the workforce receive wages for no or very little output... A culture has developed in the community where people expect and demand to receive wages monies when they know full well that they have not worked for it. (Meyer, D. 2003)

At the root of this issue is the clash of values that was highlighted at the outset of this chapter. From a worldview that puts obligations to one's family before any other criteria, preference towards family in decision-making may be considered entirely appropriate. The problem arises where this worldview is held at the same time as an expectation that a service will be of the same standard as that available in mainstream communities and that it will be equally accessible to all members of the community. The problem arises because decision-making based on family preference will often be incompatible with the efficient and equitable delivery of a service.

The conflict of these values can create a sense of ambivalence amongst members of Aboriginal communities. For example, it was noticeable that the ongoing practice of family favouritism at Lockhart River did not provoke a great deal of anger by residents at Lockhart River; rather, it seemed to be accepted. As a government manager observed, *"people whinge about it, but then they just let it go"* (LG8, 53). A possible reason for this attitude at Lockhart River is that the practice of councillors favouring their families has not led to substantial inequity between families because the Council has tended to have a reasonably balanced representation of families. An observer noted that while there had been periods where certain Lockhart River families had monopolised resources, *"if you take it on an overall twenty year snapshot... there's a fair bit of equity there"* (LG1, 34).

Where there is a greater power imbalance between families in a community, however, preferential decision-making is more likely to create angst and dissent. At Hope Vale, it was commonly alleged that some families who dominated Council were benefiting more than others and it was clear that the practice of favouritism had undermined confidence in the Council. A resident commented that *"some families miss out and some families get priority and that's where the friction starts"* (HFG1, 111). Another Hope Vale resident spoke about special favours that were being received by a close relative of a councillor: *"That hurts a lot of people, riles a lot of people. And it's common knowledge"* (HN1, 100). Where a Council loses the confidence of the community to govern fairly and impartially, this flows on to the performance of the Council because it is harder to deliver services and implement programs without the support of the community.

The expectation of preferential treatment for families places huge pressure on local residents who take on positions of responsibility as councillors or Council staff. As a result, many talented individuals are either unwilling to take on positions of responsibility or suffer 'burnout' after a short time in these positions. Chapter 10 (Part 5) demonstrated a strong link between the

performance of a Council and its ability to retain capable local community members as staff. It was noted in Chapter 10, however, that many qualified members of the Hope Vale community have been unwilling to work in senior positions within the Council because of the pressure that accompanies these roles. Another case in point is the Lockhart River resident who took on the position of Council CEO in 2001 but resigned in 2004 at a time when the Council was in dire financial straits. The consensus of those interviewed for the case study was that, despite his best intentions, he had not been able to cope with the pressures from family and community members, including elected councillors (LG3, 74; LC2, 86; LG1, 110; LG5, 83).²⁵⁵ In his dissertation on Lockhart River, Clifford (2003, p.183) observed that the pressure on “potential future leaders” had either led to these individuals leaving the community “to avoid the stress of close kin obligations” or caused them to become frustrated and depressed, sometimes resulting in alcohol abuse.

The extent to which family favouritism in decision-making is tolerated within an Aboriginal Council is likely to have a significant impact on the Council’s ability to access government resources and therefore, its ability to achieve its objectives. Government agencies operate within an administrative framework that places value first and foremost on efficient, fair and equitable distribution of resources and does not tolerate preferential decision-making, regardless of whether such favouritism might be consistent with Aboriginal cultural imperatives. Thus, a

²⁵⁵ The following extracts from field reports by Departmental staff chronicle first the hopes and then the despair that followed the appointment of this individual:

Field Report of 17-20 April 2001: The newly appointed Council Clerk is doing an exceptional job in trying to address a number of areas that are affecting the Council’s viability...I believe he will be a good proactive Council Clerk.

Field Report of 15-19 October 2001: The pressures of being a community resident and the Council Clerk are starting to take their toll on [the Council Clerk] who is increasing being pressured by factions of the Community for special favours. [He] is dealing with this by adopting "a hide and it will go away approach" so he is increasingly away from the office and is unable to be contacted.

Field Report of 12-16 November 2001: As reported in my previous field trip report, that there are concerns as to whether the Council Clerk is coping with the pressures of the position, peer pressure and family responsibilities. His continued absence from the office (which is a classic avoidance technique) is having an effect on the workload of the accountant, as she now must undertake several of the Clerk’s duties which is causing her work to backup.

Field Report of 7-10 May 2002: The overall situation of the Council is not encouraging. The Council Clerk was away last week but all indications are that he is not keeping up with the job (Community Service Officer Field Reports, DLGPSR files).

Council's access to resources will be dependent on government agencies' confidence in the Council's ability to manage resources and deliver services equitably and efficiently. The Yarrabah Council's relative success in attracting grants for projects and services has been built on its assurances to government that it will manage funds equitably and without favouritism.

The evidence from the case studies demonstrates the significant potential for family and kinship relationships to impact negatively on an Aboriginal Council's performance. These forces are at play in all three communities, yet the effect on the Council's performance has not been as great at Yarrabah. Although there is evidence that some areas of Yarrabah Council's performance have been affected by family relationships – notably in areas such as debt enforcement, by-law enforcement and supervisory practices – the Council has been successful in mediating this problem to the extent that it has been able to function relatively effectively. In contrast to Lockhart River and Hope Vale, the Yarrabah case study did not reveal blatant examples of favouritism in resource allocation, house allocation, filling jobs, subcontracting Council work and providing loans to residents. The principal reason for this difference would appear to be the Yarrabah Council's deep commitment to the rule of law and the separation of powers, described in Chapter 6. These practices have institutionalised policies that promote equitable resource distribution and efficient service delivery and minimise the opportunity for councillors and staff to indulge in preferential treatment for families. Moreover, they have provided a level of protection for councillors and staff to be able to resist the pressures from their families. Significantly, the insulation of staff from these pressures has empowered local residents to take on senior positions of responsibility within the Council in a way that has not been possible at Hope Vale and Lockhart River. The question remains: what factors have predisposed Yarrabah Council to adopt an approach that embraces governance principles such as the rule of law and the separation of powers in a way that Lockhart River and Hope Vale Councils have not? To explore this question, it is necessary to consider the underlying political norms of the three communities, with particular focus on identifying differences that may have shaped their divergent approaches.

5 'Whole of community' orientation

5.1 Primacy of family interests versus community interests

Chapter 2 noted that a common theme in the literature about Queensland's Aboriginal Councils has been the proposition that a Western governance model based on a representative Council elected to govern in the interests of the whole community is contrary to Aboriginal governance norms. It has been suggested that such a model is destined to fail because the intense 'localism' of Aboriginal politics means that elected councillors will be unable to put aside their primary

allegiance to their family or clan in order to act in the best interests of the whole community. It is further argued that an Aboriginal community does not really constitute a cohesive ‘community’ at all, because it typically comprises several distinct tribal groups. This analysis has echoes of the ‘Harvard Project’ thesis that a governance model will fail where it does not match the community’s cultural norms about governance.

The data collection for the case studies sought to explore the efficacy of this analysis. An important finding is that the suggestion of the absence of a notion of ‘community’ in Queensland’s former Aboriginal missions and townships is overstated. While family and clan allegiances, as described earlier in the chapter, remain central to Aboriginal political and social life, the case studies revealed that identity with the home ‘community’ is a strong feature of the psyche of residents in these locations. Of the three communities, Yarrabah has the greatest diversity of groups who were relocated from other parts of Queensland. Yet, as the CEO explained, there is a strong sense of community identity at Yarrabah:

[W]e’re conscious that, [although] we had a history by which people were brought here, those people also made a conscious choice to claim this place because through culture and tradition, where you’re born, that’s where you’re required to affiliate... [T]he reality of it is, even though we got mob here come from all over the place, they call Yarrabah home. (YC#, 264)

At Lockhart River, anthropologist Athol Chase observed that when he started his fieldwork in the early 1970s, “it was clear that Lockhart was a community as well as a settlement. People identified themselves clearly as ‘Lockhart people’ and acted accordingly” (Chase 1980, p.4). In his thesis, Chase explains that, although the five shared-language tribes who were brought together into the mission retain their own separate identities, they have forged a “solidary Lockhart Aboriginal identity” through their shared history of living together. This identity has been reinforced by kinship and marriage links between tribes and through participating together in dances and ceremonies. A former Lockhart River CEO expressed the view that while the advent of native title processes in the 1990s “fractured” the solidary community identity to some extent, the sense of community identity has re-emerged strongly: “people are saying ‘all right, we know we’re all different but we’re all one’” (LG#, 146).

Similarly, at Hope Vale, anthropologist Fiona Powell reported that “the resettlement of people affiliated with different clans, some from distant geographical locations, into a single community has also contributed to the development of a Guugu Yimithirr identity” (Powell 2002, p.191). At Hope Vale, the shared Guugu Yimithirr language has been a strong foundation for the emergence of a unified sense of community. The inter-marriage of the various families at Hope Vale was such that by the late twentieth century, “the community had shown, for some

time, the structure of a large endogamous kin group” (Chase 1980, p.57). A Hope Vale councillor summed it up when he said that “*we are really just one big family*” (HC5, 130).

The anthropological literature suggests strong antecedents in traditional Aboriginal political organisation for the formation of political affiliations at higher levels than the family or clan group (see also Limerick, M. 2008). Other studies have shown the emergence of a strong notion of community amongst Aboriginal people in other parts of Australia (Bern 1989, p.168; Holcombe 2004, p.10; Smith 2002, p.24).

In all three communities, a shared identity at the broader community level overlays the strong affiliation that residents continue to hold towards their own family or clan groups. In the comparative analysis of the cases, however, the critical difference that emerged between the three communities hinges on the extent to which participants in community governance conceptualise their role in terms of service to the collective community interest or in terms of their allegiance to their family interests. Put another way, the distinction is between a ‘whole of community orientation’ to leadership and governance and a ‘family orientation’ in the performance of these roles.

The strong orientation towards family evident in Council decision-making at Hope Vale and Lockhart River was described earlier. At Yarrabah, by contrast, the case study revealed that there is a firm expectation in the community, largely matched by the behaviour of Council leaders, that Council decisions will be made for the benefit of the whole community. A manager of a community organisation said of the Yarrabah councillors: “*they know that if they’re there, they’re there for the whole community*” (YN3, 94).²⁵⁶ This observation was confirmed in interviews with Yarrabah councillors. The Mayor said that his role was “*making sure that those decisions would benefit everyone, not just a small quarter*” (YC#, 223) and another councillor indicated that “*I myself, I feel that I’m there on behalf of everybody’s interests*” (YC5, 40). This is not to say that Yarrabah councillors do not experience the same pressure to provide preferential treatment to their family members as their counterparts in the other communities. A Yarrabah resident noted that “*sometimes you see councillors getting ostracised because they won’t play that game and do what families want them to do*” (YN2, 97). Generally, however, Yarrabah councillors appear to have successfully resisted the family pressure and developed a ‘whole of community’ orientation in their decision-making. A

²⁵⁶ The Council CEO pointed out that councillors were held accountable at the elections for this: “*Effectively, you could say that the main families are represented, but long term, the objective is to make sure that those people when they get here [on to Council] are able to represent the whole community and if they’re not, the next election really does sort them out*” (YC#, 221).

councillor suggested that while this ethic had been there for some time, it had been reinforced by councillor training:

I think after a while, most of our Council here, once we go through those councillor training packages, I've not known any councillor to say 'well, stuff it, I'm not going to listen to that'. Most of them said 'oh dear, I realise now that we're here for the whole community so I'm going to do my best for everyone, you know'... New councillors come on with the idea that they're going to change things and get more support for certain family members, but... after the training, it really gives them that understanding. (YC5, 61)

The striking aspect about the political culture at Yarrabah is that it appears to reflect a changing worldview that is moving beyond the supposed dichotomy between the Aboriginal cultural norm of 'looking after family' and the democratic imperative to govern in the interests of the whole community. There is a sense that these values, which are usually considered to be conflicting, are synthesising into a new normative framework for governance at Yarrabah that reconciles both imperatives. For at Yarrabah, a whole of community orientation is increasingly seen as consistent with Aboriginal tradition. In 2003, a State Government green paper posed a number of broad questions about governance as part of a review of community governance legislation. One of the responses in Yarrabah Council's submission is illuminating:

Question 5: In Aboriginal culture today, what things are important in making decisions about the community?

Whole of community approach. (Yarrabah Council response)

The Yarrabah Council's response shows a marked difference from the response of the Lockhart River Council and other Aboriginal Councils, where Aboriginal political traditions were seen largely in terms of the centrality of families:

Recognitions of cultural aspects of the community structure, different language groups, clan groups, customary law, family groups, etc. Our community has strong grouping structures, when Council make decisions these groups are identified and effect the way decisions are made. (Lockhart River Aboriginal Council response)

Respecting the rights of individual tribal groups and traditional owners, as well as protocols when dealing with community issues and populace wellbeing. (Aboriginal Council response)

Better forums for all language groups and clan groups to be involved in decision making. (Aboriginal Council response)

Family values. Traditional ownership of lands. Respect for Elders. It is important to retain and maintain culture and apply traditional lore appropriately. (Aboriginal Council response)

Take a holistic approach - family - extended family - community. (Community organisation response)

Support your Clan Group, maintain your family power base, don't move too quickly to change. (Aboriginal Council staff member response)

Respect for family and the ability to work with people at all levels of culture from real traditional to people who have retained very little culture. (Community organisation response)²⁵⁷

While there appears to be an emerging view at Yarrabah that a whole of community approach to governance will be to the long-term benefit of all families in the community, this has not always been the case at Yarrabah. In 1979, anthropologist Daniel Craig noted that: “Every Aboriginal on Yarrabah who occupies a position of authority established by the Aborigines Act finds it difficult to transcend family ties and act impartially” (Craig 1979a, p.69). The shift towards a whole of community political orientation has been occurring over two decades, mirroring the evolution and growing maturity of governance at Yarrabah. A councillor who served for 14 years reflected on the fact that residents were voting less on family grounds than in the past:

In the past, I heard that said a lot, and I think people were tending to vote that way [i.e. for family members who would put their family first]. But slowly over the years, I noticed a big difference, that even some of their own family members are not happy with the way they've been making decisions so they sort of been putting feelers out for new and young leaders who they feel are going to make the right decision. (YC#, 54)

A corollary of this whole of community orientation that was evident at Yarrabah was a strong commitment to the notions of equity and fairness. These notions were a recurring theme in discussions with Yarrabah people about what they expect from their Council in making decisions (YC1, 269; YC2, 117; YC6, 24; YN4, 59). For example, one Council employee said that, “as a community person”, her expectation was that Council decisions should be “not biased in any way, and fair and based on policies” (YC2, 117). The Council’s mission statement developed in November 2004 lists “Fairness and equity” as a core component of the Council’s mission (Council minutes, 18/11/04).

Judging by the interviews for the case studies, the notions of equity and fairness are not part of the community governance lexicon at Hope Vale and Lockhart River to the same extent as at

²⁵⁷ The Hope Vale Council did not submit a written response to the review.

Yarrabah. A non-Indigenous officer who has been working closely with the Lockhart River councillors explained that *“they’re still learning about equity. I think equity is our notion”* (LG7, 84). While there were occasional comments in interviews about the need for the Council to be fair in its decision-making, there seemed to be a much greater level of tolerance and indeed acceptance of inequity at Hope Vale and Lockhart River. The extent to which constituents complain about Council decisions in the three communities is illustrative. At Lockhart River, it is rare for residents to complain about Council decisions (LC2, 185) and even when there is dissatisfaction in the community about a decision such as employment of a relative, *“[p]eople complain but only for a short while, then they just accept it and say ‘oh, don’t worry about it, leave it...’”* (LFG1, 151). At Hope Vale, a resident expressed the view that a *“feeling of hopelessness”* about the way the community was run had made people apathetic: *“People don’t even get outraged anymore when they see things being done wrong”* (HC9, 93). Some Hope Vale residents suggested that people do not complain about inequitable Council decisions for fear of reprisals (HC4, 16; HC3, 28).²⁵⁸ Where there are complaints it was considered that these were motivated more by jealousy and conflict arising from personal and family differences than from a genuine concern for equitable outcomes in the community (HC6, 57; MG1, 149). At Yarrabah, on the other hand, residents are quick to challenge the Council, and have often used external avenues such as local Members of Parliament or the Ombudsman (YC6, 57; YG4, 18).²⁵⁹

There are grounds for speculating that the relative prominence of an egalitarian norm at Yarrabah compared to the other communities flows from endemic historical factors. It was noted earlier in the chapter that Craig had described Yarrabah in the late 1970s as “more or less an egalitarian community with little class or status stratification.” In a delicate political balance, larger families at Yarrabah seem to have kept each other in check, with no group achieving pre-eminence. It could be speculated that this process of checks and balances has entrenched a mindset that places equity and fairness first and foremost in the community’s political dynamics. By contrast, processes of status stratification and elite formation were a feature of the history of the Lockhart River and Hope Vale missions (Holden 1994, 307; Powell 2002, 188).

²⁵⁸ According to a resident: *“If you’re very vocal against the Council, and that’s why most people in Hope Vale do not talk against the Council, you will find yourself without a job”* (HC3, 28).

²⁵⁹ A letter of complaint from eight Yarrabah residents about the behaviour of a particular councillor clearly stated the residents’ expectations about the councillor acting fairly and equitably: *“While serving the community as a public office bearer, [the councillor] has an ethical duty of care to represent all people of Yarrabah in an honest, fair, impartial and professional manner”* (Letter of complaint dated 23/01/05 on DFYCC File AIA118).

A further distinguishing aspect of Yarrabah's history that may account for the prevalence of egalitarian norms is the role of trade unions in spurring political activism in the community from the 1950s to the 1980s. From a large-scale strike against working conditions by Yarrabah workers in 1957 (Craig 1979b) through to the campaign for award wages in the late 1970s (Kidd 1997), Yarrabah residents have maintained close connections with trade unions in their efforts to further their industrial and political interests.

It might be argued that the existence of strongly egalitarian norms in an Aboriginal community such as Yarrabah is unexceptional, because it is consistent with Aboriginal tradition. A commitment to fairness and equity is often assumed to be a universal cultural norm in Aboriginal societies, associated with communistic notions of equitable sharing of resources. After decades of debate amongst anthropologists, however, a consensus has emerged that traditional Aboriginal society was not inherently egalitarian (Kolig 1989, 46; Merlan 1989, 7). Indeed, several studies, including a number in Cape York, have noted substantial inequities in access to resources within Aboriginal societies (Keen 1989, 23). In his study of the Lockhart River community, Thompson (1996) explains that resource-sharing occurs mostly within smaller countrymen groups along kin lines and less so with other groups in the community. He notes that "clearly this process of sharing is neither equal nor democratic" (1996, 154).²⁶⁰ Another researcher at Lockhart River explained that hard-nosed competition to monopolise resources for one's own family was more consistent with tradition than sharing resources across the whole community: "[S]o much for the peaceful, loving, sharing, hunter-gatherer, primitive communist model of society. I think they're the hardest political operators I've ever seen." Such observations highlight the fact that in Aboriginal communities such as Lockhart River, cultural imperatives towards family are likely to act against the formation of a governance ethic to share resources equitably across the whole community. This makes the emergence of strongly egalitarian political norms at Yarrabah all the more remarkable.

5.2 Impact on Council performance

The findings in relation to Lockhart River and Hope Vale give some support to the proposition that the Western representative Council model of governance is undermined by Aboriginal cultural values that put obligations to family and kin before the interests of the wider community. This clash of values must account in part for the failure of these two Councils to achieve equitable outcomes for their residents. It is the pull of family allegiance that appears to undermine the adherence to some of the fundamental principles that underpin the representative Council model, such as the rule of law and the separation of powers.

²⁶⁰ Anderson (1989, p.72) observed the same patterns of sharing resources only within 'mobs' during his study of the Bloomfield River (Wujal Wujal) mission.

Yet, the Yarrabah case study shows that a representative Council model can function effectively in an Aboriginal community, achieving equitable outcomes and quality services for the whole community. Crucially, the evidence presented above suggests that the aspiration for fair and equitable outcomes across the whole of the community has become internalised as part of Yarrabah's governance norms to an extent that has not occurred in the other case study communities. In Yarrabah, the potential conflict between the cultural imperative to favour family and the democratic obligation to serve the community's interests has been reconciled by a gradual reconceptualising of cultural values in terms of responsibility to the whole community.²⁶¹ This is not to say that obligations to family and kin are no longer important. They remain fundamental in dictating social and economic relations within the community. In the practice of community governance, however, the primacy of family is giving way at Yarrabah to a shared commitment to making equitable decisions in the best interests of the community as a whole.²⁶² This is a significant finding, because this underlying norm has provided the impetus for many of the good governance practices at Yarrabah that have been shown in earlier chapters to be linked to improved Council performance, such as the commitment to the rule of law and the separation of powers.

6 Representativeness

6.1 *Family representation*

The literature review in Chapter 2 highlighted a further claim as to why the Western representative Council model is considered by some commentators to be an inappropriate fit for Indigenous communities. A number of analyses of Queensland's Aboriginal Councils have suggested that the system of open elections favours numerically larger families and leads to unrepresentative Councils where resources are monopolised by a small number of families.

The case studies revealed that this has been the case in all three of the communities to varying extents. At Lockhart River, there have been times in the past two decades where larger or better organised families have dominated Council positions and councillors' tendency to favour family in decision-making has led to an inequitable distribution of Council resources (LG1, 32; LN2, 60). There was, however, a broad consensus amongst those interviewed at Lockhart River that

²⁶¹ Smith (2008, p.94) has described how Aboriginal groups of West Central Arnhem land adopted the metaphor of 'one family' in their planning for a new regional governance authority that incorporated different families from across the region.

²⁶² This may be an instances of what Smith (2008, p.101) calls "the cognitive tool of compartmentalisation", whereby Aboriginal groups are prepared to set aside certain cultural rules or norms in the intercultural context of a community governance organisation.

the 2004 Council was representative of the five major language groups in the community and that this had usually been the case since the 1980s (LC7, 183; LG3, 16; LG1, 32; LC5, 6).²⁶³ At Yarrabah, there was also a view that while larger families have occasionally monopolised the positions on Council in the past, the 2004 Council comprised a very broad cross-section of the family and interest groups in the community (YC2, 115; YC1, 220; YC6, 52; YC5, 55).²⁶⁴ In contrast, at Hope Vale a small number of families have dominated the Council from its inception in the 1980s.²⁶⁵ These families have generally been those considered to be the ‘elite’ families, who have achieved greater levels of education and experience outside the community (HC3, 14; HN1, 162; HC7, 69). The extent of family domination is illustrated by the fact that of the Council elected in 2004, four out of the seven councillors were first cousins (HN1, 162). The green paper on Aboriginal Council legislation in 2003 raised the question of changing the election model to enable fixed representation of the major families or clans in a community. This option has been discussed from time to time in all three of the case study communities.²⁶⁶

²⁶³ In the 1970s, Chase (1980, pp.214-215) conducted a demographic breakdown of the total population of 307 and found the following representation amongst the five tribes: Pascoe (Kuuku Yau) were the biggest group (83 people comprising 27%); Umpila (63 - 20%) and Night Island (59 - 19%) were similar; Macumbuy (Wuthathi) was very small (10 - 3%); the inland tribes together have 74 people (24%) which is split evenly between Northern Kaanju and Southern Kaanju and they tend to ally with their corresponding coastal tribes.

²⁶⁴ A current councillor reflected on this: “[T]here’s some families that really do dominate. There’s some really big families in Yarrabah, and there’s other small family groups here... A bit of favouritism was still going on. It was more noticeable in past councils, but I find, this council here is, like I say, because of the differences of people from different backgrounds, from different family groups, I think its been more balanced...” (YC5, 55-56)

²⁶⁵ The first-past-the-post voting system requires larger families to be organised to take advantage of their numerical superiority. One large Hope Vale family has had a poor record of having candidates elected because several candidates tend to run from the one family, which splits the vote (Holden 1994, p.274; HN1, 162).

²⁶⁶ Yarrabah’s 1996 community development plan raised concerns about the appropriateness of the current council structure for land use planning at Yarrabah, and recommended a panel be created with guaranteed representation from the various social groups in the community: “Although some may view this ad hoc committee or panel as an irrelevant substitute for Council, it is believed that it has potentially got better representation and a broader role than the Council does itself. The Council is not necessarily representative of all views within the Community simply because it is small in number and elected by popular franchise. That is to say, that the seven elected representatives can not be drawn equally from all of say, 20 groups, corporations and organisations and furthermore, popular franchise may mean that a number of the elected representatives on Council may come from the same grouping simply because of the numerical superiority of that grouping” (Nev Bates and Associates 1996, p.91). The report also documented consultation workshops with community residents where alternative models for the Council

Lockhart River Council engaged a consultant in the mid-1990s to work with the community on developing an alternative governing structure based on clan representation. The community ultimately rejected the proposal because it believed that the current electoral system was already working in ensuring all families were represented on the Council (LG1, 160).²⁶⁷ At Hope Vale, the dominance of the Council by a small number of families led to the establishment in the 1990s of a community development corporation, Guugu Yimithirr Warra Corporation, with representation from all 40 family groups in the community (Holden 1994, p.290). The concept of clan representation for the Council was raised during the case study by two people as a solution to the lack of representativeness of the Hope Vale Council (HC3, 14; HN1, 158). A well-respected outsider who resides in the community suggested that there needed to be “*a different system of elections so that they get in there a representative of families or groupings somehow, so that the people feel represented*” (HN1, 158).

In their response to the question of fixed clan representation posed by the 2003 green paper, the Lockhart River and Yarrabah Councils both opposed the concept. The Lockhart River Council argued that the current system already led to balanced representation at Lockhart River while the Yarrabah Council agreed that “Aboriginal Councils are usually representative of the major social groups in the community”. The Council went on to say that it did not support representation based on families because “we don’t believe in dividing, we believe in joining together.”

Yarrabah Council’s comment reinforces the observation earlier in this chapter that an orientation towards the ‘whole of community’ interest is a defining feature of Yarrabah’s governance culture. Implicit in the statement is the concern that if councillors were directly elected to Council by their family group, this would reinforce the notion that their role is simply to look after their own family’s interests, rather than govern in the interests of the whole community. Yarrabah Council sees this as potentially divisive because it would entrench the competition between families. If councillors clearly understand that their role is to make decisions to the best of their ability for the community benefit, then it should not matter whether the Council is broadly representative of the major family groups. Ultimately, the efficacy of a representative Council model depends on the extent to which this norm is internalised in a community’s political culture. When asked whether this ‘whole of community’ orientation could be cultivated at Hope Vale to ensure more equitable outcomes from the Council, a Hope

were discussed, including balanced representation of traditional owners and families with historical connections to the community (1996, Appendix 2).

²⁶⁷ This position was confirmed by the Lockhart River Council’s submission to the 2003 Green Paper on Indigenous Councils: “[This] Community’s past elections outcomes has indicated that the community voting structure fairly represented the social groupings in the community, and the Council suggestion is for the current voting system to remain the same in our community.”

Vale resident was sceptical: *“That’s very difficult. I’m saying the only way you will overcome that is by family representation”* (HC3, 18).

6.2 Traditional owner and elder representation

In Chapter 2 (Part 4), it was noted that the appropriate decision-makers for a matter arising in an Aboriginal context will depend on the nature of the issue, because different people have ‘authority to speak’ for different matters. A recurring criticism of the Aboriginal Council system is that the Councils are the trustees for community land, yet in practice the elected councillors are not the appropriate decision-makers for land matters under Aboriginal culture. For land issues, it is traditional owners who are the appropriate decision-makers, but they may not necessarily be represented on the Council. As a former Lockhart River CEO observed, the representative Council model *“is totally against tradition where people can only speak for their own country. So the two systems are radically at odds”* (LG#, 86).

The level of traditional owner representation has varied at the three Councils. At Lockhart River, this is not a major issue because the vast majority of the residents are traditional owners of territories within the community’s trust area. The owners of the land where the township is located have tended to secure significant representation on the Council. At Hope Vale and Yarrabah, however, the majority of residents are ‘historical people’ who do not necessarily have traditional ownership rights to community land. At Yarrabah, there has always been at least one traditional owner on the Council. This has tended to be a Gungandji person rather than a Yidinji person, but the 2004 Council had one of each (YC1, 223). At Hope Vale, the dominance of large families with a mainly historical connection to the community area has meant that there has only occasionally been a local traditional owner represented on the Council (HC3, 14). This has been a matter of contention in the community at times.

In practice, the interviews revealed that the Councils are aware of the constraints on their authority to speak definitively with respect to land matters (HC5, 324; HC4, 108; LC7, 213; YC2, 120; YC1, 229; YC10, 233). The Councils defer to any traditional owner who is on the Council, or else they ensure that there is adequate consultation with affected traditional owners and their representative. This approach has not always been effective. A former Hope Vale Councillor recalled that the Council relied on a traditional owner who was on Council for advice about a land issue, but that he had not sufficiently involved his own group (HFG1).

The problem of authority to speak can also affect the capacity of the Councils to comment about cultural matters. The Councils are often comprised of younger leaders who do not have the

traditional authority of elders to speak about cultural issues.²⁶⁸ A former Lockhart River CEO explained that “*Council doesn’t have any imprimatur at all to talk about cultural business. Council wouldn’t pretend to be the decision-maker in those sort of issues*” (LG#, 92). Again, in practice the Councils tend to refer such matters to elders groups within the community.

6.3 Impact on Council performance

Where the political culture in the community is such that leaders tend to be influenced strongly by family considerations when making decisions, then the lack of balanced family representation on Council will inevitably lead to inequitable outcomes. The Hope Vale case study illustrates that a Council that makes decisions preferentially will suffer from a loss of faith in the community and will become embroiled in conflict and division that undermines the performance of the Council. The solutions to this issue would appear to be either the modification of the electoral system to guarantee balanced family representation on Council or the nurturing of a governance ethic amongst leaders that places the interests of the whole community above partisan family allegiances. A clan representation system might lead to more equitable outcomes in resource distribution, but it would risk entrenching the attitude that councillors’ role on Council is to actively represent and pursue their family’s interests. As the Yarrabah Council’s green paper submission suggests, this might be divisive. Moreover, it is likely to undermine the crucial task of building a shared vision and collaboratively planning for the future which earlier chapters have shown to be critical for successful Council performance.

The Lockhart River Council has had a history of mostly balanced family representation on Council and therefore fairly equitable outcomes in resource allocation, yet the strong family orientation in decision-making has stifled the formation of a ‘whole of community’ approach to community governance. The case study suggests that successful community governance may be less a matter of balanced family representation than the development of a whole of community orientation.

In relation to traditional owner representation on Council, there is evidence from the case studies that a lack of representation may affect a Council’s capacity to deliver projects and services. Infrastructure and community development projects at Yarrabah have been delayed by conflict between the Council and traditional owner groups about land use. The predominance of ‘historical people’ on Council appears to have entrenched an ‘us and them’ relationship between the Council and traditional owners which might not have developed if there had been greater

²⁶⁸ Clifford (2003, p.304) commented on the limited capacity of Lockhart River councillors to deal with issues of punishment in the community, for instance: “While many Councillors were concerned about various community problems, most were relatively young (30-40) and did not have the stature or ‘local authority’ to deal with reprehensible behaviour or punish others outside their immediate family.”

traditional owner representation. A similar dynamic has been evident at Hope Vale, where land disputes between historical people and traditional owners are the catalyst for much of the conflict in the community. To alleviate these problems might require guaranteed traditional owner representation on the Councils or at least better consultation protocols or advisory structures to involve traditional owners in community governance.

7 Family and community divisions and conflict

7.1 Nature of family conflict

Family and kinship relationships in Aboriginal communities not only bind individuals together in networks of reciprocity and obligation; they also form the basis for competition and division between families, which is a central feature of social and political relations in every Aboriginal community. Earlier in the chapter it was noted that the competition between traditional owners and historical people and the existence of elites create points of division in the three case study communities. Even where these factors are less prevalent, such as in Lockhart River, traditional competition between neighbouring clan groups has been exacerbated by the co-location of these groups within small bounded townships. The Lockhart River Mayor reflected on this:

And I think, back in the 1900s, I don't know why government had brought us together to live together. Some of our community are finding it difficult now, for sometimes it's impossible to live with other clans because of the clash between families... (LC#, 18)

Violence between rival family groups has flared up periodically in all three case study communities over many decades. Newspapers regularly report on 'riots' in Lockhart River and Hope Vale. Most recently, in March 2006, media reported that "*an angry mob of up to 80 people began fighting in the Lockhart River community*" and "*a homemade ice pick, stock whips and baseball bats were used in a brawl between up to 50 people at Hope Vale*" (AAP General News Wire, 7 March 2006).²⁶⁹

One consequence of the strength of reciprocity networks is that minor disputes between individuals quickly escalate into broader community conflicts. A Yarrabah resident explained

²⁶⁹ Anthropologists have described violence in public places as a ritualised activity serving the function of dispute resolution in Aboriginal communities (Sutton 2001). In his PhD research in the 1970s, Chase confirmed that this continued to be the case in Lockhart River. During his field research in 1972-73, Chase observed 28 large scale fights that involved more than 30 people (Chase 1980, p.279). A former Lockhart River CEO indicated that physical violence continued to be part of a "*highly stylised conflict resolution process*" in Lockhart River to this day (LG1, 44).

that: “When it comes to fights, everyone jumps in... [I]t just expands outwards – even if it’s a kids’ fight, within two days the adults are fighting” (YN2, 117). This was illustrated by the incident at Lockhart River in March 2006, which started as a dispute between young people over a touch football match but spiralled into violence and conflict that involved every member of the community (LC5, 88).²⁷⁰

7.2 Impact on Council performance

It was explained earlier in the chapter that an enduring cultural value in Aboriginal society is that an individual’s identity as a member of a particular family group tends to cross-cut any other work or leadership role that the individual might hold. In contrast to mainstream society, therefore, where individuals tend to maintain a strict separation of their family roles from other public roles that they perform, in Aboriginal communities there is a high likelihood of private family issues to impact on public organisations such as the Council.

The case studies confirmed that a high level of disputation between family groups has the potential to impact negatively on Council performance in several ways. Firstly, it may disrupt communication channels within the Council. In Chapter 7 (Part 5), it was noted that there were significant internal communication problems at the Hope Vale Council, which were often the result of family politics. A senior Hope Vale Council officer expressed the view that family divisions had been an important factor in the Council’s poor performance over the years: “*I think what interferes a lot here is family issues, family feuds. I think that really does interfere with the good running of the Council out here*” (HC7, 139).

Secondly, family disputes that are carried over into the workplace can distract workers in ways that affect productivity. References in Council minutes, public notices and workplace policies in all three of the communities referred to the problem of family disputes impacting on the workplace.²⁷¹ A Council employee recalled that the office staff had “*walked off the job one day*

²⁷⁰ A further illustration is a note in the Lockhart River Council minutes on 13 January 2005 that: “Kids have been fighting in the streets over losses at gambling school involving \$1 and this is having a wider effect on the community with parents getting involved and starting to fight.”

²⁷¹ A Lockhart River Council newsletter included a statement from the Mayor reminding workers that “aggressive and violent acts will not be tolerated in the work place!!” A policy at Hope Vale included statements that “no fighting permitted during CDEP work hours” and “no employee to verbally abuse staff or public.” A notice from the CEO observed at Yarrabah in March 2005 warned that the Council would not tolerate workers carrying on family disputes in the workplace. Yarrabah Council’s complaints file contained a letter of complaint from 22 November 2004 from a council worker about council employees carrying on a family grievance during work hours.

because we had had enough” following a long-running family dispute that had resulted in *“name-calling and slandering and even getting letters distributed in your personal yard”* (YC6, 51). The Yarrabah CEO explained that where family disputes have begun to impact on the Council’s process, *“we’ve just reminded people that long term it’s in the organisation’s and the community’s best interests if those matters don’t successfully affect work performance, because at the end of the day we’re here to do a job”* (YC#, 203).²⁷²

Thirdly, even where Council staff do not get involved, family disputes can be disruptive when they are carried on in Council workplaces. Office staff at Hope Vale spoke of how fighting often occurred in public places and *“sometimes they will bring that up to the office and continue it in the office”* (HC9, 59).

Fourthly, family divisions can directly impact on the delivery of Council services. Earlier in the chapter, it was noted that certain families at Lockhart River and Hope Vale would not access particular social services run by the Council because of the family affiliations of the workers employed at these services (MG1, 65). At Yarrabah, a Council officer reported that there were sometimes problems with the running of the CDEP program because a group of people on a particular gang would decide to move over to another gang due to family tensions (YC4, 66).

Finally, and perhaps most critically, divisions between families have the potential to undermine Council cohesion to such an extent that formation of a shared vision and constructive strategic plans become impossible. Chapter 6 highlighted the centrality of a unified strategic vision to the longer-term success of a Council. It was apparent one of the key reasons for the Hope Vale Council’s poor performance had been the lack of a shared vision and the consequent lack of continuity in developing and implementing long-term plans. This problem is a direct result of the level of conflict and division within the Council and the broader Hope Vale community. At Yarrabah, by contrast, families have been able to put aside their differences sufficiently over the years to subscribe to a long-term vision fixed on the focal goal of achieving self-management. At Lockhart River, Chapter 6 (Part 4) described how the process of intensive community planning and leadership development in recent years has yielded a much greater sense of shared vision amongst the community leadership. A number of observers made the comment, however, that this progress had been set back by the violence that erupted in March 2006 (LC7,

²⁷² Yarrabah Council minutes from early 2005 recorded a discussion about employee involvement in community disputes. The Council requested a letter of warning be issued to all staff involved “reminding them of their obligation as public officers” (Council minutes 11/01/05). Subsequent Council minutes (05/03/05) included reference to show cause notices issued to five Council employees about community disputes. This is evidence of a ‘zero tolerance’ approach being taken by the Council to family disputes being brought into the workplace.

153; LC5, 88).²⁷³ These events demonstrate the fragility of processes aimed at visioning and consensus-building and the difficulty in an Aboriginal community of ensuring that longstanding family divisions do not derail such efforts.

8 Conclusion

The case studies reveal that Aboriginal Councils are an arena upon which a contest of values is being played out on a daily basis. This contest mirrors broader processes by which contemporary Aboriginal societies are seeking to reconcile, on the one hand, the deep-rooted cultural values that sustain unique lifestyles revolving around enduring kinship networks and on the other hand, values drawn from mainstream society that emphasise improved standards of living and material comforts. The case studies indicate that residents of Aboriginal communities expect their Councils to deliver services and facilities that will give them standards of living comparable to mainstream communities, but they also expect Councils to respect the cultural traditions and practices that continue to be central to their identity and lifestyle.

Of the three Councils, the Yarrabah Council has made the most progress in building living standards in the community and has done so through an explicit strategy of applying mainstream standards and policies in its operations. It has actively sought to adapt these mainstream processes to accommodate the community's cultural needs, but it has found this to be a difficult balancing act and opinions differ in the community about the correct approach. On the other hand, the apparent reluctance of the Lockhart River and Hope Vale Councils to pursue any policies and processes that might bring to the surface conflicts with cultural values has inhibited these Councils' ability to improve their service delivery standards.

The most fundamental challenge for Councils arising from the contest of mainstream and cultural values is dealing with the enduring strength of family and kin relationships. The depth and intensity of family and kin networks entangles councillors and local Council staff in a web of reciprocal obligations that is difficult to reconcile with the duties of their positions. The expectations of family members and the corresponding sense of obligation of decision-makers within the Councils has led to many decisions about resource allocation being made on the basis of family affiliations rather than criteria that are likely to lead to efficient and equitable outcomes for the whole community. While councillors and Council staff at Yarrabah are not immune to the pressure from family and kin for preferential treatment, there has not been the same degree of favouritism at the Yarrabah Council as has been evident at Hope Vale and

²⁷³ A former Council officer expressed his concerns about the impact of the fighting: "*The last two years they've done a lot of good things. In the last two months it feels like they've thrown all that out the window*" (LG2, 154).

Lockhart River. The Yarrabah case study demonstrates that adherence to governance principles such as the rule of law and the separation of powers can protect councillors and local staff from the pressure arising from their family and kin relationships in the community. Significantly, it has enabled capable local residents to survive in senior positions in the Council to a degree that has not been possible at Hope Vale and Lockhart River, which has led to a level of stability and continuity that was indicated in Chapter 7 (Part 9) as crucial to Council performance. In contrast, the family favouritism that has been evident in decision-making at Hope Vale and Lockhart River has disrupted administrative process, created inefficiency, undermined financial management, eroded work ethics and generally created a culture that places obligation towards family and kin before service delivery performance. This environment has created a level of pressure on decision-makers that has deterred capable community members from taking on positions of responsibility. The resulting instability in these Councils' workforces has undermined their performance.

