

## **MANAGING DILEMMAS IN INDIGENOUS COMMUNITY-BASED ORGANISATIONS: VIEWING A SPECTRUM OF WAYS THROUGH THE PRISM OF ACCOUNTABILITY**

KATHRYN THORBURN\*

### **I Introduction**

The aim of this paper is to demonstrate, via an exploration of the dilemmas of accountability in Indigenous community-based organisation, that there may be a range of expressions of ‘best practice’ in this context. Via such a demonstration, it aims to counter simplifying and moralising elements of the ‘good governance’ discourse to which such organisations are currently subject. The dilemmas, or ‘balancing acts’ raised here reflect the reality that such organisations are fundamentally ambiguous, straddling the demands of two very different ‘corporate’ cultures: that of remote Indigenous communities versus that of government bureaucracies and their agents. As others have observed elsewhere, the role of such organisations is that of mediator and translator, interpreting across and between two domains of understanding and value systems.<sup>1</sup> In such an environment, conventional organisational strengths can become weaknesses and vice versa. As Sullivan observed:

Ultimately ... the advantages of grassroots organisations lie not in their formal structure but in their privileged access to their members, reinforced through long association... Thus the strength of Aboriginal organisations is to be found precisely in their structural weakness.<sup>2</sup>

Until fairly recently, as reflected in this quote, there were particular traits associated with Indigenous community-based organisations which were considered strengths in the context of delivering services in more remote Australia: they were personalised, they were small, they were ‘grassroots’, they

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

<sup>1</sup> See, Patrick Sullivan, ‘Aboriginal Community Representative Organisations: Intermediate Cultural Processes in the Kimberley Region, East Kimberley’ (Working Paper No 22, Centre for Resource and Environmental Studies, The Australian National University, 1987); Patrick Sullivan, *All Free Man Now: Culture, Community and Politics in the Kimberley Region, North-West Australia* (1996); Frances Morphy, ‘The language of governance in a cross-cultural context — what can and can’t be “translated”’ (Seminar paper presented in the Indigenous Governance: Challenges, Opportunities and Outcomes Series, North Australia Research Unit, The Australian National University, Darwin, 30 November 2005).

<sup>2</sup> *Ibid* (1996) 99.

‘knew’ the constituency, they could take account of cultural concerns and conduct business in more inclusive ways, or in proper ‘blackfella way’. In the current discourse, many of these same attributes of Indigenous community-based organisations are now being described as weaknesses — they do not act on behalf of the ‘common good’, they are too many and too small to be efficient, they are not equitable in their service provision, and so forth.

The discussion in this paper is limited to an examination of internal accountability, although there are a suite of measures of ‘good governance’ that could similarly be called into question in this way. In such a context, it is also important to acknowledge that there are three additional externalities applying pressure on the internal processes of accountability, which will not be addressed in this paper for reasons of brevity. The first relates to the particular parameters set by the various Acts under which these bodies incorporate;<sup>3</sup> the second relates to burgeoning demands for external accountability by government funders, which are having significant impacts on the internal efficacy of such community-based organisations.<sup>4</sup> The third relates to state and federal government policy, and how that can influence the constitution of community and therefore of people’s political subjectivities: the current policies relating to the defunding of outstations, and changes to CDEP are examples which are already having significant impacts on how organisations such as are being described here, function and constitute themselves. As many have argued elsewhere,<sup>5</sup> such organisations have developed particularly Indigenous agendas, in addition to mutable governance practices which have allowed them to serve the concerns of their own constituencies, as well as meet the demands placed on them from the state to serve its ends.<sup>6</sup>

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<sup>3</sup> See Christopher Mantziaris and David Martin, *Native Title Corporations: A Legal and Anthropological Analysis* (2000).

<sup>4</sup> Patrick Sullivan, ‘Softwares of Colonialism: Contradictions of Accountability in Whole-Of-Government Policy for Indigenous Affairs’ (Seminar paper presented in CAEPR Seminar Series 1, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra, 3 May 2006).

<sup>5</sup> See, eg, Phillip Batty, ‘Private Politics, Public Strategies: White Advisors and Their Aboriginal Subjects’ (2005) 75 *Oceania* 209; Ralph Folds, *Crossed Purposes: The Pintupi and Australia’s Indigenous Policy* (2001); Rolf Gerritsen, ‘Blackfellas and Whitefellas: The Politics of Service Delivery to Remote Aboriginal Communities in the Katherine Region’ in Paul Loveday (ed), *Service Delivery to Remote Communities* (1982); Mantziaris and Martin, above n 3; David Martin, ‘Governance, Cultural Appropriateness and Accountability’ in Dianne Austin-Broos and Gaynor Macdonald (eds), *Culture, Economy and Governance in Aboriginal Australia* (2005) 187; Peter O’Malley, ‘Indigenous governance’ in Mitchell Dean and Barry Hindess (eds), *Governing Australia: Studies in Contemporary Rationalities of Government* (1998) 156; Patrick Sullivan, *All Free Man Now: Culture and Post-Colonialism in the Kimberley Division, North West Australia* (PhD Thesis, The Australian National University, 1989); Sullivan (1996), above n 1; and Patrick Sullivan, ‘Indigenous Governance: The Harvard Project on Native American Economic Development and Appropriate Principles of Governance for Aboriginal Australia’ (AIATSIS Research Discussion Paper No 17, Australian Institute of Aboriginal and Torres Strait Islander Studies, 2006).

<sup>6</sup> David Martin (in ‘Rethinking the Design of Indigenous Organisations: The Need for Strategic Engagement’ (CAEPR Discussion Paper No 248, Centre for Aboriginal Economic Policy Research, The Australian National University, 2003)) conceives of such organisations

The other important factor to acknowledge is that both case study organisations were ‘umbrella’ in structure — certain elements of the dilemmas under discussion may be somewhat magnified in these structures, while others diminished.

## **II Diverse Histories — A Necessary Backdrop<sup>7</sup>**

A significant section of the paper is given over to mapping the histories of the two case study organisations. These histories are critical in the development of the kinds of tensions explored below.

In 2005, when the study was undertaken, Bunuba Inc in Fitzroy Crossing had 11 member organisations; Kurungal Inc. based at Kupartiya had five. Both consisted of one relatively large community/member organisation, numbering 100 or more people in addition to outstations and smaller communities. ‘Bunuba’ is the language of people who traditionally resided around, and to the north, northwest and north-northeast of the current town site of Fitzroy Crossing.<sup>8</sup> The organisation consists of around 600 people; the membership of the sub-organisations is determined by kinship, except for the largest community Junjuwa which has substantial historical non-Bunuba residents. *Kurungal* is the Walmajerri word for Christmas Creek, that is, the creek itself, Christmas Creek station, and by association, the groups that live there, the ‘Kurungal mob’. The membership of its sub-organisations is determined by association with one of the five communities, but also kinship to a degree — belonging to those families who had historically resided and worked on Christmas Creek or Bohemia Downs stations. Its current membership sits at 350, and the communities it represents are between 80 and 120 km to the east of Fitzroy Crossing.

Despite being geographically located only 120 km apart, the constituencies of each organisation have markedly different contact histories. Bunuba people have a rather long history of association with the pastoral stations on their own country (see Figure 1), though this was preceded by a

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as ‘intercultural’. However, I would argue that the sphere of cultural interaction in this context relies to an extent on a perversion of both cultures. In this way, organisations do not simply represent a kind of cultural overlap, but rather a zone of mutual cultural distortion underlain in part by misunderstandings of the other, and, more subtly, as Francesca Merlan conceives of the ‘intercultural’ (*Caging the Rainbow: Places, Politics and Aborigines in a North Australian Town* (1998)), via forms of mimesis.

<sup>7</sup> Governance discourse relating to nation states has similarly been characterised as being problematically ‘ahistorical’, and ‘essentialising’. See, eg, Merilee S. Grindle, ‘Good Enough Governance: Poverty Reduction and Reform in Developing Countries’ (2004) 17 *Governance: An International Journal of Policy, Administration, and Institutions* 525, 531.

<sup>8</sup> Specifically, Bunuba country is centred on the Napier, Oscar and King Leopold Ranges. The southeastern boundary is formed by the Fitzroy River, upstream to Diamond Gorge. The northern boundary runs along the Lennard and Richenda rivers, from where the Lennard crosses the Gibb River Road. The Erskine range sits in the southwest corner, and from there the southern boundary roughly follows the Great Northern Highway back to Fitzroy Crossing. That is, an area somewhat larger than that described by authorities such as Tindale.

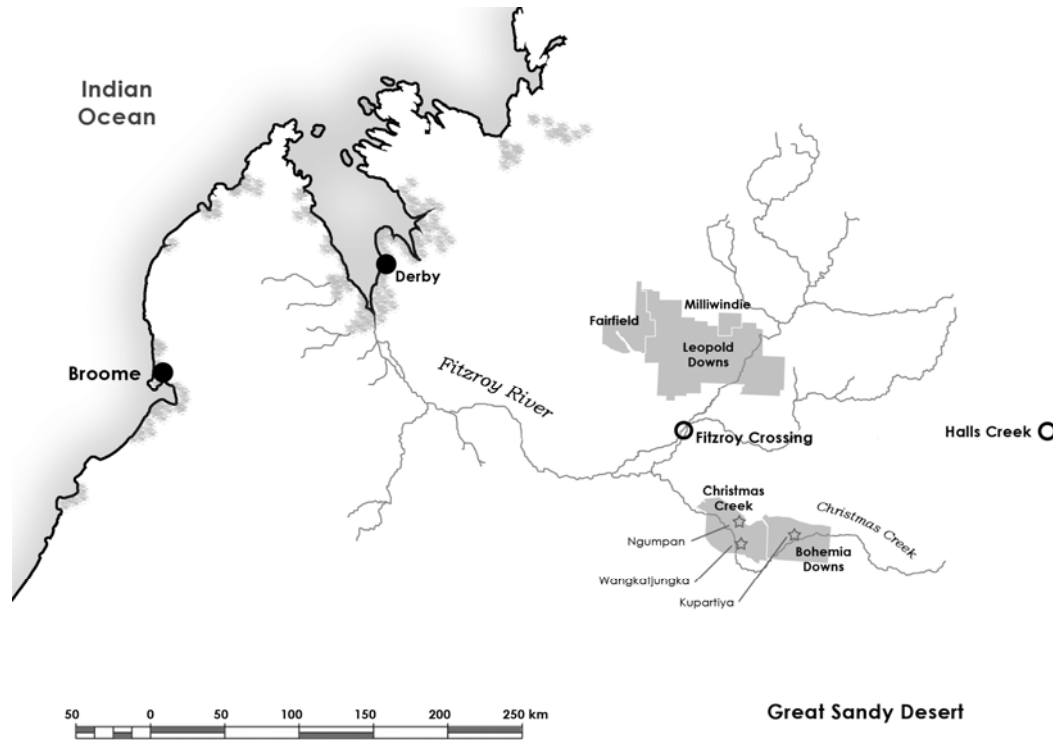


Figure 1 — Map of West Kimberley, Western Australia, showing locations of communities and pastoral station boundaries (in grey) mentioned in text.

well documented and extremely violent period of ‘colonial encounter’ late in the 19<sup>th</sup> and into the 20<sup>th</sup> centuries.<sup>9</sup> Some of the more northern groups associated with Kurungal had a similarly destructive encounter with pastoralists and policemen, although generally somewhat later than Bunuba, whose country along the Fitzroy River represented — and still does — some of the most desirable grazing lands in the West Kimberley. The southern groups, however, form part of a diaspora whose emergence from the deserts to the south has been much discussed amongst anthropologists.<sup>10</sup> People from these language groups were still ‘coming in’, or being ‘brought in’ to the southern stations of the Kimberley well into the 1960s.

What constituents of both organisations have in common — arguably even including those who were born after the date — is the great upheaval, and

<sup>9</sup> See Howard Pederson and Banjo Woorunmurra, *Jandamarra and the Bunuba Resistance* (1995), for an account specific to the resistance of Bunuba people to the white incursion. For a more general account of relations between Police and Aboriginal people from the mid 1880s to early 1900s see Andrew Gill, ‘Aborigines, Settlers and Police in the Kimberleys 1887-1905’ (1997) 1 *Studies in Western Australian History* 1. This paper, however, has an emphasis on the East Kimberley, reflecting the superior records kept by Police there as compared to those at Fitzroy Crossing.

<sup>10</sup> For personal accounts, see, eg, Ngarta Jinny Bent, Jukuna Mona Chuguna, Pat Lowe and Eirlys Richards, *Two Sisters: Ngarta and Jukuna* (2004) and Audrey Bolger, ‘Wangkajunga Women: Stories from the Desert’ (1987) 11 *Aboriginal History* 102; For anthropological accounts see for example Erich Kolig, *The Silent Revolution: The Effects of Modernisation on Australian Aboriginal Religion* (1981); and Jeremy Long, ‘Leaving the Desert: Actors and Sufferers in the Aboriginal Exodus From the Western Desert’ (1989) 13 *Aboriginal History* 9.

(re)dislocation that followed the equal wage decision of 1968, which over a period of years, forced perhaps more than one thousand people off the stations and into Fitzroy Crossing.<sup>11</sup> This historical event forced new kinds of political subjectivity, amongst people who previously had had utterly no basis for commonality. This time in the early '70s was followed by a period in which people sought to establish outstations, generally on excisions from the pastoral leases from whence they had originated. This process continued throughout the late '70s, '80s and '90s and into the present, and some dozens of small communities were established throughout the Fitzroy Valley.

The current Bunuba Inc structure, consisting of 11 incorporated member communities, and a corporate arm, was preceded by a number of different, more separated corporate entities. Junjuwa is the community in Fitzroy Crossing where the majority of Bunuba people now live. The 'community' of Junjuwa was established in the early '70s, adjacent to the site of the United Aborigines Mission<sup>12</sup> for the hundreds of station refugees who had set up camp there. The original design of Junjuwa was to have 'streets' or sections kept separate for different language groups — Bunuba in one strip, Walmajerri in another, Wangkatjungka in another and so forth. Despite it being Bunuba country, the Bunuba people remained a minority in this community at least until 1987; they nevertheless, for the most part, maintained a political dominance over the Council.<sup>13</sup> With the assistance of Marra Worra Worra, an

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<sup>11</sup> The lead up to the Pastoral Award decision, and the ways in which it reflected to a degree the changing relationships between pastoralists and their Aboriginal workers and residents, has been considered at some length by historians. See, eg, Bill Bunbury, *It's Not the Money it's the Land: Aboriginal Stockmen and the Equal Wage Case* (2002); Mary Anne Jebb, *Blood, Sweat and Welfare: A History of White Bosses and Aboriginal Pastoral Workers* (2002); and Paul Marshall (ed), *Raparapa Kularr Martuwarra: All Right, Now We Go Side the River, Along that Sundown Way* (1989). In particular, the Pilbara strike of 1946 raised the possibility of the unionisation of the Kimberley workforce, and by 1950, an informal (that is, unenforced) agreement had been made between the Native Affairs Department and the Pastoralists and Graziers Associations to '... pay (nominal) monthly pocket money [to all station workers] ... regardless of their caste or skill.' (Jebb *ibid* 223). That is, the Pastoral Award coincided with a raised consciousness amongst some Aboriginal people that the indentured conditions under which people lived on the stations were unacceptable. It was also coincident with other dramatic shifts in policy — the growing number of people receiving 'welfare', the referendum in 1967, and the gaining of 'drinking rights' in 1971. See also Erich Kolig, 'Tradition and Emancipation: An Australian Aboriginal Version of Nativism' (1973) 1 *Supplement to 'Newsletter' of Aboriginal Affairs Planning Authority* 42, for discussion of how the 'town' of Fitzroy Crossing stood in the early 1970s, and how it changed with the influx of people from the stations. See Jon Altman and John Nieuwenhuysen, *The Economic Status of Australian Aborigines* (1979) 67, for discussion on structural changes in the pastoral industry in the 20 years preceding the Pastoral Award decision, which also contributed to 'declining demand for Aboriginal employees.'