The pervasive influence of family criteria in decision-making has also led to an inability of the Councils to make hard decisions necessary for the community's benefit for fear of the adverse impact on family members. In this regard, Yarrabah Council's performance has also been significantly affected in areas such as debt collection and by-law enforcement, albeit to a lesser extent than the other Councils.

To explain why the Yarrabah Council has been able mitigate the aspects of family obligation that inhibit Council performance it was necessary to consider differences in the norms about governance in the three communities. The key finding in this regard was that leaders at Yarrabah have evolved an orientation to the 'whole of community' interest in their decision-making that stands in stark contrast to the strong orientation towards family interests that is evident at Hope Vale and Lockhart River. Although a sense of community identity was palpable in all three case studies, it is only at Yarrabah that leaders have been able to set aside the strong pull of family allegiance in order to give effect to the broader community interest in their decision-making. Significantly, political norms at Yarrabah have evolved to the point where community members consider looking after the interests of the whole community as an integral part of Aboriginal cultural traditions. This contrasts with the strong orientation to partisan family interests that has been highlighted in studies of other Aboriginal communities and was observed in the case studies at Lockhart River and Hope Vale. The emergence of a 'whole of community' ethic at Yarrabah seems to be rooted in endemic historical factors and is associated with an overriding concern for equity and fairness in the community.

The existence of a whole of community orientation has implications for the appropriateness of the model of representation for a community government. Where leaders are genuinely able to put their own family interests aside in order to govern in the interests of the whole community, the fact that various family groups are not represented on the elected Council will not lead to

inequitable outcomes from decision-making. Where family allegiances continue to affect decisions, however, a Council that is unrepresentative of the various family groupings in the community will allocate resources inequitably. This concern was raised at Hope Vale and Lockhart River, although in the latter case, the community has been fortunate that the Council has been generally representative and any short term inequities have tended to even out over time. It has been suggested that a model of representation based on family representation would overcome the inequities, but there is a risk that such an approach would further entrench a family orientation in decision-making.

The case studies provided evidence that the current model of representation is problematic in relation to the consideration of traditional owner interests in Council decision-making. In this respect, the common critique of Councils as not having sufficient 'authority to speak' (in an Aboriginal cultural sense) about traditional land matters is justified. The performance of the Councils has been adversely affected by the lack of traditional owner participation in decision-making, which might be overcome by guaranteed representation on Council.

The chapter considered a further impact on Councils of the Aboriginal cultural value on family and kin relationships. While the principal influence of family networks is to bind individuals together with positive obligations, these networks also function to divide communities along family lines, creating conflict and competition. The evidence from the case studies showed that these divisions also impact on Council performance by blocking communication channels, reducing productivity, disrupting service delivery processes and most damaging of all, preventing the formation of a shared vision and collaborative strategic plans.

A community's values and norms have a significant role in shaping the way that leaders and their constituents approach the practice of community governance. The contest between Aboriginal cultural values – particularly the enduring focus on family and kinship – and values drawn from mainstream society is a reality that affects every aspect of the functioning of Aboriginal Councils. However, the case studies do not support the contention that Aboriginal Councils are doomed to fail as a result of a fundamental incompatibility between Aboriginal cultural values and models of governance, administration and service delivery that are largely derived from mainstream society. This argument does not adequately acknowledge the continuing evolution of Aboriginal cultural values, the strong aspiration of Aboriginal people for living standards equivalent to the mainstream, and the potential for Aboriginal Councils to adapt mainstream policies and processes to meet local cultural needs and circumstances. The Yarrabah Council case study demonstrates that an Aboriginal community that retains firm attachments to family-based cultural values and a unique Aboriginal lifestyle can nevertheless cultivate an approach to community governance that is successful in improving the community's living standards.

Chapter 13 – Leadership and governance norms

1 Introduction

The way governance is practised in a community is shaped by its prevailing norms about governance and leadership. Chapter 12 examined the crucial impact of cultural values on Aboriginal Councils, with particular focus on the effects of the traditional Aboriginal orientation towards family and kin and the evolving concept of community interest in contemporary Aboriginal communities. Cultural values derived from traditional Aboriginal society and from the mainstream non-Aboriginal society underpin important norms about governance and leadership that influence the way Aboriginal Councils operate.

The objective of this chapter is to focus on other governance and leadership norms that have either been suggested by the literature as significant to the practice of community governance or which emerged from the case studies as relevant factors in Council performance. Specifically, the chapter will examine the impact of community norms regarding self-interest, individualism and competitiveness, which emerged strongly (and somewhat unexpectedly) in the case study of the Hope Vale Council. The chapter will also examine whether governance practices and therefore Council performance are impacted by leadership norms, gender relations and levels of social capital and civic engagement.

There are a number of challenges in attempting to identify prevailing governance and leadership norms in a community, including sample size, possible bias in the sample, the subjectivity of the topic, lack of consensus in a community and changes in norms over time. Notwithstanding these challenges, a number of strong themes emerged from the evidence in relation to governance and leadership norms.

2 Self interest, individualism and competitiveness

2.1 The role of self-interest in Councils

In Chapter 12, it was noted that Council leaders at Lockhart River and Hope Vale have tended to exhibit an orientation in their decision-making towards the interests of their families rather

than the broader community interest. This does not tell the whole story in relation to Hope Vale, however. At Hope Vale, the case study revealed that self-interest is a strong feature of the community's political culture to an extent that was not evident at Yarrabah and Lockhart River.

Several people interviewed at Hope Vale raised self-interest in the context of discussions about political culture and the motivations of councillors and leaders. In a small focus group discussion with Hope Vale residents, feedback included comments that *"there is too much self-interest amongst councillors"* (HFG2, 5) and *"councillors should be getting into Council to better the community, not their own lot"* (HFG2, 9). A former Council employee now working for government commented that the councillors' approach was not focussed on long term vision, but *"more... how would I say this?... 'what I can get now, I'll take', type of thing"* (MG1, 147). The assessment that *"they're focusing on themselves"* was also levelled at other Hope Vale residents in positions of responsibility within the Council (HC6, 39). Another Council officer questioned the integrity of community leaders, expressing the view: *"I think that's what's missing here, a sense of morality"* (HC9, 87). It might be tempting to attribute these types of comments to the environment of conflict and rivalry that seems to be endemic to the Hope Vale community, but they were equally made by those who had no vested interest in Hope Vale's factional disputes. A respected non-aligned community member lamented the passing of the *"real men of integrity"* who were leaders in previous generations and regretted that amongst current leaders, *"there is so much self-interest involved"* (HN1, 44).

There was a widespread perception that the principal motivation for people to run for Council was to gain access to the perks of office – a Council vehicle, salary, travel allowances and the opportunity to influence allocations of houses and other resources for personal gain. According to one observer, people run for Council *"because they want to get their snout in the trough"* (HN1, 158). A Council officer attributed the high turnover of councillors to an attitude that *"it's my turn to be on Council next time, and get the car, house, etcetera"* (HC7, 16).

Data were collected from all three case studies regarding the level of benefits accorded to councillors. This information is set out in Appendix 6. The analysis of the data shows a marked disparity between the level of benefits to councillors at Hope Vale compared with the other two case study Councils and with Aboriginal Councils generally. In 2005, Hope Vale councillors were receiving full time salaries significantly higher than any other Aboriginal Council in Queensland. Hope Vale was the only Council at which councillors were receiving a full time wage as a councillor. These wages had first been increased by the new Council in 2000 and then increased again by the Council in 2005. At the time, the Council's accountant had strenuously advised against the increase in salaries on the grounds that the Council's budget could not sustain it. An analysis of councillor remuneration in 2004-05 showed that Hope Vale Council was spending 35.5% of its total operating grant from the State Government on

councillor remuneration, compared to Lockhart River Council's expenditure of 13.8% and Yarrabah's expenditure of 5.8%. The data also show that Hope Vale councillors have had greater access to Council vehicles and high levels of expenditure on travel allowances.

The existence of substantial benefits accruing to councillors at Hope Vale lends some weight to the views of several observers that self-interest is a key motivation for individuals seeking office as a councillor. There are indications that at times this may also have been the case at Lockhart River, although to a lesser extent. By contrast, in data collection for the Yarrabah case study, no suggestions were raised that councillors were strongly motivated by self-interest and there was no evidence that they receive substantial personal benefits from their positions as councillors.²⁷⁴ The modest remuneration received by councillors at Yarrabah, despite its status as the second largest Queensland Indigenous community, seems to exemplify the attitude that serving as a councillor is a service to the community rather than an opportunity for personal enrichment.

2.2 The role of individualism and competitiveness

In analysing the case study data for Hope Vale, a possible link emerged between the greater prevalence of self-interest in Hope Vale's political culture and an apparently greater level of individualism and competitiveness in the community. A government manager at Hope Vale observed that: *"They're very competitive around here... If you're wanting to be better than the next person, you have to go that extra mile and win politically too"* (HG1, 54). Another non-aligned resident in the community explained that the competitiveness between people even spilled over into the school sports carnival, *"where they almost have got to settle some family scores through their kids"* (HN1, 138). In consultations for the Hope Vale land use plan in 2000, several residents raised the issue of *"jealousy"* amongst locals (Cavill Jones Surveyors & Brazier Motti 2000, p.5). A senior Council officer suggested that competition for resources through direct confrontation was part of the political culture at Hope Vale:

I can see it from previous councillors and I can see it with some of the councillors now – I think it's become accepted behaviour in the community that if you want things, you go in there and whoever's talking loud and making the most noise will get it. (HC6, 45)

One informant put forward the theory that the intense competitiveness between individuals and families at Hope Vale was linked to the historical anomaly of overqualified residents with limited opportunities for career progression:

²⁷⁴ There were, however, media reports in 2005 raising questions about the Mayor's level of debt and access to a Council house.

It's the opposite of the brain drain you have in developing countries – you've got all these people in a community with no economic base, basically over-qualified, in a small community, [and] the only power base you can get to is the Council. (MG1, 149)

The priority that the Council has placed over the years on creating more full-time positions, including for the elected councillors, would seem to support the assertion that the Council is seen as the only avenue for skilled individuals to gain employment commensurate with their qualifications. A Hope Vale resident reflected on the way in which residents seemed to view gaining a qualification principally in terms of getting an advantage over the competition (HG1, 52). The resident attributed the poor level of cohesion within the Council as due to the fact that “they’re all just trying to outdo each other” (HG1, 207). Another Council officer speculated that the Council’s poor performance might be the result of “a combination of education and greed” (HC8, 258).

The primacy of norms of individualism and competitiveness at Hope Vale might also be rooted in the community’s historical experiences. One interviewee suggested that these values were consistent with Lutheran philosophies that were espoused by the missionaries (LG1, 94). In her dissertation on economic development in Hope Vale, Holden noted that “the strong influence of Lutheran values has inclined this former mission towards capitalist values” (Holden 1994, p.13). She explained that Hope Vale’s long history of involvement in enterprises meant that the community “is often regarded as the Queensland government’s showcase of Aboriginal economic development” (1994, p.12).²⁷⁵ Recent consultation reports suggest that this capitalist ethic has continued to shape the aspirations of Hope Vale residents in recent years.²⁷⁶

²⁷⁵ One of the drivers in the development of a capitalist ethic at Hope Vale has been the employment of large numbers of residents at the Cape Flattery Silica Mine. In an assessment of the social impact of the mine, Holden and O’Faircheallaigh (1995, p.129) pointed out that the wages earned by workers at the mine have increased individuals’ ability to be self-reliant and reduced the need to share with and rely on others within the family group. Another factor has been the policies of the National Party Government in the 1980s, which encouraged private individual (as opposed to communal) ownership of land and enterprises by Hope Vale residents (Holden 1994, p.198). Holden (1994, p.290) observed that when a co-operative community company was set up in the early 1990s, the detractors were members of the community elite “who express the view that families in the community should act in their own interests and not as a community corporation.” The prevalence of this view is further demonstrated by Holden’s observation that CDEP workers at Hope Vale were only willing to work when they were permitted to work on their own or relatives’ private properties (Holden 1994, p.322). They were not similarly motivated by the prospect of working on someone else’s property or on a collective project for the general community benefit.

²⁷⁶ The consultations for the land use plan in 2000 found that the “desire for private enterprise is a strong theme” (Cavill Jones Surveyors & Brazier Motti 2000, p.6) and a consultation report in 2004 noted that

2.3 Impact on Council performance

The Hope Vale case study demonstrates that self-interest and a competitive ethos have a significant impact on a Council's approach to governance and a consequent impact on performance. Where councillors' decision-making is affected by personal self-interest, this will undermine the Councils' capacity to make decisions and allocate resources equitably for the benefit of constituents. For example, the allocation of new houses to councillors compromises the Council's performance in responding to the community's housing shortage using needs-based criteria. Furthermore, where a considerable proportion of Council resources is expended on councillor remuneration, vehicles and other benefits, this reduces the pool of resources available for the delivery of services and programs to the community. While greater expenditure on councillors might, in theory, enhance Council performance by attracting a higher calibre of councillor and enabling councillors to invest more time and energy in their role, the three case studies do not bear this out. The Council with the lowest expenditure on councillor remuneration, Yarrabah, has achieved the best level of Council performance and as Chapter 6 revealed, has been the most successful in implementing successful governance principles and practices.

Where self-interest is underpinned by a culture of individualism and competitiveness, the case studies suggest that there are even more deleterious consequences for the performance of a Council. Such an environment is poisonous to the cultivation of a shared long-term vision and is not conducive to individuals working collaboratively on strategies for the community benefit. This would appear to be a key factor that has constrained the performance of the Hope Vale Council over the past two decades. Self-interest and competition have prevented the Council from harnessing the capacity of individuals in order to achieve outcomes for the Council and the community. As a senior Council officer lamented: *"You've got the people who have got the skills, but they're more interested in using it for self-interest, rather than for the organisational good"* (HC7, 230). Another Hope Vale leader highlighted that the challenge for Hope Vale is for people to rise above their own interests and personal rivalries in order to see the community interest: *"[P]ersonalities plays a big part but [we need to] get them to understand this is the big picture stuff, [that] we're doing it for this community not for you just to work inside your little box here"* (HC5, 272).

"individual community members showed considerable enthusiasm for economic development" (Injury Prevention and Control (Australia) 2004, p.27).

3 Leadership: Paternalism, dependency and self-management

Leadership styles play an important role in shaping the approach to governance in a community. In considering the leadership styles in the three case study communities, the marked impact of almost a century of mission and government administration is readily apparent. Layered onto this shared legacy, however, there are subtle differences between the communities. These may be attributable to endemic cultural factors relating to the distinct Aboriginal groups resident in each community or to various historical influences, such as the approach of particular missionaries and superintendents, the influence of the churches, and other factors such as exposure to external influences. In this part of the chapter, an examination of the common and unique features of leadership in the communities will enable an assessment of how leadership norms impact on the way community governance is practised, and hence, Council performance. Approaches to leadership have had to evolve rapidly in the past two decades as the communities have struggled with the transition from dependency to self-management. The capacity of Councils to adapt to this challenge has affected their performance during this period.

3.1 *A common legacy of paternalism and dependency*

The underlying story about leadership in all three communities is that their shared history of external administration by church and government authorities and subjugation under State-wide laws and policies prior to the 1980s has imprinted them with certain attitudes and values that have persisted despite the changed circumstances of the last two decades. Throughout much of the twentieth century, the communities existed as ‘total institutions’, where every aspect of life was strictly controlled by the church and later, government superintendents. The absolute reach of church and government authority over Indigenous people in Queensland under what community residents still refer to as ‘the Act’ has been described in detail by historians such as Ros Kidd (1997). This history has given rise to a relationship of acute dependency between the residents of Aboriginal communities and local administrative authorities, which has survived the transfer of authority from the churches and government to the local Aboriginal Councils. As the environmental health officer at Yarrabah explained:

It all boils back to the olden days, where our people were told ‘don’t worry about anything, we’ll do it for you’ – that paternalistic system... People were so dependent on DCS [the Department of Community Services] and the church in the old days, that now that most of these communities are self-governing, people are saying ‘oh well, we won’t worry because Council will do it for us’. (YC#, 73)

Despite the handover of responsibility in the 1980s to a locally elected Council, many residents see the Council in the same terms as the previous authorities: *“they’ve had the church, the State and [now] the Council and in the community’s eyes they all perform the same function, [it’s] the same continuum”* (LG1, 76).²⁷⁷ A Yarrabah chairperson complained in 1989 that residents “view us as an inexhaustible source of goods and money” and that “Council is viewed as the replacement for the white manager” (Connolly 1989). It was apparent from the case studies that there has been little change in residents’ expectation that the Council will provide for all of their material needs in the way that the church and government had previously. Councils constantly deal with minor requests relating to matters such as house maintenance, borrowing Council vehicles, loans of cash, and assistance to travel for medical or other reasons (LC7, 145; LG7, 12; LC5, 48; HC10, 83; HC6, 101).²⁷⁸ As a former CEO put it, *“for everyone, Council is mummy and daddy”* (LG#, 56).²⁷⁹ This level of dependency creates expectations on Aboriginal Councils that are far beyond the expectations on local governments in other parts of Queensland. Some observers pointed out that the expected role of Aboriginal Councils not only encompasses meeting all of residents’ material needs, but extends to resolving social disputes and dealing with issues that arise at the local school and health clinic (HC10, 49; HC6, 105).

Although the expectations of residents have been burdensome and frustrating to the Councils, in many ways they have actively taken on the mantle of paternalism that was passed on to them by the missionaries and government managers. A Hope Vale resident commented that the councillors had the attitude that they were *“carrying Hope Vale on their shoulders”* (HFG1, 89), while an ex-councillor recalled that *“it’s very hard, because you are at the top of the tree, and you are trying to do everything for the community”* (HFG1, 107). In Chapter 8 (Part 6), it was suggested that the three Councils’ authoritarian and disengaged approach to governance may have been shaped by the example set by their predecessors. This was a view held by a number of people who were interviewed for the case studies (LG5, 91; LG1, 126; LG2, 153; HFG1, 51; LG7, 46). A government officer who was working closely with the Hope Vale

²⁷⁷ A Government officer observed that *“there’s been no change in mindset, they’re still looking at when things were being run by the State Government and the State Government actually done everything for them and they became so dependent, so that’s why they’re expecting Council, they see Council’s actually taken on that role”* (LG5, 89).

²⁷⁸ A Lockhart River Council public notice of June 2000 implored with residents not to keep requesting things from Council: “People coming into our office everyday wanting to get money, wanting to get their airfares paid... All these things here we are mentioning are needed to be stopped.”

²⁷⁹ This continuing attitude of dependency was exemplified by comments received during consultations at Hope Vale in 2000, which included: “Hope Vale people are not used to doing things without it being given to them”; “People in Hope Vale are too used to being spoon fed”; and “Too many people are depending on the Council” (Cavill Jones Surveyors & Brazier Motti 2000).

councillors commented that *“I certainly think that there are some legacies about mission and administration and protection that have gone across the fence and are borne out now in a sense of leadership style”* (HG2, 16). A Hope Vale councillor agreed that community leaders had learnt some ‘bad habits’ from the previous administrations *“because some councillors think that when you’re a councillor that you can say all and be all. You’re big man now”* (HC4, 112). Another Hope Vale councillor said that *“we’re still back in [the old days]... we still look at ourselves being the macho boss man, you know”* (HC2, 16).²⁸⁰

While the view that councillors were paternalistic and authoritarian was expressed most often at Hope Vale, it was evident in all of the communities to some extent. For example, a Yarrabah resident criticised the Council for not sharing power with other organisations: *“It’s old mission-style there, where the Council dominates everything”* (YN4, 9). The resident also suggested that the Department’s legacy had made the Council administration conservative and bureaucratic, with a focus on merely administering services without engaging the community. He commented that *“Government taught us their way too good”* (YN4, 39).²⁸¹

At the same time as they take on the paternalistic role of their predecessors, the attitudes of some councillors suggest that the Councils themselves are in a continuing relationship of dependency on the government to meet their needs and solve their problems (LC7, 145; LC5, 18; LG1, 84). A Hope Vale councillor, in complaining about the poor facilities in the community, bemoaned that *“the government doesn’t give us anything!”* (HC5, 83). A government officer recalled that at the first negotiation table at Lockhart River, the Council had exhibited a *“cargo cult mentality”*, simply putting forward a list of things they wanted the government to do (LG6, 12). The Councils’ attitude of dependency is consistent with the economic reality of their almost complete reliance on government funding for their operations, but it also reflects a deeper sense of disempowerment that has carried over from their mission experience. It has been a gradual process for the Councils to come to terms with the fact that they have the decision-making authority to act autonomously to bring about changes, without external guidance or assistance. The continuing expectation that the government will address the community’s needs is epitomised by the comment of the Lockhart River Mayor: *“We were*

²⁸⁰ The context of this comment made it clear that it was intended to include the female as well as the male councillors.

²⁸¹ Consultations with Yarrabah community residents for a community plan in 1996 elicited the response from some residents that the Council was “too paternalistic” and did not consult residents enough or inform them about decisions (Nev Bates and Associates, p.100). Another resident during the consultations expressed the view that: “The new Council building is just to administer Government policy. The white majority are still the bosses.”

brought together by governments and government should... try and solve that problem, by sending back the people from the [township] area to their own land” (LC#, 18).

Despite the rhetoric of self-management, the government, and to some extent the outsiders who work in the communities, have also perpetuated the relationship of dependency that constrains Aboriginal communities. The Lockhart River CEO criticised government’s approach to trying to solve community problems without residents’ involvement:

[O]ne of the biggest mistakes I believe that are being made by government in the past and continuing to be made is that they are actually taking the problem from the community, they take it outside, they solve it, and they bring back a solution, where they should be coming into the community, solving the problem here, with local solutions. (LC#, 58)

In communities like Lockhart River, relationships of paternalism and dependency are further perpetuated by non-Indigenous residents. A Lockhart River Council officer spoke about the way that non-Indigenous people residing in the community gained status and power from the fact that local community members continually requested their assistance (LC3, 56).²⁸²

3.2 Emerging patterns of leadership since the handover

When responsibility for governance of the communities was handed over in the mid-1980s, all the Councils faced the same challenge of throwing off the shackles of dependency that had weighed them down for almost a century. From this common starting point, however, the three Councils have had markedly different trajectories with corresponding differences in the outcomes that they have achieved from self-management. The differences in their responses to the challenge of self-management have been shaped by a mixture of endemic historical and cultural factors at play in each community. The case study data were examined in detail to identify the emerging leadership patterns and styles in each of the community. The detailed findings are contained in Appendix 7. It is important to understand the differences between the communities in order to explain the variations in Council performance.

Of the three case study communities, it is at Lockhart River that the historical legacy of dependency has continued to exert the most powerful hold on the community. The case study

²⁸² The officer suggested that this relationship of dependency had just become an unconscious pattern of behaviour: *“Its quite separatist way of living in communities. And the white people have to let go of some of that power... I don’t even think that they do it consciously sometimes. You know, I’m not saying it as an ugly thing, I think it’s just a behaviour pattern” (LC3, 60).*

revealed a continuing reliance on outsiders in key positions and an expectation on the part of the community that solutions would be provided by government. This is coupled with a general sense of apathy and disinterest in the community in relation to governance matters. Frustration about the level of dependency and apathy at Lockhart River was a central theme during the data collection. Most interviewees, both outsiders and local leaders, expressed their frustration about how these attitudes scuttled efforts towards community development and improved governance (LG1, 146; LC2, 58; LN2, 112; LC8, 141; LG8, 47; LC2, 183; LG3, 10; LN1, 66-68; LG6, 66; LG2, 46). Some observers have suggested endemic cultural reasons for Lockhart River's apathy, associated with the abundant resources and relaxed lifestyle enjoyed by the Aboriginal groups in the Lockhart River region prior to contact with Europeans (LG1, 46; Thompson, 1996, p.152). However, it is hard to avoid the conclusion that the sense of apathy is a direct legacy of the disempowerment that characterised the mission experience.

The intensive community planning and leadership development process of recent years has made apathy its central concern. The process is built around the goal of the community regaining its 'Puuya', which means 'life-force' in local language. A major challenge at Lockhart River, however, has been the inability of the community leadership to mobilise the community. The analysis in Appendix 7 found that Lockhart River has suffered from a leadership vacuum in recent decades, which will take some time to fill through current leadership development initiatives.

At Hope Vale, the analysis of leadership patterns did not reveal the conditions of apathy and passivity that are so prevalent at Lockhart River. Rather, since the handover, Hope Vale councillors have been energetic in their efforts to throw off the shackles of dependency and embrace self-management. Of the three case study communities, however, it is at Hope Vale that the approach to leadership has most evidently borne the hallmarks of the previous paternalistic and authoritarian leadership styles. A possible historical explanation for this is the distinctively authoritarian and disciplinarian leadership styles of the German Lutheran missionaries. The result has been a high level of contestation and division within the Council and the community, which has unfortunately discouraged capable people from putting themselves forward for leadership positions. As at Lockhart River, there has been some cause for optimism about improved leadership in recent years, with one government observer suggesting that positive and engaged leadership is currently "*blooming*" at Hope Vale (HG2, 30).

Over the past twenty years, the community of Yarrabah has made the psychological journey from dependency to self-management to a much greater extent than the communities of Lockhart River and Hope Vale. Although attitudes of passive dependency on the Council to meet every material need persist amongst sections of the community, particularly those raised

under the former church and government administrations, the aspiration for self-management has been internalised, and realised in practice, to a degree not evident in the other communities. The analysis of leadership at Yarrabah indicated that likely reasons for the flourishing of self-management are the community's history as a site of agitation for indigenous rights and the strong influence of the church. Many Yarrabah leaders speak of a sense of destiny in the community which manifested in the 1980s in a widespread 'born again' Christian movement. Whatever the aetiology, Yarrabah's history has moulded a generation of leaders with a shared and abiding commitment to the pursuit of self-management. In examining leadership at Yarrabah over the past two decades, the consistency and singularity of this vision is the most conspicuous feature. It is the central thread that runs through the Council minutes, community plans, reports and public pronouncements reviewed for the Yarrabah case study. Significantly, this agenda has not been driven by a charismatic leader, but has been shared by a generation of leaders. It has not been affected by a turnover in councillors, for the self-management torch has been progressively passed on in a relay through time. It has underpinned an approach to community governance by Yarrabah leaders that eschews dependency on government and asserts the community's claims to take responsibility for its own affairs. While paternalistic leadership styles have continued to influence the Yarrabah Council, the case study found a shift in the past decade towards leaders wanting greater engagement of residents in the Council's plans and activities, as a means of reducing dependency.

3.3 Impact on Council performance

Prevailing values and norms about leadership in a community profoundly shape the way governance is practised and therefore have a critical impact on the performance of community government institutions such as the Council. The preceding discussion has illustrated the manner in which historical and endemic factors have moulded approaches to governance in each community, leading to some similarities but several important areas of divergence. A common historical legacy in all three communities is the tendency towards paternalistic and disengaged leadership, and the impact on the Councils can be clearly discerned in their poor community engagement practices. It is the points of divergence that are more interesting, however, because they assist to explain the differences in governance approaches in each community and therefore the differences in Council performance.

At Lockhart River, the historical condition of dependency and disempowerment has morphed into an overwhelming sense of apathy in the community that has placed a substantial constraint on the development of community governance. At the strategic level, this apathetic condition has blinkered the community's capacity to envision self-management, and at a practical level, it has undermined the motivation and the work ethics required to achieve such a goal. The

community's malaise has been compounded by a vacuum in leadership within the Council, leading to an inability for the Council to build a shared community vision and mobilise the community towards positive change.

At Hope Vale, despite the strident efforts of successive leaders to lead change, the infusion of distinctively authoritarian, individualistic and confrontational leadership styles has quagmired the community's road to self-management. The level of division and contestation within the community's leadership has scuttled the possibility of building a shared vision within the Council, let alone in the community as a whole. The successive efforts of individual leaders to drive through their agendas for change has led to constant 'chopping and changing' within the Council, manifested by high turnover in councillors and Council administration and a lack of continuity in planning and project delivery. As a government manager at Hope Vale put it, progress has been frustrated because "*there's just too many players*" (HG1, 155). The internal factionalism has led to a continued dependence on outsiders at the senior levels of the Council administration, which has been un conducive to sustainable improvements. In sum, leadership approaches at Hope Vale have been a key contributor to the Council's poor long-term performance because they have precluded the development of many of the positive governance principles and practices that have been shown in early chapters to enhance Council performance – such as the separation of powers, a shared long-term vision, a supportive organisational culture and stability and continuity in administration.

At Yarrabah, on the other hand, the emergence of a consensual and collaborative leadership ethos bound together by the shared vision of self-management has underpinned many of the Council's virtuous governance practices. This is evident in areas such as strategic thinking and long-term planning, a commitment to investing in the Council's governance and administration capacity and a willingness to strategically engage with government in order to maximise community autonomy and negotiate outcomes that meet community priorities. All of these approaches were linked with positive Council performance in earlier chapters. Perhaps most importantly, the shared leadership vision at Yarrabah has led to a level of stability and a continuity of purpose that has been absent in Hope Vale's fractious leadership environment and Lockhart River's apathetic and disempowered leadership malaise.

4 Gender issues

A consistent finding from the case studies was that there is a clear differentiation in the roles ascribed to men and women in all three communities and the status of women in certain areas of community life is considered to be markedly inferior. A clear delineation of gender roles is consistent with the anthropological literature about the distinct political, economic and social domains occupied by men and women in traditional Aboriginal society.²⁸³ It is, however, difficult to disentangle the impact of traditional values from the impact of the past century of European influences through the missions. As Holden noted of the three Cape York Aboriginal communities she studied (which included Hope Vale):

To a varying degree all three communities display the classic dichotomy of social organisation with women being seen as belonging to the private or domestic sphere and the public sphere being seen as the preserve of men. This has resulted in restrictions on access for women to public office and employment opportunities in stereo-typically non-traditional areas. (Holden 1994, p.309)

Some residents of the case study communities, however, were quick to ascribe the diminished status of women in their communities to traditional Aboriginal values (LG2, 78; YFG5, 35; LC8, 131). During a focus group with Yarrabah women, the comment was made that: “*Men still see through that tunnel vision that only men can do things. And I think it comes back from tradition, where our forefathers were the spokesperson and women were meant to sit back and be quiet and do your food gathering and your house...*” (YFG5, 35). According to a Lockhart River resident, “*in the past, the men has always been the decision-maker in the family, the custom’s always been like that*” (LG2, 78). In his thesis on Lockhart River, Chase described the subordination of women in traditional society in the Lockhart River area, and found at the time of his research that “[w]hile old women agree that women were subservient and considered much inferior, they nevertheless point out that such a life was acceptable, because ‘law before, like that’” (Chase 1980, p.197).

²⁸³ At Lockhart River, Chase found that in pre-contact times “[m]en and women were strongly differentiated in formal power and control, as well as in economic activities” (Chase 1980, p.194).

4.1 Gender differentiation in work

The differentiation of male and female roles in the communities was clearly evident in relation to work. A Yarrabah Council training plan in 1995 included the following statement:

All education and training programs must involve women. At present, men and women in Yarrabah work mostly in the traditionally called 'men's work or women's work'. In some cases, work satisfaction could improve if people had the opportunity to work in non-traditional areas. The employment opportunities for women especially could be improved if they could choose from a wider range of jobs. We need to encourage women to do well in any type of work they choose. We can also encourage men who choose so-called 'women's work.' Some attitudes may need to change for this to happen. (Yarrabah Aboriginal Council 1995, p.6)

Census data set out in Figures 17, 18 and 19 indicate the breakdown of male and female workers in various occupations within the three communities. The graphs confirm that there is a strong gender differentiation in work, with a predominance of men in labouring, machinery operation and technical and trades work and a predominance of women in community and personal services work and clerical and administrative work. There is some evidence that the under-representation of women in certain occupations is the result of discrimination rather than choice. Holden and O'Faircheallaigh (1995) reported that at Hope Vale women were systematically excluded from employment at the Cape Flattery Silica Mine. An ATSIC review of Hope Vale's CDEP scheme questioned why only 19 female participants were offered full-time work compared with 93 male participants and urged that "Council review the gender distribution of full time work with a view to creating more equitable access to full time positions for women" (Aboriginal and Torres Strait Islander Commission 1996, p.9).

Figure 17. Number of Yarrabah Indigenous residents employed by occupation by sex, 2006

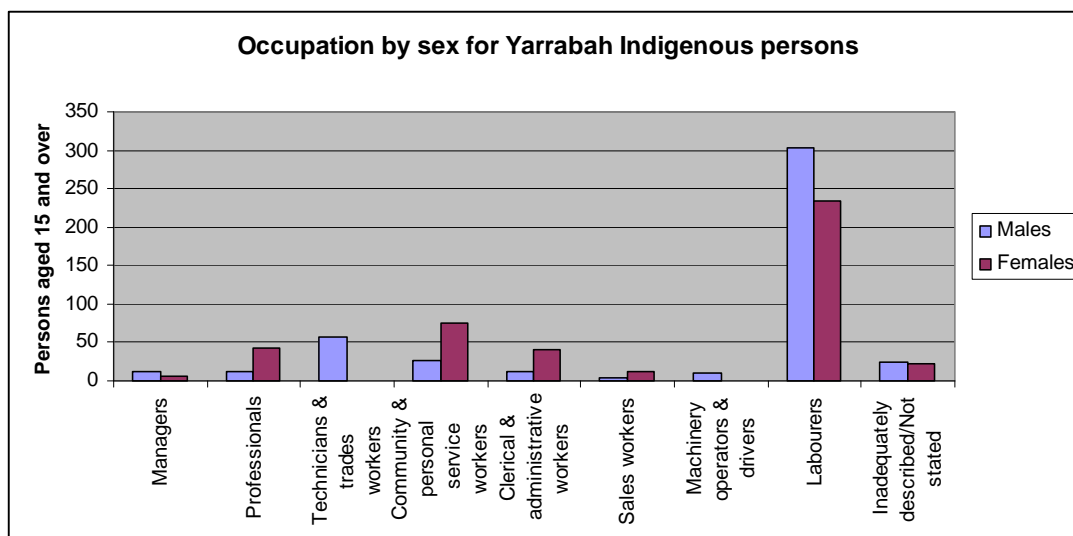


Figure 18. Number of Hope Vale Indigenous residents employed by occupation by sex, 2006

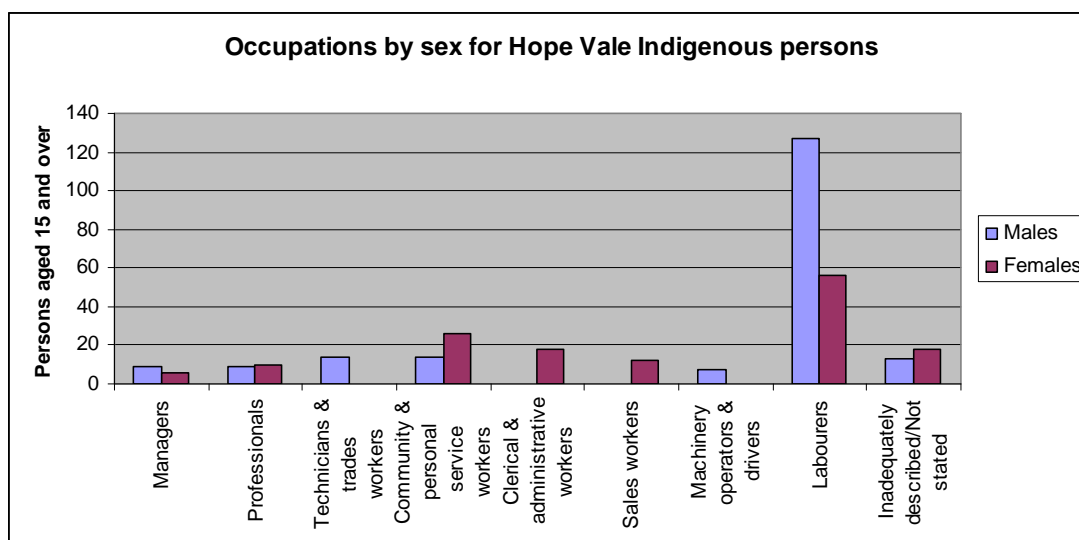
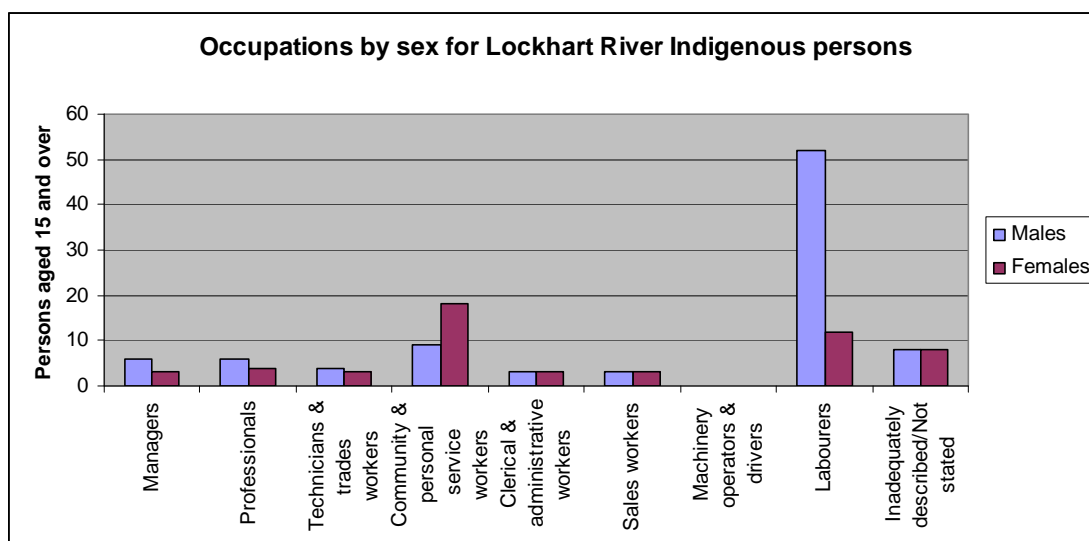


Figure 19. Number of Lockhart River Indigenous residents employed by occupation by sex, 2006



Perhaps the most useful indication of gender role differentiation is the relative extent of unpaid domestic work undertaken by men and women in the community. Based on 2006 census data, a breakdown of the hours of unpaid domestic work for males and females in the three communities is set out in Figures 20, 21 and 22. The graphs indicate that women do more unpaid domestic work than men in all of the communities, which is consistent with trends nationally for Indigenous and non-Indigenous people.²⁸⁴ The graphs reveal, however, that at Lockhart River there is a much greater disparity between the unpaid domestic work undertaken by men and women. At Lockhart River, 45.8% of men do no unpaid domestic work at all, compared to just 21.5% of women. Conversely, only 9.7% of Lockhart River men do more than 5 hours domestic work per week, compared to 25.2% of women. At Hope Vale, although women do more domestic work than men, the disparity between the genders is relatively small, less than 6 percentage points in each category. The disparity is slightly larger in Yarrabah, although it should be noted that men do more hours of unpaid domestic work in Yarrabah than in the other communities. For example, 26.1% of Yarrabah men do more than 15 hours of domestic work per week, compared to only 14.8% of Hope Vale men and 2.8% of Lockhart River men. In fact, this figure for Yarrabah men is more than twice the national figure for Australian men (13.1%) and Australian Indigenous men (11.7%).

²⁸⁴ For example, the proportion of Australian men who do no unpaid domestic work is 28.1%, compared with only 17.1% of women. For Indigenous Australians, 40.1% of men do no unpaid domestic work, compared with 27.2% of women. At the same time, 20.5% of Australian women do more than 30 hours unpaid domestic work per week, compared to only 4.9% of Australian men. For Indigenous Australians, the figures are 17.2% for women and 5.2% for men.