<sup>12</sup> There had been an historical presence of mostly Bunuba, but also some other language groups residing at the UAM in the two decades prior to the Pastoral award decision.

<sup>13</sup> Bernard Moizo [*All One Mob But Different: Groups, Grouping and Identity in a Kimberley Aboriginal Village* (PhD Thesis, The Australian National University, 1991) 190] counted 413 residents at Junjuwa in early 1985, made up of: 166 Walmajerri, 150 Bunuba, 66 Wangkajunga and 31 Gooniyandi.

outstation resourcing agency established in Fitzroy Crossing in 1978, more and more non-Bunuba people began to establish their own places, generally on pastoral excisions.<sup>14</sup> There were also two other communities established within the town of Fitzroy Crossing itself with the express purpose of separating out these language groups: Kurnangki and Mindi Rardi. Junjuwa Community was incorporated in 1975; its constitution was very broad, reflecting the nature of its population at that time, and any resident of Fitzroy Crossing could become a member, or be elected as Chairperson.

A second organisation was also to become very crucial in the Bunuba people's story. Bunuba Aboriginal Corporation (BAC) was established in 1991, ostensibly to hold the lease for Leopold Downs, which was purchased for Bunuba people by ATSIC.<sup>15</sup> Strictly speaking, it was the first organisation established by Bunuba people, to exclusively pursue their own interests, in particular, their strong desire to regain access to country. It was without a doubt spectacularly successful, and within five years of its establishment, had contributed to the acquisition of three pastoral leases which combine to account for roughly 75 per cent of the traditional lands of the Bunuba people. Given its main thrust were matters relating to Bunuba country, including land acquisition, it is not surprising that the constitution of BAC was somewhat more specific — its members consisted of particular senior Bunuba people with well established connections to clan estates and related country.

Bunuba Inc was established in 1999, and sought to bring together Junjuwa Community Inc and Bunuba Aboriginal Corporation under the one umbrella. By this stage, Junjuwa (the geographical community) was well and truly dominated by Bunuba people, and considered a Bunuba community by other residents in Fitzroy Crossing. By 1999, there had also been a number of outstations, and smaller communities established by Bunuba people, most on the stations which Bunuba now owned, but also one smaller on an excision from Brooking Springs station nearer to the town of Fitzroy Crossing. The organisational entity of Junjuwa therefore was becoming somewhat unsuited to capturing these new expressions of community.

The 11 member communities of the Bunuba Inc structure reflect these shifts; each endeavours to incorporate members on the basis of more traditional

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<sup>14</sup> The early days of Marra Worra Worra were very much focused on assisting a return to country for Walmajerri and other 'desert' groups. See, eg, William. S. Arthur, *Between Two Worlds: Aboriginal Cultural Autonomy and Economic Assimilation in Remote Western Australia in the 1980s* (MA Thesis, University of Western Australia, 1990). There was a consensus amongst people I interviewed who were present at Fitzroy Crossing at the time — some of whom were working for Marra Worra Worra — that Bunuba people were not a priority of that organisation, in part because of their historical association with the United Aborigines Mission in Fitzroy Crossing.

<sup>15</sup> There was an enormous amount of work undertaken by Bunuba people however in the lead up to this purchase, including a long history of unsuccessful attempts to negotiate with the West Australian Cattle Company (WACC), which owned the leases of Fairfield, Leopold and Brooking Springs, for pastoral excisions. Additionally, there were many letters written to State ministers and other WA officials about the land-poor status of Bunuba. Consequently, when the WACC collapsed in 1990, Bunuba were very well placed to make an argument to ATSIC in favour of the purchase.

connections and markers of identity, rather than simply on the basis of residence in a particular place. Being structured in this way was also an attempt draw people back to more ‘traditional’ expressions of community (‘clans’), in part because of a perceived lack of authority and sanction in the community of Junjuwa. Some of the ‘member organisations’ are in fact traditional Bunuba clan names. Some are geographical place names while others are names adopted by communities which relate not to their actual geographical location, but to where the residents aspired to locate them. All, however, relate to particular families, with their own sets of authority figures. One of these subgroups — member organisations — was in fact named ‘Junjuwa’. Its membership was to consist of historical and non-Bunuba residents of Junjuwa who could not be sorted into the other groupings. I should state, however, that despite the 11 new associations, the majority of Bunuba people continued to live in Junjuwa; even those who had established outstations continued to visit relatives there, sometimes for extended periods. In other words, while strictly speaking there may have been no clan basis for identification with the community of Junjuwa, there were both historical and geographical reasons, as well as emergent social ones, why the place, and the previous Junjuwa Community Inc, continue to have meaning for Bunuba people.

Bunuba Inc then was an attempt at doing two very different things — on the one hand, it was a straightforward rationalisation of business interests. On the other, it was a very nuanced attempt at encouraging a form of cultural renaissance. For Bunuba, this was a logical progression in some respects, having regained much of their country and developed, through the Kimberley Language Centre office in Fitzroy, a renewed focus on recording and teaching Bunuba language.

Kurungal Inc similarly has a rather complex history, part of which relates to the fact that many of its constituents are Wangkatjungka people, though there are also some Kukatja and southern Walmajerri — that is, people whose country is deep to the south, in the Great Sandy Desert — but living now on northern Walmajerri and Guniandi country, who also form part of the member communities. Almost without exception, Bunuba people live within the geographical limits of their traditional language group boundary.<sup>16</sup> Whereas, while some members of Kurungal can similarly speak for the country on which they reside, the majority do not have such authority. Of course, it needs to be acknowledged that some of these desert immigrants are given, acquire or discover, ceremonial knowledge relating to their new homelands, and also bring ceremony with them.<sup>17</sup>

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<sup>16</sup> Although there are obviously Bunuba people elsewhere — a number in Derby for example, some of whom are members of Bunuba Inc. Despite the name ‘Bunuba’, that is, a language name being the identity signifier for this organisation, in fact Bunuba is not commonly spoken by its constituents, outside of older people. A recent estimate put the number of ‘fluent’ speakers at about 60 [Stuart Rintoul, ‘Dying Aboriginal Language Given New Voice’, *The Australian* (Sydney), 10 October 2006, 4].

<sup>17</sup> As Alan Rumsey states: ‘Thus, with respect to the events of the dreaming, Kolig, for example has shown how Walmajarri and Wangkajunga people who moved from the northern edge of the Western Desert into the Fitzroy Valley were able to read the local landscape in

Unlike Bunuba Inc, Kurungal Inc as an organisational concept was generated inside the bureaucracy. Officers of ATSIC held a number of community meetings in the lead up to the establishment of Kurungal Inc with the member communities of Wangkatjungka, Kupartiya, and Ngumpan, each of which had up until the creation of Kurungal in 2001, independent organisations and budgets — Wangkatjungka had however looked after Ngumpan community's CDEP. In essence then, Kurungal Inc was a rationalisation of various organisations within an 80 km radius. That the administrative heart was established at Kupartiya was also a decision that was driven by ATSIC, despite it being the third smallest community of the five, and being 60 km away from Wangkatjungka, where the majority of constituents — around 200 people — reside. Kupartiya was deemed the most appropriate community for the Kurungal office and staff, largely because of a perception that it was more 'stable' and that there was stronger leadership there.