Figure 20. Proportion of Lockhart River Indigenous residents performing unpaid domestic work, 2006



Figure 21. Proportion of Yarrabah Indigenous residents performing unpaid domestic work, 2006

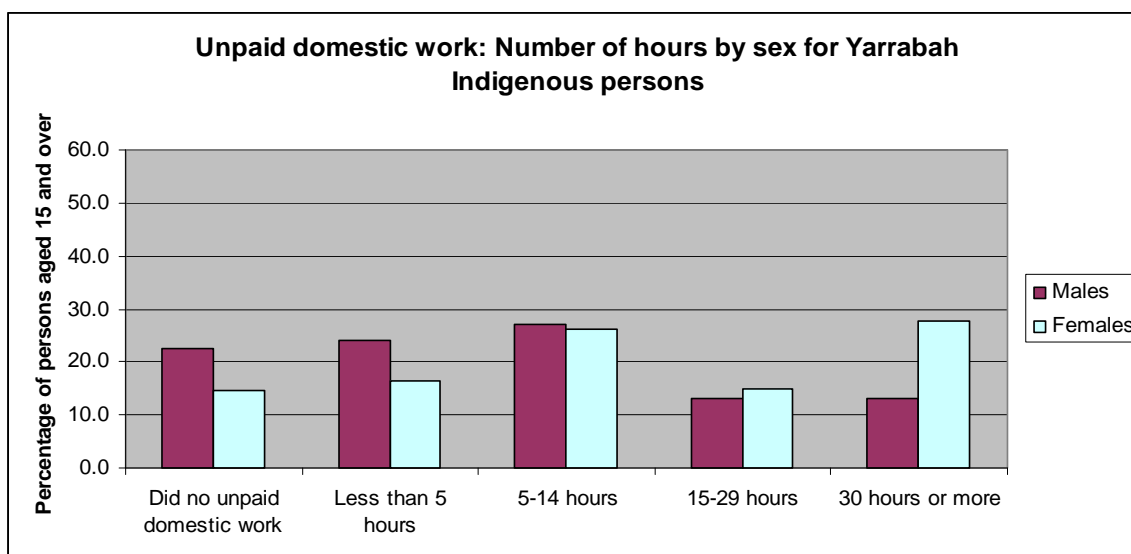
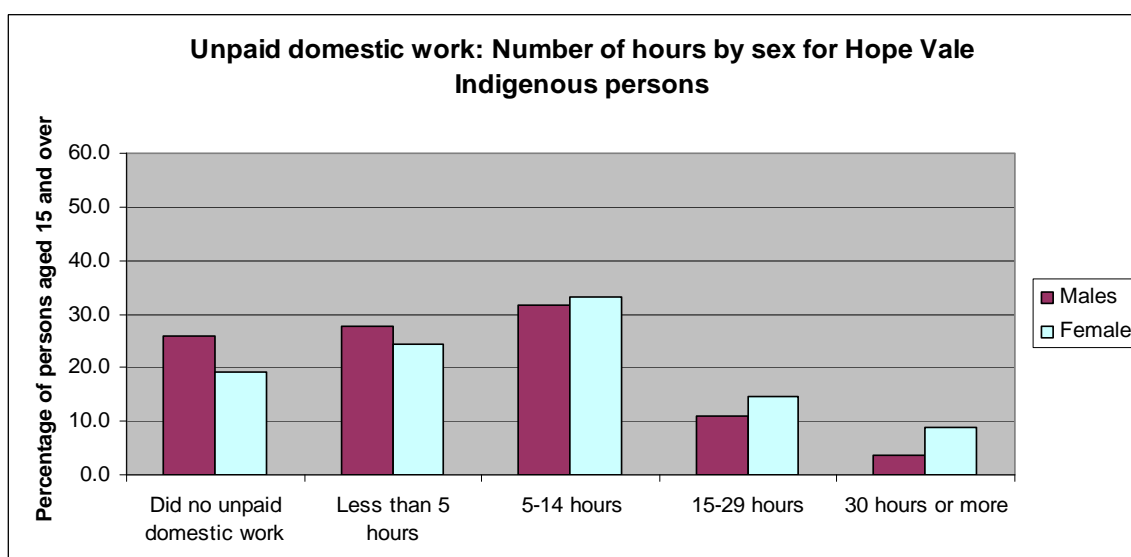
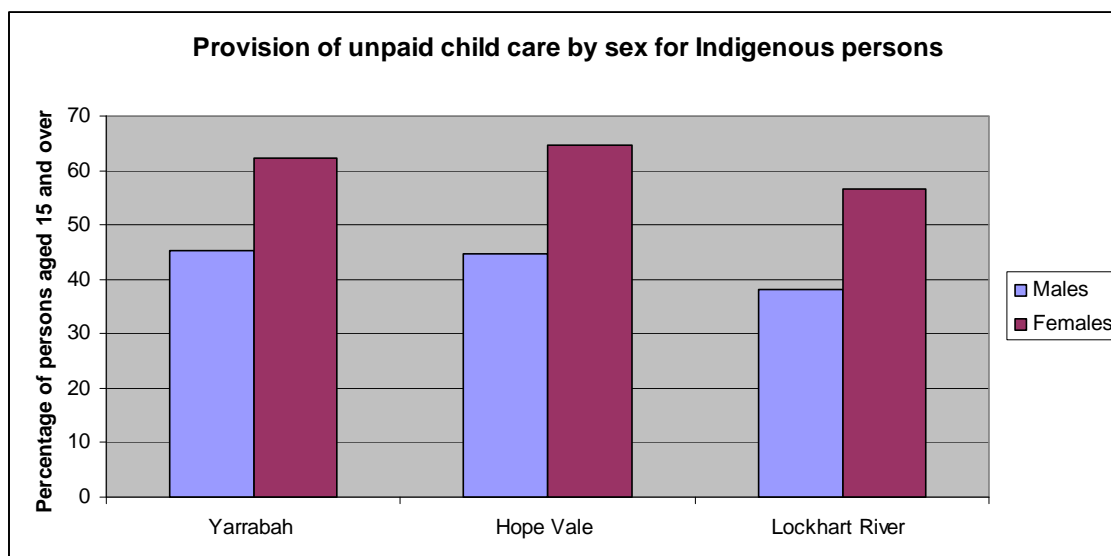


Figure 22. Proportion of Hope Vale Indigenous residents performing unpaid domestic work, 2006



A further indicator of role differentiation is the relative responsibility for care of children. Figure 23 shows that in the three communities, women perform more unpaid child care than men.

Figure 23. Proportion of Indigenous residents of case study communities providing unpaid child care by sex, 2006



4.2 Political participation of women

The most serious disadvantage to women flowing from the traditional role differentiation in the communities is in relation to public office. As a Lockhart River CEO put it, “*Council is still largely men’s business*” (LC#, 74). An analysis of election data over the past decade reveals that women have been significantly under-represented in the three Councils. Figure 24 shows the proportion of female candidates at the 2004 Aboriginal Council elections and the proportion of the elected councillors who were female. The figures show that two out of the seven councillors (28.6%) at Hope Vale and Lockhart River were female, while only one of the seven councillors (14.3%) at Yarrabah was female. The level of representation at Hope Vale and Lockhart River is broadly consistent with other Aboriginal and non-Aboriginal local governments in Queensland and with the former ATSIC elections. The lower figure for Yarrabah, however, is part of an historical trend of low female representation on Council, illustrated by the figures for earlier elections in Figure 25. In the past four elections, Yarrabah had only one female councillor elected on three occasions and no female councillors at all in 2000. The figures regarding the number of female candidates standing for election illustrates that Yarrabah had a much lower percentage of women seeking election to Council than other Councils. Figure 26 shows that the proportion of women amongst candidates for Council at Yarrabah has historically been low.

Figure 24. Proportion of candidates for Council who are women and proportion of elected councillors who are women, for Aboriginal Councils, Queensland local governments and ATSIC Regional Councils²⁸⁵

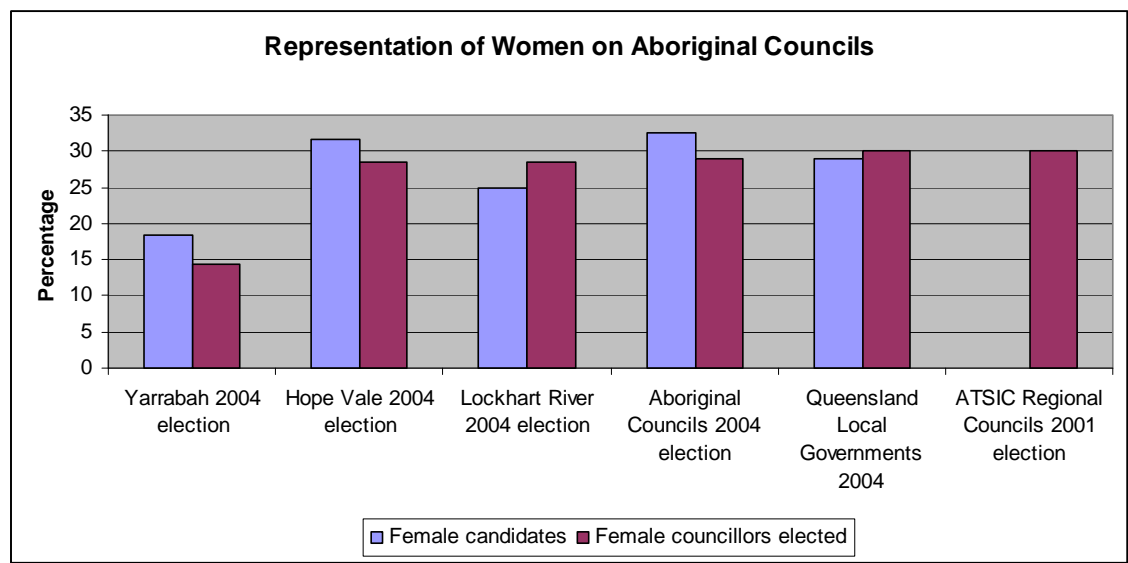
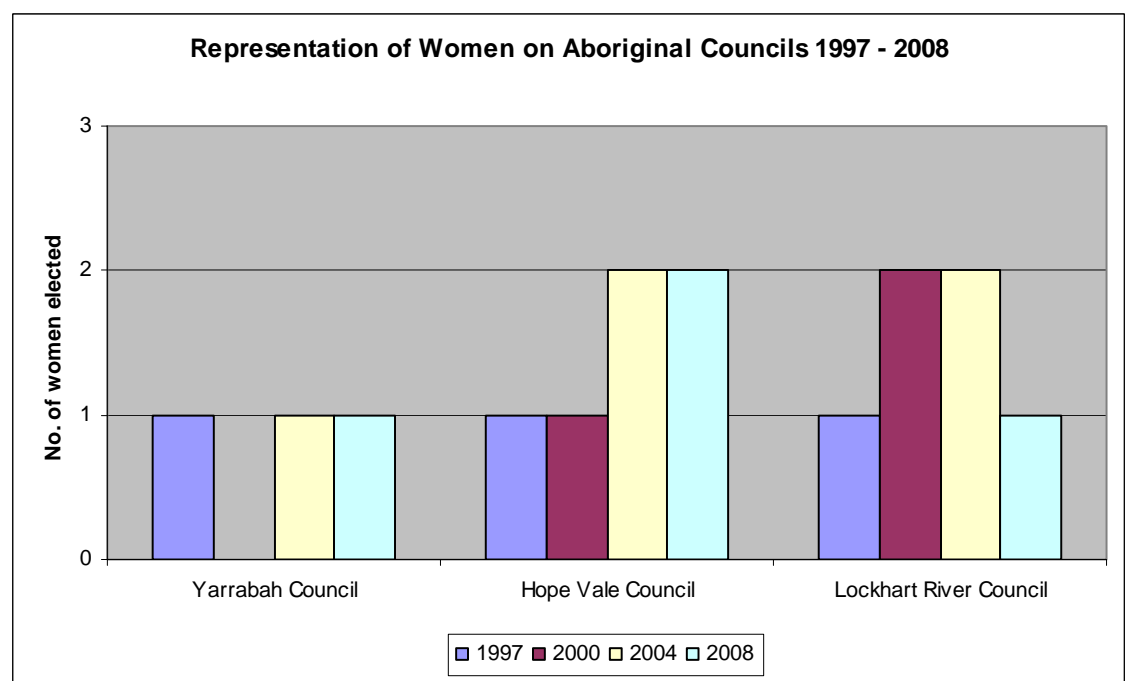


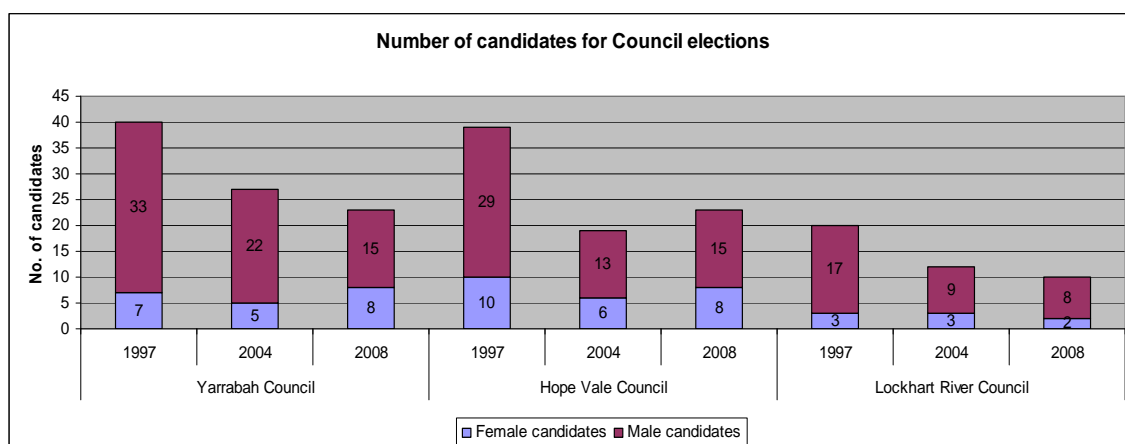
Figure 25. Number of women elected to Aboriginal Councils at Council elections 1997-2008²⁸⁶



²⁸⁵ Data sourced from Electoral Commission of Queensland and Aboriginal and Torres Strait Islander Commission.

²⁸⁶ Data sourced from DLGSR records. It should be noted that in 2008, the number of councillors at Hope Vale and Yarrabah was reduced from 7 to 5. The proportion of councillors who are female has therefore increased at these two Councils, with the election of two women to the Hope Vale Council a particularly significant development.

Figure 26. Number of male and female candidates at Aboriginal Council elections in 1997, 2004 and 2008²⁸⁷



The question of improving the representation of women on Indigenous Councils, including the option of guaranteed representation, was canvassed in the 2003 green paper on Indigenous community governance (Department of Aboriginal and Torres Strait Islander Policy 2003b, Question 24). Opinions were evenly divided amongst Councils' submissions on whether the Council electoral system should guarantee the representation of women on Councils (Department of Aboriginal and Torres Strait Islander Policy 2003c, p.7). The Lockhart River and Yarrabah Councils did not support a system of guaranteed representation – Yarrabah Council expressed the view that “women need to be more active in their communities” while Lockhart River Council stated that “more women in the community need to be encouraged to stand up and participate in the decision making process in the community.”

During the Yarrabah case study, a councillor acknowledged that the poor level of female representation on the Council presented “*a lot of difficulty*” in making decisions about women’s issues, “*because it’s important to have women’s input on Council*”:

But dealing with women’s issues, really it’s hard for men to make decisions, because some of that stuff, I don’t think men really understand what a woman goes through, you know... Black people are always saying [that] European people don’t understand us and the way we make decisions and all that – well, we got to say the same about a woman. (YC5, 59)

There was consistent feedback that the voice of women was not sufficiently heard in Council decision-making (YC5, 59; YFG5, 63; LC8, 131; LC2, 119; HN1, 158; HC9, 123). It appears that even those women who are successfully elected as councillors are often either restricted to, or choose to take, a ‘backseat’ role within the Council. A former Lockhart River councillor

²⁸⁷ Data sourced from DLGSR and Councils’ records.

reflected on his own experience: “[W]e had [two women councillors], and they were very quiet, they never used to talk up much, you know. And you felt sorry for them, because all the decision was made by the men” (LC8, 131). Field observations of Council meetings at Yarrabah and Hope Vale confirmed that the female councillors were less vocal in Council meetings than their male counterparts.

In relation to community governance processes outside the Councils, there are generally more opportunities for women to be involved. All of the communities have women’s groups, although they function more as forums for discussion of issues rather than organisations that deliver programs or services. There is also a myriad of committees and action groups in the community around specific issues, such as community justice groups, health action groups, parents and citizens committees, and boards of community organisations. These positions appear to be less attractive to men, possibly because they are voluntary and do not carry significant status in the community and possibly because they relate to social issues that are considered more central to the concerns of women. A Council officer at Lockhart River observed that “*the social decisions about lifting standards and about social mores is always discussed by women. I think that men are disinclined to engage in that, because most of the perpetrators are men and there’s a certain amount of shame involved*” (LC3, 48). As a consequence, in Lockhart River a small group of active women form the core of all of the various groups and committees (LN1, 64). A long-time observer of Lockhart River noted that these groups tended to be led by younger or middle-aged women because the older women, while very knowledgeable and strong, “*are still very quiet... they’re interested, they’ll sit there at the meetings, but they’ll never say anything*” (LN2, 128). At Hope Vale, the community groups observed during the case study comprised a greater balance between men and women.

At Yarrabah, on the other hand, women appear to fare little better in leadership positions on community groups than they do within the Council. A large part of the problem appears to be a lack of confidence amongst women. A comment that recurred in some interviews at Yarrabah was that women in the community were “*shy*” (YFG5, 33; YFG2, 6). This was readily apparent during the researcher’s focus group discussion with a CDEP gang comprising young women, where only the gang leader was prepared to offer opinions. A community worker who has established a women’s group recalled that even within this group, initially “*they sat there and wouldn’t say anything and we had to build up rapport with them until they opened up*” (YFG5, 33). Women’s lack of confidence to put themselves forward in public forums may be a product of the patriarchal attitudes of men in the community. A focus group of Yarrabah women agreed that men actively, even if unconsciously, exclude women from decision-making processes (YFG5). Where a new committee is set up, for instance, it is automatically dominated by men: “*They don’t even think twice. They got this concrete thinking, narrow thinking... They got to be reminded that there’s got to be a balance there, of men and women*” (YFG5, 37).

4.3 The emerging power of women in community governance

In recent years, there is strong evidence that the degree of exclusion of women from community governance processes is diminishing in the three case study communities. This trend has been most pronounced at Lockhart River. In the past ten years, strong women have emerged on the Council and begun to dominate community groups (LC8, 131).²⁸⁸ There are several explanations for this. Firstly, there is a consensus that a key reason for the ascendancy of women is a decline in male leadership at Lockhart River (LC3, 42; LG2, 72; LN2, 128; LG2, 76). Part of this is simply the result of demographic changes in the community – interviewees emphasised the significance of the passing of a number of older men in the late 1980s and early 1990s and the absence of men achieving old age since then (LC3, 42; LN2, 50). Census figures from 2006 indicate that there are only three men in Lockhart River over the age of 65, which represents only 1.3% of the male population.²⁸⁹ The net effect of these changes, according to a male community leader, is that *“the women are getting stronger, and the men are getting weaker in Lockhart”* (LG2, 82).

A second factor in the emergence of women at Lockhart River is the strength that they have gained through the church, from an organisational perspective and in terms of personal values and commitment (LC3, 42). Outside of the Council, the only regularly functioning community group at Lockhart River is the church’s Mothers’ Union, of which two female councillors are leading members. The regular church congregation on Sundays is overwhelmingly female – one observer suggested the proportion of women was at least 80% (LC3, 44). Bible study classes in Cairns have given women the opportunity to travel and build their knowledge and skills.

A third impetus is the community development process of recent years. A former CEO observed that: *“Women, I think, they’re building; they’ve been building strength every year. And I think since [the community development facilitator]’s been there too, they seem to take on more role now, they’ve certainly been recognized now in the workplace and in Council too”* (LG#, 76). Through this process, there has been an explosion in the number of activities organised by and for women. A special women’s learning circle has been convened and has even hosted the Queensland Governor (LFG1, 77; LC3, 98). There have been greater leadership development opportunities for women and the role model personified by emerging women

²⁸⁸ A former Council accountant expressed the view that compared to Aboriginal communities where he had worked in the Northern Territory, at Lockhart River *“women have more say”* (LG3, 46). Another Council officer observed that *“women here are pretty talkative”* (LC3, 207).

²⁸⁹ Nationally, 12.1% of the male population is aged 65 or over.

leaders has encouraged the personal growth of younger women (LG2, 80).²⁹⁰ It is notable that at Lockhart River it has become accepted practice whenever establishing new committees or structures to stipulate a balance of male and female members from each of the five clan groups (LC2, 139; LG2, 78).²⁹¹

Hope Vale has also seen a rise in the political power of women. A female councillor noted that “*there’s more women now in positions than in the last 10 years, last 15 years*” (HC4, 94). As in Lockhart River, women have begun to emerge especially in community governance processes outside of the Council. Younger women are playing a leading role in the community’s grassroots planning around education and youth issues through the newly formed Focus Group (HG1, 80). The new women’s group has provided a forum for different generations of women to interact together (HC4, 96).²⁹² As one resident noted, at Hope Vale “[*t*]here is a younger mob of women who are emerging as the doers” – for example, organising activities such as NAIDOC week celebrations and volleyball competitions (HN1, 60). As at Lockhart River, the catalyst for change appears to have been the development of a critical mass of new women leaders setting an example for others to follow: “*Because women are taking up more leadership roles, [others] want to follow suit*” (HC4, 94).

Unfortunately, at Yarrabah the progress for women in political life has not matched that of the other two communities. It is evident at Yarrabah, however, that women are leading the way in gaining skills and qualifications across the human services and administration sectors. Census figures show, for example, that of the 18 Yarrabah residents who held a tertiary degree in 2006, all of them were women. In addition, 14 out of the 18 residents who held a diploma or advanced diploma were women. Women are continuing to show a greater commitment to further education than men at Yarrabah. Census figures indicate that of the 28 Yarrabah residents aged 25 years and over who were attending an educational institution in 2006, 75% (21) of them were women. A leader of the women’s group explained that there were now

²⁹⁰ For example, in 2005 a female councillor accompanied a younger community member to a National Indigenous Women’s Conference in Sydney. The councillor reported back to the Council that: “I think this workshop has made me a very strong person. I learnt a lot from attending this sort of workshop and saw how women stand up and say things that really touch me. My goal is to bring strong leaders out of my Community. I would also like to see more women having their say in our Community and getting involved in Community Activities” (Lockhart River Council Files, June 2005).

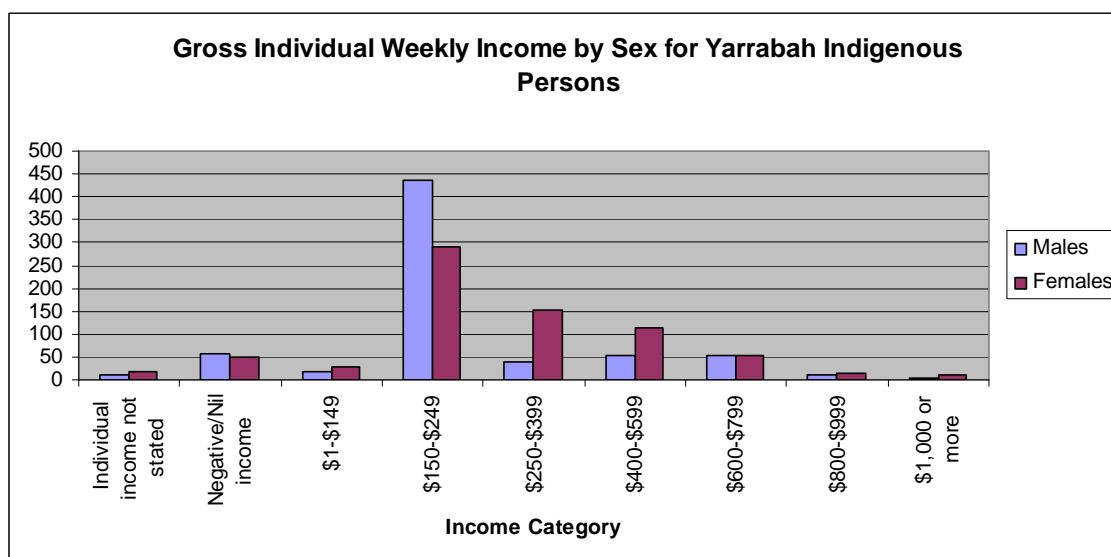
²⁹¹ External influences may have had a role in encouraging gender equity. A former Lockhart River councillor notes that “*with equal opportunities for men and women, half the things now, you can’t get grants if women aren’t involved...*” (LC8, 133)

²⁹² The group is known as the ‘Sweethearts’ and it was reported that the oldest members are 76 and 69, and the age of members ranged all the way down to “*a little girl*” (HC4, 96).

several women undertaking a bachelor's degree in community management through either Curtin University or James Cook University: *"There's quite a few of us [doing that degree], and I'm happy about it because this will get them thinking and changing their attitude towards things... We're trying to encourage them in our women's group and our parenting group that it's not too late to learn"* (YFG5, 41).

Thus, despite continuing marginalisation from political power, education is proving to be an important avenue for the empowerment of women at Yarrabah. The results of their efforts are evident in the 2006 census data. For example, Figure 17 shows that 42 Indigenous women at Yarrabah are in the professional occupational category, far outnumbering the 13 men in this category. Census data also show that women comprise 83.6% of the 55 Yarrabah residents who are employed by the State and Commonwealth Governments. These employment outcomes appear to have contributed to improved income levels for women at Yarrabah. Figure 27 shows that women are over-represented in the five highest income categories. In fact, 47.0% of Yarrabah women earn more than \$250 per week, compared to 23.4% of Yarrabah men.²⁹³ The census data illustrate that women are contributing strongly to the workforce in Yarrabah, particularly in the skilled sector. Interestingly, the occupational breakdown in Figure 17 shows that Yarrabah women are also involved in labouring jobs to a greater extent than in the other communities.

Figure 27. Gross individual weekly income for Yarrabah Indigenous residents by sex, 2006²⁹⁴



²⁹³ It is possible that this also reflects receipt of higher welfare benefits by women as a result of parenting payments.

²⁹⁴ Data sourced from 2006 census.

4.4 Impact on Council performance

The relative status of women in the communities is an important contextual factor that shapes the way governance is practised and therefore impacts on Council performance. The case study data revealed two distinct spheres for participation by women in community government, at the political level and at the workforce level. The Yarrabah case study shows that these may not correlate with each other, as high participation in the workforce can co-exist with low participation in the political sphere.

At the political level, women have been marginalised to some extent in all the communities. It could be speculated that this has been a factor in the three Councils' poor community engagement practices. A female Yarrabah leader suggested that if more women had been on Council, perhaps the Council would have had a more consultative approach to its dealings with the community over the years (YFG5, 27). The under-representation of women on the Council has the potential to affect the Councils' capacity to properly take account of women's interests in areas such as strategic planning and service delivery. As a male councillor at Yarrabah openly acknowledged, it is difficult for a Council to take account of the interests of women in the community when they are inadequately represented on the Council. The level of disenchantment expressed by women at Yarrabah suggests that the Council is failing in meeting its female constituents' needs and aspirations. In this context, it is perhaps relevant that the much improved level of community engagement at Lockhart River in recent years has coincided with the emerging political power of women in the community. It is difficult to separate cause and effect in this regard, because these community engagement processes are considered to have contributed to the empowerment of women. Whatever the direction of causation, it is self-evident that for an Aboriginal Council to improve its community engagement it must increase the participation of women in decision-making, and this will be much easier where there are strong women leaders within the Council.

In relation to workforce participation, women have also suffered disadvantage in Aboriginal communities. It is notable, however, that at the best performing Council, Yarrabah, female workers have contributed strongly to the Council's administrative performance and to its successes in human service delivery. Yarrabah women's commitment to gaining education and skills has directly benefited the Council's service delivery. For example, many of the Council's key achievements in human services, such as establishing fully accredited child care and aged care facilities, have required staff, typically female, to gain Certificate level qualifications as part of the accreditation process. In view of the evidence, it is perhaps understandable why the 1995 Yarrabah community development plan summed up the feedback in relation to women's role in decision-making with the comment that "women do all the work, men have all the

power” (Nev Bates and Associates 1996, p.47).²⁹⁵ The Yarrabah case study shows that reducing the gender differentiation in work roles has the potential to improve productivity and job satisfaction within the Council. For example, greater participation of women in labouring jobs at Yarrabah has enabled the Council to harness the strong work ethic held by many women to improve performance in a way that was not evident at Lockhart River and Hope Vale. Overall, the Yarrabah case study demonstrates that the mobilisation of women in the workforce can have a significantly positive effect on a Council, leading to improvements in Council performance.

5 Social capital and civic engagement

Social capital comprises the networks that individuals are bonded by and have access to in their social, economic and political lives. As Chapter 2 indicated, the concept of social capital has sometimes been employed to explain differences in government performance. Social capital theorists often distinguish between ‘bonding’ social capital, which encompasses the local networks that circumscribe individuals’ daily lives, and ‘bridging’ social capital, which comprises access to broader networks outside individuals’ local families and communities. In effect, Chapter 10 (Part 3) considered the role of ‘bridging’ social capital through the examination of the degree of exposure of community residents to the broader society. This part of the chapter examines the role of social capital in the local community, in terms of the local networks that circumscribe individuals’ daily lives. Particular scrutiny is paid to an aspect of social capital emphasised by political scientists, which is the degree of engagement in civic and local political processes.

5.1 Comparison of case studies

As described in Chapter 12, strong family and kinship networks are the central enduring feature of the three case study communities, which is consistent with observations of contemporary Aboriginal communities around Australia. These networks serve to bond individuals and families together through webs of reciprocal obligations. Their nature and function are largely similar across the three communities. As Chapter 12 (Part 4.1) noted, the principal point of difference is the existence in Hope Vale, and to a lesser extent in Lockhart River, of status stratification that has come about through the emergence of elites during the communities’ mission history.

²⁹⁵ The report noted that while the statement might seem extreme, it “reflects a perception of alienation and isolation experienced by many women within the community” (Nev Bates and Associates 1996,

Social capital researchers have often ascribed significance to the level of ‘trust’ in a community – considered within family groups, across the broader community and in relation to outsiders. This is a difficult concept to measure and the qualitative data from the case studies in the present research do not provide a basis for any firm conclusions. Concerns were expressed in all three communities about a perceived decline in the levels of trust and respect between people (HG1, 217; LFG1, 187; YN3, 88; YFG1, 52; YN4, 43). A number of people commented that there continued to be a degree of suspicion about outsiders in the communities (HG1, 223; LG1, 60; LG4, 65; LG8, 71; YFG4, 25; YN2, 47).²⁹⁶ There continues to be a racial divide between Indigenous and non-Indigenous residents, with few of the non-Indigenous staff involved in social activities with local residents (LFG1, 199; LG4, 73; YFG4, 23).²⁹⁷

Participation in social activities in all three communities tends to occur at the level of the family unit. Several people commented on the decline in participation in community-wide social activities (LN1, 80; YFG4, 121; YN3, 57; YN1, 25).²⁹⁸ While some people considered this to be illustrative of a loss of community spirit (YG5, 90; LN1, 80; YC9, 121), others saw this as simply reflecting a broader social trend flowing from busier, more urbanised lifestyles and greater mobility (YN3, 25, 51; YN2, 59). The level of apathy in the Lockhart River community, highlighted in Chapter 13 (Part 3) in relation to leadership and governance, is equally manifest in social activities. A Council report noted that the only occasions where people seemed to get together in large numbers at Lockhart River was when there was a funeral (Report from Director, Community Development, September 2005). A community elder bemoaned the fact that few people were involved in social activities involving their children at the school, such as sports days (LN1, 72). In recent years, however, there has been a significant increase in social activities held at Lockhart River and the number of people participating in these. Funding from the Department of Health and Ageing has enabled the Council to organise men’s group activities, a mental health day at the school, a fashion parade, community barbeques, fishing

p.47).

²⁹⁶ Concerns are sometimes raised at the community schools about harassment of non-Indigenous children who have come from outside the community (LG4, 71).

²⁹⁷ However, several employees of Council and community organisations at Yarrabah spoke positively about the acceptance and the contribution of non-Indigenous staff in the workplace (YN3, 76; YC1, 268; YC6, 59).

²⁹⁸ For example, at Yarrabah, a number of people lamented that very few people participated in the activities for the community’s annual celebration of the establishment of the mission, known as Foundation Day (YFG4, 121; YN3, 57; YN1, 25).

competitions and discos (LC2, 121).²⁹⁹ It was suggested that these activities were contributing to positive changes in community wellbeing, by strengthening community cohesion and providing alternatives to alcohol and gambling (LC2, 106).

The case studies examined the relative efficacy of each community in terms of residents working together to address problems confronting the community. In all three communities, it was evident that where an urgent issue of common concern arises, residents were able to work together to address it. As a Hope Vale councillor explained: *“There’s a lot of division, but once there’s something that stick their head out... the whole community just put their differences aside and unite and address it”* (HC2, 51). For example, all three communities have acted swiftly on occasions to stamp out the emergence of petrol sniffing amongst children (HG1, 229; YFG4, 15; YG5, 108, 110; LFG1, 191; LG4, 55; LG8, 69; LC1, 18; Lockhart River Council minutes 13/01/05; Clifford 2003).³⁰⁰ Similarly, community members at both Yarrabah and Hope Vale have come together to take decisive action to address epidemics of youth suicide during the past decade (HC2, 57; HG1, 227; HN1, 68). At Hope Vale, the establishment of a community-wide Focus Group to address a crisis in behaviour management at the school has led to increased community confidence and optimism about the community’s capacity to collaborate to solve problems (HG3, 48; HC1, 40; HC5, 275).³⁰¹ On the other hand, some people pointed out that there is a high level of tolerance for dysfunctional behaviours in the communities, including alcohol abuse, teenage drug use and gambling (YG5, 108; YN3, 55; LN1, 76; HG1, 225). The tendency towards a permissive, ‘live and let live’, mindset would seem to be a natural incident of an Aboriginal cultural value that places primacy on the personal autonomy of individuals.

Robert Putnam has emphasised the degree of voluntarism in a community as a measure of civic engagement that correlates with positive governmental performance (Putnam, Leonardi & Nanetti 1993). The case studies revealed a significant disparity in volunteering in the three communities. Interview data indicated that community members were much less likely to perform voluntary work in Lockhart River than in Hope Vale and Yarrabah (MG1, 189; LG4, 25; LG8, 37; LN1, 10). It was widely reported by informants at Lockhart River that residents expected payment for their involvement in community activities that would ordinarily be

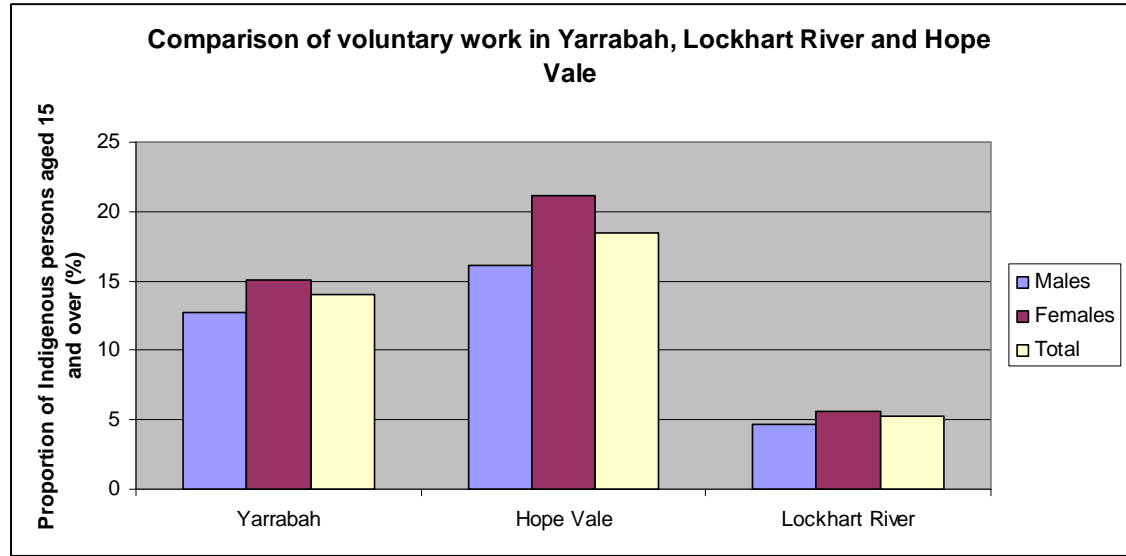
²⁹⁹ It was pointed out by several people, however, that these activities were predominantly attended by women and children, and that there were few organized activities for men at Lockhart River, apart from the men’s group (LC2, 119; LC3, 98).

³⁰⁰ As a Lockhart River resident put it: *“When it comes to sniffing... you watch, them families go move quick. They want a meeting straight away there and then”* (LFG1, 191).

³⁰¹ A Government manager said that: *“It’s a real whole of community [feeling], for the first time I feel really positive about it”* (HG1, 40).

considered voluntary work, such as participating in community justice group meetings (LC7, 127) or parents assisting with activities at the school (LG4, 57). Two government officers observed that the level of volunteering at Lockhart River was much lower than other Indigenous communities that they had been involved with (LG8, 37; MG1, 189). By contrast, at Hope Vale, it was reported that community members regularly volunteered their time to be involved in activities at the school and child care centre and in other community activities such as sporting competitions and festivals (MG1, 187-193; HC5, 59; HN1, 52). At Yarrabah too, it was reported that community participation was particularly strong in any activities that involved children (YG5, 64), although there was less evidence of widespread volunteering in other community events. The 2006 Census data confirm the qualitative data. Figure 28 shows that the proportion of Indigenous residents aged 15 years or over who volunteer at Lockhart River is only 5.2%, while at Yarrabah it is 14.0% and at Hope Vale it is 18.4%. Women are more likely than men to volunteer in all three communities and even more so at Hope Vale.

Figure 28. Proportion of Indigenous residents aged 15 and over who undertook voluntary work for an organisation or group, by sex, 2006³⁰²



In each of the communities, community groups and organisations have greater difficulty attracting participation in meetings and committees than in other types of activities (YG5, 64; YN3, 63; HG1, 86). It was highlighted that the same small core of individuals tended to comprise all of the committees in the communities and were the regular participants in meetings (YN2, 21; YG5, 68; YC2, 148; YFG4, 9; YN2, 125; LG4, 59; LG2, 140; LC7, 157; LN1, 64; HG1, 84; HC10, 145).³⁰³ While this concern was raised at Yarrabah as often as in the other two

³⁰² Data sourced from 2006 census.

³⁰³ One informant pointed out that the difficulty attracting people to sit on governing committees was not confined to Aboriginal communities (YG5, 70).

communities, Yarrabah has managed to sustain a number of community organisations with well-functioning boards. As highlighted in Chapter 8 (Part 5), Yarrabah has several large incorporated community organisations, Hope Vale has a small number, while Lockhart River has none.

A disparity between Lockhart River and the other two case study communities was also evident in relation to the general level of engagement in civic and political affairs. At Lockhart River, the low level of community involvement in meetings and committees is illustrative of a broader lack of interest in community governance processes. The Lockhart River Council rarely receives complaints or suggestions about Council issues (LC2, 64).³⁰⁴ The matters where residents tend to take an interest in Council relate to interpersonal relationships and material issues regarding wages, prices at the store, house rent and access to alcohol (Clifford 2003, p.181).³⁰⁵ In contrast, residents at Yarrabah and Hope Vale demonstrate a high degree of political activism regarding Council matters. At Hope Vale, a preferred means of political dissent has been the presentation of petitions against the Council to government Ministers.³⁰⁶ Hope Vale residents have also resorted to external avenues of complaint such as the Crime and Misconduct Commission (CMC) and the Office of Employment Advocate in their efforts to seek redress for grievances against the Council (HC7, 228). Similarly at Yarrabah, residents have been prepared to write to State Government Ministers, unions, the CMC, the Ombudsman or the local Member of Parliament (YC6, 57; YG4, 18; DFYCC File AIA 118: 27/03/02, 23/01/05). In describing the level of political activism at Yarrabah, informants used terms such as “*cluey*”, “*switched on*” and “*really political*” in relation to Yarrabah residents (YG6, 19; YC2, 65; YC5, 7).³⁰⁷

³⁰⁴ A review of Council minutes over a two year period revealed only one written complaint to the Council about Council services, relating to a request for speed bumps (Council minutes 10/02/05). During this time, there was one deputation to the Council from members of the Church complaining about a Council decision regarding lease of the church shop (Council minutes 12/08/04).

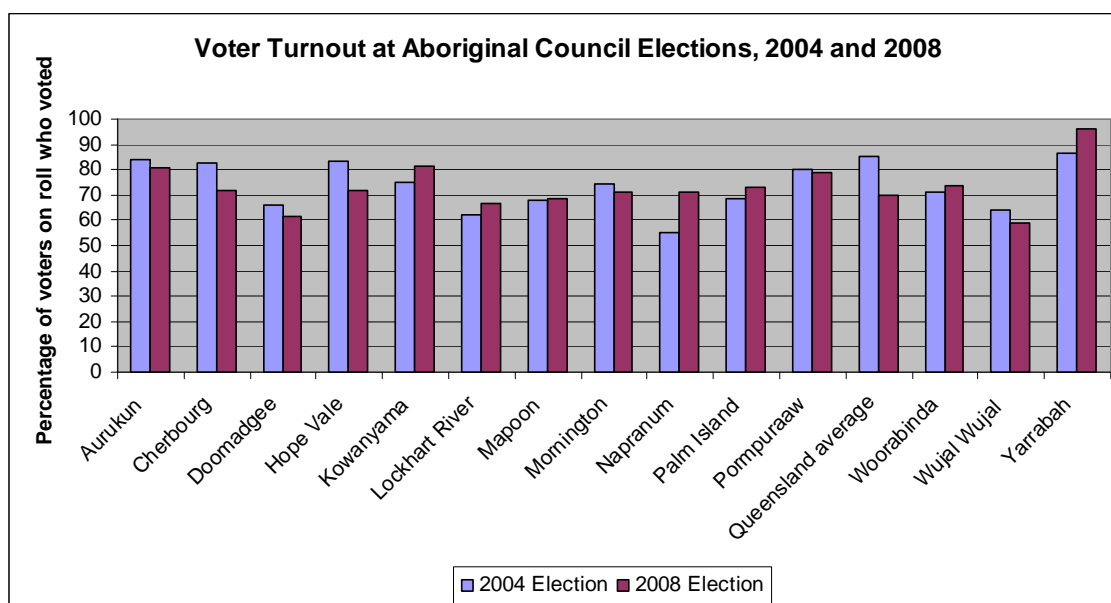
³⁰⁵ Clifford observed that there was a group of about 150 drinkers at Lockhart River who form a powerful political lobby based on their preoccupation with accumulating money to purchase alcohol (Clifford 2003, p.171).

³⁰⁶ For example, in 1995, a petition of about 400 names alleging nepotism and mismanagement by Council was presented to Government agencies (ATSIC 1996) and a petition of 36 names against a particular councillor was submitted in 2003.

³⁰⁷ A Government officer made the following observation with respect to the willingness of Yarrabah residents to make complaints about services: “*It shows a level of awareness... around what is and isn’t acceptable, what is and isn’t expected. I’ve worked in a number of [Indigenous] communities and certainly Yarrabah is probably the most proactive, and if I can use the word, functional, that I’ve been in*” (YG5, 76).

A useful indicator of the relative level of political engagement in the three communities is the turnout of voters at Council elections. Figure 29 illustrates voter turnout figures for Aboriginal Councils from the past two local government elections, with the Queensland average included for comparison. The graph illustrates that Yarrabah has had the highest voter turnout in the past two elections, which is a significant achievement considering it is the second largest Aboriginal community. At the 2008 election, Yarrabah recorded an extraordinary 96.45% voter turnout, which is 15 percentage points higher than the next highest figure and more than a third higher than the State average of around 70%. Hope Vale also had strong voter turnout at the 2004 elections, recording the third highest figure amongst Aboriginal communities, and the seventh highest figure at the 2008 elections. Lockhart River, on the other hand, recorded the second lowest voter turnout of Aboriginal communities in 2004 and the third lowest voter turnout in 2008.

Figure 29. Proportion of voters on the roll who voted at local government elections in Aboriginal communities, 2004 and 2008³⁰⁸



5.2 Impact on Council performance

The case studies revealed little difference between the communities with respect to the strength and nature of individuals' local networks, levels of trust in the community, the extent of social participation and the capacity to work together to solve common problems. These factors do not assist, therefore, to explain differences in governance approaches and consequently the relative levels of Council performance. The data show that the principal differences between the three

³⁰⁸ Data sourced from Electoral Commission of Queensland.

communities in relation to social capital and levels of civic participation are the relative extent of volunteering and the degree of civic engagement and political activism. In these respects, there is a wide gulf between the disengaged citizenry of Lockhart River and the much more engaged residents of Hope Vale and Yarrabah.

The fact that the constituents of the poorest performing Council, Lockhart River, also exhibit the least engagement in civic and political affairs suggests a link between civic engagement and Council performance. It follows that a Council that attracts less interest and involvement from its residents will have greater difficulty mobilising resources and energy in the community to implement its programs and services. Indeed, the level of community apathy at Lockhart River was regularly cited as a barrier to improving the Council's performance. Moreover, a lack of community scrutiny of Council decisions and processes creates little incentive for a Council to improve its governance practices. In 2002, at a time when the Lockhart River Council's finances were deteriorating most rapidly, a visiting Departmental officer reported that in the community and in the Council itself "there seems to be a lack of interest in the Council's business overall" (Community Services Officer 2002a).

A constituency that takes an interest in Council business and actively expresses views and grievances in relation to Council decisions is important to create a sense of accountability on the part of Council decision-makers. The absence of this sense of accountability at Lockhart River has enabled the Council to make decisions in a preferential manner, unencumbered by the prospect of community complaints and dissension. At Yarrabah, by contrast, the propensity of residents to complain where they perceive decisions to be unfair or inequitable or services to be inadequate has made the Council sensitive to the need to follow equitable processes and deliver quality services. The level of political activism in Yarrabah has created a culture of accountability that has underpinned Council's efforts to improve processes and enhance service delivery.

The Hope Vale case study, however, demonstrates that an active and engaged citizenry is not sufficient in itself to enhance a Council's performance. Hope Vale residents' level of political engagement and willingness to call the Council to account has not contributed to positive governance practices and improved Council processes or services. A possible explanation for this is that the nature of expressed grievances and complaints against the Council at Hope Vale is often related to conflict between personalities or family groups rather than relating to questions of process or service quality (HC6, 57; MG1, 149). Complaints expressed in this way are easier for a Council to dismiss as frivolous or vexatious without addressing valid systemic or process issues that might have been raised. A Hope Vale Council officer expressed the view that many complaints against Council actions were "*for the wrong reasons*" because they were

motivated by self-interest and jealousy rather than a genuine regard for the community interest (HC6, 57).

Paradoxically, whereas Yarrabah's active political culture has created a virtuous cycle of enhanced accountability leading to enhanced Council performance, the unique culture of political activism at Hope Vale seems to have operated in a more destructive manner, undermining the development of shared vision amongst community leaders and scuttling collaborative endeavour. The case studies reveal, therefore, that is not the *extent* of civic and political engagement that is important for enhanced Council performance, but the *nature* of this engagement. The conclusions of Chapter 8 suggest that it is only where this engagement is motivated by political norms emphasising equity and the whole of community interest and therefore relates to concerns about quality services delivered equitably for the community benefit, that it will serve to enhance Council performance.

6 Conclusion

This chapter has illustrated the role of governance and leadership norms in shaping community governance practices in a community, and the consequent effect on Council performance. The Hope Vale case study highlights the potentially negative impact on Council performance where norms of competitiveness, individualism and self-interest pervade the everyday practice of community governance. This distinctive political culture appears to have come about at Hope Vale through an infusion of unique historical factors, including the influence of the Lutheran missionaries, a history of capitalist endeavour and the existence of a pool of well-educated and qualified individuals with few opportunities for advancement other than the limited positions within Council. The result is a divisive and over-competitive political environment that undermines collective effort and an inefficient diversion of considerable Council resources towards meeting the needs of elected leaders.

The chapter also highlighted the strong commonalities in leadership style within the three communities, derived from the conditions of paternalism and dependency that characterised the twentieth century mission experience. In the two decades since the handover of authority from the government, however, leadership within the three Councils has evolved along markedly different trajectories, with consequential differences in Council performance. At Lockhart River, the historical condition of dependency has deepened into a debilitating state of apathy, from which a weakened leadership has been unable to stir the community. At Hope Vale, an inherited authoritarian, individualistic and confrontational leadership style has created a level of instability and conflict that has undermined the community's capacity to build a shared vision and embrace the opportunities inherent in self-management. At Yarrabah, on the other hand,

the emergence of a consensual and collaborative leadership ethos underpinned by the shared vision of self-management has created the stability and continuity necessary for sustained improvements in the Council's governance practices and outcomes.

In all three communities, traditional gender role differentiation has served to marginalise women from participation in the political process. This has diminished the Councils' capacity to effectively engage with their constituents and prevented them from harnessing an important stock of human capital within the community. Recent years have seen a strong emergence of women in community governance in Lockhart River and Hope Vale coinciding with an improvement in community engagement practices in these communities. At Yarrabah, while women remain excluded from political processes, a significant finding is that they have contributed strongly to the community workforce across a diverse range of occupations and they have led the way in pursuing the education, skills and qualifications that have underpinned many of the Council's successes.

Finally, an examination of various dimensions of the concept of social capital in the three case study communities revealed the potential significance of a high level of civic engagement as a building block for Council performance. The absence of an ethic of participation in civic and political affairs at Lockhart River may assist to explain the Council's poor performance, while the politically active citizenry of Yarrabah have created a climate of accountability that has stimulated higher Council performance. The Hope Vale case study highlighted, however, that high levels of political activism may, in fact, inhibit Council performance where such political agitation is motivated by personality and factional competition rather than concerns about the quality of services and the equitable allocation of resources for the community benefit.

Conclusion to focus area 3

Chapters 10 to 13 have investigated the case study data relating to a range of contextual, historical, and cultural factors that were hypothesised to be important in shaping an Aboriginal Council's approach to governance and therefore its overall level of performance. The key contextual, historical and cultural factors identified in these chapters can be summarised as follows:

- a resource base of *education and skills* within the community that matches the needs of the community government (see Chapter 10, Parts 2, 4 and 6);
- a pool of community members who have had a significant degree of *exposure to the outside world* (see Chapter 10, Part 3);
- strongly *egalitarian political norms* and a '*whole of community*' orientation to governance (see Chapter 12, Part 5); and
- a commitment to *overcoming the historical legacy of dependency* by *taking responsibility* for community government outcomes (see Chapter 13, Part 3).

Other contextual factors that were considered in the preceding chapters included the effect of the contest of cultural values on Council strategy and practice (Chapter 12, Part 3), the relevance of a Council's financial and natural resources (Chapter 11), the impact of gender relations (Chapter 13, Part 4) and the role of social capital (Chapter 13, Part 5). Although some of these factors appeared to have an impact on the Councils' governance, they were not as influential in determining the overall governance approach as the four key factors identified above. A noteworthy finding is that a Council's level of financial and physical resources is not correlated with its level of performance. In fact, the Council that is most disadvantaged in relative terms with respect to resources, Yarrabah Council, has the highest level of performance.

The inter-relationships between these factors are readily discernible. A community that has invested in the development of education and skills is likely to have gained greater exposure to the outside world. Experience of non-Aboriginal society will increase an Aboriginal community member's exposure to the egalitarian political norms and whole of community orientation that are valued within non-Aboriginal models of governance. Higher levels of education, skills and experience will contribute to a desire to break free from dependency and take on the responsibility for determining one's own future. The reverse is also true, for the Yarrabah case study demonstrates that a commitment to overcoming dependency and a desire to take control are strong motivations for pursuing education and seeking more experience of the outside world.

While these factors are inter-related, it cannot be said that one factor stands out as a precondition for the emergence of the others. Indeed, it appears that it is necessary for all of them to exist to some degree in order to establish a foundation for successful community government performance. At Hope Vale, for example, a significant degree of exposure to the outside world and a pool of educated and skilled individuals has not led to improved Council performance in the absence of egalitarian political norms and a whole of community orientation to governance. At Lockhart River, the community planning and leadership development process from 2004 was the catalyst for Council leaders to develop a vision and plans for challenging dependency and taking on greater responsibility, but the Council has been constrained by residents' lack of skills and education and continuing isolation from the outside world, as well as the persistence of a fundamentally family-oriented political culture.

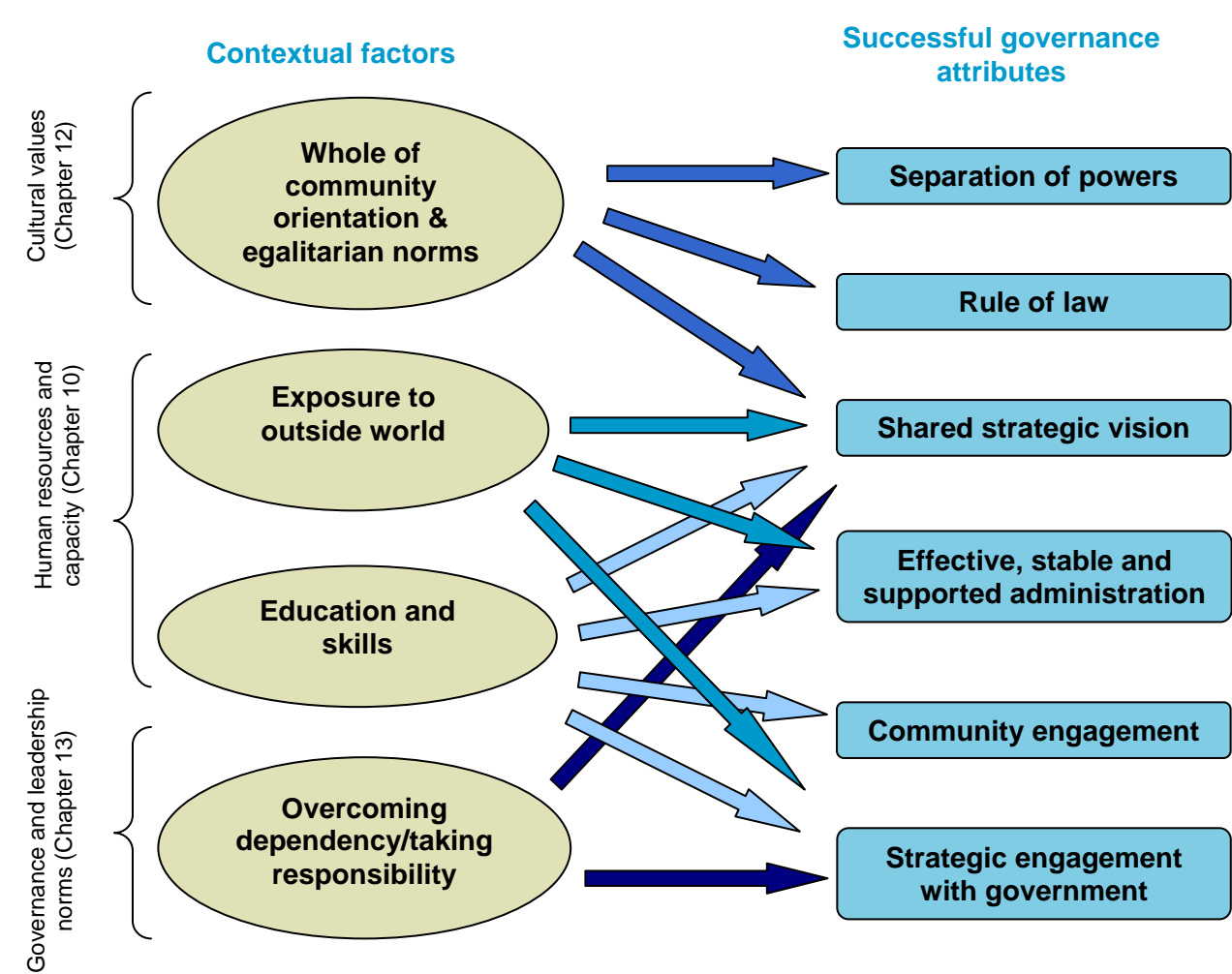
So how do these contextual factors identified in Chapters 10 to 13 operate to shape the governance attributes identified in Chapters 6 to 9? What are the causal relationships at play? Figure 30 illustrates some of the important causal relationships between the contextual factors and the governance attributes. For example, the arrows in the diagram highlight that a 'Whole of community orientation and egalitarian norms' are critical in determining the extent to which a Council institutionalises the separation of powers and the rule of law and develops a shared strategic vision. The principles of the separation of powers and the rule of law are founded on norms that place equity, rationality and the interests of the whole community before partisan and personalised criteria for decision-making. A shared strategic vision is more likely to emerge where individuals have put narrow personal or family interests aside in favour of a whole of community perspective.

A further example concerns the crucial governance attribute regarding the capacity to strategically engage with government. This capacity will be significantly enhanced where leaders and staff have had greater exposure to the outside world and have developed the education and skills necessary to engage on an equal footing. The willingness to engage proactively and strategically with government is also intrinsically linked to a commitment to overcoming dependency and taking greater responsibility.

Of course, the converse of all of these propositions is also true and may assist to explain the poor performance of a Council such as Lockhart River. Lockhart River's physical and psychological isolation (and therefore lack of exposure to the outside world) and its continuing state of apathy and dependency have limited the community's capacity to develop a vision of what the future might look like and constrained it from building the capacity to strategically engage with non-Aboriginal society, especially government. The community's educational deficits have so far proven an insurmountable obstacle to building local administrative capacity.

The Hope Vale case can be explained by a different set of circumstances. Although Hope Vale residents have had opportunities to build education and skills and to gain exposure to the outside world, this has not translated into successful governance due to the absence of an egalitarian and ‘whole of community’ orientation. The dominance of the Council by elites and the continuing pattern of family contestation mixed with individualistic, competitive and authoritarian political norms have scuttled the formation of a shared vision, created instability in administration and undermined adherence to the principles of the separation of powers and the rule of law.

Figure 30. Causal relationships between contextual factors and successful governance attributes



Chapter 14 – Conclusion: Explaining Aboriginal Council performance

1 Introduction

What makes an Aboriginal Council successful? This simply stated question belies a high degree of complexity. To seek an answer to this question from the case studies of Aboriginal Councils has required several steps. It was first necessary to define successful Council performance and measure it in a rigorous way. Next, a wide-ranging review of each Council's internal governance processes, administrative practices and quality of engagement was required in order to understand how the Council had achieved its level of performance, whether successful or unsuccessful. Finally, it was necessary to canvass several broader contextual, cultural and historical factors in order to understand why a Council had developed this successful or unsuccessful approach to governance. In sum, the research goal has required investigation of *what* level of performance has been achieved, *how* that level of performance has been achieved, and *why* this level of performance has been achieved. This chapter seeks to draw together the conclusions from the study into an integrated explanatory model about the determinants of Aboriginal Council performance. It also explores the policy implications of the research findings and highlights some areas for future enquiry.

2 A focus on performance

Governments and Aboriginal people themselves have pinned great hope on community governments as the vehicle for Aboriginal communities to not only exercise self-determination but also deliver the programs and services needed to close the gap between Aboriginal and non-Aboriginal living standards. The question of successful Aboriginal community government performance therefore holds significance for policymakers and Aboriginal communities alike. The focus on performance in a study of Aboriginal community government risks the criticism of ethnocentricity, of adopting a Western conception of governance as essentially a question of delivering material programs and services. An ethnographer might charge that such an approach dismisses the important role of governance as an expression of cultural difference and a vehicle for building and affirming unique cultural identities. Yet the concept of Council performance adopted for this study acknowledges that governments within any culture serve a common underlying purpose, which is to meet the desired outcomes of the collectivities that they serve. This concept of governmental performance accommodates the cultural relativities of different constituencies, for it requires an understanding of the specific set of outcomes desired

by a particular collectivity. Performance is assessed in terms of whether the community government achieves these desired outcomes, which may well include, in addition to outcomes regarding services and programs, objectives regarding the way governance is practised and specifically, the need to respect cultural values in governance practice. The outcomes desired by constituents will be shaped by the prevailing values of the community at a particular point in time. The case studies illustrate that the values shaping the approach of Aboriginal community governments, as in other areas of community life, are often in conflict with each other, as Aboriginal people increasingly aspire to mainstream standards of living at the same time as wishing to retain a separateness from the mainstream and to protect and even revitalise traditional Indigenous lifestyles. Cowlishaw (2004, p.315) has described these questions of values and identity as part of “an ongoing tension surrounding the future of Aboriginality.”

A focus on assessing an Aboriginal Council’s performance, therefore, does not require the imposition of external values about what the outcomes of community governance ought to be. Rather, a key task in the case studies was to identify each Aboriginal community’s articulation of the outcomes sought from its community government, which represents that community’s particular expression of self-determination. The research highlighted a high degree of commonality in the desired outcomes sought by the residents of the three case study communities along with some divergent aspirations associated with each community. It was clear that the overriding community government priority for residents in all three communities was for the delivery of infrastructure, services and programs that would improve their standard of living.

The study included a detailed assessment of the performance of the three Councils, summarised in Chapter 5. While this task presented several methodological challenges and was hampered by a scarcity of quality performance data, it was considered essential in order to properly investigate causal relationships between the practice of governance and the outcomes achieved. Unless the researcher can accurately ascertain whether governance has ‘worked’ or not, it is not possible to say ‘what works and what doesn’t’ in the practice of governance. In this focus on performance, the current study has gone further than previous studies of Aboriginal governance in Australia, and tackled an issue that is often neglected in studies of government in any context. The review of the literature in this area revealed that many prescriptions of what is needed for ‘good governance’ or ‘successful governance’ rest on untested assumptions or weak empirical evidence about the links between governance practices and government outcomes.

The approach of this study in carefully documenting the Councils’ performance across a diverse range of outcome areas makes it possible to make much more robust conclusions about the impact of various governance factors on Council performance. As Chapter 3 noted, the approach enables causal links to be drawn at two levels. Firstly, at a broader level, correlations

can be identified between the overall configuration of governance attributes at a Council and the resulting level of Council performance. For example, it becomes possible to say that at Yarrabah Council, a particular configuration of governance attributes, comprising certain principles, institutions and practices, has led to an overall level of positive performance. Secondly, at a more micro level of analysis, in order to better understand these broader correlations, specific evidence may be identified to establish the link between the presence or absence of a particular attribute and performance in a particular outcome area. For example, it was clear that the level of engagement with government agencies and other mainstream organisations, which was a strong feature of Yarrabah Council's governance, was directly linked to positive performance in particular outcome areas such as environmental health and social service delivery, while the absence of such engagement at Lockhart River was inhibiting that Council's service delivery.³⁰⁹

This second level of analysis focusing on evidence of direct causality is essential to avoid drawing invalid conclusions from the broader correlations between factors and overall Council performance. For example, in Yarrabah's configuration of governance practices, one of the features was a low level of community engagement. Given the Council's overall positive level of performance, it might be tempting to conclude that less community engagement is a success factor for positive Council performance. Yet the detailed evidence about Council performance provided a more nuanced understanding of the link between community engagement and performance. The data revealed that although Yarrabah's lack of community engagement may have enabled it to concentrate on the administration of good programs and services, poor engagement had hampered its performance in some specific outcome areas, such as the optimal location and design of new community facilities.³¹⁰ The importance of appropriate community engagement was reinforced by evidence from Lockhart River that improvements in community engagement had yielded improved performance in some outcome areas, such as the productivity of the outdoor workforce.

These examples illustrate the value of a detailed examination of performance in drawing reliable causal inferences about governance factors. Where past studies of Indigenous governance in Australia have not tackled the difficult task of assessing performance, the evidence presented in the current study provides a stronger empirical basis for identifying the governance attributes that underpin success.

³⁰⁹ See Chapter 9, Part 2.

³¹⁰ See Chapter 8, Part 7.

3 What governance attributes contribute to successful Council performance?

The review of the literature on governance in Chapter 2 made it possible to formulate a set of guiding hypotheses about the governance attributes that are suggested by the literature to be likely determinants of Aboriginal Council performance (see Box 2 of that chapter). These factors related to various aspects of the Councils' internal governance, administration and engagement with the community and external institutions. They were examined in detail in focus area 2, comprising Chapters 6 to 9. At the conclusion of this focus area, it was possible to draw conclusions about the extent to which these attributes impact on the performance of the three Aboriginal Councils. This provided answers to the element of the research question relating to *how* a level of Council performance is achieved, and more specifically, '*what are the particular governance attributes that contribute to the successful performance of Aboriginal community governments?*' The key governance attributes associated with successful Council performance were illustrated in Figure 13. The six attributes can be summarised as follows.

In respect of the Councils' internal governance institutions and practices, three key attributes contribute to positive performance: the *separation of powers*, the *rule of law* and *strategic vision*. A strong adherence to the separation of powers between politics and administration, a commitment to the rule of law and a high level of strategic vision are central features of the internal governance of the most successful Council, Yarrabah Council. Moreover, the absence of these features characterises the other two poorly performing Councils. The correlation is strengthened by the fact that an improvement in Lockhart River Council's performance from 2004 had coincided with a much improved adherence to the separation of powers and rule of law and a significant effort to develop a strategic vision. The broader correlations suggesting the significance of these attributes are strongly reinforced by substantial evidence about the direct impact of the factors on Council performance in particular outcome areas.

Successful Council performance is further characterised in the case studies by *effective administration*. While such a finding is unsurprising, the analysis provided an indication about the features of effective administration that are critical to success in the context of an Aboriginal Council. The attributes that are linked positively with Council performance are: a commitment to sound financial management driven by a high degree of interest and scrutiny by elected councillors; a high level of stability in staffing, particularly in management; and human resource management practices that create an environment in which staff feel recognised, valued and supported.

The fifth successful governance attribute is appropriate *community engagement*. The study found that the extent to which community engagement will enhance Council performance depends on the particular activity in question. Community engagement is most important for those activities where success is contingent on either the input of information from a range of interests, the motivation and commitment of the community, or coordination with community-based agencies.

Finally, successful Aboriginal Council performance depends on *strategic engagement* with government and other institutions external to the community. A Council must proactively and strategically manage its relationship with government in order to overcome the considerable constraints to its autonomy that result from the dysfunctions inherent in current legislative, funding and policy frameworks for Aboriginal communities. This finding is consistent with an emerging discourse on Aboriginal governance that views Aboriginal government organisations as ‘intercultural’ institutions that serve to mediate the relationship between Aboriginal communities and non-Aboriginal society as a whole.³¹¹ The finding also corroborates the growing literature on the significance of ‘networked governance’ (Considine & Giguere 2008).

A key finding from the research is that these ostensibly orthodox governance principles are not only relevant in the unique cultural context of Indigenous governance, but appear to take on even greater importance in this context. In an Aboriginal Council, adherence to sound governance principles (the separation of powers and the rule of law) underpinned by a shared vision is essential to provide the protection, the security and the inspiration for leaders and staff to effectively meet their constituents’ desired community government outcomes. The constraints of the Aboriginal governance environment and the continuing dependence on government funding make a networked and externally engaged approach to governance crucial to the success of an Aboriginal Council.

4 What contextual factors shape successful community governance?

Having ascertained the level of the Councils’ performance and identified the governance attributes that appeared to determine this level of performance, the third part of the research question for this study was: ‘*what contextual factors shape these governance attributes in Aboriginal communities?*’ In other words, what factors explain why each Council developed its particular configuration of governance attributes? For example, what contextual factors explain why Yarrabah Council has developed the particular mix of governance attributes that have

³¹¹ See the discussion in Part 4.2 of Chapter 2.

proven successful? What is it in Yarrabah's history and circumstances that make its leaders more strategic and better at engaging with government, its councillors more likely to implement a separation of powers and the rule of law and its staff more effective at administration and service delivery? Conversely, what has prevented Hope Vale and Lockhart River Councils from developing these successful governance attributes in order to better meet their constituents' desired outcomes? These are complicated questions involving the interplay of multiple factors, many of which arise from the unique historical and cultural characteristics of each community. Chapters 10 through to 13 investigated an array of factors suggested by the literature to be important in shaping the way governance is practised in a community. From this analysis of contextual, historical and cultural factors, clear patterns emerged that help to explain the Councils' different approaches to governance and therefore their different levels of performance. In the conclusion to focus area 3, four key factors were identified.

Firstly, the resource base of *education and skills* within the community has a significant impact in shaping an Aboriginal Council's governance attributes. While it is not surprising to find that education and skills are a necessary foundation for successful governance, a significant finding is that education and skills in themselves do not necessarily enhance performance. The Hope Vale case study demonstrated that this resource will not translate into improved Council performance in the absence of other factors – for example, organisational practices and a workplace culture that protect, support and motivate residents in positions of responsibility. Further, the case studies revealed that successful governance depends on a Council nurturing the skills and capacity that are appropriate to its particular needs, rather than supporting education in an untargeted way.

A second contextual factor that is equally significant in shaping a community's approach to governance is the extent to which residents have gained skills, experience and a broader perspective through *exposure to the outside world*. This exposure is crucial in assisting residents to form a vision for their community, providing the skills that are needed to function effectively as a Council leader or worker and in elevating expectations about the standard of services that the Council should deliver.

Thirdly, the approach to governance that evolves within a Council is shaped by the degree to which a community exhibits a '*whole of community*' orientation to governance. While notions about the centrality of family and kin are fundamental cultural values in any Aboriginal community, it is notable that the most successful Council in the current study exhibits more community-oriented norms in its governance. This appears to be an important precondition to institutionalising successful governance attributes such as the separation of powers and the rule of law and to developing a shared strategic vision. It is difficult to precisely identify the circumstances in which a whole of community orientation will emerge in an Aboriginal

community's governance. This appears to be dependent on a range of historical and contextual factors and is associated with strongly egalitarian political norms. It could be speculated that the emergence of egalitarian and community-oriented norms is part of the evolution of political culture in Aboriginal communities, as community members make value choices to resolve the dialectical tension between family-oriented cultural values and the values underpinning Western administrative rationalities. The need for these difficult value choices has been foreshadowed by writers such as Sutton (2001), Morphy (2005) and Martin (2004). It is also acknowledged by Aboriginal leaders such as Pearson in relation to Aboriginal engagement in the mainstream economy.³¹²

Finally, successful governance attributes are more likely to emerge where a community has developed a *commitment to overcoming the historical legacy of dependency by taking responsibility* for community government outcomes. Whereas the historical conditions of paternalism and dependency have spawned apathy at Lockhart River and a continuation of paternalistic leadership styles at Hope Vale, successful governance at Yarrabah is driven by a shared commitment to break the shackles of dependency and achieve self-management.

In the conclusion to focus area 3, Figure 30 illustrated the multi-faceted causal relationships between these four contextual factors and the key governance attributes. The analysis shows that a successful approach to community governance is dependent on this pivotal set of four inter-related preconditions. By contrast, the extent of financial and natural resources, which might be expected to be significant, is not positively correlated with successful Council performance. The analysis found other contextual factors that, to some extent, have an impact on an Aboriginal Council's governance, such as the extent of social capital, the emerging political power and educational empowerment of women and the effective management of the conflict of Aboriginal and non-Aboriginal values in Council strategy, policy and practice. These factors, however, do not have the explanatory power of the four key factors in determining successful or unsuccessful governance.

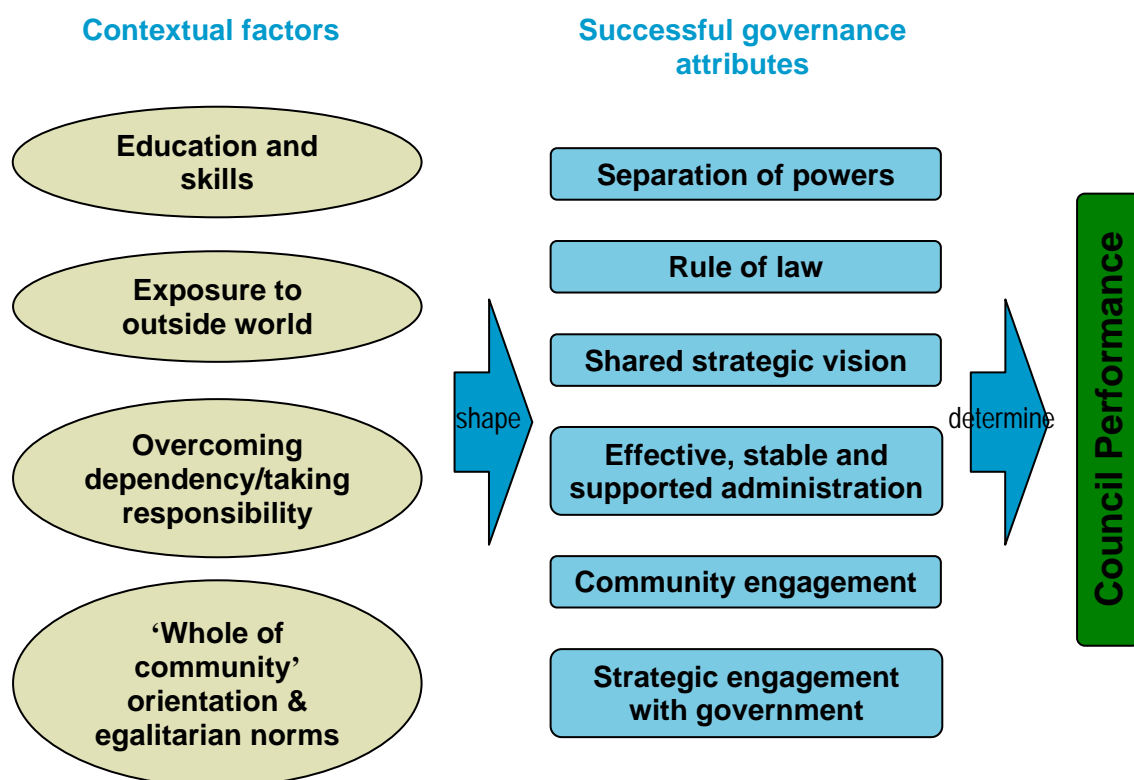
³¹² A policy paper by the Noel Pearson-led Cape York Institute for Policy and Leadership cites the economist Amartya Sen, who wrote that "there is an inescapable valuation problem involved in deciding what to choose if and when it turns out that some parts of tradition cannot be maintained along with economic or social changes that may be needed for other reasons" (Cape York Institute for Policy and Leadership 2005b, p.7).

5 An explanatory model for Aboriginal Council performance

5.1 The explanatory model

The key governance attributes identified in focus area 2 and the key contextual factors identified in focus area 3 can be brought together into an explanatory model for Aboriginal Council performance. This model is illustrated in Figure 31.

Figure 31. Explanatory model for Aboriginal Council performance



5.2 Generalisability and limitations

The explanatory model has been developed on the basis of three case studies of Aboriginal Councils in Queensland. The scope for generalising these results to other indigenous community governments requires further consideration. As Chapter 2 indicated, the case studies were chosen purposively, to provide the optimal opportunity to test the veracity of the guiding hypotheses derived from the literature. This choice of case studies was vindicated when a rich depth of relevant data emerged during the field work. A sample of three out of fourteen Aboriginal Councils in Queensland capturing a diversity of locations and circumstances provides firm ground to extrapolate the results to other Queensland Aboriginal Councils.

Although the cultural, geographic and situational diversity in Queensland Aboriginal communities is wide-ranging, they share a similar institutional and administrative history and their Councils operate under identical legislative and funding arrangements. In other Australian jurisdictions, the historical trajectories and institutional arrangements for Indigenous community government differ. Aboriginal communities across Australia are characterised by a wide variation in cultures and lifestyles. It will therefore be for others to determine the applicability of this study's findings in particular circumstances outside of Queensland's Aboriginal Councils.

Nevertheless, the broad themes regarding the development within Indigenous communities of new Western-influenced community government structures are a central part of the narrative of Indigenous affairs in Australia over the past few decades. Thus, the findings of this study will be of likely interest to researchers, policymakers and practitioners in a range of other Indigenous community governance contexts in Australia. This will clearly include other Indigenous community councils, but may also include Indigenous community organisations that perform governance or service delivery roles. There are strong parallels between the explanatory model and the success factors identified in Finlayson's (2007) study of successful Indigenous community organisations.³¹³

Additionally, the question of successful community government performance has relevance in other first world nations such as the United States and Canada, where local indigenous communities have also been vested with governmental powers and responsibilities – for example, in the form of band councils and tribal governments. Indeed, recent presentations by the researcher to staff of Indian and Northern Affairs Canada (INAC) and at a Canadian Aboriginal Policy Research Conference revealed that the findings of the current study resonate strongly with the experience of those working with band councils and other First Nation Governments in Canada (Limerick, M. 2009).

It is worth noting too, that there are some strong parallels in the findings of this study with research into successful indigenous governance in the United States conducted under the auspices of the Harvard Project on American Indian Economic Development. Most of the success factors identified in that research have direct counterparts in the explanatory model developed from the current study.

While the uniformity of the community government institutions considered in this study has aided cross-case comparison, it also comprises a limitation of the study. The study was not able to consider whether Council performance is affected where a Council is able to develop a governance institution that is derived to a greater extent from more traditional indigenous

³¹³ See Table 1 in Chapter 2.

models of governance. The Harvard Project emphasises this scenario as one where a significant degree of ‘cultural match’ can be obtained, with benefits for government performance. There is one Indigenous Council in Queensland that has implemented a traditional clan-based representative Council through a special legislative arrangement – Saibai Island Council in the Torres Strait. This Council would make an interesting case study to ascertain the impact on performance of incorporating traditional clan-based representation within an Indigenous Council.

The sample size for the study also carries inherent limitations. In particular, with only one successful Council case study, some caution is required in generalising the success factors to other Councils. Nevertheless, the cross-case comparison with poorly-performing Councils assists in establishing the veracity of the success factors identified at Yarrabah Council, because the absence of these factors is confirmed in the unsuccessful Councils. Moreover, within the case studies, using the second level of analysis³¹⁴ it has been possible to verify the validity of individual factors by identifying the specific manner in which their presence or absence impacts on particular aspects of Council performance. Additionally, in some cases the causative links can be strengthened by observations about how a change in the prevalence of a factor over time, such as the increase in strategic orientation at Lockhart River Council, is correlated with improvements in Council performance.

A means of testing the replicability of the explanatory model is to consider its congruence with other studies of Aboriginal Councils. In Queensland, Moran (2006) studied the Kowanyama Aboriginal Council as part of his research into community planning and governance in Aboriginal communities. Moran rated this Council as successful, a judgment which is partially backed by some of the comparative data collected for this study.³¹⁵ Appendix 8 contains a comparison of Moran’s findings against the explanatory model developed from this study. All of the successful governance attributes in the explanatory model are present to some extent in Moran’s case study of Kowanyama Council. Most of the key contextual factors are also evident at Kowanyama, including the evolution of egalitarian and ‘whole of community’ political norms. The most significant divergence in Moran’s study is that he does not highlight exposure of community leaders and staff to the outside world as a success factor, but instead emphasises the important role of ‘outsider’ employees in mediating the relationship between the Aboriginal

³¹⁴ See Part 3.2 in Chapter 2 for an explanation of the two levels of analysis used to make causal inferences in this study.

³¹⁵ Figure 4 indicates that Kowanyama has the third best audit performance of Aboriginal Councils over the past two decades.

community and the outside world.³¹⁶ This indicates the need for caution in ascribing only one path to successful Aboriginal community government performance. A further area for future research is to investigate other cases of successful Aboriginal Council performance to ascertain the applicability in a wider range of contexts of the explanatory model developed from this study. It may be that in different circumstances, alternative pathways to success are possible.

6 Implications for policy and practice

This study began with the avowed personal aim of making a positive difference. It was intended that empirical evidence about the determinants of Aboriginal Council performance would assist both policymakers and practitioners in their efforts to improve life opportunities for Indigenous Australians. It is hoped that the identification of the specific governance attributes that enhance performance will serve as a template for those seeking to improve Aboriginal Council performance. In addition, the identification of the contextual factors that shape successful governance may provide guidance to policymakers and community leaders seeking to put in place the foundations for improved Council performance. Specifically, the findings of this study suggest the need for strategies such as following:

- a focus on good governance training, resources and capacity-building for leaders and staff of Indigenous governments, highlighting (a) the appropriate application in Indigenous contexts of conventional governance principles such as the separation of powers and the rule of law and (b) strategies for managing the conflict between family and kinship obligations and the requirements of roles that serve the ‘whole of community’ interest;
- support for Indigenous governments to develop a long-term vision, shared across the community leadership and reinforced with relevant strategic plans;
- measures to build the capacity of leaders and staff of Indigenous governments to strategically engage with government and other external stakeholders;
- greater community engagement training and support for Indigenous governments;
- support strategies (for example, training, resources and professional support networks) to assist Aboriginal community residents to cope with the intense pressure they

³¹⁶ Altman (2008) similarly notes the significance of long-term non-Indigenous staff in his explanation of the success of an Aboriginal outstation resource agency in the Northern Territory.

experience in taking on positions of responsibility within Indigenous community governments;

- including a strong focus on human resource management within any administrative capacity-building initiatives for Indigenous governments;
- support for Indigenous governments to develop long-term and strategic workforce development strategies, especially investment in education that is relevant to the community government's workforce needs;
- initiatives to increase the mobility of residents of Indigenous communities with a view to increasing their exposure to living and working in mainstream society;
- reforming the governance environment for Indigenous governments (for example, funding processes and compliance regulations) to maximise their opportunities to overcome historical relations of dependency, exercise greater autonomy and assume full responsibility for community governance.

7 Conclusion

With the perennial difficulties surrounding financial accountability and service delivery, there has sometimes been a tendency to dismiss Aboriginal Councils as viable agents of change for the better in Aboriginal communities. It is important to take a longer term view of the development of these Councils and acknowledge that they came into being only two decades ago, at a time when the foundations for effective community governance were almost non-existent. The legacy of government and church administration was a dependent population that had never had the opportunity or the capacity to make decisions about its own future, yet they were devolved full self-management responsibilities hastily and with inadequate preparation. It was inevitable that the building of sustainable community governance would be an evolutionary process and that different communities would have different trajectories and rates of progress towards this destination. This point is well illustrated by the reflections about Lockhart River Council by a former CEO who had also worked for the State Government at Yarrabah in the 1980s:

They're coming on nice, don't worry about that, but you've got to remember that Lockhart now is probably where Yarrabah was in 1982, when I worked there. Because there was a lot of dysfunction at Yarrabah down there, there was a lot of bloody anger, there was huge amounts of clan fighting, fifty strong in the streets – whitefella couldn't

walk through the streets... without getting heaps of shit. So they've matured a lot [at Yarrabah]. (LG#, 146)

This comment highlights that, over time, an Aboriginal Council can and will incrementally build the foundations for successful performance. It is hoped that this study will provide guidance for those who are involved in building these foundations. With a sustained effort in this area, Aboriginal Councils can become powerful tools for Aboriginal communities to improve their standards of living and determine their futures.