While these five sub-organisations have elements of their history in common, they also have important distinctions. Kupartiya in particular, is a community built on Bohemia Downs station, which was handed back to people in 1989.<sup>18</sup> The main family for Kupartiya are traditional owners for surrounding country, but also have managed that station for five generations — in other words, since the earliest days of colonial intrusion.<sup>19</sup>

Wankgatjungka community was named for the Wangkatjungka language

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ways that connected it to dreamings from their own country' ['The Dreaming, Human Agency and Inscriptive Practice' (1994) 65 *Oceania* 116]. See also Kim Akerman, 'The Renaissance of Aboriginal Law in the Kimberleys' in Ronald M. Berndt and Catherine H. Berndt (eds), *Aborigines of the West: Their Past and Present* (1979) 234; Kolig, above n 10. See also Arthur, below n 27.

<sup>18</sup> In 1985, the Emanuel family decided to sell its four pastoral leases: Cherrabun, Gogo, Christmas Creek and Meda. This decision was likely partly in reaction to WA's Seaman Land Inquiry, which was underway at the same time, and thought to be a precursor to a form of land rights legislation in WA [Aboriginal Development Commission, 'WA Cattle Leases Review Must Benefit Aboriginal Groups' (1985) 2 *Aboriginal Development Commission News* 6]. These four, and four other stations adjacent to them, which had been owned by the Australian Land and Cattle Company, were purchased by the Exim Corporation, a trading body set up by the West Australian Government [John McIlwraith, 'Major Changes Ahead For The Kimberley', *Australian Financial Review* (Sydney), 2 May 1985, 33]. The Government's objective was to break up these large stations into smaller, more viable units. The Bohemia Downs station, handed back in 1989 [Aboriginal Development Commission, 'Kimberley Cattle Country Handed Back' (1989) 2 *Aboriginal Development Commission News* 5] was very much smaller than the station known now as 'Old Bohemia', which on top of the 'new Bohemia' lease, incorporated the majority of the contemporary lease of Bulka station, and a southern section of Larrawa station.

<sup>19</sup> Alan Lawford states: 'The station and community started off, and continues, as one. Ngumpan and Kupartiya communities got together and formed the corporation. We appointed directors to sit on the board of the station and to report back to the communities. Kupartiya community was established straight away — we put in boundaries for the community, and the station was for the community ... I am the fifth manager of Bohemia. All the managers have been from our family.' ['Bohemia Downs Station' in Rosemary Hill, Kate Golson, Pat Lowe, Maria Mann, Sue Hayes and Jane Blackwood (eds), *Kimberley Appropriate Economies Roundtable Forum Proceedings: Convened 11-13 October 2005, Fitzroy Crossing* (2006) 98, 98].



speakers who form a considerable percentage, although no longer the majority, of current residents.<sup>20</sup> The community is on an excision from Christmas Creek Station, adjacent to the area where the Aboriginal workers and families had camped for generations. This station was part of the enormous Emmanuel pastoral empire which was established late in the nineteenth century. Perhaps because of its long history, it has achieved, along with neighbouring Emmanuel properties such as Gogo and Cherrabun, a kind of folk-lore status, and remains an important site for large ceremonies in the wet season. Significant numbers of desert people saw their first *kartiya* (white person), and their first bore, on one of these three stations. In the words, of one Walmajerri man, said to have been born around 1918:

That manager made the police go out and bring all the people in from the desert...It's Walmajerri country all around there, around Christmas Creek, right through to Kalyeeda, down the Canning Stock Route, and right through to Billiluna ... The Halls Creek police worked the eastern side, the Fitzroy police worked this side, and the Broome police worked the eastern side. They kept going at it until nobody was left out there. They didn't allow the Aboriginal people to live in the desert after that. They sent some of the people to Cherrabun, some to GoGo, and some to Christmas Creek.<sup>21</sup>

Populations of people on these stations continued to grow, and indeed to change as people started to sort themselves out, and find their own families on particular stations. The Department of Native Welfare records show for example that the population on Christmas Creek station increased from 100 in 1952 to 180 in 1963.<sup>22</sup> Over time, those living on Christmas Creek station developed a new kind of identity of their own, captured in this quote:

There aren't many people alive now who were born out in the desert. A lot of young people were born on Christmas Creek and *belong to the station country* ... A lot of the people who are on Christmas Creek now are from a different mob; they're Wangkatjungka people from the other side of our (Walmajerri) country (emphasis added).<sup>23</sup>

By the time the pastoral award decision starting having an impact in the early '70s, there was estimated to be around 300 people living on Christmas Creek. The vast majority were moved off, although a handful of people were retained as workers on the station. They formed part of the mass inflow of people into Fitzroy Crossing, and set up camp at a place known then as Fig Tree Reserve,<sup>24</sup> but known now, with its own lease and incorporated body, as Kurnangki. By 1975, the excision from Christmas Creek had been vested in the

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<sup>20</sup> West Australian Planning Commission, *Wangkatjungka Community Layout Plan: Report and Provisions* (2004) 5.

<sup>21</sup> Marshall, above n 11, 258.

<sup>22</sup> Bolger, above n 10, 104.

<sup>23</sup> *Ibid* 263.

<sup>24</sup> See Kolig, above n 11, 30; and Stan Davey, *Kroonull Community Development: An Overview* (1979).

Aboriginal Lands Trust, Wangkatjungka Community was incorporated, the building of houses had begun and people began to move back. Many, however, remained in Fitzroy Crossing. The population of Wangkatjungka in 2004 was estimated to be 145.<sup>25</sup>

The community of Ngumpan also has interesting origins. Its establishment relates to a dispute with management of Christmas Creek station in 1979, in which some of the Aboriginal stockmen who had been retained by the station were assaulted on their way back from ‘town’ (Fitzroy Crossing) by white station workers and smeared with flour. This event initiated a ‘walk-off’ of a large number of people from the station excision, to camp at the place which has evolved into Ngumpan community. Mostly Wangkatjungka people,<sup>26</sup> this group was given permission to stay permanently at this place, which is sometimes referred to as ‘the pinnacles’, by a Guniandi traditional owner.<sup>27</sup> Ngumpan became incorporated in 1981, soon after the community was granted a lease. The two other member communities — Gilly Sharp (incorporated 2002) and Ngarantjadu (incorporated 1985) — are both family-based, much smaller outstations with variable occupancy.

In both organisations then, it is apparent that historical tensions are still being played out, so that there is in a sense a three-tiered layering to how people identify themselves: pre-contact or traditional (language, clan/country and kin), ‘station times’, and now ‘community’. None necessarily take precedence over any other, but rather co-exist and over time begin to reinforce (or undermine) one another within particular ‘community’ reifications, some of which have been juridified within organisational structures.

### III A Suite of Tensions

The considerable complexity described above in the evolution of organisational entities is reflected, I argue, in their contemporary governance practices. Such complexity has been conceptualised in terms of a suite of tensions, which for the purposes of this paper, have been limited to those discernible when considering the practical application of the principle of accountability.

These tensions have been broken down here, for analytical purposes, into five broad ‘dilemmas’. There are, however, significant overlaps between these categories, tensions between the tensions if you like. The tensions are:

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<sup>25</sup> West Australian Planning Commission, above n 20, 7.

<sup>26</sup> The distinction between Walmajerri people and Wangkatjungka people is not always straight forward, especially given that most of the latter living in the southern Kimberley also speak the former. See Erich Kolig, ‘From Tribesman to Citizen? Change and Continuity in Social Identities Among South Kimberley Aborigines’ in Ronald M. Berndt (ed), *Aborigines and Change* (1977) 33.

<sup>27</sup> As William S. Arthur states: ‘The Ngumpan group are indeed learning about the surrounding area and have moved their religious objects (daragu) onto their new land. However, they and others recognise that the land is still Gunian ...’ [Arthur, above n 14, 195].