Appendices

Appendix 1 – Cross-case data analysis: Decision-making about housing allocation

An Aboriginal Councils' approach to the allocation of public housing in the community is a litmus test of the extent to which the rule of law is internalised in the Council's governance culture. As the organisation responsible for the community's housing, one of the most difficult tasks for an Aboriginal Council is deciding which residents will be allocated new houses or houses that become vacant, and which residents will benefit from housing renovation funds. In a situation where overcrowding is endemic and there are limited new resources, housing allocation decisions are a highly contested area of community politics.

An examination of the three Councils' respective approaches to this issue illustrated some clear differences. At Lockhart River, the Council has had no policy about the criteria for allocating housing to residents. The Council has simply selected the families to which new or vacant houses will be allocated. Evidence from Council minutes and interviews at Lockhart River clearly indicated that this process has led to favourable outcomes for councillors, councillors' families and their associates (Council minutes 17/01/02, 15/07/04; LC2, 86, 112; LN1, 24; LC8, 117).

It's been friends of the Council, or those that are on Council [who] get a new house, basically. There are enough [instances], if you went through the list of past councillors to realise that they were on Council long enough that, in the three or four year period... that in that three year period, five of the reigning councillors got a new residence. (LC1, 66)

In 2003, the Queensland Audit Office raised the issue in its audit of the Council that two councillors had been allocated new houses in circumstances where there was no waiting list and the two councillors had neither declared their conflict of interest nor withdrawn from the decision-making process (2003, p.A10). The Council elected in 2004 was aware of the unrest in the community resulting from these instances of preferential decision-making and it took steps to establish an independent housing committee to decide housing allocations in a way “*would be seen as fair and unbiased*” (Council minutes 15/07/04). The intention was that the committee would also develop an equitable housing policy. This initiative failed, however, apparently due to the lack of governance capacity amongst community members and the absence of capable Council staff to run such a committee (LC2, 112). In 2006, the Council chose to hand over the function of housing management to the Department of Housing, with one

of its stated reasons being the wish to avoid accusations of family favouritism (Council minutes 09/03/06). Ultimately, the handover reflected the Council's inability to put in place a fair and equitable process for housing allocation based on consistent application of policy.

Hope Vale Council, like Lockhart River Council, has not had a policy for housing allocation. The process that has been used for deciding housing allocations is illustrated in the following extract from Council minutes:

Councillors provided a listing of potential tenants to take occupancy of the new houses to be constructed at Hope Vale, being funded from the \$1,200,000 grant to be provided by ATSI Housing. From this listing a short listing of ten (10) prospective tenants were selected, based on each Councillor nominating his/her selected list. The prospective tenants chosen are as follows:... (Council minutes 16/11/04).

A resident complained that under such a process, "nepotism" was inevitable:

And that's not being fair to the rest of the community people, because if you've got family members on the Council, then naturally you're going to get a house. And that's just because human beings are all the same. If I'm on Council, of course I'm going to see that my child gets a house. (HC3, 14)

Hope Vale councillors and Council staff confirmed that housing had tended to be allocated to councillors' families (HC5, 199; HC7, 93; HC10, 79; see also Council minutes 03/05/00). Councillors also indicated that it was common for councillors to use promises about housing allocations as a way to procure votes (HC2, 31; HC4, 114). Housing allocation decisions are evidently a cause of unrest and discontent in the community (HG1, 109). In 2003, the Minister for Aboriginal and Torres Strait Islander Policy received a petition from 36 residents alleging that a Hope Vale councillor "allocated to himself" a new house (Letter to Judy Spence MP from Des Bowen, 9 July 2003). A decision to allocate a three-bedroom house to an 82 year old woman in preference to larger families in need was generating considerable controversy at the time of data collection in 2006 (HC4, 116; HC6, 61).

There has been discussion at Hope Vale about the creation of a housing committee to set housing policy and make housing allocation decisions. However, the Council rejected such a proposal in 2004 on the grounds that the councillors could adequately undertake these functions (Council minutes 01/09/04). In 2006, there was a renewed push by some councillors to have a committee established and a needs-based allocation policy put in place, but this did not eventuate (HC4, 70; HC2, 31; HC10, 77; HC5, 192).

Appendix 2 – Cross-case data analysis:

Community engagement practices

Introduction

In Chapter 2, it was noted that there are myriad ways for a community government to involve its constituents in the processes of governing the community, ranging from informal processes such as councillors canvassing ideas through their networks to more formal processes such as structured consultations or establishing advisory committees. The data collection process explored each Council's approach to community participation and found that, although there were some differences, the Councils' practices followed largely the same pattern, which will be outlined in the following sections.

Consultation processes

None of the Councils have well-developed structured consultation processes, such as advisory committees or regular consultation forums. In terms of structured consultations, the principal tool used by Councils is occasional public meetings, an approach that is discussed in detail in the following section.

For the most part, councillors rely on their own personal networks to gauge public opinion about issues of concern that arise during Council business (YC1, 143; YC5, 35; LG7, 60; LC2, 173; LC5b, 64; HC6, 71). An observer of Lockhart River Council noted that *“people lobby councillors in the street – you know, like at the canteen and at the store”* (LG7, 60). Although direct contact between elected representatives and their constituents is an important part of the feedback loop for any government, it is notable that Council leaders in the three case study communities consider this approach to obviate the need for any more formal consultation processes. For example, there were no public consultation exercises for the development of Hope Vale Council's draft Corporate Plan in 2006. Instead, the Plan indicated that *“the community were given the opportunity to submit to this plan by talking with Councillors and management”* (Hope Vale Guugu Yimidithirr Aboriginal Shire Council 2006, p.7).

On the basis of the small and close-knit nature of Indigenous communities, there is an assumption that informal networks will suffice as a means for the Council to stay informed about constituents' views. When asked about consultation processes, a Hope Vale councillor dismissed the need for formal processes with the statement *“I know what people want here”* (HC5, 158). At Lockhart River, a community development worker expressed the view that *“[councillors'] networks work well, and people know who they are and they go to them and lobby them... And then the councillors actually... seem to do a reasonable job of bringing*

forward issues that have been raised” (LG#, 60). The Mayor of Lockhart River pointed out that there are cultural protocols around the way these networks operate:

We still have awareness of our culture and customary law, so some family might not talk to me but they can talk to the other councillors like Charlie or Paddy or Lucy, so these families actually go to these seven councillors and say ‘this is what we think should happen’ and so there’s all different ideas which come up, which is good. And, you know, as a leader of this community, we keep an open mind to everyone... (LC#, 64)

Historically, the Lockhart River Council has been in the fortunate position of having representation from all the major family groups in the community.³¹⁷ In this community, therefore, broad-based consultation may be as simple as councillors talking to their own families.³¹⁸ Conversely, family members always have a sympathetic councillor with whom they can raise issues.

This begs the question, however, of how effective councillors’ networks will be in circumstances where the representation on Council is not as diverse.³¹⁹ Indeed, while councillors and Council managers in all the Councils were sanguine about the efficacy of consultation through councillors’ networks, residents were much more sceptical. This was especially the case at Yarrabah, where two residents likened the process to “*Chinese whispers*” because information is not accurately reported back to the Council (YFG4, 31; YN2, 69; also YFG1, 37; YC8, 61). Councillors’ use of family networks was also considered to exclude the views of families who do not have representation on the Council (YC8, 61). A Yarrabah councillor conceded that “*sometimes you got to be careful*” when using family networks for consultation purposes, because feedback being received might not be representative of broader community opinion (YC5, 29).

³¹⁷ The question of representativeness of Councils is discussed further in Chapter 12, Part 6.

³¹⁸ This is illustrated by the following comment of the CEO: “*What we’re trying to do is say ‘you have to talk to your constituents’. They all looked at me and said ‘what’s a constituent?’, [so I said] ‘Alright, you have to talk to all your family’*” (LC#, 173).

³¹⁹ Even where a family group does have a representative on Council, whether their views are heard relies on the effectiveness of the particular councillor. For example, a former Hope Vale councillor recalled that the Council had relied on a traditional owner councillor to consult with his family about the siting of a new police station, but he had not done so and this had led to controversy (HFG1, 53).

Because of the gender-exclusive nature of many networks in Indigenous communities,³²⁰ reliance on councillors' informal networks for consultation also carries the risk of reduced opportunities for the input of women where there is a gender imbalance on the Council. This is a particular problem at Yarrabah, where there has historically been a very low level of representation of women on the Council. The Council's 1996 five-year development plan reported that there is a "perception of alienation and isolation experienced by many women within the community" and that "overall, women need greater representation and inclusion in decision-making" (Nev Bates and Associates 1996, pp.47-48). This was confirmed by interviews with Yarrabah women conducted for the case study (YFG5). The implications for consultation processes is that if councillors, who are predominantly male, only consult informally through their networks, there will be few opportunities for women's views to be raised.

A more direct means of residents' input that was common in all three Councils is the practice of Councils receiving deputations at their meetings. Each Council leaves a time open on its meeting agenda to receive deputations from residents. Council minutes indicate that Councils regularly receive deputations about matters such as housing allocations or requests for support or funding for activities. Although this is not a process of consultation initiated by the Council, it does provide an opportunity for residents to directly raise issues of concern with the Council. This avenue is, however, limited by the confidence and ability of residents to articulate their views. Furthermore, it is questionable whether oppositional or minority groups are as likely to use this avenue as groups that believe they have good prospects of a favourable response.

As an alternative to seeking a deputation to the Council meeting or using informal networks, constituents also have the option of writing to the Council in order to provide input to Council decision-making. In practice, however, the case studies found few examples of residents writing to the Council about general Council decisions or operations.³²¹ For the most part, a review of Council minutes revealed that the few letters that Councils receive from constituents are of a personal nature, involving requests for houses, renovations, pay rises or other benefits.

Another means of consultation involves Council staff consulting directly with the community in relation to proposals that they put to the Council for decision, or in relation to operational

³²⁰ This marginalisation of women, particularly from networks of political power, is discussed further in Chapter 13, Part 4.

³²¹ Rare examples uncovered in the case studies included a letter from a Lockhart River resident suggesting that the Council improve facilities at the beach and undertake some beautification in the community (Council minutes 21/03/05) and a letter expressing concern about the proposed site for a women's shelter at Yarrabah (Council minutes 11/05/04).

aspects of their programs. Senior Yarrabah Council staff indicated that it was their expectation that staff would consult as necessary about programs they are managing (YC2, 56; YC6, 22; YC4, 80). However, Council managers' reports to Council did not indicate a great deal of community consultation or engagement. A notable exception is that the Yarrabah Council has a practice of involving tenants at the design stage of new housing renovations or housing construction. Likewise, Hope Vale Council has done this since 2005 (Council minutes 23/03/05), while at Lockhart River, residents have had no input into house design in the past.³²²

For major development projects, the Councils generally rely on the relevant contractor to consult with the community – for example, in relation to appropriate siting and design of infrastructure and social impact assessments (Yarrabah Council minutes 09/03/00; YC10, 151; LG3, 58; LC2, 163; Cavill Jones Surveyors and Brazier Motti, 2000). However, the capacity of contractors to conduct appropriate and effective consultation is open to question. In interviews, residents indicated that there was little information about new developments and residents were often unaware of the siting of new projects until construction started (YFG3, 60; LN1, 44; LC8, 19). For example, the Lockhart River Council has extensive plans for a new Multi-Purpose Centre to be built in the community, yet a Council worker expressed the view that *“I think it’s only the people in the loop who know it’s going to be built and have said we should have this and have that”* (LC8, 19).

While the Councils are not proactive in consulting residents as a whole about new developments, they are acutely aware of the need to consult traditional owners and undertake cultural heritage assessments (HC2, 24; HC6, 71; HC5, 296; LG1, 88; LC7, 211; YC1, 231; Yarrabah Council minutes 24/01/00, 09/03/00). A Hope Vale Councillor explained that when a land use issue comes before the Council, *“we try and reserve that decision until we go and talk to the traditional owners”* (HC2, 41). Negotiations with traditional owners about land use are often a difficult and contentious matter and they tend to consume much of the Council’s efforts in terms of community consultation and engagement. These processes are not driven purely by Councils’ altruistic desire to respect cultural protocols but also by procedural rights of native title holders under the *Native Title Act 1993 (Cwlth)*.

It was notable that the case study Councils make little use of conventional consultation techniques such as community surveys. A consultant who produced a land use plan for Hope Vale in 2000 reported that the Council advised against the use of a survey on the basis that

³²² The CEO was proposing in 2005 to bring in a consultant to consult residents about appropriate housing design (LC#, 163).

previous response rates were very poor (Cavill Jones Surveyors & Brazier Motti 2000).³²³ Nevertheless, Hope Vale Council did use a community survey in 2003 to canvass opinion about the introduction of an Alcohol Management Plan for the community (Hope Vale Aboriginal Council 2003).³²⁴ About 320 people responded to the survey, which is a good response rate for a community with 478 adult residents (Australian Bureau of Statistics 2002). This suggests that on issues of concern to the community, a survey may well be an appropriate consultation tool for Aboriginal Councils.

Public meetings

In the researcher's experience of Aboriginal communities, public meetings have often been the mainstay of Councils' attempts to engage their constituencies in the processes of community governance. Of the three case study Councils, Lockhart River Council was the most proactive in this regard, holding six public meetings in a twelve month period from November 2004 to November 2005, each attended by about 50 to 80 people (Council minutes 18/11/04, 13/03/05, 03/04/05, 24/05/05, 14/06/05, 16/11/05). The Council further resolved in March 2006 that it would hold a public meeting on the first Monday of every month (Council minutes 08/03/06), but in practice they have been held less frequently than this (LN1, 8). Hope Vale Council also expressed an intention to schedule a public meeting four times a year (HG1, 115), but tends to hold them only in response to particular issues (HC2, 49). Yarrabah Council holds the least number of public meetings of the three Councils, convening only two public meetings in 2004 and 2005, one in relation to native title and one in relation to changes to CDEP (YC1, 101; YC5, 30).³²⁵

A substantial proportion of people interviewed in all three communities expressed a view that Councils should hold more public meetings (YFG1, 23; YFG2, 24; YFG3, 48; YFG4, 29; YC8, 29; HFG1, 59; HG1, 115; LFG2, 40; LN3, 36; LC7, 81, 85; LG7, 54). Residents see these meetings as an opportunity for the Council to not only keep the community informed, but for residents to have input into Council activities. Councils, on the other hand, while recognising that the community wants public meetings, are reluctant to convene them because of the level of

³²³ However, Holden & O'Faircheallaigh reported a 78% response rate to a 1992 survey regarding the Cape Flattery Silica Mine (Holden & O'Faircheallaigh 1995, p.165).

³²⁴ Lockhart River Council also conducted a specific consultation process, using an external consultant, in order to develop a submission to the review of its Alcohol Management Plan in 2004 (Council minutes 15/07/04). However, a survey was not used for this consultation.

³²⁵ Senior Yarrabah staff indicated that the Council had talked about holding a Council meeting in public at the community hall, but they had not found the time to make the necessary arrangements (YC1, 126; YC2, 46).

conflict that often arises in such a forum. As one senior Yarrabah Council officer put it, there is “a fear factor there, of public criticism” (YC8, 25). The Yarrabah CEO indicated that the reason they hold so few public meetings is that it becomes a “theatrical event” and “people with other interests want to come in and... hijack it” (YC#, 145-150). He believes that it hinders rather than enhances decision-making:

Community meetings are few and far between nowadays, because, when an oversensitive issue comes up, people get too personal and [others] just shut up, and it's probably better off if we don't have this meeting at all, because otherwise we'll end up with an uncompromising position. (YC#, 101)

Similarly, at Lockhart River, an observer suggested that “maybe they've had experiences in the past where it's turned into a bit of a really negative thing so it's like ‘why would we do it?’” (LG7, 54). Indeed, the researcher observed a public meeting called by the Hope Vale Council where a number of people (including a councillor) took the opportunity to criticise both the elected Council and the Council administration.³²⁶ On the other hand, it was suggested at Yarrabah that if more public meetings were held, people would have less cause to be critical of the Council (YFG3, 48). According to a Yarrabah councillor, “if you be persistent at community meetings, you'll find that information starts getting out there and people start to quieten down after a while” (YC5, 30).

Some people who were interviewed suggested that the way in which public meetings are conducted is important to their effectiveness. The Hope Vale CEO emphasised that to be useful, public meetings needed to be carefully planned and orchestrated. As an example, he pointed to the unsuccessful meeting that the researcher had observed: “No agenda. Organised at the drop of a hat, or disorganised at the drop of a hat. You know, they're the worst kind of meeting you can have. There's no structure to them. You're just waiting for someone to attack you” (HC#, 81). The Hope Vale School Principal agreed that in any Cape York community, “you really have to strategise and know your community and your audience” for meetings to be successful (HG#, 117). In a bid to reduce disruption by “hecklers” (HC6, 83) and “agitators” (HC4, 46), the Hope Vale Council has sometimes held its meetings in the church hall – “because nobody's going to get irate, not with the pastor sitting there” (HG1, 115). In addition, these meetings have been conducted as community information sessions where the councillors can inform the audience what they are doing, but people are not encouraged to make comments or ask questions from the floor. Although one independent observer said this made

³²⁶ The Hope Vale Community Plan stated that: “Historically general community meetings at Hope Vale have not been particularly successful due to underlying conflicts and clashes of interest within the community. The views of only the most vocal are heard and many do not attend” (Kleinhardt-FGI 2003, p.3).

the meeting more successful, others believed that this was unduly restrictive, because *“the CEO took people’s rights away, to ask questions”* (HFG1, 55) and because the *“agenda should be from the floor”* (HC4, 26).

At Lockhart River, the Council’s challenge is to encourage people to speak freely and provide input rather than to muzzle hecklers and agitators. A Council worker explained that attendance is usually restricted to *“the same old faces, same old people, and when [others] do come they basically just sit there and don’t say anything because a lot of them can’t communicate, you know”* (LC8, 7). The Council has found that holding meetings outdoors under the tree near the store is most effective, because in a closed room people *“feel really tight”* whereas *“if they’re outside they feel more comfortable, and they speak more fluidly”* (LC5b, 130). Taking this a step further, the Council has in recent years convened its learning circle meetings on outstations, which has proven a successful strategy to encourage more community participation.³²⁷

Portfolios and advisory committees

A structured consultation mechanism commonly used by local governments is the allocation of portfolio responsibilities to individual councillors, which entail an obligation for that councillor to keep abreast of community issues and views regarding the matters within the councillor’s portfolio. This model is sometimes augmented with advisory committees through which interested community members can provide a councillor with advice about the councillor’s portfolio. More commonly, the councillor may keep abreast of issues by attending meetings of relevant non-Council community action groups.

Hope Vale and Lockhart River Councils have had allocated portfolios for some years, while Yarrabah Council has only recently adopted this approach. At Hope Vale, it was observed that the councillors were active within their portfolio areas, due to the fact that they were employed full-time as councillors. The councillors regularly attended meetings of community groups and committees relevant to their portfolios. At Council meetings, the councillors reported back on any arising issues or activities within their portfolios. A benefit of the portfolios highlighted by managers of community agencies is that they clearly define the appropriate lines of communication with Council. For example, the school principal raises any matters of concern with the holder of the education portfolio (HG#, 64) and the health clinic manager liaises with

³²⁷ According to the Community Plan: “This has improved the creativity of responses from all participants and recognises the strong cultural connection of the people to their traditional land and sea country” (Lockhart River Aboriginal Shire Council 2005a, p.9). The fact that this was less confrontational than previous meetings is suggested by the following comment in the Council newsletter: “What was good about the Learning Circle was that everyone listened in an equal way and no raised voices. It was a relaxed way to have a meeting out there” (*Waanta*, Issue 11, 11/11/05).

the health portfolio holder (HG#, 12). There are no Council-convened advisory committees at Hope Vale,³²⁸ but the councillors participate in community groups such as the Health Action Group, the Community Justice Group and the kindergarten management committee.

Lockhart River has had councillor portfolios for several Council terms, but the concept had only been actively implemented in the 2004 term of the Council (LG7, 30; LG2, 144). As part of an effort to mentor the councillors in leadership, the CEO and community development facilitator were encouraging councillors to be more active within their portfolios (LC#, 173). Council minutes record that on 28/9/04, “The Chairman said a few words about the need for the Councillors to start to take a more proactive role with their portfolios and bring back information from any meetings that they attend.” The Council chose to allocate two councillors to each portfolio, so each councillor has a “buddy” as they learn the new role (LG7, 30). Because this is a new concept for the councillors, they are still finding their way, and according to the CEO, “*there’s still a long way to go*” (LC#, 110).³²⁹ Indeed, interviews with community stakeholders revealed that some of the councillors were not attending relevant community meetings or staying up to date with their portfolios (MG1, 17; LN1, 64). The most effective councillors in this regard were reported to be the two female councillors, who attend health and women’s meetings and regularly report back issues of concern to the Council (LG7, 64; LC2, 110, 173).

At Lockhart River, the Council’s intention is to establish advisory committees, or “leadership groups”, for each of the portfolio areas. This model is articulated in the Community Plan, which sets out for each portfolio, the outcomes sought and the councillors and leadership group that will be responsible for pursuing them. According to the community development facilitator, these groups are in “*various stages of formation or development or not existing*” (LG#, 30).³³⁰ The Council also convened a monthly inter-agency forum of community service agencies for several months in 2005, but the initiative was not sustained (LG4, 23).

³²⁸ The establishment of a housing committee has been discussed for at least five years (Council minutes 23/11/00) and some councillors are supportive of the concept (HC2, 31; HC4, 70) but it has not yet occurred.

³²⁹ According to the CEO, the Councillors were starting to attend the relevant meetings, but they were not yet consistently reporting back (LC#, 110).

³³⁰ For example, a Community Justice Group has been in existence for several years, a Health Action Group is in its infancy, a Housing Committee has been established, a men’s group and women’s group have been established but have not been sustainable, and no youth group, land and sea group or sport and recreation group have been established.

At the time of the data collection for the case study in 2005, the Yarrabah Council did not have any portfolios or advisory committees. However, representatives of community organisations suggested that councillor portfolios for areas such as health and education would improve the capacity of community organisations to provide input into Council decision-making (YN3, 39; YG7, 26). A number of people interviewed also spoke of the need for the Council to set up advisory committees as a means of increasing community participation in Council decision-making (YFG4, 43; YN2, 67).³³¹

The Yarrabah councillors elected in 2004 had been pressing for the implementation of portfolios and committees (Council minutes 01/05/04, 07/09/04, 05/03/05; YC1, 118; Y10, 97) and in late 2005, the Council established three portfolio committees comprised of four councillors and the relevant manager. These committees are internal Council committees without community participation. However, in 2006, the Yarrabah Council established committees to assist the Council to manage its community housing and CDEP programs. Significantly, these committees are not merely advisory committees, but are to be delegated full decision-making authority over aspects of the programs.³³² The committees represent an effort by the Yarrabah Council to enable greater community participation in Council decision-making and to reduce the decision-making burden on the Council.

In an Aboriginal community, councillor portfolios would seem to be a useful tool for instituting a more structured approach to councillors' consultation with the community than the use of councillors' personal networks. Portfolios encourage the formation of institutional networks between the Council and key interest groups. Furthermore, advisory committees provide a more structured means for interested community members to participate in Council decision-making. As one Yarrabah resident suggested, advisory committees are a means for Councils to engage with community residents without the same level of conflict that occurs in larger public meetings (YN2, 69).

Notwithstanding the benefits of portfolios for improving community engagement, an insight of the Hope Vale CEO illustrates that the allocation of portfolios can have detrimental impacts on a Council's governance. The CEO noted that individual councillors are very focussed on their own portfolios and their pet projects within those portfolios, but this often hampers their ability to appreciate the bigger picture of how all of these issues inter-relate (HC#, 9). It may be that

³³¹ This had also been a recommendation of the 1996 Five Year Development Plan (Nev Bates and Associates 1996); and the 2002 Yarrabah Health Action Plan (Yarrabah Aboriginal Council et al 2002, p.24).

³³² This is possible by making a local law pursuant to Part 5 of the *Local Government (Community Government Areas) Act 2004*.

this compartmentalised approach to councillors' roles contributes to the lack of a unified strategic direction at Hope Vale, as discussed in Chapter 6 (Part 4). It is perhaps worth noting that Yarrabah Council, which has not had portfolios until recently, exhibits the most united and consistent strategic vision of the three Councils studied.

Community planning processes

A critical area for a Council to engage its constituents is in any processes for strategic planning for the Council organisation or community planning for the Council as a whole. The three Councils' efforts in strategic planning were discussed in Chapter 6 (Part 4). It was noted that a succession of consultant-produced community plans in the three communities had generally used methods that involved limited community participation.

A more detailed examination of community involvement in planning in recent years, however, reveals a significant improvement in these processes arising out of the Queensland Government's negotiation table processes. Chapter 6 outlined the widely-acclaimed community planning process at Lockhart River, which has been facilitated by a government officer placed in the community for a number of years to assist and mentor local leaders. In more recent times, negotiation table processes have also given rise to more participatory community planning at Yarrabah and Hope Vale.

At Yarrabah, the Council was given funding by the Queensland Government to employ a 'change manager' in late 2005 to assist the Council with many of the challenges arising from the transition to the new local government legislation and with the negotiation table process in general. One of the main activities of this officer has been to improve the level of community participation in planning leading up to Yarrabah negotiation tables. For the Yarrabah housing negotiation table held in June 2006, a series of community workshops were held and a community housing committee was established. While this occurred after the main data collection visits to Yarrabah for the research case study, available information reveal a far greater degree of community participation in the Council's forward planning for these negotiation tables than was the case for any previous Council initiatives, including the 2003 five-year community development plan.³³³

At Hope Vale, the opportunities for community participation in Council activities have taken longer to emerge from the negotiation table process. This is due to the fact that during the negotiation tables held before 2005, the Council deliberately excluded the community from participation. Residents complained that "*they shut us out before*" (HC2, 75) and "*the*

³³³ For example, the Council commissioned a video in which residents were interviewed in their houses to demonstrate to Government the level of overcrowding and the dire housing shortage in the community.

negotiation table and the community have been kept separate” (HC10, 137). This was apparently due partly to the attitude of the CEO at that time, as well as a reluctance on the part of the Council, particularly the Mayor, to open up the negotiation table meetings for fear of being embarrassed by community criticism of the Council (HG2, 26; HG1, 169). However, at the urging of the Government Champion, the Deputy Director-General of the Department of Communities, negotiation tables held since November 2005 have had a greater level of community involvement, including significant input from Hope Vale school children (HG2, 26; HG3, 42). According to one observer, *“the negotiation tables have just recently started to be more useful and productive”* because *“it is more two-way between the Council and the community now”* (HG3, 42). However, in contrast to Lockhart River and Yarrabah, without a dedicated facilitator based in the community for this task, the level of pre-planning for the negotiation tables, and the level of community participation in this pre-planning, have continued to be limited.³³⁴

³³⁴ A Government officer based in Cairns has sought to maximise community participation in the planning for negotiation tables (HG1, 149).

Appendix 3 – Cross-case data analysis:

Openness and transparency

Introduction

In the prescriptions of good governance reviewed in Chapter 2, including the United Nations' list of universal principles (see Box 1), openness and transparency in governance are a recurring feature. The case studies included an evaluation of the three Councils' practices in terms of openness and transparency in their decision-making and operations.

Council meetings

Legislation requires that Council meetings are open to the public and that public notice is given of the dates of meetings (s.462 and s.464 of the *Local Government Act 1993*). It is rare, however, for a member of the public to sit in the public gallery during any of the three Councils' meetings.³³⁵ At Yarrabah and Lockhart River, the design of the Council Chambers is not conducive to attendance by members of the public. In both cases, the meeting room is located well away from the public entrance on the second floor of the building and has little seating for visitors.³³⁶ Both Council Chambers were specifically designed in this way by the Councils themselves. The former Lockhart River CEO explained the rationale: "*Lockhart had bad experience with the office down near the shop there. Because people actually used to walk through the Council meetings. That's why they designed it to be locked away the second time*" (LG#, 156). The Hope Vale Council meeting room is more accessible to the street, but there is little seating available, and the Council has taken to holding some meetings on properties outside the township in order to minimise distractions. In all three Councils, doors to the meeting rooms are firmly shut while meetings are in progress. An observer at Lockhart River was indignant that the councillors "*close the door, and they do not allow people in*" (LFG1, 125).

³³⁵ Yarrabah Council minutes for 2004 record two individuals as being present in the public gallery (Council minutes 11/05/05, 07/09/04). A longstanding Yarrabah councillor confirmed that when the rule about meetings being open to the public was introduced in the mid-1990s, there was more interest from the community, but that people soon got bored with sitting in on meetings (YC5, 36). At Hope Vale and Yarrabah, councillors and staff could not recall a total of more than a handful of people sitting in the public gallery over the past five years (HC4, 64; HFG1, 127; LC8, 43; LFG1, 123; LG7, 62; LG2, 156).

³³⁶ Another obstacle at Yarrabah is that Council meetings tend to be held in the evenings and the front doors to the Council building are locked at 5.00pm (YC1, 129).

There is a sense of being ‘under siege’ in the way that the Councils conduct their Council meetings. Their reluctance to open the meetings up to members of the public is borne out of the same misgivings that the Councils have about convening public meetings. There is a desire to avoid conflict and disputation and reduce the opportunities for residents to make direct demands on the Council.

The consequence of this approach, however, is that residents see the Councils as aloof and disengaged, conducting their business in secret. A strongly recurring theme of interviews with residents in the three communities was the complaint that Councils make their decisions “*behind closed doors*” (LC8, 41, 63; LN1, 50; LG2, 148; HFG1, 61, 125; YFG1, 33). The following comment by a Lockhart River resident (and ex-councillor) is illustrative: “*Council’s always been a behind the door, secret society sort of thing*” (LC8, 63). Another example of this perception arose during an interview with CDEP workers at Yarrabah, where the view was expressed that “*the Council, they do everything behind closed doors, without anyone knowing*” (YFG1, 33).

In addition to Council meetings being open to the public, the *Local Government Act 1993* also requires that the minutes of Council meetings are open to inspection by the public (s.468). At Hope Vale and Lockhart River, the CEO has custody of the minutes, while Yarrabah Council minutes are easily accessible through the receptionist at the Council chambers. Yarrabah Council staff indicated that a number of residents have taken the opportunity to inspect the Council minutes (YC1, 155; YC2, 65). At Hope Vale, residents occasionally ask to see the minutes (HC4, 64). At Lockhart River, the CEO stated that no one had ever asked to see the minutes (LC#, 189).³³⁷

In relation to Council minutes, it was notable that Yarrabah meeting minutes are far more comprehensive than the other two Councils. The minutes at Yarrabah tend to detail the content of debate and discussions around issues, whereas the minutes at Hope Vale and Lockhart River usually only record the general topic of the discussion and the resolution.³³⁸ Minute-taking is

³³⁷ A former Lockhart River councillor indicated that people might not be aware that they could ask to see the minutes (LC8, 45). CDEP workers at Lockhart River suggested that the Council should post the minutes on the noticeboard so that people did not have to ask to see them (LFG2, 46).

³³⁸ Audit reports have criticised all three Councils at various times in the past few years for failing to have minutes of previous meetings ratified at subsequent meetings and signed by the Mayor. While this is a relatively minor transgression, audit reports for Lockhart River have raised more serious deficiencies with minutes, including: minutes missing for several meetings (Queensland Audit Office 2002, p.A1; 2004, p.A16; 2005, p.A3); minutes incomplete; and insufficient supporting documentation (Queensland Audit

the responsibility of the Council CEO, so the quality of minutes is highly dependent on the skills and preferences of the CEO. A review of Yarrabah minutes since 1995, however, indicates that the Council has had a practice of keeping detailed minutes that spans the tenure of several CEOs. The current Yarrabah CEO has a practice of typing the minutes during the Council meeting with the document displayed for councillors on a screen using a data projector. This enables immediate feedback from councillors on the accuracy of the minutes and the wording of Council resolutions. Despite the lack of openness in the conduct of Council meetings, the quality of the Council minutes and their ready availability at Yarrabah does demonstrate a commitment by the Council to transparent decision-making.

Conflicts of interest

A hallmark of openness and transparency of any government is its commitment to transparently managing conflicts of interest. The legislation requires that a councillor who has a material personal interest in a matter being discussed must declare that interest and withdraw from decision-making. In closely-knit Indigenous communities, conflicts of interest arise frequently for councillors as a result of family affiliations. A review of Council minutes indicated that this requirement is followed scrupulously in Yarrabah, but less consistently in Lockhart River and Hope Vale. In almost every meeting at Yarrabah, there is at least one instance where a councillor declares their interest and leaves the room while a matter is being discussed. This rule is repeatedly enforced by the CEO and by the councillors collectively.

At Lockhart River, in the past the Auditor-General has been critical of the failure of councillors to declare interests and withdraw from decision-making, even where the subject matter directly involves their own personal interests (Queensland Audit Office 2003b, p.A10). For example, in 2002, two councillors participated in a Council decision to allocate two new houses to these councillors. A review of the Council minutes shows several other occasions during the term of the previous Lockhart River Council where councillors did not declare their interests in decisions such as the discounted sale of Council assets to councillors without a tender (Lockhart River Council minutes 27/01/02, 13/02/02). During the term of the 2004 Council, however, the minutes show that councillors were regularly declaring interests and removing themselves from discussions. The Mayor expressed a clear understanding of the conflict of interest rule (LC#, 52) and it was evident that the CEO was actively reinforcing it during Council meetings (LG5, 55; LC2, 153; LG7, 36).

Office 2003, p.A1). However, the Council's 2005 audit report noted an improvement in the format and content of the minutes since January 2005 (Queensland Audit Office 2005, p.A4).

A review of the Hope Vale Council minutes revealed that the requirement for councillors to declare conflicts of interest and have this recorded in the minutes has not been followed consistently during the period under study. For example, a councillor was routinely present during decisions regarding benefits to a Council officer who was a member of the councillor's immediate family (Hope Vale Council minutes 29/08/00, 23/02/05). Another councillor was present during decisions about renovations to the councillor's house (Hope Vale Council minutes 16/11/04). However, on other occasions, the minutes show that councillors did declare their interest and leave the room (for example, 16/11/04, 15/12/04, 20/04/05). On one occasion, four councillors declared a conflict of interest in relation to a \$60,000 contract payment for a consultant who was the brother of one of the councillors and the first cousin of another three (Hope Vale Council minutes 22/08/05). On this occasion, the councillors did not leave the room, presumably because there would no longer have been a quorum.

Public communication practices

There are numerous formal and informal avenues available to Councils to communicate information about Council activities to the public. The case studies revealed that, as in the case of consultation with the community, the Councils rely on informal 'word of mouth' channels to convey information to the community (YFG3, 60; YC5, 37; YG7, 32; HG1, 135; HC6, 53; LG7, 70; LC7, 93; LFG1, 127; LFG2, 52; LC2, 177; LC8, 13). A Yarrabah councillor suggested that this was appropriate, because the community preferred verbal communication to written communication or new technology such as the internet or email (YC5, 37). An observer at Lockhart River expressed the view that more formal communication processes may not be necessary because "*enough goes out on the grapevines*" (LG7, 70).³³⁹ The Lockhart River CEO confirmed that news travels quickly about Council decisions: "*They know about what has happened in the Council meeting before I even type the minutes. There is nothing sacred or confidential in the whole building*" (LC#, 177).

Of course, this method of communication carries the same limitations as the use of informal networks for consultation. Residents marginalised from the networks of power and influence will be left out of the loop, and even where information is passed on, it may be distorted through a process of 'Chinese whispers'. The problem of inclusiveness of communication flows was highlighted by previous research at Hope Vale:

Communication at Hope Vale occurs mostly through informal networks and these operated largely along family lines. News spreads quickly through the informal system.

³³⁹ According to a Lockhart River Council officer, this is known locally as "'carry yarn': I tell 'im, 'im tell 'im, then he tells the next person" (LFG1, 127).

However, not all families are part of those communication chains which are linked to people with access to positions of information and influence. Obviously those who are least able to access information in the community and least able to express opinions are those who are most marginalised socially and economically. Some people in the community complained to us that they were not as informed about important Council matters as they felt they should be (Holden & O'Faircheallaigh 1995, p.132).

At Lockhart River too, a former Council officer questioned how well the grapevine operated: “Some people had no idea what was going on in the Council, though. A lot of the people. I used to think, don't these blokes [the councillors] talk to their families in the community?” (LG3, 54).

The potential for misinformation poses major problems for the Councils. A Yarrabah community development plan highlighted that “information within the community is often rumour based and open to a large distortion factor. This can create unnecessary concern and conflict within the community” (Nev Bates and Associates 1996, p.10). Council CEOs who were interviewed indicated that dealing with controversies caused by misinformation consumed a large amount of their time.

The problem is [residents] get little snippets of information and they try and build something out of it. They don't ask what it means... That automatically ignites and goes off like dry grass on a windy day. Next thing you know, it's everywhere. And I spend the next two weeks trying to put out bushfires and all the little spotfires. And I've got to continue to repeat myself. (HC#, 53-55)

The Lockhart River CEO recounted that the Council had decided to recommend to the government's review of the community's alcohol restrictions that takeaway beer be allowed on Friday nights. This was only a recommendation and was part of a lengthy review process, yet when the story in the community trickled back to the CEO three days after the Council made its submission, people believed that the change was going to be implemented from that Friday: “So everyone gets to know about it, but whether or not it's accurate...” (LC#, 179). A former councillor suggested that misinformation was inevitable when relying on word of mouth: “you know what's it like when you relay messages, it sort of gets mumbled up here and there and all of a sudden you're hearing this completely different story to what it was” (LC8, 13).

As the majority of adult residents in the communities are employed by the Council, the Councils rely partly on their internal communication channels to provide information to residents about

Council activities. However, this is also an imperfect communication tool, given the inadequacies in internal communication practices highlighted in Chapter 7 (Part 5).³⁴⁰

All the Councils have at some stage used newsletters to communicate information about Council activities to the community. The Yarrabah Council's librarian produces a monthly newsletter, *The Yarrabah News*, which is intended to include Council information as well as general community news (YC2, 61). However, residents indicated that in recent times the newsletter was more about general community news than about the Council (YFG4, 39; YFG1, 36; YFG3, 60). Senior Council staff conceded that the newsletter was "*deficient*" and that staff were often too busy to use it for communication of Council activities (YC1, 156; YC8, 21). One officer suggested the need for a dedicated media officer (YC8, 21).³⁴¹

At Lockhart River, the Council started producing the *Waanta* newsletter in 2005.³⁴² The newsletter was the initiative of a new Community Development Manager and included extensive information about Council activities, such as information about the learning circles and community planning activities and notices about Council operations such as housing repair processes. Residents and Council officers expressed differing views about how widely the newsletter was read, with some suggesting that most people threw it away or only looked at the photos if at all (LFG1, 85; LG7, 72; LC8, 170; LN1, 52; LFG2, 42). CDEP workers indicated that some people "*don't believe any of it, so they throw it away*" (LFG2, 42).³⁴³ The school principal highlighted that the newsletter is very important for literacy in the community, because outside of the school, it is the only form of written communication that children are exposed to (LG#, 51). The power of the newsletter as a tool for engaging the community is highlighted by the following comment of a Council officer:

It's a really good way of communicating. It also drew people into the office. They'd all stand around Ivy's [the editor's] computer, look at the photos, we'd print them out. And people that I never even saw before, once that paper started, they'd come into the office and we were able to also tell them about other events, tell them what else was

³⁴⁰ For example, several CDEP workers interviewed at Yarrabah complained that they received very little information through the Council's internal channels (YFG4, 24; YFG1, 19).

³⁴¹ In recent times, councillors have called for more Council information to be included in the newsletter (Council minutes 11/05/04, 08/02/05). Reports to Council from the Librarian indicated that there was a lack of interest in the newsletter from the community but he was endeavouring to work closely with Council staff to include more Council news.

³⁴² 'Waanta' means 'carry a message' in the Kuuku Ya'u language.

³⁴³ This was reinforced by a Council sport and recreation officer, who said that people did not believe any of the stories that she submitted to the newsletter unless there was a photo to prove it (LFG1, 133).

going on. One lady came in, who doesn't function that well, but she came in and had a story for us, she said 'can I tell you something for that paper?' and I was so impressed. And that's what community development is about, building people's confidence..."
(LC3, 34)

Unfortunately, since the departure of the Community Development Manager in early 2006, the newsletter has been produced only sporadically, and has not included very much Council information (LN1, 52).

The Hope Vale newsletter, the *Hope Vale Milbi*, was also suffering a hiatus at the time of the data collection in 2006. The Council employee who had been producing the newsletter was on maternity leave and had not been replaced. Councillors and residents reported that when the newsletter was available, it was appreciated by the community as a means to stay informed about Council business (HC9, 99; HC2, 61; HFG1, 129). The CEO expressed the view that it wasn't used as effectively as it could have been, but "*it was a good mechanism, a good format for driving some things*" and a better way to convey information than word of mouth (HC#, 87).

The Yarrabah Council has an operational community radio station using government-provided BRACS facilities.³⁴⁴ The Council occasionally uses the radio station to broadcast important information (YC2, 64; YC5, 37). BRACS community radio has also been used effectively at Hope Vale in the past, but the facilities have been dormant due to lack of funding in recent years (HC2, 61; HG1, 139). At Lockhart River, the community does not broadcast local radio content using the BRACS facilities.

Another avenue for communication with constituents is the use of the regional print media. Both Hope Vale and Yarrabah Councils have outspoken Mayors who have used regional newspapers to communicate some of their plans and views.³⁴⁵ Some Yarrabah residents interviewed were sceptical about this, suggesting that local newsletters were a more appropriate communication tool (YN4, 63; YC8, 23).

All the Councils use public notices as a means of communicating with residents, but low levels of literacy in Aboriginal communities limit the efficacy of this tool. According to a Lockhart River Council officer, "*people just don't read noticeboards, that's a whitefella thing*" (LC#, 183; see also LC8, 13). The CEO lamented that he often fell into the trap of posting a notice of a meeting and expecting people to turn up, when they rarely do (LC#, 183). Even at Hope Vale

³⁴⁴ BRACS stands for Broadcasting in Remote Aboriginal Communities Scheme.

³⁴⁵ In the case of Yarrabah, the regional newspaper is the *Cairns Post* and in the case of Hope Vale, it is the *Cairns Post* and the *Cooktown News*.

and Yarrabah, where the levels of literacy are higher than Lockhart River, public notices are used only occasionally (YC2, 64; HC4, 62).

In the past, it has not been a requirement of Aboriginal Councils to produce annual reports on their activities, although this requirement will come into place in 2008 (*Local Government Act 1993*, s.531). Nevertheless, Yarrabah Council produced annual reports between 1996 and 2001, the first Aboriginal Council to do so. The CEO explained that the Council has not produced annual reports since 2001 because of a lack of interest from the community and the cost of producing the report (YC#, 160). Hope Vale Council has never produced an annual report, while Lockhart River produced its first annual report in 2005. The report was part of its community planning initiative, but it appears to have been directed as much at government stakeholders as constituents. The case studies do not provide any evidence that annual reports have been a particularly effective tool for Aboriginal Councils to communicate with their constituents, but this may change as more Councils produce them under the new legislative requirement. A user-friendly format is likely to be important for annual reports to be useful in an Aboriginal community.

Community awareness of Council activities

With the knowledge of the foregoing assessment of the various tools that the Councils employ to communicate with their constituents, it is instructive to consider the actual level of awareness in the communities about the Councils' plans and activities. This provides an indication of how successful the Councils have been in their efforts to keep their communities informed.

In the light of residents' criticisms about the Councils' communication practices, it is not surprising that the case studies found that constituents were not well-informed about Council operations. The lack of consultation and community information about significant new Council initiatives was raised repeatedly by residents in all of the communities. At Lockhart River, for example, the Council made significant decisions in 2006 to relinquish its management of its CDEP program and its community housing program to other service providers. Despite the substantial impact this could have on residents, there was little knowledge of the changes in the community (LC8, 9; LC7, 9). As one resident put it, "*that's the thing, see, like we don't know about it, and it's happening underneath our feet, you know*" (LC8, 55).

At Hope Vale, a number of people interviewed referred to the Council's decision to participate in the Welfare Reform Project being implemented by the Cape York Institute for Policy and Leadership. The project involves development of new proposals to radically re-design the delivery of welfare programs in the participating communities, which will have a significant impact on residents. When residents discovered that the Council, and particularly the Mayor, had agreed to be part of the project, there was considerable anger (HFG1, 165; HC9, 97; HG1,

105). A government officer based in Hope Vale recalled that when representatives from the Australian Government and the Institute came to Hope Vale to discuss the project they were surprised to find that *“no one knew anything about it”* (HG1, 105). They had wrongly assumed that the Council had informed the community about the initiative.

At Yarrabah, the manager of an organisation in the community expressed frustration that *“we don’t get any information from Council”* with the result that *“sometimes we find out about things through the back door or once they’ve started”* (LG7, 32). At Hope Vale and Lockhart River, concerns were raised that the community was unaware when politicians or other important people were visiting the community (LFG1, 115; HFG1, 131).

Decisions about the management of housing are an issue of particular importance to the communities. However, residents in all three communities received little information about these matters. When asked how residents find out about Council’s housing allocation decisions, a common response was that residents do not know until the new tenants move into the house: *“You just see someone in the house [and say] ‘oh, how did that fellow get in that house?’”* (LC8, 49; also LN1, 48). While the Yarrabah Council at least publishes the housing waiting list on a notice board in the community, residents at Hope Vale and Lockhart River have no information about this.³⁴⁶ The Hope Vale Community Plan (Kleinhardt-FGI 2003, p.15) recommended that the housing list be published in order to “provide transparency, reduce disputation [and] channel frustration”, but this has not been acted upon.

It was noted earlier that the Councils have not been proactive in consulting residents during strategic planning exercises. A consequence of this is that there is little understanding within the community about the Councils’ plans for the future. Even at Lockhart River, which has been recognised for the inclusiveness of its recent community planning process, the case study revealed little awareness of the plan amongst residents. At a collective meeting with the CDEP workers, none of the workers appeared to know the substance of the community plan (LFG2, 32; also LN1, 36). Speaking about the community planning, a Council worker commented that *“it’s still happening upstairs, them things, we don’t know nothing. All them elders, they don’t know...”* (LFG1, 93). The Mayor conceded that the Council was still struggling to get the message across: *“And some of the other young CDEP workers, now they’re thinking ‘what this community plan?’ because none of them have seen this thing. We didn’t have any youth meetings lately, so we’re trying to pass this message across to them...”* (LC#, 132). Another

³⁴⁶ In a letter to the Council on 21/12/04, a resident tells of her frustration at being told by councillors that she was high up on the waiting list, only to find, when a councillor finally took her into the office to look at the list, that her name was not on the list at all.

councillor suggested that the Council needed to hold more public meetings to explain the community plan (LC7, 111).

Of the three Councils, Yarrabah has been the most proactive in conducting strategic planning and engaging contractors to consult the community for the five-year community development plans. Despite this, a Council officer expressed concern that the overall plans were not communicated to the community:

It's good having strategic planning but some of that strategic planning stuff is all rhetoric and you really disconnect from local community people out there. I sit in those senior staff meetings and it's really good as an overall planning stuff, but sitting down there on the beach with someone, well, they really don't know what's happening. There's no information being portrayed from the Council to the people. There's a little bit of stuff happening through the Yarrabah News, ... and through the media through Cairns Post, but I think... Councils need to have a relationship with the people out there. (YC8, 57)

Appendix 4 – Cross-case data analysis:

Engagement with community-based organisations

Introduction

At the community level, an Aboriginal Council is only one of a number of institutions that participate in the processes of community governance. Other institutions involved in community governance include unincorporated community groups and committees, incorporated non-government organisations (NGOs) that deliver various services, enterprise bodies, traditional owner organisations, adjunct bodies to government agencies such as Parents & Citizens committees, and the local church. Table X profiles the range of organisations that currently exist in the three case study communities. The three government agencies that typically have a local presence – police, health and education – are also considered in this analysis because they tend to play an integral role in community governance processes.

Extensive data were collected from the case studies in relation to the nature of the relationships and interactions of the Councils with community-based organisations. To supplement information gleaned from Council minutes, plans and other documents, interviews were conducted with representatives of NGOs and community groups, as well as with school principals, police officers and health clinic representatives in each community.

Approaches to engaging community-based institutions

The case studies revealed differences in the approaches taken by the Councils to engaging with community institutions. Lockhart River and Hope Vale Councils have created a framework for their engagement with the community by allocating portfolios to each councillor. Community organisation representatives, including locally based government officers, were generally positive about this approach because it creates a single point of contact through which to liaise with the Council (LG7, 29; HG3, 12; HG1, 66; LG4, 33). In contrast, managers of community agencies at Yarrabah were critical that the Council had not created portfolios, although the Council has subsequently done so (YN3, 39; YG7, 26):

I've always believed that councillors should be responsible for portfolios but they've never done it. I can't see how you get direct community involvement by just sitting in the office up there. There's no subcommittees. My ideal scenario for a Council is that

they would have portfolios and they would have recognised positions on the boards of community organisations so they could report back to Council. (YN2, 67)

In the absence of a structured approach to coordination of activities with community organisations, the Yarrabah Council has relied on direct communication in the past. Apart from informal conversations between councillors and community organisation representatives, it has been common for deputations from community organisations to attend Council meetings to discuss issues of mutual interest.³⁴⁷ However, this approach has not proven to be an adequate approach to coordination at Yarrabah. A representative of one community organisation commented that *“the lines of communication really haven’t been that good”* (YN3, 15). Organisations involved in health service delivery have expressed particular concern about the Council’s poor involvement in the Yarrabah Health Partnership, which comprises the Council and relevant community organisations. The Council entered an agreement with Queensland Health regarding a new health centre in the community, but did not consult with community organisations sufficiently through the health partnership process (YN3, 102).

At Lockhart River and Hope Vale, the Councils have from time to time made efforts to improve their coordination and engagement with community organisations by holding regular inter-agency meetings. In late 2005, the Lockhart River Council initiated monthly inter-agency meetings following the regular Council meetings (Council minutes 12/08/04).³⁴⁸ While one Council staff member reported that the meetings were valuable (Community Development Director’s report, September 2005), representatives from government agencies in the community were disappointed in the meetings (LG4, 31; LG8, 21). They saw the meetings as ineffective because the agenda was too open-ended and because some participants saw it as *“an opportunity to attack and to make fairly unreasonable demands”* (LG4, 23), which led to the meetings deteriorating into a *“sledging match”* (LG8, 21) between the Council and agencies or between agencies. Ironically, the Mayor indicated that the Council’s objective in convening the meetings was to *“try and get everyone working together, not fighting each other or biting at each other’s throats”* (LC#, 68). As a result of the failure of the inter-agency meetings, a more limited and informal approach has evolved whereby the government managers seek to meet

³⁴⁷ For example, in 2004 Council minutes recorded visits from representatives of the CDEP Store Committee, the Women’s Corporation and the Guru-Gulu Gungandji Aboriginal Corporation (Council minutes 13/01/04, 11/05/04, 10/11/04). Occasionally, the Council formalises arrangements with community organisations by signing a Memorandum of Understanding about service provision and resource sharing (YC1, 149).

³⁴⁸ The meetings were attended by the full Council, senior Council staff, the school principal, the police sergeant, the Director of Nursing at the health clinic, two local rangers from the Environmental Protection Agency and the art centre manager.

with the Council CEO on a monthly basis. This has proven to be more practical with a reduced level of political conflict.³⁴⁹

At Hope Vale, a more coordinated approach between the Council and the community organisations was, in fact, initiated by the school. At the beginning of the 2006 school year, behaviour problems at the school reached a crisis point, leading the school principal to request that the Council convene a whole-of-community meeting. The Council agreed and held back the payment of wages on a Thursday morning to ensure that residents attended. The outcome of the meeting was the establishment of a ‘focus group’ comprised of representatives of community agencies and community residents, with the aim to develop strategies to address the issues in the broader community that were contributing to the problems at the school. The group meets monthly and participants report that it has had a positive role in improving the coordination of programs and services in the community (HG1, 78; HC5, 42; HG3, 36). The Council supports the group by providing meeting facilities and staff to take minutes and facilitate the meetings. The Council has not yet, however, fully capitalised on the focus group as an opportunity to improve its engagement and coordination with community agencies (HC5, 42; HC4, 128; HFG1, 159). Councillors and Council staff do not attend all of the meetings and do not appear to use the forum to discuss Council programs or strategic priorities.

A further method of engagement with community-based institutions is through community based-planning activities. At Lockhart River, such processes have been the catalyst for improvement in the Council’s engagement with community agencies in recent years. As there are no non-government community service organisations, the priority has been on coordination with the various government agencies located in the community, and the unincorporated community groups. An example of the improvement in coordination was the organisation of a mental health day in 2006. The day involved close collaboration between the Council, the health clinic, the Royal Flying Doctor Service and the school. The establishment of councillor portfolios has enhanced communication and the negotiation tables (known as ‘learning circles’) have provided a forum for coordinating Council’s activities with community agencies (LG4, 39).

Relationship with community-based government agencies

The relationship between the Councils and the three community-based government agencies was generally positive in all three case study communities. In relation to the school, the

³⁴⁹ A Government manager described this as follows: “*There was no agenda but we set goals that were realistic and achievable and then ticked them off as we went. Left the more difficult issues aside. This worked well, but the last one was in January because we have had the cyclone and the riots since then. The problem is that we are all too busy and it’s hard to get a time when everyone is available*” (LG8, 21).

Councils collaborate closely with their respective principals on common issues of concern, typically behaviour management and school attendance problems (HG1, 10, 16; LG4, 33; YG5, 7). There are numerous instances where the Councils share resources with the schools, including facilities and equipment for community events and vehicles and buses for trips out of the community.³⁵⁰ The Lockhart River principal explained that schools have more flexibility regarding their use of resources:

We have a great deal of resources... which is unlike any other sector of the community; we're also a bit more able to manipulate what we've got. I'm able to make a decision locally about how we can do things, a lot of other government departments can't do that, don't have that freedom. So I can support a lot of initiatives. (LG#, 53)

It was clear from the case study interviews that education is a key priority for Councils and the congruence with school objectives underpins the positive collaboration between the Councils and schools (YG5, 32; LG4, 33; HG1, 34).

In relation to policing and health, there is also a broad congruence between the objectives of the Council and the relevant government agencies, although the level of collaboration has not been as extensive as in the area of education.³⁵¹ With respect to policing, there is a necessity for Councils to collaborate with State Police around the employment of Community Police. Under State legislation, Community Police are employed and funded by Aboriginal Councils, but are trained and work under the supervision of State police stationed in the community.³⁵² The Councils also have regular dealings with State police about law and order matters of shared concern. While there is a shared interest in improving law and order, these dealings often reveal differing expectations on the part of Councils and police about how policing should be

³⁵⁰ In all of the communities, the Council places CDEP workers at the school to assist with school activities, including teacher aide work, breakfast and lunch programs and sport and recreation activities. There is also collaboration between the Councils and the local schools on leadership development and training initiatives: at Hope Vale, school students have contributed at the negotiation tables between the Council and government; at Lockhart River, the school council has attended Council meetings to observe and ask questions; and at Yarrabah, the Council has placed students in Council workplaces as part of a school-based traineeships scheme.

³⁵¹ In health, the principal areas of collaboration are again in the placement of CDEP workers at the health clinic and joint planning and resource sharing around health awareness activities such as World AIDS Day.

³⁵² *Aboriginal Communities (Justice, Land and Other Matters) Act 1984*, sections 12 and 13(4). However, at Yarrabah, community police have been employed by QPS as 'Queensland Aboriginal and Torres Strait Islander Police' (QATSIPs) under a pilot scheme (which is soon to be abolished).

undertaken.³⁵³ This is illustrated by the comments of a Hope Vale councillor: *“Police are more rigid, they don’t listen to Council the way they should. We’ve suggested things. As individuals they’re good blokes but the police force is a bit rigid”* (HC5, 225).

Communication between the Councils and the three community-based government agencies appears to have been good, regardless of the engagement mechanism used by the Council. The portfolio model is the preferred mechanism on the part of the agency representatives, because it provides a direct conduit to the Council. Inter-agency committees were considered useful, depending on how they were managed. The level of communication was considered less satisfactory by agency representatives at Yarrabah, where there were neither portfolios nor an inter-agency committee. The engagement at Lockhart River has been greatly enhanced through Council involving agencies in community-based planning activities.

Relationship with the church

One of the similarities between the three communities is that there is a generally positive and collaborative approach between the Councils and the local church. The quality of this relationship is undoubtedly a legacy of the key role of the church missions in the history of the communities. There were numerous examples of the generosity of Councils in their support for the local church and it is clear that it might not be possible to sustain a local pastor in these communities without the Councils’ assistance.³⁵⁴ The Councils’ relationship with the church is symbiotic in that the pastors are called upon by the Councils to assist with civic ceremonies and mediate conflict within the community, and the Councils make extensive use of church facilities such as the church hall. The positive relationship between the church and the Council tends to be maintained through direct communication between the Council and the local pastor, rather than through any formal mechanism.

³⁵³ It should be noted that there has been an escalation in tension between police and indigenous residents across all Indigenous communities since the death of a man in police custody at Palm Island in late 2005.

³⁵⁴ At Hope Vale, the Lutheran Church pastor receives very little support from the Lutheran Church and due to the limited weekly collections, relies heavily on the Council’s support. The Hope Vale Council allocates an annual budget of between \$10,000 and \$20,000 to support the church with costs such as maintenance of the church house and buildings, insurance, travel to church meetings and funds for church functions (Council minutes 22/08/05). The Council also outsources the running of the school breakfast and lunch program to the pastor, who is then able to meet church expenses from the profits. At Lockhart River, the Council employed the local pastor on CDEP wages at a time when church support was not available. In all three communities, the Council provides CDEP workers and equipment to do maintenance on church properties and to assist with running church functions such as anniversary celebrations.

Relationship with Indigenous community-based organisations

Context

In many Indigenous communities, it is common for community organisations to be set up largely as vehicles to pursue the political and economic interests of particular family groups (House of Representatives Standing Committee on Aboriginal Affairs (HRSCAA) 1990, p.18; Rowse, Tim 2000a, p.1531). Some commentators have noted that this tendency leads to increased factionalism and counter-productive competition for resources (House of Representatives Standing Committee on Aboriginal Affairs (HRSCAA) 1990, pp.18-19; Smith 2002, p.9). Others have argued that it is a natural expression of Aboriginal political organisation and has benefits for the practice of community governance (Rowse, Tim 1992, p.89; Westbury & Sanders 2000, p.6).

In the case study communities, there are some instances of organisations that have been established to pursue family-based interests, as well as some instances where organisations have been ‘captured’ by particular families. There are other organisations, however, that are non-aligned and focused on service delivery to the whole community. The organisational configuration of each community is complex and unique, dictated by history and local political factors.

The extent to which an organisation is family-based has the potential to impact on the quality of the Council’s engagement with the organisation, because it introduces local political dynamics to the relationship. Another factor impacting on the quality of engagement is the extent to which the organisation shares common objectives with the Council, as illustrated by the positive relationship between Councils and the local churches, police, health and education authorities.

Community justice groups

In all three communities, there were tensions between the Councils and the community justice groups.³⁵⁵ The source of this tension is mainly political. Justice groups are often seen as a threat to the authority of Councils and as a power base for political rivals to use in their

³⁵⁵ Community justice groups are volunteer action groups set up to tackle justice issues in the community. They receive funds from the State Government to pay for a coordinator and running costs and since 2002 they have been given the status of statutory authorities with certain powers to regulate alcohol in DOGIT areas (*Aboriginal Communities (Justice, Land and Other Matters) Act 1984*).

opposition to Council (HC4, 130).³⁵⁶ In Hope Vale, the justice group is dominated by an alliance of family groups who are largely in opposition to the dominant family on Council, although the chairperson of the group was elected to Council in a by-election in 2006. At Lockhart River and Yarrabah there has been less overt hostility between the Councils and the justice groups, and occasional cooperation on some activities. There is a degree of cooperation out of necessity arising from the fact that the Councils provide the financial administration support for the justice groups under the funding arrangements, due to the groups not being independently incorporated. Nevertheless, there has been less collaboration between the two institutions than might be expected given that they share similar objectives regarding addressing law and order issues and improving community wellbeing.

A logical area for collaboration between Councils and justice groups is in relation to Council law and order local laws. Both the Lockhart River and Hope Vale justice groups have pushed their respective Councils to adopt new model local laws for this purpose developed by the State Government, yet the Councils have not been responsive. This suggests that the level of engagement between the two institutions has not been optimal for progressing the interests of either party.

Traditional owner groups

Another type of community institution with whom the Councils have typically had fraught relationships is traditional owner groups.³⁵⁷ As in the case of justice groups, there is a significant political and personality-driven dimension to such conflict, but there are also divergent and competing interests at play. A Council's mandate is to develop facilities and services for the benefit of the community. Traditional owner groups by their nature represent sectional interests which may well be at odds with the Council's objectives regarding development of land. At Yarrabah, the Council's efforts to address the critical housing shortage by developing new housing subdivisions have been thwarted by the failure to reach agreement

³⁵⁶ In an effort to address the contestation between Councils and justice groups, a Memorandum of Understanding was agreed between the two parties at Hope Vale (Council minutes 04/02/05) and Lockhart River (Council minutes 15/07/04).

³⁵⁷ These groups may take the form of incorporated bodies to represent a particular traditional owner group or they may be unincorporated native title claimant groups who are represented by regional Land Councils. Hope Vale and Lockhart River have broad-based organisations that aggregate several traditional owner groups for the purposes of holding land interests: in Lockhart River's case, the Mangkuma Land Trust represents several traditional owner groups and is trustee for traditional lands surrounding the township area; in Hope Vale's case, the Hope Vale Congress represents 11 clans recognised in the community's native title determination.

with native title claimants.³⁵⁸ Council minutes over several years record protracted but ultimately unsuccessful negotiations to reach agreement on an expanded town boundary within which development can proceed (Council minutes 27/06/01, 13/08/01, 05/08/03, 19/05/03, 14/10/03, 06/07/04).³⁵⁹ While native title negotiations are legally complex and bring to the surface deep-rooted historical divisions in the community, the inability to find a way through the impasse might be construed as a major political failure on the part of the Yarrabah Council. A government officer involved in the protracted negotiations for community expansion at Yarrabah in recent years suggested that the elected Councillors had not pursued a resolution to the problem as vigorously as they could have, due to conflicting political imperatives (YG15, 12). In some cases, Councillors' own families would have been adversely affected by new developments. On the other hand, the Council lays responsibility for the delays firmly at the feet of native title claimants (YC2, 35; YC5, 19). The bitter tone to the land negotiations as recorded in Council minutes underlines the poor relationship between the two parties. It is at least arguable that this relationship, and the outcomes of the negotiations, might have been improved by better engagement practices on the part of the Council.

At Lockhart River, the Council has also confronted difficulties gaining traditional owner consent for land developments such as the establishment of a new town dump (LC2, 40). However, a lack of organisation on the part of the land trust in advocating its interests has enabled the Council to mostly proceed with its developments regardless (LC2, 40).

At Hope Vale, disputes over land escalated to such an extent during the mid-1990s that riots and inter-clan violence periodically erupted in the streets of the township. The native title

³⁵⁸ In 2000, the Council was allocated \$2.475 million by ATSIC for housing and infrastructure development under the National Aboriginal Health Strategy (NAHS) (Gutteridge Haskins & Davey Pty Ltd 2002b, B16). It had been hoped that this funding could be used for the construction of much-needed houses to alleviate overcrowding in the community. However, protracted negotiations with the four native title claimant groups about areas for new residential development failed to reach agreement. As a result, Council was forced to allocate the funding towards replacement and renovation of existing houses rather than construction of new houses (Council minutes 25/07/00). Funding provided under the State Department of Housing's 5 year Capital Works Plan was likewise affected, and had to be redirected from new housing construction to renovations and upgrades. Up to \$1 million in DATSIPD funds for the community expansion has also been held in trust for a number of years, pending approval to go ahead with the Djenghi Subdivision (YG15, 10).

³⁵⁹ The Council is seeking an Indigenous Land Use Agreement (ILUA) to formalise this, but after several years, the agreement has not been finalised.

determination in 1997 provided a degree of certainty, but did not put an end to the disputation.³⁶⁰

As a general observation, it would seem that the approach of all three Councils to engagement with traditional owner groups has not been effective in achieving mutually agreeable outcomes. The Councils tend to deal with engagement and consultation with traditional owner groups in an ad hoc manner on a case by case basis without any defined processes. Negotiations are often undermined by councillors (and traditional owner representatives) engaging in interpersonal politics that are unhelpful to the resolution of the issues. For example, when the Yarrabah Council reached a stalemate in negotiations about the development of a new facility, the Council minutes recorded the comment that “the main issue is personality rather than logic” (Council minutes 23/05/00).

Other Indigenous community organisations

In all three of the case study communities, there are several clan groups that have incorporated in order to pursue their family interests. In practice, however, these organisations engage in very limited activities and have little impact on community governance.

The profile in Table X illustrates that, of the three communities, Yarrabah has the strongest community sector, with several functional organisations independent of Council running a significant range of services and programs. The sound administration and financial accountability of the three largest Aboriginal Corporations at Yarrabah, Bama Ngappi Ngappi (BNNAC), Gindaja, and Gurriny Yealamucka is evident from the fact that they have reported annual incomes of several hundred thousand dollars each, and \$4.8 million in BNNAC’s case.³⁶¹

At Yarrabah, BNNAC has flourished as an alternative power base to the Council. The growth of the organisation has been driven by the members of one particularly entrepreneurial Yarrabah family, but has grown to accommodate a number of other interest groups over the years,

³⁶⁰ The State Government has assisted the community in recent years with negotiation of a decision-making protocol between the Council and traditional owners to enable the DOGIT land to be handed over to a land trust as Aboriginal freehold.

³⁶¹ Records from the Registrar of Aboriginal Corporations show that these organisations are fully compliant with the requirements of their incorporating legislation. The Office of the Registrar of Aboriginal Corporations noted that the level of regulatory action by ORAC that had been required in relation to Yarrabah corporations has been very minimal compared with other Indigenous communities (personal communication with ORAC, 09/07/05).

including traditional owner groups.³⁶² In some ways, it mirrors the Council's operations, by having its own CDEP scheme, its own housing and its own business enterprises. A representative of the organisation said it "*offers alternatives to Council*", and explained that the organisation had grown partly in response to a perception by some families that they were being excluded from Council housing and employment opportunities (YN4, 7). There has been ongoing political conflict between the Council and BNNAC dating back to the 1980s.³⁶³

Yarrabah's two other large community organisations, Gindaja and Gurriny Yealamucka, have been specifically focused on delivery of particular services rather than the interests of any particular family groups.³⁶⁴ While there does not appear to be any significant political conflict between the Council and Gindaja or Gurriny Yealamucka, the Council's engagement with these organisations remains limited. Consistent with its limited engagement of community residents, the Yarrabah Council's approach is to 'get on with the job' without too much attention to engaging constituents in the process.

Notwithstanding this paucity of community engagement, the case study did reveal an important virtue of the Yarrabah Council's approach. That is, the Council has been instrumental in building the capacity of the community sector in Yarrabah, not only through various support for the organisations, but even just by role modelling successful governance and management practices. According to the CEO, the Council sees its role in Yarrabah as the "*peak body*", with a responsibility to nurture the capacity of community organisations.

We try and empower the other agencies, like with health we tried to make sure the local community controlled health service has a greater play, [and] we've also cut back on some of our services. But generally speaking, because we're such a powerhouse in this location, a lot of project activity [and] funding activity comes through us, and we auspice [these grants]. Because the capacity in terms of financial management of some

³⁶² A representative of the organisation described it as based on one "*mob*", rather than one family (YN4, 27). A Council staff member described it as family-oriented and therefore as not having broad support in the community (YC2, 143).

³⁶³ For example, BNNAC has felt aggrieved that the Council has rejected its tenders for building work in the community. The Council has complained that BNNAC refuses to pay service charges relating to the land it occupies.

³⁶⁴ Gurriny was formed after extensive community consultation processes and therefore has broad community legitimacy and support (YN2, 65). While its board has been dominated by members of particular families from time to time, this has been the result of the shared interest in its business by members of those families, rather than a desire for it to be a family power base (YN3, 53). Although the influence of different families has been evident on Gindaja's board over the years, the organisation has a firm focus on service delivery (YN2, 19) and currently has a broad mix of families on the board.

organisations is still in the development phase, we have an obligation to support that.
(YC#, 252)

The support provided by the Council to community organisations has been pivotal to their development. As mentioned by the CEO, the Council has auspiced funding from government on behalf of many organisations.³⁶⁵ In relation to Gurriny Yealamucka, the community-controlled health service, the Council was instrumental in establishing the organisation (YN3, 13). It lobbied for the funding for the organisation for many years and auspiced the service for a year prior to its independent incorporation (Baird 2002). It has continued to support the service by providing staff on CDEP wages (YN3, 45).³⁶⁶

The Yarrabah Council has an annual Local Achievers Award ceremony, where it acknowledges the outstanding contribution of volunteers and workers in community organisations (Council minutes 11/01/05). A government officer observed that these awards were well regarded in the community (YG4, 38).

The Council regularly provides letters of support for community organisations seeking grants from government agencies (Council minutes 17/02/04, 07/09/04). It also has a policy whereby the CEO has delegation to approve donations of up to \$200 for requests for assistance from community organisations (Yarrabah Aboriginal Council 2001, 38). For amounts greater than this, the Council has a policy of generally contributing 25% of financial requests for assistance (Council minutes 21/03/00, 13/06/00, 18/12/00). Probably more important than the practical assistance that the Yarrabah Council provides to community organisations is the overall example that the Council sets in terms of good governance practices. A manager of a community organisation explained that the Council had laid the foundation for the growth of the other organisations, as well as acting as a training ground for leaders:

...[W]e're really fortunate, we've got a really good Council, you know... And I think, because of Council..., it's reflected down into the community, and organisations like ours. We've got a really good, well-run organisation here, and a lot of organisations in Yarrabah are like this... You didn't really have any organisations prior to Council

³⁶⁵ For example, in August 2004, the Council agreed to auspice a grant for the Yarrabah Seahawks Football Club. Council minutes record that the Mayor “advised that if any organisation in the community needed assistance from the Council in regards to auspice funds that Council should be willing to assist” (03/08/04).

³⁶⁶ The Council has supported a number of other Yarrabah community organisations, such as the women’s corporation, through its CDEP scheme (YC4, 108). CDEP not only provides a workforce for these organisations, it also provides opportunities for skill development that enhances their administrative capacity.

forming. So Council formed and Council sort of set the platform. And then the others came along and they learnt, because people who had been through Council, people who had associated with Council, got interested in other organisations... (N2, 122-3)

So at Yarrabah, although the Council has not effectively engaged community organisations in the processes of community governance, it has nevertheless provided support and leadership in the development of community organisations.

Hope Vale has only an arts centre and a kindergarten committee incorporated independently of the Council. There are also unincorporated community groups such as a men's and women's group. Unlike the justice group, none of these institutions appear to be completely captured by particular families.³⁶⁷ Nevertheless, a number of people interviewed at Hope Vale expressed the view that the Council was not engaging effectively with community agencies (HC4, 122; MG1, 137; HC10, 139; HC5, 262; HFG1, 143; HG2, 30). In Chapter 13, it was noted that Hope Vale councillors exhibit an authoritarian and non-inclusive leadership style. This is evident in the Council's dealings with community organisations. One of the councillors reflected on the fact that *"one thing we don't fully understand in this community is how your job links in with his and his with mine and mine with somebody else's"* (HC5, 262). Another government officer explained that he is working with the councillors to convince them that it is best for their dealings with the community if their *"leadership is distributed and enabling and empowering"* (HG2, 30). A number of people expressed the view that there was some improvement at Hope Vale in the level of coordination between the various community-based agencies, although the Council was following this trend as much as initiating it (HG3, 36, 46; HG1, 78; HC5, 45, 260; HC4, 128; HFG1, 159). The focus group has been a positive initiative in this regard, and the more recent negotiation table meetings have improved coordination within the community.

Lockhart River has only three incorporated bodies independent of the Council that are currently operational: a fishing company that is in its infancy, an art centre that supports the business of local artists and a clan corporation that has received limited grants. The community also has a women's and men's group. The Council's formal engagement with these groups has been limited. However, as mentioned earlier, the relationship between the Council and community agencies has improved in recent years as a result of their involvement in holistic community-based planning activities.

³⁶⁷ On the other hand, in the 1990s, a now redundant community organisation, Guugu Yimithirr Warra Aboriginal Corporation, appears to have been a vehicle for families that were not represented on the Council to pursue their interests.

Table 19. Profile of community organisations in the case study communities as at 2006

	Yarrabah	Hope Vale	Lockhart River
Unincorporated community groups	<p><i>Community Justice Group</i></p> <ul style="list-style-type: none"> Funded by State Government Auspiced by Council <p><i>Yarrabah Partnerships for Health</i></p> <ul style="list-style-type: none"> Comprises Gurinny Yealamucka, Council Queensland Health, and Australian Govt <p><i>Men's group</i></p> <ul style="list-style-type: none"> Established by Gurriny Yealamucka 	<p><i>Community Justice Group</i></p> <ul style="list-style-type: none"> Funded by State Government Auspiced by Council <p><i>Men's group</i></p> <ul style="list-style-type: none"> Established by Council <p><i>Women's group</i></p> <ul style="list-style-type: none"> Established by Council 	<p><i>Community Justice Group</i></p> <ul style="list-style-type: none"> Funded by State Government Auspiced by Council <p><i>Men's group</i></p> <ul style="list-style-type: none"> Established by Council <p><i>Women's group</i></p> <ul style="list-style-type: none"> Established by Council
Incorporated community service organisations	<p><i>Gindaja Substance Misuse Aboriginal Corporation</i></p> <ul style="list-style-type: none"> Community board Runs a residential alcohol rehabilitation service <p><i>Gurriny Yealamucka Health Services Aboriginal Corporation</i></p> <ul style="list-style-type: none"> Community board Community controlled health service <p><i>Yarrabah Aboriginal Corporation for Women</i></p> <ul style="list-style-type: none"> Ran a women's shelter until defunding in 2004 <p><i>Yarrabah Seahawks Rugby League Football and Sports Club Aboriginal Corporation</i></p>	<p><i>Arts Centre</i></p> <ul style="list-style-type: none"> Separately incorporated with own board <p><i>George Bowen Memorial Kindergarten committee</i></p>	

Government agency adjunct bodies	<i>Parents & Citizens Committee</i> <i>Police & Citizens Youth Club (PCYC)</i> <ul style="list-style-type: none"> Manages Council's sport and recreation facilities 	<i>Focus Group</i> <ul style="list-style-type: none"> Adjunct to school Performs role of P & C and Health Action Group 	<i>Parents & Citizens Committee</i> <i>Health Action Group</i>
Enterprise bodies	<i>Yarrabah CDEP Community Store</i> <ul style="list-style-type: none"> Controlled entity of Council 2 Council positions on board <i>Bama Ngappi Ngappi Aboriginal Corporation</i> <ul style="list-style-type: none"> Runs a CDEP and employment services Owens bakery and service station 	<i>Guugu Yimidhirr Warra Corporation</i> <ul style="list-style-type: none"> Board comprised all Hope Vale clans Ran store in late 1990s Now defunct <i>Cape Flattery Silica Mines</i> <ul style="list-style-type: none"> Owned by Mitsubishi Pays royalties to Council Employs Hope Vale residents 	<i>Retail store</i> <ul style="list-style-type: none"> Owned and run by State Government <i>Puchiwu Fishing Company</i> <ul style="list-style-type: none"> Board representing all clan groups <i>Aerodrome Company</i> <ul style="list-style-type: none"> Controlled entity of Council 7 directors include 4 councillors <i>Lockhart River Art Centre</i> <ul style="list-style-type: none"> Supports Lockhart River Art Gang
Traditional owner organisations	<i>Guru-Gulu Gungandji Aboriginal Corporation</i> <ul style="list-style-type: none"> Traditional owner organisation Involved in resort development 	<i>Hope Vale Congress</i> <ul style="list-style-type: none"> Prescribed Body Corporate under Native Title Act for 11 of 13 clans recognised in Hope Vale native title determination <i>2 clan group Aboriginal Corporation PBCs</i> <ul style="list-style-type: none"> Separate from Congress but in practice they work through Congress 	<i>Mangkuma Land Trust</i> <ul style="list-style-type: none"> Trustee of Aboriginal Land surrounding DOGIT 32 trustees representing all traditional owners <i>4 clan group Aboriginal Corporations</i> <ul style="list-style-type: none"> Focused on development of clan group's outstation All but one is largely inactive
Church organisations	<i>Anglican Church</i>	<i>Lutheran Church</i> <ul style="list-style-type: none"> Runs coffee shop and youth club 	<i>Anglican Church</i> <ul style="list-style-type: none"> Runs coffee shop Church Council elected annually comprising 12 family representatives Mothers' Union is active in community

Appendix 5 – Cross-case data analysis: Relative community education levels

The opportunities for education vary across the three communities. Each of the communities has a primary school catering for Years 1 through to 7. The Yarrabah State School caters for students up to Year 10. To complete senior school, students have to either attend boarding school or commute to a high school in nearby Edmonton, Gordonvale or Cairns. Some parents choose to send their children to nearby centres even at the primary school level.³⁶⁸ Hope Vale has no high school, but a number of students catch a bus to the high school at Cooktown, which is a town of 1337 residents³⁶⁹ located 45 minutes away. At Lockhart River, there are no nearby high schools, which means students must attend boarding schools or live in a regional centre such as Cairns to progress beyond Year 7.³⁷⁰ In fact, many residents of Hope Vale and Yarrabah also attend boarding schools rather than local high schools.

Opportunities for further education have been offered periodically in all three communities through TAFE courses and other forms of vocational training. The Yarrabah Council has also had arrangements in the past with James Cook University and Batchelor Institute for special external study facilities to be provided for students within the Yarrabah community (YC8, 71). Several Indigenous community development courses are offered externally by universities to residents of Indigenous communities, such as Curtin University's Bachelor of Applied Science in Indigenous Community Management and Development. Generally, however, it is necessary for residents to travel away from the community to attend tertiary education.

Census data from 2006 provide some basis on which to compare the relative levels of education of the populations of Yarrabah, Hope Vale and Lockhart River. Figure 32 reveals that Yarrabah residents have on average achieved a level of schooling that is slightly higher than the residents of Hope Vale and significantly higher than the residents of Lockhart River. For instance, the proportion of residents who have a Year 12 education is significantly greater at Yarrabah (19%) and Hope Vale (17%) than in Lockhart River (11%). The Yarrabah figure is close to the

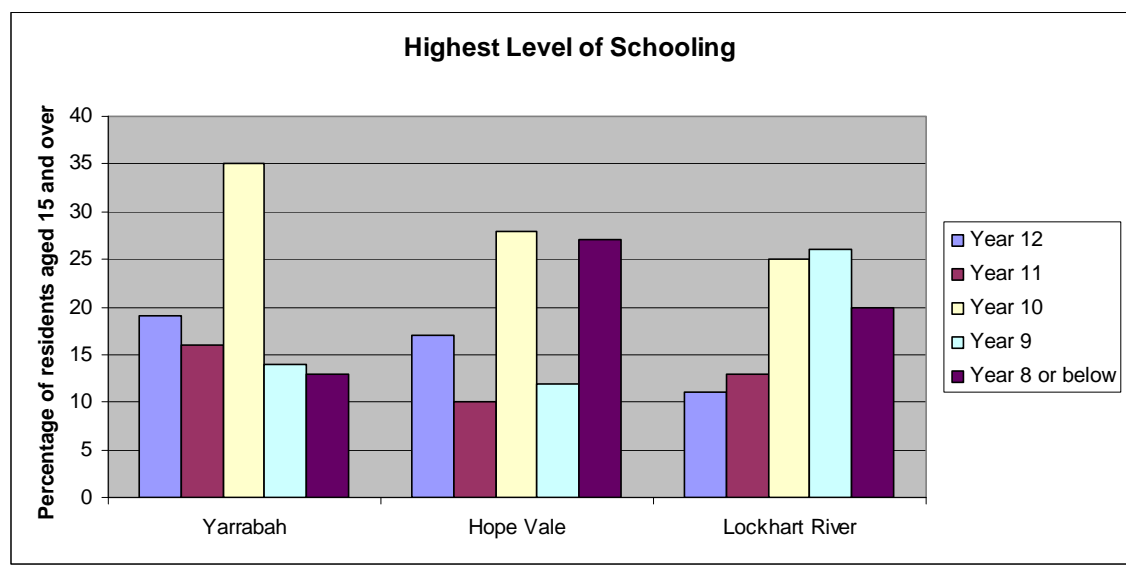
³⁶⁸ One person commented that on any given day, four buses of school children will leave the community for schools in nearby centres (YG4, 26).