1. Maintaining a united front while allowing for diversity;
2. ‘Responsibilities’ of authority figures and ‘being held to account’;
3. Staff as insiders versus staff as outsiders;
4. Providing information versus limits to literacy and engagement;
5. Effectiveness versus inclusiveness; and
6. Weighing up the costs and benefits

To pre-empt the charges of replacing one set of false dichotomies with another, these tensions are not to be conceived of as binary oppositions, or choices between one and the other. Rather, as is the nature of ‘dilemmas’, they represent a series of questions which may not be, in any absolute or straightforward sense, resolvable; each contains within it a range of possible, legitimate approaches, or compromises.<sup>28</sup>

Many of these ‘dilemmas’ reflect the fact that members, staff and councillors have different understandings or views on matters such as accountability — for example, is it better to have a leader who is effective but not especially transparent, versus one who is transparent but not especially effective? They also reflect universal conundrums about individual agency within associations, about minority cultures within nation states, and about the prioritisation of means versus ends in the name of ‘development’ or ‘social change’. Such dilemmas are far from novel in the world of political theory and practice; they do seem somewhat downplayed, however, in much of the discourse around Indigenous community governance.

#### **IV Presenting a United Front Versus Allowing For (While Containing) Diversity**

Organisations, or human associations of any kind, have always been an artefact in which particular commonalities of a group are emphasised, and their differences minimised. Indigenous organisations in remote communities are no different, although the kinds of tensions embodied in how people choose to express their political subjectivity may be rather different to the non-Indigenous world.<sup>29</sup> In a similar vein, many authors have problematised the nature of ‘community’ — the ‘member communities’ represented clinically in organisational structures can belie complexities relating to the sometimes

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<sup>28</sup> The classic kind of ‘dilemma’, which would be familiar to many readers of this paper, is Fred R. Myers’ ‘autonomy and relatedness’, see *Pintupi Country, Pintupi Self: Sentiment, Place and Politics Among Western Desert Aborigines* (1986).

<sup>29</sup> For an overview of earlier literature, see Tim Rowse, *Remote Possibilities: The Aboriginal Domain and the Administrative Imagination* (1992) ch 2. On tensions between ‘dispersed’ versus ‘unified’ forms of governance, see, eg, Will Sanders, ‘Thinking About Indigenous Community Governance’ (CAEPR Discussion paper No 262, Centre for Aboriginal Economic Policy Research, The Australian National University, 2004). On differing views as to the basis of political authority, both from within the Academy, government policy and more generally, see Tim Rowse, ‘Democratic Systems are an Alien Thing to Aboriginal Culture...’ in Marian Sawer and Gianni Zappala (eds), *Speaking for the People: Representation in Australian Politics* (2001) 103.

forced, sometimes spontaneous, often shifting constructions of community that many have acknowledged elsewhere.<sup>30</sup> This kind of tension then relates to what exactly Indigenous community-based organisations are attempting to ‘contain’, that is, how a diversity of personal and group histories and connections are represented in a static structure.

Both case study organisations under consideration here ‘contain’, and try to reflect, very complex histories. Both are umbrella organisations, that is, they have other incorporated bodies as their ‘members’, which often have rather complex histories of their own. As such, they were both incorporated under the *Associations Incorporations Act 1987* (WA), rather than under the federal *Aboriginal Councils and Associations Act 1976* (Cth), which at the time these two organisations came into being, did not allow for bodies wishing to have organisations as members. That these two organisations are made up of smaller organisations is of particular import for this discussion. In both cases, the umbrella organisation largely manages the affairs of the subsidiaries — all state and federal government funding is channelled via the umbrellas, administered by them and reported on by them. No doubt such improved efficiency was the intent of establishing the umbrellas in the first place. In both cases, member organisations ‘elect’ a representative to sit on the Council. In people’s minds however, such Councillors are representing not an organisation as such, but a community; that is, a geographically and kinship defined distinct group of people.

As with Bunuba Inc., certain members of any given ‘member community’ of Kurungal Inc. may have very strong connections to the associated geographical ‘community’ which is represented by their sub-organisation, and may have strong kinship ties to others there. Other members of the same ‘community’, however, may have ties which are less strong; they may have married in, or married out. Their land affiliations might be elsewhere, but their kin affiliations might nevertheless be reasonably coherent within the geographical community or residence. Not surprisingly, very real and ongoing tensions remain in both organisations, both between the umbrella entity and its member communities, and amongst the member communities.

Umbrella structures such as these arguably work well in terms of vertical accountability — that is, between a representative on a Council, the leaders/elders who advise them, and their own constituency. Unsurprisingly, they become problematic horizontally, however, in terms of accountability across constituencies and therefore between settlements and/or families. They can also disguise a diversity of capabilities, and approaches, across member community representatives. In particular, such a structure may make the position of Chairperson — who often has significant obligations, but also

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<sup>30</sup> For exploration of some less conventional categorisations, see Sarah Holcombe, ‘Traditional Owners and “Community-Country” Anangu: Distinctions and Dilemmas’ (2004) 2 *Australian Aboriginal Studies* 64, 68; for argument about the primacy of family over ‘community’ see Diane Smith, ‘Households and Community Governance’ in Dianne Austin-Broos and Gaynor MacDonald (eds), *Culture, Economy and Governance in Aboriginal Australia* (2005) 175. For general discussion, see Rowse, above n 29, 50–8.

associated access to resources — a balancing act in itself, since they are inevitably associated with one group, family or place; and yet, are expected to represent the interests of the constituency across the entire organisation.

In a sense such a structure encourages the continued separation of subsidiary members, in terms of political identity, and competition between them for resources. This representative structure, while reflecting people's affiliations, can delimit the potential for an entire executive consisting of representatives to have a strong, abiding sense of common goals, or indeed to 'take responsibility' for decisions made as a whole. This is not to say that there might be a better way to structure such organisations — particularly in light of an undeniable historical logic in their respective evolution — but simply to note that such structures can be characterised by these kinds of tensions.

### **V 'Responsibilities' of Authority Figures Versus 'Being Held to Account'**

Certain aspects of this dilemma relate to rather classical questions of entitlement one could draw from mainstream political theory, while others relate to emergent imperatives in Indigenous communities, and new expectations of what leadership figures can deliver.

A fundamental characteristic of Indigenous organisations, certainly of the two I observed is that they consist of family groups, and that people on Boards or Councils are related, either directly, or through skin group (subsection), or through historical association or intermarriage. The nature of these relationships, and the protocols required to maintain them, are important forces at play in Indigenous governance environments.

Demanding accountability presumes a particular kind of idealised relationship between two parties: at a minimum, a common understanding of the rights of one, and the obligations of the other; that is, the rights of one party to receive information about what an organisation is/is not doing and obligations on the part of the office holder to provide such information. The word has an *impersonal* tone. Rights to information I would suggest is not a concept that translates very well from the non-Indigenous to the Indigenous domain. In my observation, leaders might have obligations to keep certain senior people informed of matters, and they might have a responsibility to look after the mob's interests. But these obligations and responsibilities relate to networks of kin, and are in a sense nested, from those most closely related, to those more distant relatives. In this context, umbrellas exhibit a strength in terms of providing a structure which enables group expression, rather than that of 'individuals', who arguably do not have the same leverage over particular rights, either to information or to resources.

The distinction then between 'rights' to information, versus 'responsibilities' to look after the interests of those one represents, is subtle but extremely important. In the former, these rights are absolute and equal amongst individual constituents; in the latter, these responsibilities are to a group, and are contingent, nuanced and negotiable.

The basis for authority, and the norms surrounding engagement with figures of authority, is also an important consideration here; the degree to which these matters are negotiable is itself open to question. The response I got from a senior Wangkatjunga woman to the question of her understanding of accountability provides some insight here. She recounted a story from her childhood about a big ceremony held during pastoral station ‘holiday time’ on Christmas Creek station some time in the ’60s. The crux of the story it seemed to me was that, for all those listening to the old people’s stories, or riddles as she described them, there was no avenue for discussion. There was no acceptable way to ask that the story be repeated or to ask that aspects of the story be explained; such a request would have caused the greatest offence by both undermining the authority of the speaker, and providing evidence that the requester had not properly listened. I am not suggesting there is absolute continuity with this description of the power of traditional authority vis-à-vis how such issues play out in contemporary organisations — nor do I believe the woman telling the story was making that point. Rather she seemed to be hinting that there are certain elements of governance practice today that exhibit echoes of this past. In particular, that people may not wish to cause offence by questioning the authority of those in positions of power by asking them to account for their decisions.

Other commentators such as Myers, have similarly observed a powerful sanction against ‘going against the grain of public opinion’, so that while dissent might exist, it might not be vocalised in more public forums — apparent consensus, that is the absence of dissent, might therefore lack substance. In writing about the Pintupi, Myers observed that much meeting talk was ‘inconclusive’ and not substantive, resulting in decisions which were not binding.<sup>31</sup> What he is describing is a scenario in which people avoid being tied to a particular decision so as to balance ‘autonomy and relatedness’; that is, ‘to sustain a degree of autonomy within the constraints demanded by relatedness to others.’<sup>32</sup> This anthropological, rather than political, notion of autonomy seems a powerful explainer in understanding the tensions playing out here, in that people may avoid being held responsible for a decision, despite being publicly involved in the process that saw the decision made. Decisions, after all, might have any number of unintended consequences.

However, while such interactions can be strongly influenced by kinship, as Myers and others describe, I would argue that they can *also* reflect the formal, legalistic relations embodied in constitutions and mainstream corporations or associations law — for example, the status attributed to the position of ‘Chairman’ tending to exceed that of the individual’s prior authority. Here again we can discern a tension between the ‘old ways’ of respecting and not questioning authority, and the intrusion of new ways which reflect the changing demands and expectations of a constituency.

In this context then, both informal and formal elements, alone or

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<sup>31</sup> Fred R. Myers, ‘Reflections on a Meeting: Structure, Language and the Polity in a Small-Scale Society’ (1986) 13 *American Ethnologist* 430, 436.

<sup>32</sup> Myers, above n 28, 159.

together, can act as mechanisms either to demand accountabilities, or to avoid such demands. Questioning one's uncle for example at a public meeting for example, would be so rude as to be bizarre; raising a constitutional issue with the Chairman however — which would have the same effect as questioning the uncle outright — might be seen as legitimate, or at least less offensive. An essential element of managing this particular tension then is the development of avenues, in an organisational constitution or its rules, for all parties to the organisation to be able to question figures of authority, without destabilising important kin relationships. The development of such a mechanism seems elusive.

### **Extent of the Mandate**

A central element of accountability in principle relates to the extent of mandate given to those in power; it is a technology in theory aimed at ensuring that the mandate granted is not overstepped. A question that many have grappled with at length is why, that is on what basis, are some 'leaders' granted much more latitude than others by their constituency.<sup>33</sup> Part of the answer lies in the reality that many constituents, and sometimes Councillors, remain intimidated by the language and demeanour of non-Indigenous people. Morphy and Holcombe, for example, have recently identified how 'bi-cultural' individuals, who have an understanding of how government and service delivery staff operate, can be granted leeway then, not only in the name of results, but also to buffer the majority from the demands of outsiders.<sup>34</sup>

Similarly, Gerritsen writing back in 1982, characterised outstations in the Northern Territory as being associated with dominant men seeking to move away from large settlements, establish their own small ones and thereby gain greater autonomy and power; in essence, he conceived of the outstation movement as empire building, writ small.<sup>35</sup> While I don't entirely agree with Gerritsen's view of people's motivations being quite so megalomaniacal, it is nevertheless worth considering what kinds of attributes such 'leaders' must have had to enable a move back to country. In addition to knowledge of culture and ceremony with which such leaders were traditionally associated, there emerged a new quality of value: that of getting resources flowing and coordinated. These new qualities do not necessarily sit easily with more traditional viewpoints, and may in fact be partially contradictory to them. So that, in a contemporary context, certain forms of 'benign authoritarianism' can be considered legitimate by members, constituents or family, and can be very

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<sup>33</sup> See, eg, Sarah Holcombe, 'Luritja Management of the State' (2005) 75 *Oceania* 222, on 'big men'; Rolf Gerritsen, 'Outstations, Differing Interpretations and Policy Implications' in Paul Loveday (ed), *Service Delivery to Outstations* (1982) 57, on 'dominant men'; and Michael C. Howard (ed), *Whitefella Business': Aborigines in Australian Politics* (1978) 34, and John von Sturmer, 'Aborigines in the Uranium Industry: Toward Self-Management in the Alligator River Region?' in Ronald M. Bernd (ed), *Aboriginal Sites, Rights and Resource Development* (1982) 69, on 'brokers'.

<sup>34</sup> Morphy, above n 1; Holcombe, *ibid.*

<sup>35</sup> Gerritsen, above n 5.

effective in achieving the kinds of ends that ‘good governance’ also might be aiming for; that is, the attainment of community aspirations. In light of people’s material circumstances in much of remote Indigenous Australia, it might not be surprising that ends are sometimes prioritised over means, as a measure of effectiveness. Such leaders, anecdotally at least, can also be preferred by bureaucrats because decisions happen much more quickly, and the difficult ‘community politics’ which occurs elsewhere will be absent. However, the extent of this more liberal mandate is often not clear, neither for those to whom it is granted, nor those outside that might take advantage of it. In the context of umbrella organisations, this mandate becomes even more obfuscated and contested within the leadership or Councillor strata.

On the subject of leadership — specifically competition amongst authority figures — Hunt and Smith have recently suggested that:

The exercise of power is different from the exercise of leadership; it is the latter that is needed ... Struggles for power can lead to fractured leadership and organisational instability.<sup>36</sup>

Observations from the two case study organisations suggest that the distinction between power and leadership might not be as straightforward as this quote suggests. That is, community leaders are, by their very designation as such, powerful. The reality seems to be that there are two kinds of power: power that is given by constituents who deem a ‘leader’ worthy, versus power that is taken or ‘held over’ people, although there might be a range of opinions as to whether it is one or the other or fluctuating somewhere in between. As one community Chairperson said: ‘Whoever assumes the leadership that people look for, and distributes it fairly, gets the respect of everybody.’ One of the issues with the kinds of organisations being described here is that there is often not a consensual view with regard to a particular individual, especially when it comes to the Chairperson of the umbrella. This in part relates to the reality that arises where more cultural or kin-based drivers of authority have little traction across an organisational constituency which brings together a number of family groups, each with their own internal designations of authority.

In the context of these kinds of organisations, however, I would suggest that people being ‘political’ can cause instability, but they can also act as an important *check* on those in positions of power, whether it be economic, political or cultural; that is, they can hold others in similar positions to account across an organisational structure, acting as a network of counterbalances. In this way, the weight of authority embodied in a Council might be able to ‘pull up’ a rogue Chairman or Councillor, whereas his or her own constituency alone might not. In a sense, this can be considered a strength of such umbrella structures: that power is dispersed, and often contested, but when necessary, can become unified against external or internal transgressors.

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<sup>36</sup> Janet Hunt and Diane Smith, ‘Building Indigenous Community Governance in Australia: Preliminary Research Findings’ (CAEPR Working Paper No 31, Centre for Aboriginal Economic Policy Research, The Australian National University, 2006) 72.