³⁶⁹ ABS, 2006 Census, Catalogue 2068.0.

³⁷⁰ However, due to high drop out rates from boarding schools, a special alternative program is now being offered by the Lockhart River School for year 8 to 10 students who have returned to Lockhart River.

national average for Indigenous people (19.4%), but less than half the national average for the total population (42.2%).³⁷¹

Figure 32. Highest level of schooling achieved for Indigenous residents aged 15 years and over



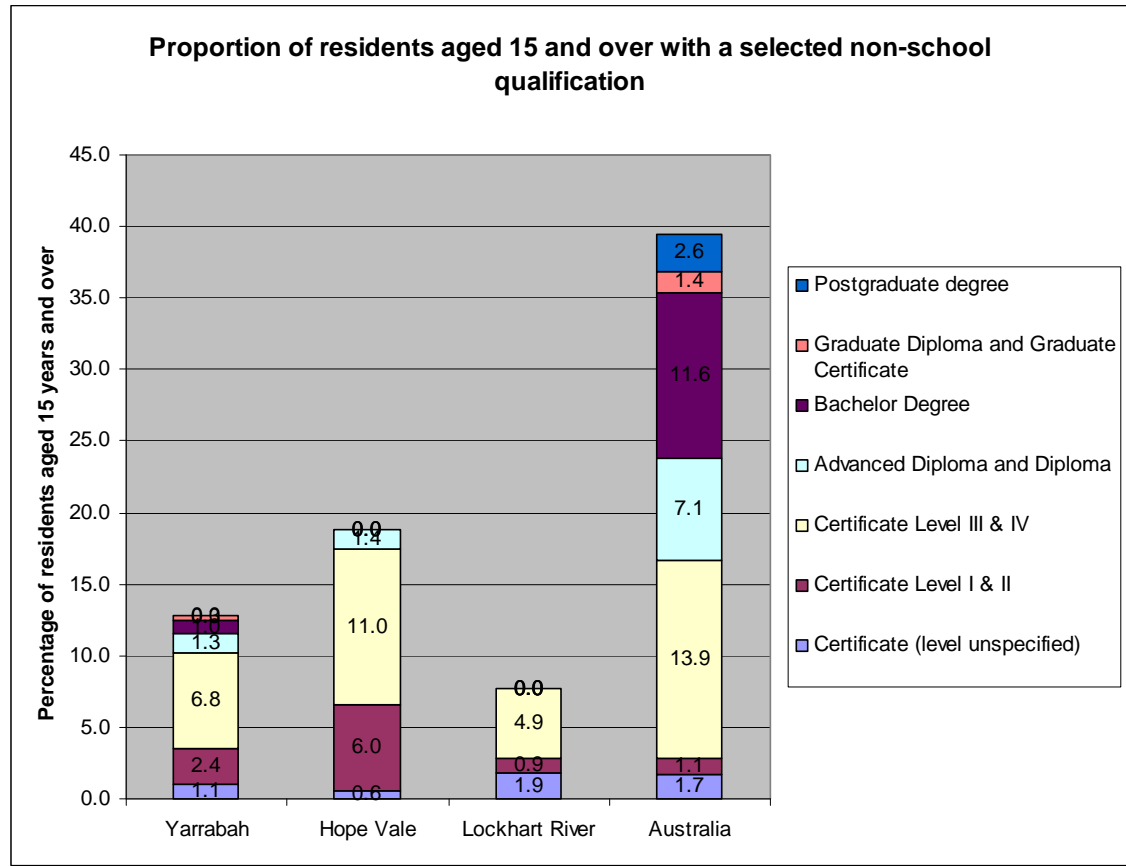
Source: 2006 Census, ABS

Figure 33 illustrates the percentage of the Indigenous population of the three communities aged 15 years and over who have achieved selected non-school qualifications. The graph shows that Hope Vale has the highest proportion of residents with these non-school qualifications, although Yarrabah has a higher proportion with tertiary qualifications such as a bachelor degree or graduate diploma. In fact, while there are 14 Indigenous Yarrabah residents with a bachelor degree and 4 with a graduate diploma or graduate certificate, at the time of the 2006 census, no Indigenous residents of Hope Vale or Lockhart River reported having either of these qualifications. It should be understood that there are limited employment opportunities for individuals with higher education within the communities, so many residents who have achieved higher education are likely to be working and residing outside their home communities. The figures do not, therefore, reveal the full extent of the potential pool of community members with higher education that might be available to the Councils.

³⁷¹ ABS, 2006 Census, Catalogue No 2068.0. In recent years in Yarrabah, there have been greater numbers of children progressing to Year 11 and 12 than in the past. The Yarrabah principal reported that at the end of 2004, 86% of students exiting Year 10 progressed to Year 11 (YG#, 50). This figure is significantly better than the national rate of retention to Year 11 for Indigenous children, which was only 61% in 2004, and is not far behind the national rate for non-Indigenous children, which was 89.5% (Steering Committee for the Review of Government Service Provision 2005, 3.17). Figures were not available for Hope Vale and Lockhart River.

Anecdotally, there is evidence that a significant number of Hope Vale community members have achieved tertiary degrees (HG1, 50; HN1, 110), but the census data indicate that none of these individuals are living in Hope Vale. In relation to Lockhart River, however, a community leader confirmed that no resident has ever achieved a tertiary qualification (LG2, 86).

Figure 33. Residents aged 15 and over with a selected non-school qualification³⁷²



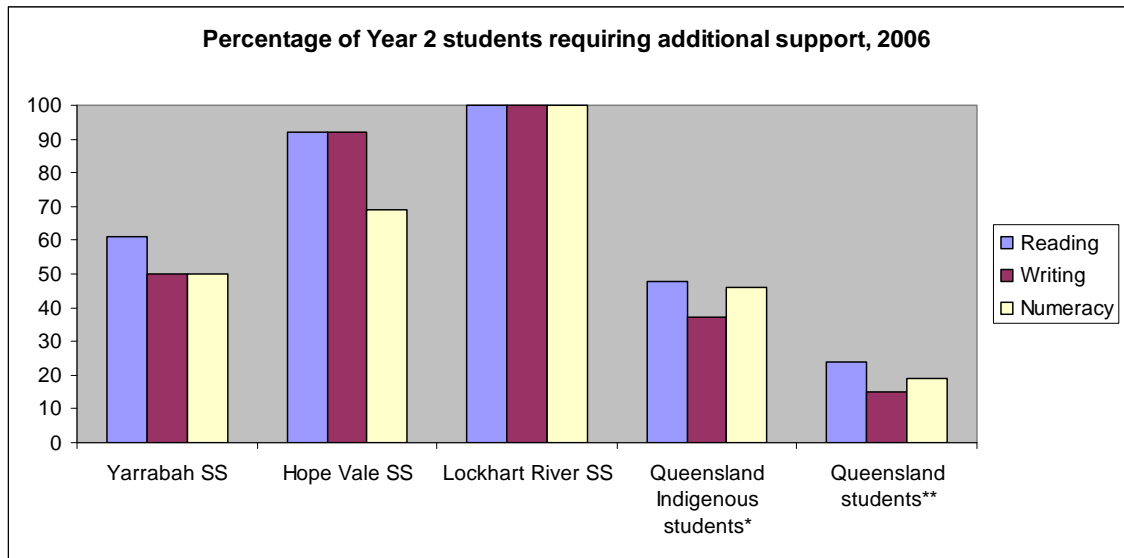
Source: 2006 Census, ABS

In terms of levels of literacy and numeracy within the communities, anecdotal evidence is plentiful but there is a dearth of statistical data for the adult population. One indicator that is available, however, is the literacy and numeracy testing now conducted across Queensland within primary schools. Figure 34 reflects the outcomes of Year 2 diagnostic net tests that seek to identify students that require additional support with literacy and numeracy. The graph clearly indicates that Year 2 students at the schools in the three communities have significant literacy and numeracy difficulties. Yarrabah students are achieving better results than Hope Vale and Lockhart River students, but they are still significantly behind the Queensland average. It is striking that 100% of students at Lockhart River are assessed as requiring

³⁷² Figures for 'Level of education inadequately described' and 'Level of education not stated' are not shown.

additional support in all three areas tested. Figure 35 tells a similar story in relation to Year 7 students in the three case study communities.³⁷³ The graph illustrates the substantial literacy and numeracy deficit in the three case study communities compared with the rest of the State. In Lockhart River, no Year 7 students at the local school were above the national benchmarks.

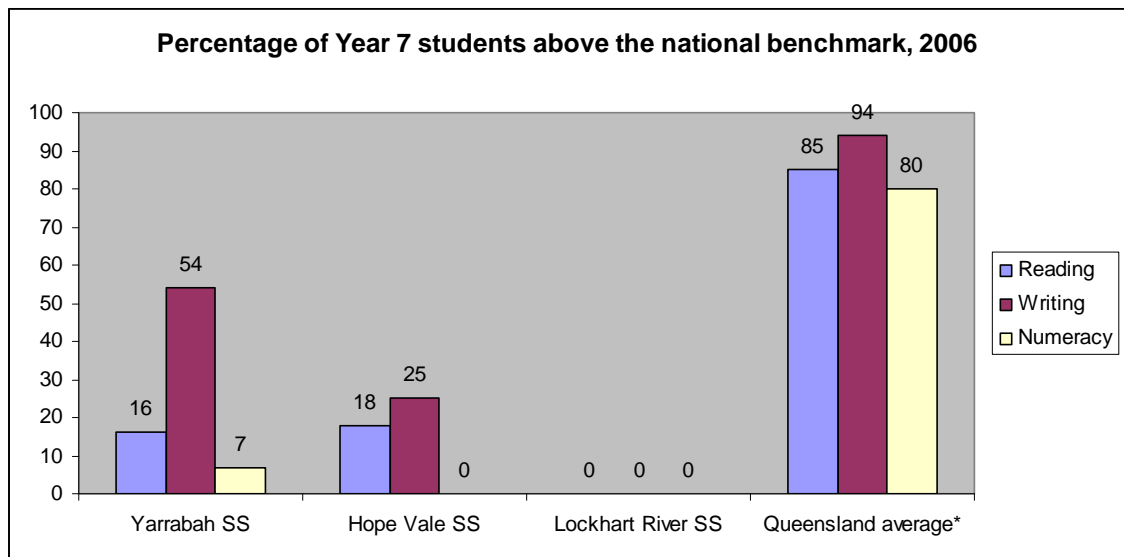
Figure 34. Year 2 literacy and numeracy results



* 2004 data ** 2005 data

Source: Year 2 Diagnostic Net, Education Queensland 2006

Figure 35. Year 7 literacy and numeracy results



* 2005 data

Source: Year 7 Literacy & Numeracy Test, Education Queensland 2006

³⁷³ It should be noted that these figures relate only to the local primary schools. Some students in the three communities, particularly in Yarrabah, attend schools outside the community.

There is no reason to doubt that these primary school literacy and numeracy results are reflective of the levels of literacy and numeracy in the adult populations of Yarrabah, Hope Vale and Lockhart River. They show that all three communities have a significant disadvantage compared with the non-Indigenous mainstream. They also illustrate the extremely low literacy and numeracy levels at Lockhart River.

Historical factors have had a strong influence on the educational opportunities for residents of the three communities. Many residents of Hope Vale have had greater opportunities to achieve education than other Aboriginal communities as a consequence of the approach of the Lutheran missionaries over the course of the twentieth century. From the outset, the principal objective of the original missionaries in establishing the mission was to educate the local Aboriginal population (Haviland & Haviland 1980, p.129).³⁷⁴ Education remained central to the Lutherans' mission throughout their administration of Hope Vale. From the 1960s onwards, the Church arranged for a number of children from Hope Vale to attend Lutheran boarding schools such as St Peter's Lutheran College in Brisbane. The most prominent of this group is Aboriginal leader and lawyer Noel Pearson. Primary school aged children were also sent to live with foster families in Brisbane and other cities and entire families were relocated to mainstream centres so that children could attend mainstream schools. Holden (1994, p.124) reports that during this period, on average 30 children were away from the community receiving schooling at any one time. Hope Vale residents seem largely positive about this contribution of the Lutherans. One Council officer commented that *"I think the Lutheran Church was big on education, which was a good thing for us"* (HC9, 9) and another said that *"that's something I appreciate from the Church"* (HC10, 17).

At Yarrabah too, the Anglican Church missionaries encouraged and supported many residents to send their children to boarding schools. Although this did not occur on the same scale as at Hope Vale, it continued under the government administration as the community sought to build the skills for greater self-management. At Lockhart River, on the other hand, while some children went to boarding school, there were no systematic efforts to provide opportunities for children to receive education in mainstream schools (LG1, 80). A community leader commented on the differences between the communities: *"There's a lot of people with university degrees in Hope Vale and Yarrabah compared to Lockhart, [where] there's no-one with any university degree"* (LG2, 86).

³⁷⁴ A Lutheran Church history of the Hope Vale mission published as a commemorative booklet in 1941 stated: "The school was at first the main medium of approach to the aborigines; and the school has remained the object of special care in this Mission" (Lutheran Church 1941).

It was clear from the case studies that the leaders and many community residents at Hope Vale and Yarrabah continue to place a high value on education. A Hope Vale councillor nominated education as the Council's highest priority: *"Council acknowledges that the only way our kids are going to achieve is through education – good jobs and everything else comes from that, so that's a priority... for the whole Council"* (HC5, 27). A Hope Vale community plan in 2000 reported that "training for adults and education for children was a recurring theme in many interviews" (Cavill Jones Surveyors & Brazier Motti 2000, p.3). The Hope Vale Council continues to provide scholarships and funding for students to attend boarding school and university through the royalties it receives from the Cape Flattery Silica Mine.

In Chapter 6, the singularity of the Yarrabah Council's strategic vision for self-management was described, including the underpinning goal of building the community's capacity through education and training. The importance of education was alluded to in many of the interviews with Yarrabah leaders and Council staff (YC7, 40; YC6, 74; YG7, 46) and has been emphasised in previous consultations for community plans (Nev Bates and Associates 1996, 20). The following comment by a senior Council staff member typifies the attitude to education within the Yarrabah community:

For us too, it's been trying to achieve the end, which is to satisfactorily acquire local resources or invest in local people to get a return on investment, and those things are generational strategies, you can't just get them overnight. People have to be invested in to go to education, get the experience, knowledge, all that... and then hopefully, if the mix is right, come back and contribute. (YC1, 8)

On face value, the poor educational outcomes at Lockhart River would seem to suggest a lower level of commitment in the community to the value of education. Yet community leaders express a strong commitment to education (LC8, 27; LC5, 38). A former councillor suggested that education was the community's main priority because *"you can give them as many houses as you want, you can throw as much money as you want, but unless these kids get educated... then this community will never change"* (LC8, 27). The primary school principal noted that parents wanted their children to attend high school and did not understand why their children were unable to transition into mainstream high school classes (LG#, 45).

There appear to be several reasons why educational attainment is lower at Lockhart River. Perhaps the most significant barrier is the fact that Lockhart River children speak a form of Creole language specific to Lockhart River, which is distinct even from the Aboriginal English spoken in many Aboriginal communities. The school principal explained:

They don't speak Aboriginal English, they speak a dialect of Torres Strait Creole... Creole is where a new language is formed because a pidgin language becomes the

common language of a new generation. It's a dialect of Torres Strait Creole, but it has a lot of words from the traditional languages here... (LG#, 47)

An inability to speak standard English creates difficulties for Lockhart River children in coping at boarding schools away from the community. Moreover, growing up in the isolation of Lockhart River makes this transition even harder. An elder explained: *"They feel shame, because [it's their] first time to be out from their parents, from their community. They're used to people here. Sometime they mightn't understand what they're talking about, the teachers there"* (LN1, 86).

According to a government manager, while many children are sent away to boarding school, *"it's too alien and foreign to them and they play up and get expelled, on purpose, and come back here"* (LG4, 17). Several strategies to support children to successfully transition to high schools have been tried but have not succeeded. One strategy was to employ a person to support children to stay at boarding school. While this was successful in keeping the children at high schools, very few of them actually completed Year 12 (LC2, 70). The support position is no longer funded and there has been a drop in the retention of Lockhart River children at boarding schools. In 2005, a working group was set up by the Council and government agencies to address the issue of secondary education for children. One outcome was the employment of a teacher in Lockhart River to run an alternative program for Year 8 to 10 students within the community. According to the teacher, the students in this group are "way behind academically and will never catch up". The program instead focuses on basic literacy and numeracy skills taught in an experiential non-classroom format. A former councillor indicated that where there had previously been up to thirty children away at high school, by 2006 there were only four (LC8, 23).

Another factor contributing to poor educational outcomes amongst Lockhart River children is low levels of school attendance at the primary school. The community's concern about this issue features strongly in community discussions and plans (LG4, 16), yet some interviewees expressed frustration about parents' lack of responsibility in sending children to school (LG2, 94; LN1, 74; LG4, 45). School attendance statistics contained in the community newsletter indicate that in term 1 of each year, school attendance is around 80%, but it generally falls to about 60% by the end of the year.³⁷⁵

³⁷⁵ This level of attendance is actually an improvement that has occurred in the past few years. In 2003, average attendance in the second half of the year fell to 42% (*School Words Newsletter*, Term 1, 2005, Issue 1).

Appendix 6 – Cross-case data analysis: Benefits available to councillors

There are considerable benefits accruing to residents who are elected to the Council at Hope Vale. One of these benefits is a high rate of remuneration for councillors. Until 2007, councillors in Queensland local governments had absolute discretion to set their own level of remuneration.³⁷⁶ A comparison of the remuneration arrangements for Queensland Aboriginal Councils, based on 2005 data collected by the Department of Local Government, Planning, Sport and Recreation, is set out in Table 20. The figures show that the Mayor and councillors at Hope Vale have received considerably higher remuneration than their counterparts in other Aboriginal Shire Councils. The Hope Vale Council's justification for this is that the councillors undertake their roles on a full-time basis, whereas in other Councils, it is usually only the Mayor who is full-time. The two most recent increases in councillors' remuneration were, however, against the recommendations of the Council administration.³⁷⁷ The new Council elected in 2000 increased councillors' wages to \$41,600 per annum at its first meeting following the election (Council minutes 11/04/00). The current rates were approved by the Council on 13 July 2005 (Council minutes 13/07/05). In his report to the Council at the time of the latest rise, the Hope Vale accountant urged against the increase being approved:

[The new remuneration policy] translates to [total remuneration costs to Council of] \$390,260 per annum before statutory superannuation of 9% and travel allowance. Including superannuation the remuneration increases to \$425,400 per annum...

For the month of April alone we also incurred \$22,052.40 in travel allowance paid to Councillors. Extrapolating this out on an annual basis we would be incurring \$264,600 for Councillors travel allowance, if this expense is not brought under control. We can not afford to be continuing to fund this level of travel allowance...

Councillors remuneration and expenses are funded from SGFA, which is \$1,098,960 per annum. Therefore it can be seen that Councillor remuneration, travel allowance, superannuation etc is consuming a minimum of 43% of our major SGFA grant, with the capacity for considerably more if the travel allowance currently being paid continues unabated.

³⁷⁶ Councillor remuneration must now fall within ranges stipulated by the Local Government Remuneration Tribunal.

³⁷⁷ Council minutes record that: "Council Clerk strongly recommended against this extra salary increase" (Council minutes 11/04/00).

Put bluntly, we do not have the capacity to fund seven (7) councillors at the above level of remuneration and other benefits from our SGFA grant. The only other source of revenue available is the Cape Flattery royalties, which are already being consumed 100% in subsidizing other areas of the workforce such as the building sector etc.

I would seriously advise Council to look at its level of remuneration in its entirety, because I believe the Government could find it unacceptable, given the current very bad financial situation of Council. Certainly, it will come under scrutiny by the Government in my opinion. (Accountants Report to Council Finance Meeting, June 2005)

The Lockhart River Council's remuneration arrangements have been in the middle range of Queensland's Aboriginal Councils. The rates for annual councillor salaries at the time of the 2008 elections were set by the Council in June 2005 and represented an effective doubling of the previous level of remuneration, which was based on daily meeting fees.³⁷⁸

At Yarrabah, the Mayor's level of remuneration has been less than the average for Queensland Aboriginal Councils. Following a rise in 2005 from \$160 per day to \$200 per day, Table 20 shows that the councillor's daily rate of sitting fees was higher than other Aboriginal Councils. On an annual basis, however, taking into account the actual number of sitting days, the amount received by councillors in 2004-05 was less than \$10,000 each, with the total expenditure amounting to \$58,520 (Queensland Audit Office 2006b).³⁷⁹

³⁷⁸ The previous annual budget for councillor remuneration was \$76,000 per annum (Council minutes 30/03/04) whereas the 2005 rates increased this amount to \$151,966.10 per annum.

³⁷⁹ This represented an increase from the 2003-04 figure of \$32,835 (Queensland Audit Office 2006).

Table 20. Remuneration arrangements for councillors in Queensland Aboriginal Councils in 2005³⁸⁰

	Mayor's remuneration	Deputy Mayor's remuneration	Councillor remuneration
Hope Vale	\$74,389 p/a (70% of MLA) + \$3,188 expense allowance + private use vehicle + private use mobile phone	\$63,762 p/a (60% of MLA) + private use vehicle + business use mobile phone	\$53,135 (50% of MLA)
Kowanyama	\$37,195 p/a (35% of MLA) + private use vehicle + private use mobile phone	\$2,125 p/a (2% of MLA)	\$2,125 p/a (2% of MLA)
Palm Island	\$30,000 p/a + \$15,600p/a meeting fees + business use vehicle	\$10,400 p/a + \$15,600p/a meeting fees	\$15,600 p/a meeting fees
Pormpuraaw	\$5,200 p/a	\$3,900 p/a	\$2,860 p/a
Doomadgee	\$60,000 p/a	\$1,040 p/a + \$150/ day meeting fees	\$150/day meeting fees
Lockhart River	\$53,135 p/a (50% of MLA) + business use vehicle + business use mobile phone	\$19,128.60 p/a (18% of MLA)	\$15,940.50 p/a (15% of MLA)
Cherbourg	\$59,000 p/a + business use vehicle + business use mobile phone	\$10,000 p/a	\$10,000 p/a
Woorabinda	\$65,000 p/a + business use vehicle + business use mobile phone	\$20,000 p/a + business use mobile phone	\$20,000 p/a + business use mobile phone
Napranum	\$35,568 p/a + \$150/day meeting fees + business use vehicle	\$150/day meeting fees	\$150/day meeting fees

³⁸⁰ Data sourced from DLGSR records. No figures were available from Wujal Wujal Aboriginal Shire Council. The figures were self-reported by Councils.

Mapoon	\$53,135 p/a (50% of MLA) + \$150/day meeting fees + private use vehicle + business use mobile phone	\$15,940.50 p/a (15% of MLA) + \$150/day meeting fees + private use vehicle	\$12,752.40 p/a (12% of MLA) + \$150/day meeting fees
Injinoo	\$10,400 p/a + vehicle \$5,400 p/a + mobile phone \$1200 p/a	\$9,100 p/a	\$7,800 p/a
New Mapoon	\$136.50/day meeting fees	\$105/day meeting fees	\$105/day meeting fees
Umagico	\$10,400 p/a + \$160/day meeting fees	\$9,100 p/a + \$160/day meeting fees	\$7,800 p/a + \$160/day meeting fees
Yarrabah	\$50,518.00 p/a + vehicle \$10,000 p/a + mobile phone \$1200 p/a	\$200/day meeting fees (\$100/day workshops)	\$200/day meeting fees (\$100/day workshops)

Source: Department of Local Government, Planning, Sport and Recreation

For comparative purposes, it is instructive to consider the proportion of each case study Council's operating grant that was spent on councillor remuneration prior to the 2008 local government elections. Table 21 shows that while Yarrabah Council was spending only 5.8% of its operating grant on councillor remuneration, Hope Vale Council spent 35.5%.

Table 21. Proportion of Aboriginal Councils operating grant spent on councillor remuneration, excluding superannuation, 2004-05³⁸¹

	Yarrabah	Hope Vale	Lockhart River
Operating grant (under SGFA) 2005	\$1,887,839	\$1,098,960	\$1,100,010
Councillor remuneration expenditure	\$109,038	\$390,260	\$151,966
Proportion of operating grant spent on councillor remuneration	5.8%	35.5%	13.8%

In December 2007, the Local Government Remuneration Tribunal published new statutory ranges for councillor remuneration.³⁸² The result of the Tribunal's determination is that Hope

³⁸¹ Data sourced from Councils' audited financial statements, 2004-05.

³⁸² The stipulated ranges for Aboriginal Councils are as follows: Mayor – \$50,620 - \$69,610; Deputy Mayor – \$25,310 - \$50,620; Councillors – \$18,980 - \$44,300 (Local Government Remuneration Tribunal 2007).

Vale Council will have to reduce the level of remuneration for all positions on Council, as they are well above the recommended range, particularly the Deputy Mayor and councillor salaries. The remuneration for the Lockhart River Deputy Mayor and councillor positions are marginally below the recommended range, while the Yarrabah Deputy Mayor and councillor positions are well below the recommended range and will need to be at least doubled to comply with the legislation.

Another benefit of office as a Mayor or councillor may include access to a Council vehicle. Table 20 indicates that Hope Vale Council has been one of a handful of Councils that provides a vehicle to the Mayor for full private use and has been one of only two Councils that provides this benefit to the Deputy Mayor.³⁸³

The opportunity to travel and receive generous travel allowances is a further benefit of office. Figures are not available to compare the travel allowances paid at the case study Councils. The propensity of certain councillors to travel widely is a contentious issue in the Hope Vale community and there have been allegations of misuse of travel allowances referred to the Crime and Misconduct Commission. In recent years, the Council's accountant has warned the Council on more than one occasion about excessive expenditure on councillor travel.³⁸⁴

At Lockhart River, there have also been occasions where substantial personal benefits have flowed to councillors during their terms in office. This was particularly evident in the Council term from 2000 to 2004. In 2002, the Council resolved to allocate its entire housing funding for 2002-03 and 2003-04 (\$427,321) to construct two new houses for councillors (Queensland Audit Office 2003b, p.A10). A former Council officer recalled that the Council elected in 2000 had purchased several new vehicles for the use of councillors (LG3, 48). The officer expressed the view that the approach of the Lockhart River councillors was to *"look after themselves, then their family, then the rest"* (LG3, 48). This period appears to have been an aberration for the Council, with a local resident CEO unable to resist the demands of councillors. There is no evidence of personal benefits of this order flowing to the councillors elected in 2004. This may reflect the State Government's appointment of a financial controller in 2004, who subsequently

³⁸³ In 2005, attempts by the CEO to limit the Deputy Mayor's unrestricted use of a Council vehicle erupted into a bitter dispute that ultimately led to the CEO's resignation (Council minutes 20/04/05).

³⁸⁴ For example, following the election of a new Council in March 2004, the accountant warned in a report to the Council: "For the month of April alone we also incurred \$22,052.40 in travel allowance paid to Councillors. Extrapolating this out on an annual basis we would be incurring \$264,600 for Councillors travel allowance, if this expense is not brought under control. We can not afford to be continuing to fund this level of travel allowance" (Meyer, D. 2004). Over-expenditure on travel was raised again in a report the Council meeting for December 2004.

served as CEO, but it also appears to be the result of stronger leadership by the Mayor and senior councillors from 2004 to 2008.

Generally speaking, where Lockhart River leaders have taken advantage of their positions of authority, it seems that it has more often been to secure resources for their families than for personal benefit. Private use of a Council vehicle is just as often by a relative of a councillor than by the councillor. As a former CEO observed, *“they’ll rot [the system] to acknowledge an obligation, not necessarily for personal gain... And sometimes meeting those obligations means that some young nephew crashes a four wheel drive into a tree”* (LG#, 150).

Appendix 7 – Cross-case data analysis:

Emerging leadership patterns

Lockhart River

Notwithstanding the transfer of responsibility to the Council in the 1980s, there has been a tendency by both the residents and the elected councillors at Lockhart River to look to outsiders for solutions. A CEO of the Council in the mid-1990s recalled:

When I got there, they kept looking, looking, looking to all outsiders to make all the decisions for them. I said ‘I’m not your mother, I’m not your father.’ It’s Lockhart’s problem, it’s up to Lockhart to make the solution – don’t look to outsiders, look to insiders. They’re just working out how the tools work. (LG#, 146)

With all the senior Council positions being held by non-Indigenous outsiders, there is a sense at Lockhart River that the Council continues to be a separate “whitefella” (LC8, 101) domain in which community members have little power or involvement. A Council officer noted that Aboriginal staff were reluctant to attend senior management meetings at the Council because they said “there’s secret white business going on there” (LC3, 76). According to the CEO at the time of the case study, Lockhart River councillors still had a habit of looking to outsiders in the CEO role to take the Council’s agenda forward:

Certain councillors go ballistic that I’m not doing things. Like [they say] ‘why haven’t you got us a multi-purpose centre yet?’... A lot of it is all: they won’t take responsibility for anything. And that’s what I keep doing, I say ‘no, I’m not going to do it; it’s your community, you do it’. Well, then it doesn’t happen. (LC#, 58)

A strong feature of community life at Lockhart River that is undoubtedly associated with the historical conditions of disempowerment and dependency is a profound sense of apathy across the community at large. According to a long-time observer of the community, “there’s a terrible passivity at Lockhart... that it’s just easier to sit at home and not think about something” (LN2, 112). A government manager suggested this condition was a learned behaviour from the mission experience, because when the church and government administered the community, “things were done and the way to deal with it was to just sit back and let it happen, and if you didn’t resist too much then you had an easier time of it” (LG4, 13). In several of the interviews at Lockhart River, the response in relation to the reason for a certain state of affairs was simply that “nobody cares” (LC8, 141; LG8, 47; LC2, 183; LG3, 10). Meetings and public events at Lockhart River are very poorly attended by residents. The same small group of active community members comprise all of the committees, whether it be the

health action group, community justice group or parents and citizens committee (LN1, 10; LC7, 157). An elderly lady who is active in several groups spoke of her frustration that people would not get involved:

[I ask:] 'Mate, you coming to the meeting about this?' and people always say 'yeah, alright, I'm gonna go and have a shower' or 'I'm gonna have something to eat, then I'll come'. And you wait an hour, and workers which should have been working, they'll be just sitting there waiting for people that's sitting at home and gambling. And this is their community and they should get up and come, you know... And kids, they need their parents down there at school... [but] mostly people they just sit back, you know, they don't know what's going on, and what's happening with their kids... Sometime I feel sad, you know, because nobody want to do nothing. (LN1, 66-68)

In his research into community management at Lockhart River, Clifford suggested that participation in meetings is poor because residents consider that meeting processes do not take account of their interests, do not always relate directly to their material circumstances and require understanding and skills that many residents do not possess (Clifford 2003, p.180). The interviews conducted for the current research suggest that a key reason why people do not participate in decision-making processes is that they do not feel that they can make a difference; they continue to feel that they have no control and that matters will always be decided by others external to the community (LC7, 157; LG6, 118).

Perhaps the clearest symbol encapsulating the attitude of Lockhart River residents was a car bumper sticker observed during a field visit to the community, which simply stated: "Whatever". It is hard to avoid the conclusion that this sense of apathy is a direct legacy of the disempowerment that characterised the mission era. The atmosphere today at Lockhart River is very similar to that observed by Chase in the 1970s, when he noted that settlement life is seen as "boring and debilitating" and that there was a mood of "boredom and listlessness among the Aboriginal residents" (Chase 1980, p.35). Some observers have suggested that there is a cultural explanation for this that is rooted in the subsistence ethic of the Aboriginal groups who now reside at Lockhart River. In explaining the failure of economic endeavours at Lockhart River, Thompson (1996, p.152) noted that "the subsistence life-style of hunter-gatherers has its own deeply-rooted ethic" which requires the gathering of food from available resources with a minimum of effort. An informant suggested that the abundance of natural resources in the Lockhart River region had contributed to people being 'lazier' from a work perspective but that

the additional non-work time available to them had resulted in them evolving more complex social structures (LG1, 46).³⁸⁵

Whatever the cause of this apparent condition of apathy, it has been the most significant challenge for community development initiatives over several decades.³⁸⁶ Chase (1980, p.37) reported that during the 1970s, non-Indigenous staff who were sympathetic towards the plight of the local community “inevitably became disillusioned when their attempts to improve community life were met with indifference or positive rejection.” A former CEO reflected on the challenges of mobilising the Lockhart River community:

*You can't get too far ahead of them, down the track. And a lot of jingoistic CEOs, and in the past [government] admin officers, have fallen into the same trap. You know, they say 'great opportunity! Let's go out and get it!' It takes another year to get back to where you were. And when you can see the prize just there, it's frustrating for an outsider. (LG#, 26)*³⁸⁷

Empowering community leaders to take responsibility for the community's future has been the core agenda of the community development and planning process under way at Lockhart River since 2003. Through mentoring and facilitation by a senior government officer placed full-time at the Council, councillors and community leaders have started to formulate a community vision and take steps to lead the necessary change. The Mayor and another councillor interviewed were positive about the transformation regarding their growing belief in their own leadership and capacity to bring about change (LC#, 26; LC7, 139). On the other hand, the Mayor spoke about the difficulty of motivating the community to participate in the negotiation tables with government and to take ownership of the community plan (LC#, 126).³⁸⁸ Underpinning the

³⁸⁵ According to the interviewee: “Traditionally men used to have to work 2 hours a day max, to get all the protein necessary for the extended family. So there was plenty of time left to develop highly complex ceremony and highly complex interrelationships...” (LG1, 46)

³⁸⁶ The frustration experienced by well-meaning outsiders is exemplified by the following comment: “It's a funny old place, Lockhart. At times, it's so exasperating, so exasperating. You feel like if it had a collective neck you'd like to get your fingers around it and wring it tightly. As you watch them getting screwed, absolutely screwed by some bloody mob or other, and they just sit there, like passive, hypnotized chooks, and then complaining, in whispers behind the scenes” (LN2, 168).

³⁸⁷ The same CEO reflected on his own frustrations: “The number of times I've bloody ploughed the field, planted the crop, all I needed was a hand to bring in the crop and sell it. But nah. Million dollar opportunities” (LG#, 174).

³⁸⁸ A community elder spoke of the need for the Council to get more people involved in the process: “If we can get more people to get up and do something, get this community going good. Too many people

process is what is known as the ‘Puuya Strategy’ – in Lockhart River language, ‘puuya’ means ‘life-force’. The philosophy of the strategy is for residents to regain their sense of life-force by connecting with the things in life that are important to them, specifically their links with their land and culture. A government officer noted that Lockhart River people are not so ‘apathetic’ when it comes to activities like fishing and visiting their own country (LG6, 66).³⁸⁹ While it is clear that overcoming the sense of disempowerment and apathy in the community continues to pose significant challenges at Lockhart River, there has been some progress in recent years. A participant in the current negotiation table process was hopeful: *“So I would argue that what this is about is really just being very, very patient”* (LG6, 66).

In the community’s efforts to overcome the challenges of dependency and passivity, one of the major constraints has been the capacity of the community leadership to mobilise the community. In his 1980 dissertation, Chase concluded that: “In the Lockhart community, there is little evidence of leadership in public affairs for any of the identity groups” (1980, p.297). Chase observed that leadership roles existed in relation to ceremonial activities and in relation to custodianship of land, but that “apart from formal dances and ceremony, leadership does not exist”. This finding is consistent with the tendency towards localism and the absolute autonomy of individuals and small family groups that has been described in the anthropological literature about many Aboriginal peoples.³⁹⁰ Chase reported that aside from matters regarding knowledge of ceremony and land: “For all other activities in daily settlement life, a person is ‘man himself’, a free agent in choosing behavioural directions” (Chase 1980, p.297). He observed that residents would often introduce their statements at meetings with the caveat that they were only speaking for themselves and that proposed group actions would often not occur while people sat back and insisted that they “can’t be boss for other people” (1980, p.298). Thompson (1996, p.150), writing in 1996, also observed that at Lockhart River there was a “smaller scale pattern of authority through family relationships” rather than broader community-wide leadership.

sitting around doing nothing. You know, some people trying to do everything for somebody that’s sitting down doing nothing” (LN1, 10).

³⁸⁹ The officer questioned whether apathy was just a label that missed the point: *“I’m not convinced that this is necessarily apathy. You see, there might be a different kind of life orientation that still could embrace work and enterprise. Like how come these same people, that are allegedly apathetic, can work their guts out on fishing boats all of a sudden, even when they’re drunk, they’ll come back the next day to go out... So it’s really about understanding what motivates them. We know that a significant portion of that group is highly motivated when they go back to their own land. I’ve seen them transformed... Fishing is something they like. Play some music [and] suddenly these so-called apathetic people come alive again. The ‘Drums of Lockhart’ raise them up”* (LG6, 66).

³⁹⁰ See the literature review in Chapter 2.

In some Aboriginal communities, and in most Torres Strait Islander communities, there is a leadership tradition of a ‘big man’ which has sometimes translated into non-Indigenous representative structures, including elected Councils. At Lockhart River, however, Chase found that while there may have traditionally been a ‘big man’ who was a respected hunter, fighter and ceremonial leader, this role had not survived the settlement process and had not translated into community-wide leadership. Consequently, Chase (1980, p.297) observed that “[t]he community Chairman (selected by the Council) was always seen to be a tool of the European administration” and the position commanded little authority in the community. According to informants, it is still the case that the position of Mayor is seen as “*neutral*” and does not accord significant authority over the rest of the Council or the wider community (LG2, 60; LG3, 42; LG1, 62).³⁹¹

Several people highlighted that although there were a number of respected old men at Lockhart River in the 1980s, these people were no longer around (LG2, 70; LN2, 50; LG1, 72). Some of them had been elected to the Council in the early days after the handover, but by the 1990s, the Council was comprised entirely of younger community members, typically in their 30s. These individuals were often ‘leaders’ or notable people within their own family or clan groups, but they could command little authority over others in the community. According to a former Council CEO, at Lockhart River, “*people who are leaders in the eyes of the people are hard to come by*” (LG#, 64). This absence of authority has presented particular difficulties where the Council has sought to provide leadership in bringing about behavioural change in the community. Clifford (2003, p.304) observed that: “While many Councillors were concerned about various community problems, most were relatively young (30-40) and did not have the stature or ‘local authority’ to deal with reprehensible behaviour or punish others outside their immediate family.”

In Chapter 12 (Part 4), it was noted that family affiliations made it difficult for councillors to make hard decisions that might impact negatively on their own families. At Lockhart River, the emphasis on local autonomy of individuals and groups similarly makes councillors reluctant to make decisions that will impact negatively on other families in the community, for this might be seen as trying to be ‘boss for other people’. A former CEO considered this unwillingness to make hard decisions as the critical shortcoming in leadership at Lockhart River and the cause of the Council’s past failures:

³⁹¹ However, it was suggested by one person that the current Mayor wields greater personal authority than has been the case previously, which is “*unusual because it’s rare to get that style of leadership on an Aboriginal community – it’s normally a consensus-based one*” (LG1, 62).

I tend to more believe that the leader is who has to make the hard decision. Sometimes people don't want to bite the bullet – you know, 'you pat my back and I'll pat yours.' I've seen it in Lockhart slowly sliding away, and I can see why this trouble has come out, you know, because leaders aren't prepared to make the hard decisions. And you could probably see it too, going back to previous Councils. (LG#, 30)

Lockhart River Council has suffered from what one observer described as a “*leadership vacuum*” since the early 1990s (LG1, 72). The Council elected in 2004, however, gave some people cause for optimism: “*This term is probably the first term they've really had that firm but fair leadership*” (LG1, 72). The community development process that has been occurring at Lockhart River appears to have made an important contribution in strengthening leadership in the community, but significant challenges remain.

Hope Vale

At Hope Vale, the case study did not reveal the condition of apathy and passivity that was so evident at Lockhart River. Rather, since the handover, Hope Vale councillors have been energetic in their efforts to throw off the shackles of dependency and embrace self-management. Of the three case study communities, however, it is at Hope Vale that the approach to leadership has most evidently borne the hallmarks of the previous paternalistic and authoritarian leadership styles. As Chapter 8 described in relation to community engagement, Hope Vale councillors have exhibited a sort of ‘boss mentality’ or what one councillor described as “*being the macho boss man*” (HC2, 16). This approach continues to be evident in the way that councillors forcefully push their agendas in a non-inclusive manner and through a confrontational style of interaction. For example, community feedback to a 2000 community planning process included the comment that: “A couple of Councillors are making decisions on behalf of the entire body of Councillors” (Cavill Jones Surveyors & Brazier Motti 2000). At the time of the case study, there was significant unrest in the Council and in the broader community about a new Welfare Reform trial that the Mayor had signed up to, allegedly in a unilateral manner without adequate consultation (HG1, 101). An observer suggested that while the Mayor was enthusiastic and well meaning, he needed to ask for advice and assistance more and take heed of that advice (HG1, 171). These comments reveal that in Hope Vale, like Lockhart River, the position of Mayor is not considered to bestow any special authority or mandate beyond that of the other councillors.