## **VI Staff as Insiders Versus Staff as Outsiders**

Another important consideration in formal versus informal mechanisms of accountability is the crucial role that can be played by ‘outsiders’; that is, Indigenous or non-Indigenous staff that sit outside the social calculus in which the organisation is embroiled. Given the importance of maintaining social relationships, of not offending others, such people can represent an alternative avenue for demanding accountability.<sup>37</sup> Because such staff are not part of the social system, they can be, to put it crudely, expendable. In the delicate social architecture of such organisations, outsiders can represent a vital stress point or shock absorber. So that where, for example, a constituent (or indeed a Councillor) wishes to question a decision made by a Council, but does not wish to be seen to be disrespectful towards one or more Councillors — the focus here can shift onto the staff whose job it is to attempt to implement the decision. Of course, such implementation may take place some considerable time after the decision; the connection in people’s minds between a particular meeting, and then actual events as the outcome may not be clear. In any case, the decision makers are buffered from accountability demands, while criticism is directed towards the non-Indigenous staff member whose job it is to implement that decision. Community relationships, however, are maintained.

The role of staff — and indeed of ‘outsiders’ more generally, including government agents — as governance actors is particular and important, and they can have very valuable roles to play in facilitating accountability, by ensuring that Councillors are well informed prior to taking decisions, and that correct procedures are followed. They can also, sometimes intentionally, become embroiled in community relationships in ways which elide accountability, which endanger their own position or which lead to conflagration. Situations on occasion arise for staff where demands are placed on them to ‘bend’ the established Council rules for example, to favour particular outstations, families or individuals. Such situations can be excruciatingly difficult for staff members, in terms of balancing an established protocol with either their own interests as staff, or with their own perceptions of what would be in the best interests of the community, or indeed, what is their own ethical judgement.

The scope granted staff in terms of what level of decision they can take, independent of Council input, can be highly variable; formal documents such as job descriptions rarely elucidate these more nuanced expectations and limitations, and they often require substantial and ongoing clarification for the staff in question. There can be a range of expectations between, and crucially within, such organisations as to the limits of authority and ‘directiveness’ allowed to staff.

‘Lines of accountability’ then, between staff and an executive can get very fuzzy, particularly when a decision is being taken by a staff member who

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<sup>37</sup> See Holcombe, above n 33, 226, 228, for similar observations drawn from work at Mt Liebig in the NT, and Sullivan [1996], above n 1, 93, on Ngoonjuwah at Hall’s Creek, WA.

probably has no such delegation, either to withhold or to delegate resources. Sanders recently inquired into the attributes necessary for such people to balance the pressures born in these positions. He rightly identifies a capacity for 'defence of resource distribution in the language of public purposes' as crucial, and that their skills must be equally political/strategic as technical/administrative.<sup>38</sup> A prerequisite, however, of the 'political' skill he identifies is a reasonable depth of understanding of the cultural and political relationships of the organisational constituency. And yet, this kind of knowledge does not come easily, and many such staff fall foul of a community long before they have gained such vital insight. It seems inarguable that high staff turnover in Indigenous organisations can be a major limiter in terms of developing effective internal procedures. There is a strong argument then that part of any discussion about improving the effectiveness of such organisations would consider how staff can be better supported, to mitigate against the isolated managerialism which Sanders elsewhere has identified.

## **VII Providing Information Versus Limits to Literacy and Engagement**

As with external accountability, calls for internal accountability often start with that relating to financial matters. For example, Hunt and Smith recently stated that: 'Financial management must be transparent and clearly explained, especially to the governance body, as well as to key members and communities whom the organisation is serving.'<sup>39</sup> All Indigenous organisations as a matter of their contractual arrangements with governments are required to have comprehensive business plans and annual budgets; common, and sensible, practice seems to be to have considerable community involvement in the development of both of these, and regular reporting by staff against these budgets. The accountability mechanism designed to satisfy government is thus also used to satisfy internal demands. There seem to be a number of ways, however, in which this form of financial accountability alone can miss the point.

Firstly, that questions raised by community members are fundamentally different in nature, focussing less on how figures add up across an entire organisation, and more on how monies are allocated within. This level of internal financial breakdown rarely occurred in the two organisations I was observing; this in part reflected the complexity relating to funding allocations across government agencies which also make such breakdown unrealistic, and possibly misleading. Secondly, and following on from the issue of horizontal allocation, constituents were more interested to know *how* such allocation decisions are made at the time they are made, rather than retrospectively. Again, this second point demonstrates how such periodic mechanisms for

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<sup>38</sup> Will Sanders, 'Being a Good Senior Manager in Indigenous Community Governance: Working with Public Purpose and Private Benefit' (CAEPR Discussion Paper No 280, Centre for Aboriginal Economic Policy Research, The Australian National University, 2006) 12.

<sup>39</sup> Hunt and Smith, above n 36, 60.

accountability need to be balanced by ongoing transparency. Constituents were rarely aware of detailed ‘hows’ of accountability. For example, the financial delegation allowed to a CEO or administrator — that is, the amounts of money he/she can make decisions about without having recourse to an executive meeting — or the number of executive members or Councillors whose signatures are required to sign off on a cheque, which may be less than that stated as necessary for a meeting quorum in the constitution. Such detail relating to financial delegation is rarely included in an organisation’s constitution, but is crucial in determining how consensual such delegations might be.

For most constituents I spoke with, the crux of internal accountability goes beyond mere questions around financial delegation, to the decisions taken in meetings, the positions presented in meetings and the discussion outside of meetings both before and after the event. It also concerns process: who spoke up on a particular matter, did they speak strongly enough or were they silent, were all the right people present to make such a decision, did one Councillor intimidate the others, or ‘trick’ them by using ‘high English’ and so forth. Much of the discussion amongst members which takes place after meetings is more concerned with these process-related matters than with the substance of the decisions — averse reaction to the decisions might not be apparent until they are implemented by organisational staff weeks, or even months, later.

Constituents, while aware that minutes are taken in meetings — and even when able to read them — do not seem to view them as a useful record of events, perhaps because they do not record the nature of exchanges, or the more subtle communications that might be occurring. According to a previous administrator of Bunuba Inc. for example, there was only one occasion, during his time there of more than five years, when a member requested to see the minutes of a meeting, despite it being a rule that any member had a right to do so. Very few constituents of the organisations in remote Australia have letter boxes, telephones or email access, so communication must take place verbally and in person — such ‘reporting back’ takes place via networks, driving in motorcars, sitting down at camps and so forth. For the most part, those constituents with an interest become informed very quickly about the content and discussions of a meeting. Arguably, however, the majority of constituents of remote community organisations have limited, or at least highly variable, interest in the ongoing administration and management of their organisations.

The other important limit to the usefulness of more formal mechanisms is the English and financial literacy of constituents. The latter in particular is especially problematic, and the more sophisticated an organisation and its accounts become, the harder it is to fully comprehend how the financial management is working, or to identify when it is not. The issue of financial literacy becomes even more crucial when the organisation has independent investments, or companies, of its own; being able to properly read, for example, a company’s profit and loss statement requires at a minimum a high school level of literacy. Being able to spot inconsistencies in it however requires an exceptional degree of expertise. Accountability in this context then

requires that at least some of the Board members are very well educated, or that there are resources to pay somebody sufficiently trusted and competent to translate the financials.

Part of the difficulty here relates to constituents understandings of the job of the Council, and the role of the staff who work there. Rowse<sup>40</sup> has conceptualised the differences as the ‘latent versus manifest’ roles of an organisation. The latent roles relate to the very immediate, day-to-day, grassroots kinds of services that are expected of a remote organisation; such services are not specifically funded, but to my mind are absolutely crucial to the wellbeing of people, and the functioning of their communities. Some of these include:

- Banking issues (lost keycards, pin numbers etc);
- Storing bank account numbers and tax file numbers for members;
- Collecting, sorting, storing mail for all community members;
- Bookdown;
- Collecting and handing out pension cheques to the right people;
- Community chuck-ins and purchase orders for fuel;
- Helping people with bills/fines;
- Helping people with tax returns;
- Phone calls etc to follow up/track down family in prison or hospital;
- Directing the various outsiders who seek to engage with the community i.e. health professionals, police, researchers, government field officers, shire council, other NGOs in town, Census, training groups etc; and
- Organising travel to/from funerals, writing obituaries.

The contradiction here is that, in terms of ‘accountability’, because there is no specific funding allocated to the provision of these services, there is no formal requirement for these services to be provided. People nevertheless expect, and demand, these kinds of ‘help’ from staff.

### **VIII Effectiveness Versus Inclusiveness: Weighing Up the Costs and Benefits**

Commentators writing on the subject of accountability in non-Indigenous contexts have observed that processes of accountability have efficiency costs.<sup>41</sup> This tension drawn from the mainstream applies equally in

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<sup>40</sup> Tim Rowse, pers. comm. 2004.

<sup>41</sup> As Considine states: ‘Making powerful people more accountable may be desirable, but it is not without its costs. Too much of it can clog up the works, diverting resources and opening organisations to perverse pressures. Like that other popular organisational good, coordination, its costs are always less visible than its benefits.’ [Mark Considine, ‘The End of the Line? Accountable Governance in the Age of Networks, Partnerships and Joined-Up Services’ (2002) 15 *Governance: An International Journal of Policy, Administration and Institutions* 21, 21].

the context of remote Indigenous organisations. Figure 2 illustrates this basic tension as a fulcrum or continuum, between two different ways of ‘doing business.’ To generalise, it could be said that one case study organisation operated more on the left hand side, the other on the right, although in each case there were instances when they adopted the opposite. In other words, the two ways were not necessarily mutually exclusive, and the real measure was about an executive adopting the appropriate form and conduct of a meeting in line with matters for consideration.

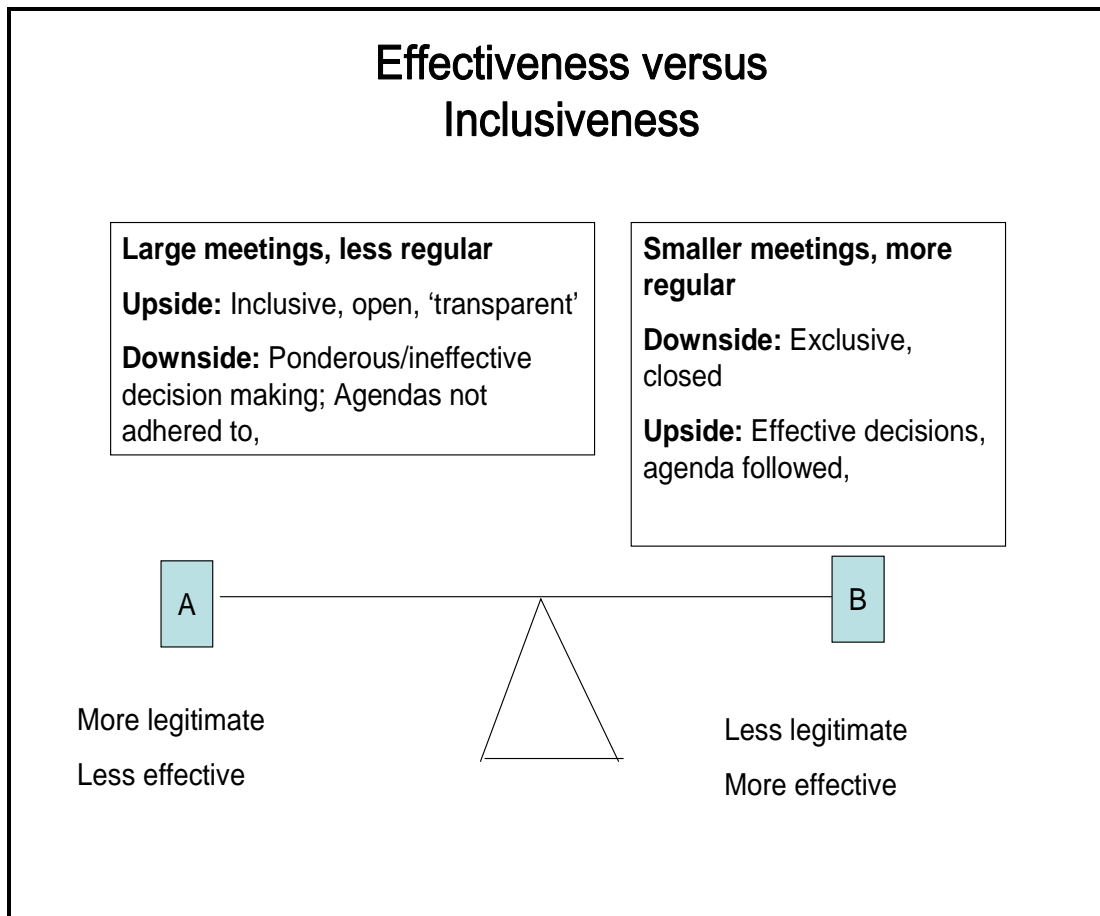


Figure 2: Balancing effectiveness and inclusiveness in the governance of Indigenous community organisations

In terms of broader discourses around Indigenous governance, the organisation sitting more on the left was criticised by the local Indigenous Coordination Centre for ‘being ineffective’ — decision-making not occurring at a pace required by, for example, CDEP program guidelines. Arguably the fact that ‘the office’, ie, the administrative heart of that organisation is situated between 40 and 60 km away from the majority of constituents adds imperative for meetings to be held in this way. Clearly such meetings are intended to serve socio-cultural ends far beyond those manifest in the formal agenda. The flipside is that the ICC considered the organisation on the right hand side to be

much more effective, exhibiting qualities of strong leadership and vision; some constituents however complain about not knowing *really* what was happening in the Council meetings.

Of course, this diagram is in a sense a gross oversimplification — or rather, it may conceal more than it reveals. What it doesn't show is *how* a given organisation struggles to balance the two imperatives, effectiveness and inclusiveness, both of which are often given as measures of 'good governance'. Nor does it reveal how accountability plays out between the three spheres of a formal organisational structure which consists of an executive (Council), an administration (staff) and a constituency. Nor does it show us how pressures to account externally are increasingly forcing organisations to either behave more towards the right, or at a minimum, to appear to.

## IX Conclusion

Indigenous organisations in remote community contexts are in a sense 'containers' for extraordinarily complex personal and group histories. The proper negotiation across these various interests and subjectivities is absolutely crucial to maintaining coherence across a larger, umbrella front. How a concept like accountability is operationalised in practice is similarly delicate, requiring as it does acknowledgement of a range of tensions which characterise such organisations. In certain respects, this paper has painted a picture of thorough uncertainty. However, in line with Sullivan's quote at the beginning of the paper, I would argue that a degree of uncertainty (or flexibility) is both a strength and a necessity for Indigenous community-based organisations if they are to successfully manage the kinds of dilemmas explored here.

This paper has sought to demonstrate that there are a range of context-driven, 'appropriate' forms of both governance structure and process (as well as inappropriate ones) and that the interleaving of group *histories* has a great deal of explanatory force when considering the diversity of Indigenous governances in practice. From my work in and around Fitzroy Crossing, I would argue that post-colonial narratives of loss of place, of resettlement, and of reconstitution of identities and the possibility of cultural renewal are all crucial to understanding contemporary machinations of Indigenous community-based organisations. As Rowse suggested in 2000, when writing about 'culturally appropriate' accountability: 'we should avoid assigning evaluative priority to custom and culture as if they were realities preceding contemporary Indigenous organisations.'<sup>42</sup> In other words, such custom now coexists with more recent, sometimes contrived, social forms and subjectivities. As their histories demonstrate, a critical aspect of the strength of such organisations has been, and will continue to be, precisely their capacity for change, for responsiveness to new externalities. By examining such entities in terms of managing tension, it becomes possible to discern the logics of a diverse range of governance practices, between and even within, such corporate entities.

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<sup>42</sup> Tim Rowse, 'Culturally Appropriate Indigenous Accountability' (2000) 43 *American Behavioural Scientist* 1514, 1530.