It is not immediately clear why the tendency towards authoritarian leadership has manifested in Hope Vale to a greater extent than the other two case study communities. One possible explanation is that it derives from the distinctive leadership style of the German Lutheran missionaries who shaped the development of the Hope Vale mission throughout the twentieth century. An authoritarian view of the State has been strongly associated with Lutheran philosophy (Holborn 1982, p.193; Wilson, P. H. 2000, p.56). Historical sources show that the

Lutheran missionaries adopted an authoritarian approach to administering the Hope Vale mission.³⁹² It seems reasonable to speculate that values about firm, authoritarian leadership may have been internalised by Hope Vale residents as a result of the example set by the Lutherans.

Whatever its antecedents might be, authoritarian approaches to leadership at Hope Vale have contributed to a high level of contestation and division within the Council. As a resident commented during a focus group discussion, it might have been possible for one church superintendent to run the community but when seven councillors were trying to be the superintendent, there were “*too many chiefs and not enough Indians*” (HFG2, 3). The consequences of an authoritarian approach to leadership at Hope Vale have been division and disharmony and an inability to build a shared vision either within the Council or in the wider community.

Combined with the tendency towards self-interest discussed earlier, leadership approaches at Hope Vale have also led to a high degree of scepticism on the part of community residents. Several people interviewed for the case study highlighted what they considered a lack of integrity in leadership at Hope Vale (HC10, 19; HC5, 119; HC4, 134; HN1, 42; HG1, 201; HC9, 121). As in the case of Lockhart River, people lamented the passing of some of the leaders of past generations who upheld values derived from the church. The integrity and motivations of the typically younger councillors of the past decade was widely questioned. These views were exemplified by the following comment by an outsider who has resided in the community for some years:

The other problem I see here is that there are no real leaders anymore. In the past, Hope Vale had a whole lot of leaders who grew up and achieved their status as leaders through the church. They were very highly moral and strict gentleman... Those guys, they were real men of integrity...They don't seem to have that calibre of leader anymore. (HN1, 42-44)

The problems in leadership at Hope Vale have been self-perpetuating as the destructive political culture has discouraged capable people from putting themselves forward for leadership positions. The school principal noted that many people did not want to nominate for the Parents and Citizens committee because they did not want to become a victim of Hope Vale's “*tall*

³⁹² According to Holden, the missionary Schwarz was a firm disciplinarian and “if any person broke any of his rules they were immediately expelled from the mission” (Holden 1994, p.121). A Lutheran history of the Hope Vale mission published in 1941 reported that a Mr Kenny was appointed to the position of supervising work on the farm because “he had been a policeman in the northern parts of Queensland and knew well how to deal with the aborigines” (Lutheran Church 1941).

poppy syndrome” (HG#, 86). A government officer’s observation about Hope Vale leaders was that “*they play so hard on each other*” and anyone in a leadership position has “*got to be prepared to take a lot of whacks*” (HG2, 16). He emphasised that the leaders needed more community engagement training “*to actually give them the opportunity to think through what it takes to be a leader in a contested democratic role but in a fractured community – the sort of personal attributes and behaviours and styles that that demands*” (HG2, 16)

As at Lockhart River, there has been some cause for optimism about improved leadership at Hope Vale. The Cape York Institute for Policy and Leadership has been mentoring and providing leadership training to Hope Vale leaders with a focus on leadership that is “*distributed and enabling and empowering*” (HG2, 30). The negotiation table processes have provided an opportunity for the Council to engage community members to a greater extent, particularly young people (HG2, 28; HG1, 36). The establishment of a community focus group to collaborate on solutions to problems at the school has also created broader leadership opportunities for the community and contributed to a growing sense of shared purpose (HG1, 80). A government officer’s optimistic assessment was that positive and engaged leadership at Hope Vale is “*sort of blooming a bit at the moment*” (HG2, 30).

Yarrabah

Over the past twenty years, the community of Yarrabah has made the psychological journey from dependency to self-management to a much greater extent than the communities of Lockhart River and Hope Vale. Although attitudes of passive dependency on the Council to meet every material need persist amongst sections of the community, particularly those raised under the former church and government administrations, the aspiration for self-management has been internalised, and realised in practice, to a degree not evident in the other communities. Chapter 6 (Part 4) described how a long-term vision of self-management has been a driving force for a generation of community leaders since the 1980s.

There are two likely explanations why Yarrabah has proven to be a more fertile pasture for the flourishing of self-management than other Aboriginal communities. Firstly, Yarrabah was at the vanguard of agitation for the granting of land rights and self-management throughout the 1970s and early 1980s. Craig (1979b) has described how Yarrabah was a hotbed of political activism in the late 1970s as the momentum grew for changes to the Queensland Government’s oppressive laws and policies on Aboriginal reserves. Radicalism at Yarrabah appears to have its antecedents in the worker’s strike in 1957, where dozens of people walked off the mission in protest at wages and conditions. Subsequently, a number of these people were granted ‘exemption’ from the Act to enable them to live and work off the reserve. Craig reports that many of these people later returned to the community and armed with new skills and a

knowledge of the outside world, became agitators for change. Several of them assumed leadership positions in the Council. The continuing relationship with activists outside the community appears to have been an important factor in the growth of political activism in the Yarrabah community. A resident described how the political activists in the community had strong links with the union movement dating back to the 1950's (YN4).

The second influence that appears to have facilitated the adoption of self-management as a central political norm at Yarrabah is the church. Chapter 11 highlighted the role of the church in providing opportunities for Yarrabah residents to gain exposure to the outside world, to obtain an education and to gain leadership experience. Perhaps more significant than these practical measures, however, is the role that the church at Yarrabah has played in shaping the psyche of Yarrabah people. A striking aspect of Yarrabah's Christian heritage is the sense of destiny that is held by many Yarrabah residents today. The early Anglican mission at Yarrabah was widely considered as a successful model for Aboriginal Christianity (Hume 1991, p.6) and it gave rise to the notion of Yarrabah as the "*mother mission*" or "*mother church*" (YC10, 241):

Many Christians in the community believe that Yarrabah is the mother church to Aboriginal people around Australia, particularly in the north. They believe it will be the training ground for Aboriginal priests who will then go out to missionise not only their own people, but Europeans who have become too materialist in the outlook and way of life and so have lost their link with God. (Hume 1988, p.253)

Hume has described the 'born-again' Christian movement in Yarrabah in the 1980s, when many people had 'visions' of Yarrabah's future associated with a sense of calling. Many community leaders became 'born-again' Christians and led their followers to renounce alcoholism and other vices in pursuit of the Christian life (Hume 1988, p.17). The practical effect of this movement was to provide impetus for a number of initiatives in the community, particularly in the area of health. The Christian movement also permeated the newly-empowered Council, with several church leaders becoming councillors and chairpersons. A manager of a community organisation in Yarrabah highlighted Christianity as a key factor in the community's success in gaining self-management over the past two decades: "*I also believe that it's because Yarrabah was established by Christians... [T]hat's a big reason why Yarrabah is where it is today. It is truly a blessed community*" (YN3, 114).

At Yarrabah, these endemic factors regarding the influence of the church and a history of political activism have moulded a generation of leaders in the community with an abiding commitment to the pursuit of self-management. In examining leadership at Yarrabah over the past two decades, the consistency and singularity of this vision is the most conspicuous feature. It is the central thread that runs through the Council minutes, community plans, reports and

public pronouncements reviewed for the Yarrabah case study. Significantly, this agenda has not been driven by a charismatic leader, but has been shared by a generation of leaders.³⁹³ It has not been affected by a turnover in councillors, for the self-management torch has been progressively passed on in a relay through time. It has underpinned an approach to community governance by Yarrabah leaders that eschews dependency on government and asserts the community's claims to take responsibility for its own affairs.

The remnants of authoritarian leadership styles of previous administrations have, however, continued to affect Yarrabah's leaders in their own dealings with the community. As Chapter 8 noted, the quality of community engagement by Yarrabah's councillors has been very poor. Had there not been a broad community consensus about the Council's mission to achieve self-management, this disengaged and non-inclusive approach to decision-making might have been more damaging to community governance at Yarrabah. It is also likely that community residents' experience of previous administrations has made them more acquiescent of disconnected governance and authoritarian leadership styles. It was noted in Chapter 8, however, that in recent years the Yarrabah community has begun to expect more involvement in Council processes and that Council leaders have come to accept the importance of doing so, although they have struggled to put in place the necessary strategies. That this has heralded a shift in the thinking about leadership at Yarrabah is illustrated by the following observation of a senior Council officer:

I think in the past, some of the councillors, they did try to play the big brother thing, and they knew best, but now I see a change, that started with the last Council and particularly this Council, that it's not the standover tactic – they want to give people empowerment, they want to involve them in what's happening. Even though it's hard – in the last year that they've been on they still haven't been able to work out how we're going to do that – [but] when they're making decisions [they talk about whether] 'it's best for the community'. They believe in this empowerment stuff, that all the community and the people that work for the Council should be a part of Council's aims and objectives. (YC2, 158)

Yarrabah has had a housing policy since at least 2000, which sets out the allocation process based on the waiting list and needs criteria including medical conditions, extreme overcrowding and extreme hardship (Yarrabah Aboriginal Council 2000b, Section 2). It also stipulates

³⁹³ At Yarrabah, like Lockhart River and Hope Vale, the position of Mayor does not appear to accord significant status or authority. While the Council has had some highly respected chairpersons who have held leadership positions beyond Yarrabah, such as the Chair of the Aboriginal Coordinating Council, there is little evidence that they sought to wield significant autonomous power within the Yarrabah Council.

preference to applicants with no outstanding rent. The Council maintains a waiting list, which has about 300 names on it (YC3, 25). Although the criteria are clear, the needs criteria do provide a degree of Council discretion, and there have been allegations at Yarrabah that there has been preference for Councillors' families (YG4, 16; YFG1, 35; YFG3, 44): *"They've always had a 'housing list', in inverted commas, and that always conveniently becomes lost or changes when you have a new housing officer or you get a new Council"* (YN2, 89). A past Councillor likened the process of housing allocation to *"horsetrading"* and alleged bias against certain families (YN4, 67). There is some evidence that allocation decisions in the past have been preferential. An officer from the Department of Housing noted an instance where the planned housing construction program was changed immediately after a change of Council, which appeared to be *"politically motivated"* (YG1, 33). The officer suggested that there were probably instances of preferential housing allocations at Yarrabah in the past, but that it had not been as prevalent as other Aboriginal communities (YG1, 34).

A Council officer conceded that there had been allocations made along family lines in the past, but that in recent years the senior Council staff had ensured this did not happen (YC3, 66). The Deputy CEO said that the Council usually goes with the next person on the list, but will be swayed by need in extreme cases such as where a family's living circumstances might lead to children being taken away from them by the State (YC#, 72; YC5, 42).

The Mayor likened the housing allocation role to having to *"play King Solomon."* He was adamant that the Council should not be making specific housing allocation decisions and that these matters should be left to the Council administration to simply apply the policy:

The policy is that houses would be allocated as per the waiting list so it's up for the housing officer to say 'well, there's a house vacant, this person's at the top of the list,' [then] the housing officer would talk to [the CEO], and [the CEO] would say, 'well, [proceed] as per your regulations.' We [the elected councillors] don't do allocations no more. (YC#, 141)

The Mayor saw this as a shift away from decision-making based on family allegiances to a fairer process based on policy: *"[I]t's no good, with Councils before me, you could run to uncle who's on Council, and get a house, or get this changed to get that changed, but now you can't run to uncle no more, you've got to go and see this relevant manager"* (YC#, 47). The Deputy CEO confirmed that there was an increasing tendency for Council to simply follow policy: *"[N]ow that we're mainly operating under Rental Tenancy Authority Act, it's fair, its across the board, and the governance of the previous Council and this Council, I'd say they're pretty fair and they go as per the housing list..."* (YC#, 41). Yarrabah Council minutes confirm that in recent years, the councillors have generally made allocation decisions on the basis of the waiting list and the recommendation of the Housing Officer (Council minutes 09/03/00,

31/01/01, 20/02/01, 14/01/04, 07/08/01, 25/03/02, 19/06/03, 13/01/04, 16/03/04, 11/05/04, 05/03/05). However, some of these decisions have been split decisions, with a minority of councillors voting for a different outcome (Council minutes 09/03/00, 11/05/04).

In general, fair and consistent outcomes in housing allocation have been achieved at Yarrabah in recent years through the Council's approach of following its housing policy in combination with the mainstream rules under the *Residential Tenancy Act 1994*. The elected councillors have made the allocation decisions themselves, but they have largely followed the recommendations of Council staff, which are based on the policy. The Council resolved in November 2006 to fully delegate the function of developing and implementing housing policy, including allocation decisions, to an independent Council housing committee. This will further entrench the rule of law in the Council's housing management function.

Appendix 8 – Moran’s Kowanyama Council study

Moran (2006) studied the Kowanyama Aboriginal Council as part of his research into community planning and governance in Aboriginal communities. While Moran did not undertake the type of performance assessment exercise conducted for the current research, he rated the Kowanyama Council’s overall success as 4 on a five-point scale, noting that the Council “operated effectively as a local government authority, handling the administrations of government” (2006, p.275). Moran found that key success factors for the Council were effective negotiations with external agencies and local organisations, good technical expertise and strong institutional capacity including effective administrative systems and a high proportion of Indigenous employees. He also found that while the CEO had been a focal driver for Council improvement initially, over a decade this leadership and vision had increasingly been shared by Council leaders. Interestingly, as at Yarrabah, Moran found the Council exhibited a poor level of community participation and engagement, with the rationale being that it was too busy with administration. Moran’s data also indicated that Kowanyama Council had formalised a separation of powers and was developing and enforcing rules and policies (2006, pp.194-195).³⁹⁴ Consistent with the emerging new discourse on Indigenous governance in Australia, Moran identified that the Kowanyama Council was very much an ‘intercultural’ institution that was mediating the engagement between Aboriginal and non-Aboriginal society. With respect to political norms, Moran found that Kowanyama leaders were under pressure from kinship and family pressures, but that “although family and kinship factions were pervasive in Kowanyama, they had not come to dominate governance” (2006, p.273) and “Councillors mostly acted in the public interest” (2006, p.279) and were motivated by efforts to “improve the well-being of the community” (2006, p.269).

It becomes apparent from the above discussion that Moran’s reported findings at Kowanyama have elements of consistency with the explanatory model for Aboriginal Council performance developed from the current study. Several of the factors in the explanatory model are evident in Moran’s reporting of the successful Kowanyama Council case study, although these were not necessarily identified by Moran as key success factors. There are two significant points of difference between Moran’s Kowanyama case study and the elements of the explanatory model in the current study. Firstly, Moran did not highlight exposure outside the community as a contextual factor that underpins successful governance.³⁹⁵ Secondly, Moran (2006, pp.256-

³⁹⁴ Moran (2006, p.267) relates an example where councillors were using a policy on vehicle use to ward off repeated requests from constituents for use of Council vehicles.

³⁹⁵ Moran (2006, p.277) did note, however, that most councillors had experience of employment with Council, which appeared to be important as a grounding in the business of Council.

259) observed a very important role for what he calls Permanent Resident Outside Employees (PROEs), who dominate senior management positions in the Council (and other organisations). Based on their experience in non-Indigenous institutions, these individuals were observed to play a crucial “brokerage role” in building relationships with external agencies and mediating the Council’s external engagement generally. There were also “focal drivers” for many successful initiatives. By contrast, while ‘PROEs’ had sometimes performed a useful role at Hope Vale and Lockhart River, they had not led to sustainable improvements in Council performance in these locations. Furthermore, the higher performance at Yarrabah had been achieved almost entirely without PROEs in senior management positions. It might therefore be speculated that local Aboriginal residents at Yarrabah had sufficient capacity to perform this “brokerage role” in senior leadership positions within Council, because they had the benefit of exposure outside the community to an extent that local Kowanyama residents did not. The fact that Kowanyama is in a remote location might explain the lesser degree of outside exposure. Consequently, it is possible that Kowanyama Council’s performance will improve further over time as talented local residents have the opportunity to gain experience outside the community and begin to replace the PROEs in senior management positions.

Appendix 9 – Data collection protocol

DATA COLLECTION PROCEDURES

Data collection plan:

- Data for case study to be collected over a period of 6 months
- Up to two months to comprise initial documentary and archival research:
 - Library research into any previous reports and studies of the council and community
 - Research into DATSIP/DLGPSR archival files for the council/community (covering period since 1984)
 - Obtain any available data about the council's performance over the last 5-10 years (audit performance, government program evaluations, program performance management data from DATSIP, DLGPSR, ATSiS, Dept of Housing etc)
- Conduct interviews with council's stakeholders in Brisbane and regional centres (especially staff from DATSIP, DLGPSR and other funding providers)
- Three visits to the community of 1-2 weeks each to collect data as follows:
 - conduct interviews with council, community stakeholders and constituents
 - documentary research such as council minutes, reports, policies, records etc
 - where possible, direct observation of council meetings, council functioning and governance processes
- If necessary, conduct follow-up interviews with informants in the council/ community via telephone, or videoconference link where available (Cape York communities)
- Following collation of the data, consider gaps in the data and the need for a further visit

Preparation prior to visits:

- Negotiate agreement with council as per ethics approval
- Undertake documentary and archival research as background
- Where possible, prior to visits conduct interviews with accessible individuals outside the community (e.g. DATSIP/DLGPSR staff and other stakeholders) as background
- Make contact with key individuals in council to identify key informants for the research
- Notify council of dates of visit and arrange meetings in advance where possible
- Provide information sheet and consent form to all informants in advance (by mail, fax or email)
- Resources:
 - Audio recorder;
 - Laptop;
 - Notebook;
 - Background reading;

CASE STUDY QUESTIONS

Period of analysis

The period of analysis is five years up to the date of the case study data collection. This will balance the need to ensure that the analysis is contemporary with the need to take account of variations in performance, structure and operations of the council over time. It is particularly important to consider data about performance over a reasonable period of time to identify a trend-line of performance. The five-year period will also enable some limited consideration of the impact of any changes in institutional arrangements or governance processes during the period.

1. Council performance

Key question: What is the level of the council's performance?

Note: Where possible, comparative data with comparable Indigenous or non-Indigenous councils will be gathered. Evidence of performance against industry benchmarks will also be useful. Finally, the extent to which performance meets community expectations is crucial in an analysis of council performance.

Focus Question	Potential Data Source
A. How successfully does the council deliver essential services? (road maintenance, waste management, recycling, water supply, sewerage, etc)	<ul style="list-style-type: none"> • DATSIP/DLGPSR Infrastructure Program records and staff interviews • Interviews with council • Community plans • Local government benchmarks from Comparative Information Project • Interviews with constituents
AA. How successfully has the Council delivered environmental health services (including animal control) in the Community?	<ul style="list-style-type: none"> • Qld Health Public Health Branch • Interviews with council • Community plans • Interviews with Government agencies • Interviews with constituents
AB. How successful has the Council been in complying with its statutory obligations, especially re planning (Environmental Protection, Pest Control, Disaster Management etc)?	<ul style="list-style-type: none"> • Interviews with Government agencies • Interviews with council • Community plans
B. Has the council improved the level of infrastructure and other quality of life resources (pool, recreation facilities, community hall, library etc) in the community?	<ul style="list-style-type: none"> • DATSIP/DLGPSR Infrastructure Program records and staff interviews • Total Management Plans (TMPs) • CHINS data • Interviews with council • Community plans • Direct observation (compile catalogue of infrastructure) • Interviews with constituents
C. How successful has the council been in managing community housing?	<ul style="list-style-type: none"> • Interviews with council (esp. housing program staff) • Interviews with constituents • Department of Housing interviews and records • CHINS data

D. How successful has the council been in managing CDEP?	<ul style="list-style-type: none"> • Interviews with council (esp. CDEP staff) • Interviews with constituents • ATGIS interviews and records
E. How successful has the council been in managing businesses?	<ul style="list-style-type: none"> • Interviews with council (esp. business managers) • Interviews with constituents • Audit reports (business profits/losses)
F. How successful has the council been in administering social programs?	<ul style="list-style-type: none"> • Interviews with council (esp. program managers) • Interviews with constituents (esp. clients) • Interviews with Govt. agencies (Dept of Families, Dept of Communities, HACC etc)
G. How successful has the council been in managing land and natural resources?	<ul style="list-style-type: none"> • Interviews with council (esp. land office, rangers etc) • Interviews with constituents • Interviews with Govt. agencies (NRME, EPA etc) • Evidence of policies, by-laws, plans, agreements with TOs, ILUAs
H. How successful has the council been in attracting grants and funding and contracting for government services?	<ul style="list-style-type: none"> • Interviews with council (esp. land office, rangers etc) • Council records (meeting minutes, budget, grant submissions) • Audit reports • Interviews with Govt. agencies • Govt. records (agency annual reports, funding schedules)
I. How successful has the council been in complying with financial management standards and grant provider requirements?	<ul style="list-style-type: none"> • Audit reports • Council records (correspondence, meeting minutes, grant acquittals) • Interviews with Govt. agencies • Govt. records (correspondence, grant acquittals)
J. Has the council been proactive in community planning or town (land use) planning?	<ul style="list-style-type: none"> • Council records (plans, meeting minutes) • Interviews with council • Interviews with Govt. agencies
K. Has the council been proactive or shown innovation in drafting and passing by-laws?	<ul style="list-style-type: none"> • Interviews with council • DATSIP/DLGPSR records re status of by-laws, request for by-law development and take-up of model by-laws
L. What is the perception of constituents and other stakeholders about the council's performance?	<ul style="list-style-type: none"> • Interviews with constituents • Interviews with Govt. agencies (esp. grant providers) • Voting behaviour (e.g turnover of councillors) • Previous surveys of constituents • Council minutes (evidence of complaints, dissatisfaction) • Possibly conduct a survey of a sample of constituents
M. How successful has the Council been in advocating and representing on behalf of the community?	<ul style="list-style-type: none"> • Council records (plans, meeting minutes) • Interviews with council • Interviews with Govt. agencies

2. Institutional arrangements

Key Question: What are the institutional arrangements through which the council does its business ?

Focus Question	Potential Data Source
A. What is the composition of the council? (number of councillors, electoral model etc)	<ul style="list-style-type: none"> DATSIP/DLGPSR records Interviews with council
B. How is the council organised? <ul style="list-style-type: none"> How many staff are there? What are the organisational structure, business units, reporting relationships? Who holds delegations? Are there any council sub-committees or advisory committees? 	<ul style="list-style-type: none"> Interviews with council Council documents (meeting minutes, organisational structure, corporate plan) Direct observation
C. What is the level of remuneration of councillors and council staff?	<ul style="list-style-type: none"> Council records Audit report

3. Governance processes

Key Question: What are the governance processes by which the council conducts its operations?

Focus Question	Potential Data Source
A. How does the council make decisions? <ul style="list-style-type: none"> How often does council meet? How does it vote on issues? Are there any special rules or meeting procedures or conventions? How long does it take to decide an issue? Is consensus important? What is the role/influence of the chairperson? What is the role/influence of the CEO? Does the council have conflict of interest guidelines? How important is conflict of interest in decision-making? What criteria are important in making decisions? (cost, fairness, equity, consistency with strategic plan, family affiliations etc) Which matters are decided by council, which matters are decided by the CEO and which matters are delegated to staff? 	<ul style="list-style-type: none"> Interviews with council Council documents (esp. meeting minutes) Direct observation (at council meetings, public meetings)
B. What is the level of community participation in council decision-making? <ul style="list-style-type: none"> Are there advisory committees or bodies? What weight is given to their advice? Does the council consult before making decisions? Does the council hold community meetings? Does the council have any agreements, protocols or MOUs with community groups? Are constituents actively involved in lobbying council? Do constituents take an active interest in council business? Do constituents attend council meetings? How important is community consensus? 	<ul style="list-style-type: none"> Interviews with council Interviews with constituents (incl. women, elders, young people, traditional owners) Council documents (esp. meeting minutes) Direct observation (at council meetings, public meetings)

<ul style="list-style-type: none"> • Are women, young people, elders and traditional owners involved in decision-making? • How do constituents feel about the level of participation? 	
C. How open and transparent is council decision-making? <ul style="list-style-type: none"> • Are council meetings open and do constituents attend them? • Are minutes comprehensive and are they accessible and accessed by the public? • How does the council communicate decisions to the community? (Does the council use a newsletter, notice board, public meetings, annual report etc?) • How easy is it to request information from the council? 	<ul style="list-style-type: none"> • Interviews with council • Interviews with constituents • Council records (esp. meeting minutes, newsletter, annual report)
D. How responsive is the council to the demands of constituents? <ul style="list-style-type: none"> • What is the process for constituents to have issues raised with the council? • Can constituents place issues on the council agenda? • Does council respond to requests for information or action? • How does council deal with complaints? • Are constituents satisfied with the responsiveness of council? 	<ul style="list-style-type: none"> • Interviews with council • Interviews with constituents • Council records (esp. meeting minutes)
E. How important is equity in the council's governance processes? <ul style="list-style-type: none"> • Is equity a criterion in council processes/policies for resource allocation? • Is there evidence of preferential treatment for individuals and groups in council decision-making? • Is merit-based selection used in council employment decisions? • What are the constituents' perceptions of fairness in council decision-making? 	<ul style="list-style-type: none"> • Interviews with council • Interviews with constituents • Council records (policies, procedures, meeting minutes)
F. How important is the rule of law in council's governance processes? <ul style="list-style-type: none"> • Does council have clearly defined rules and policies for decision-making and does council feel bound by these? • Are rules and policies fairly enforced? • To what extent is personal power influential in the outcome of decisions? • Do council decisions have binding force, or are they overruled by the chairperson or staff? • Is there evidence of corruption? • Are there clearly defined roles for councillors and staff? 	<ul style="list-style-type: none"> • Interviews with council • Interviews with constituents • Council records (policies, procedures, bylaws, meeting minutes) • CMC data
G. To what extent does the council have authority to decide matters and to what extent is it bound by external influences? <ul style="list-style-type: none"> • Is council hamstrung by the priorities of funding providers? • Is funding tied or untied? • Do reporting requirements constrain decision-making? • Is the agenda for council meetings set by council or is it reactive to external demands? 	<ul style="list-style-type: none"> • Interviews with council • Interviews with constituents • Interviews with government agencies • Audit reports • Council records (meeting minutes)
H. How effective and efficient is the council administration? <ul style="list-style-type: none"> • Are council decisions implemented in a timely manner? • Is there good project management? • What is the quality of record-keeping? • What is the quality of planning, budgeting and monitoring and review? • Are goals and budgets met? • Are there good policies, procedures and standards? • What is the standard of internal controls and risk management? • What steps are taken for corruption prevention? 	<ul style="list-style-type: none"> • Interviews with council • Interviews with constituents • QAO Governance Audit Framework • Council records (meeting minutes, budgets, plans, annual reports, policies, procedures, manuals) • CMC data

<ul style="list-style-type: none"> • Is there stability in staffing? • Are staff skilled and trained? • Is there evidence of corruption? • Is the administration independent and non-politicised? • Do elected councillors interfere in the jobs of staff? • Are councillors employed in important positions on staff? • Is selection merit-based? • Are sound personnel practices followed? • Is there a process for staff grievances? 	
<p>I. Does the council demonstrate strategic vision and strong leadership?</p> <ul style="list-style-type: none"> • Does the council have a corporate plan or community plan with a long-term strategic vision? • What is the timeframe of plans? • Do councillors articulate a long-term vision for the community? • Are councillors perceived as strong leaders? 	<ul style="list-style-type: none"> • Interviews with council • Interviews with constituents • Council documents (plans)
<p>J. Is the council accountable?</p> <ul style="list-style-type: none"> • To what extent do councillors consider themselves accountable to external funding providers and to their constituents? • What are the consequences where a council performs poorly? (loss of funding, adverse public comment/censure etc) • Do councils take these consequences seriously? 	<ul style="list-style-type: none"> • Interviews with council • Interviews with constituents • Interviews with government agencies
<p>K. How capable is the council of engaging with the wider society?</p> <ul style="list-style-type: none"> • What level of partnerships and relationships does the council have with communities, businesses and government agencies outside the community? 	<ul style="list-style-type: none"> • Interviews with council • Interviews with constituents • Interviews with government agencies, other external stakeholders

4. Cultural issues

Key question: To what extent do the council's institutional arrangements and governance processes match the community's norms and values about governance?

Focus Question	Potential Data Source
<p>A. How was governance practised traditionally (prior to contact) by the people who now live in the community?</p> <ul style="list-style-type: none"> • Were there any particular institutional arrangements that were used? • Were there any particular practices or protocols for making decisions? • How were leaders chosen and what was their authority? 	<ul style="list-style-type: none"> • Anthropological reports • Interviews with council • Interviews with constituents
<p>B. How has governance been practised in the community over the past century of contact?</p> <ul style="list-style-type: none"> • What were the institutional arrangements? • What were the processes used? • How were leaders chosen and what was their authority? 	<ul style="list-style-type: none"> • Anthropological reports, historical accounts • Government reports • Interviews with council • Interviews with constituents
<p>B. What do the residents of the community consider to be important for decisions to be made properly about contemporary community affairs?</p>	<ul style="list-style-type: none"> • Interviews with council • Interviews with constituents
<p>D. Have council's institutional arrangements been modified in any respect to be consistent with tradition or cultural mores?</p>	<ul style="list-style-type: none"> • Interviews with council • Interviews with constituents
<p>E. Have council's governance practices been modified in any respect to be consistent with tradition or cultural mores?</p>	<ul style="list-style-type: none"> • Interviews with council • Interviews with constituents
<p>F. Is council seen as a legitimate governing body by its constituents?</p>	<ul style="list-style-type: none"> • Interviews with council • Interviews with constituents

G. Is council representative of the various groups in the community? <ul style="list-style-type: none"> • Are the various groups represented? • Does council consider itself to be representative of the diversity of views? • Do constituents consider council to be representative of the various groups in the community? 	<ul style="list-style-type: none"> • Interviews with council • Interviews with constituents
H. Who is considered to have “authority to speak” about various aspects of community affairs? <ul style="list-style-type: none"> • For which matters is council considered to have authority to speak, or no authority to speak? • Who is considered to have authority to speak about women’s issues? • Who is considered to have authority to speak about land issues? • Who is considered to have authority to speak about cultural issues? 	<ul style="list-style-type: none"> • Interviews with council • Interviews with constituents
I. To what extent is culture relevant in council decision-making? <ul style="list-style-type: none"> • What do councillors see as the role of culture in decision-making? • What do constituents see as the role of culture in decision-making? 	<ul style="list-style-type: none"> • Interviews with council • Interviews with constituents
J. To what extent are family or kin relationships important in decision-making?	<ul style="list-style-type: none"> • Interviews with council • Interviews with constituents
K. How does culture and tradition impact on the way business is conducted in council	<ul style="list-style-type: none"> • Interviews and documents

5. Council capacity and resources

Key question: What is the council’s level of capacity and resources in relation to governance?

Focus Question	Potential Data Source
A. What level of capacity does the council have? <ul style="list-style-type: none"> • What is the education level and qualifications of councillors and staff? • What is the level of education of the community as a whole? 	<ul style="list-style-type: none"> • Council documents • Interviews with council • Education data
B. What resources does the council have? <ul style="list-style-type: none"> • What is the council’s relative level of funding? • How much own source revenue does council have access to? • What is the council’s asset base? • What is the level of the community’s natural resources (timber, minerals, fish, tourism market etc)? 	<ul style="list-style-type: none"> • Audit reports • Council documents • Government reports/documents (e.g. CYPLUS)
C. What is the council’s proximity to regional centres or major towns?	<ul style="list-style-type: none"> • OESR data
D. What other economic advantages does the council have?	<ul style="list-style-type: none"> • Government reports/documents

6. Council's institutional environment

Key question: What is the role of the council in community governance, relative to other organisations, groups and individuals in the community?

Focus Question	Potential Data Source
A. What other organisations, groups or individuals have a role in decision-making or service delivery in the community? <ul style="list-style-type: none"> What is their composition and function? What is their status and level of legitimacy/authority? 	<ul style="list-style-type: none"> Interviews with council Interviews with constituents Interviews with other organisations/groups Interviews with government agencies Direct observation
B. What is the relationship between the council and these other governance organisations, groups or individuals? <ul style="list-style-type: none"> To what extent do they coordinate their activities? To what extent is there competition for resources? To what extent do different organisations represent different family groups or other factions in the community? 	<ul style="list-style-type: none"> Interviews with council Interviews with constituents Interviews with other organisations/groups Interviews with government agencies Direct observation
C. What is the level of "civic engagement" in the community? <ul style="list-style-type: none"> To what extent do people get involved in voluntary organisations? To what extent do people participate in community governance (e.g. attend public meetings, lobby council)? 	<ul style="list-style-type: none"> Interviews with council Interviews with constituents Interviews with government agencies

7. History and context

Key question: Are there any factors unique in the community's or the council's history or environment that may have a bearing on community governance or council performance?

Focus Question	Potential Data Source
A. What is the council's and the community's history?	<ul style="list-style-type: none"> Interviews with council Interviews with constituents Historical documents (library resources) DATSIP/DLGPSR records
B. What is the council's and the community's broader context? <ul style="list-style-type: none"> What is the relationship with government, peak indigenous bodies and the non-indigenous community? 	<ul style="list-style-type: none"> Interviews with council Interviews with constituents Interviews with government agencies
C. Are there any historical or contextual factors unique to the community that may have a bearing on community governance or council performance?	

Appendix 10 – Sample interview running sheet

RUNNING SHEET FOR INTERVIEW WITH HOPE VALE CEO/ COUNCILLORS

Background

- How long have you been with/on Council? Background, qualifications, experience outside community?

Council performance

Key question: What is the level of the council's performance?

- What are council's overall priorities in terms of functions and services?
- Which areas of service delivery do you feel council is doing well, and which areas do you feel you need to improve?
- As CEO/councillor, do you get many reports or information from your service areas?
- Ask about each of the following areas:
 - Roads, parks and gardens
 - Rubbish collection
 - Water and sewerage
 - Environmental health
 - Animals
 - Infrastructure and facilities (pool, recreation, hall, etc)
 - Library
 - Housing
 - CDEP
 - Business
 - Social programs
 - Land management
 - Attracting grants and funding
 - Financial management and audit compliance
 - Community and town planning
 - Advocacy and representation
 - Overall quality of life

Institutional arrangements

- Does council have portfolios?
- Are there any committees? Any separate structures?
- Is the level of remuneration for councillors adequate?

Governance processes

Governance norms and decision making

- How does council make important decisions? (e.g. what to spend money on this year, what grants to apply for, who to allocate houses to) Do they decide straight away, or does it take time? Is there debate at the council table? Do they take a vote, or is consensus important?
- What is the influence of the Mayor? Are there strong leaders in the Council?
- What is the influence of the CEO?
- When council is deciding what services to deliver and what to spend money on, what are the most important things for them to consider?
 - Balancing everyone's interests and being fair,
 - listening to the community and consulting people,
 - being open and transparent
 - following rules consistently,
 - not wasting money,
 - Respecting culture?
- What do you think **residents** of the community place the most importance on? Is equity and fairness important to people?

Traditional governance and impact of culture and family

- How did the Aboriginal peoples at Hope Vale govern themselves before the mission? Does this come into current practices?
- Who were the true leaders in the community? Is there a big man in each clan? Are they elected to council?
- Has the mission or the church influenced the way people govern or make decisions?
- Are there any decisions that council makes where it must take into account culture or tradition or is it just about good services?
- Are there any community issues which council should not make decisions about or speak about?
- Are women's issues taken into account in council's decisions? Do they have a say?
- Is it OK if councillors are looking after their own families, or should they try to make decisions for the whole community? Is there a sense of a unified community?
- Does council represent everybody in the community and all the groups and families in the community?
- Do people trust the council to make good decisions?
- Do people have respect for the councillors?

History

- Has the council been influenced by the way the Department used to govern the community?

Participation

- Does the council consult people before it makes important decisions?
- Are there public meetings? If there are public meetings, do people come and actively participate? Are they useful?
- Are there any committees to assist council with decision-making?
- Do people have a say about decisions, such as what the money will be spent on, where things will be built etc?

Openness and transparency

- Is council open about its decisions? How does the Council tell people what has been decided?
- Is there a newsletter? Does anyone read public notices on noticeboards? Does the Council use the radio to provide information? Does the council do household letterdrops?
- Do people know they can go to the council meeting or see the minutes?
- What is the role of word of mouth?

Strategic vision

- Does the council have a long-term vision for the community? Do people just live day-to-day?
- Is self-management or self-determination part of the vision?
- Does the community know what the vision is and share it/agree with it?
- Is there a community plan? Do you refer to it when you are making decisions?

Rule of law

- Does council follow set rules or policies when it makes decisions (e.g. about housing or employment)? Is it consistent? E.g. who gets jobs, who gets houses?
- Are there rules about using vehicles and equipment?
- Do councillors declare their conflicts of interest and leave the room?
- Has the council just adopted mainstream rules/policies or has it adapted them to local culture and circumstances?

Separation of powers

- Do councillors get involved in day-to-day issues or do they leave that to the staff?
- What level of issues come before council? How much is delegated to the CEO? Does council follow the recommendations of managers?

Accountability

- Do people complain to council if it makes a decision they don't like? How can they complain?
- Do people participate in elections? How many people run? Is there high turnover?
- Do people take an interest in council business?

Autonomy

- Does council have enough authority and independence, or is it just doing what the Government says?
- How does council get around the fact that most funding is tied?

- Are there things run by Government or outside organisations that the Council should run?

Strategic engagement

- Has Council been good at developing relationships with Government agencies?
- Does council get what it wants?
- What sort of partnerships and networks does council have with other communities, other local governments and mainstream businesses?

Other organisations

- What other organisations in Hope Vale does Council have to work closely with? (school, health clinic, police, CJG, womens group, mens group, traditional owner organisations?)
- How do you coordinate council's activities with these? (MOUs, collaborative planning, interagency meetings) What relationship do you have?
- Is there a lot of political conflict between organisations? Between families? How is conflict resolved?
- Does Council provide support to community organisations?
- Are there services or functions that the Council could divest to community organisations?

Efficiency and Effectiveness and Capacity

- Are you confident that council's decisions will get implemented? How are decisions communicated to staff? Do staff report on implementation of Council decisions/programs?
- Do projects get done on time and within budget? i.e New facilities built, programs delivered etc?
- Is there good planning and budgeting?
- Are staff efficient and effective?
- Do staff have enough skills and training? What has Council done to provide training and develop staff?
- Is it possible to employ good people? Have local staff had experience outside the community or exposure to the wider world?
- Should the council employ outsiders? What is their role?
- Are staff recognised and rewarded?
- Is there stability in staffing?
- Is there a good work ethic?
- Are there good HR practices? Merit selection (advertised and panel used), hours of work, leave processes, grievance procedures etc?
- Are there internal controls to prevent corruption or people misusing resources? Is there a code of conduct?
- Do staff favour their own families? Can you avoid this?

- How can staff deal with the pressure from families for favours?
- How can staff deal with the pressure of having to make unpopular decisions?

Civic engagement and social capital

Finally, I want to ask some questions about life in Hope Vale and the people of Hope Vale.

Culture and tradition

- Is culture and tradition still strong at Hope Vale?

Education

- Are Hope Vale kids striving for a good education or are they mostly aiming to leave in grade 10 and go on CDEP?

Generational differences

- Are there generational differences in peoples' values, attitudes to education and work, vision for the future?
- Has welfare dependency had an impact on people?

Social and civic participation

- Do people in Hope Vale get involved in community organizations or clubs or associations?
- Are there active mens, womens or youth groups?
- How many people go to sporting events?
- Do people get involved in community events?
- Do non-Indigenous residents get involved in any community activities?
- Do people still go to church and to church functions?
- What are the main forms of social activity?
- Do you know who the local Member of Parliament is?

Bridging social capital – wider engagement

- Do people in Hope Vale travel outside the community much? How many times in the last month? For what purposes?
- Sport
- School, TAFE
- Work
- Visit family and friends
- Shopping
- Holidays

- In Hope Vale, do you feel cut off or isolated from the outside world, or do you have opportunities to be involved in things outside the community?

Trust

- Would you say that most people in Hope Vale trust each other? If you lost your wallet with \$200 in it, would someone return it?
- Would you say that people in Hope Vale trust people from other places?

Efficacy

- Do people work together to solve problems in Hope Vale? Any examples?
Suicide?

Acceptance of diversity

- Do people welcome outsiders into Hope Vale?

Social Change

- How has the community changed in the last twenty years? Is it for the better, or worse?

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