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‘Looking after family’ or ‘looking after community’? The role of a whole-of-community orientation in successful Aboriginal community governance

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Abstract

A common theme in the literature about Aboriginal community governance 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 doomed to fail because the intense ‘localism’ of Aboriginal politics renders elected councillors unable to put aside their primary allegiance to their family or clan in order to govern in the interests of the whole community. This view also contends that remote Aboriginal settlements do not really constitute cohesive ‘communities’ at all, because they are aggregations of previously disparate Aboriginal groups brought together by the processes of colonisation. Case studies of three Aboriginal councils in north Queensland confirmed that Aboriginal cultural norms that put primacy on obligations to family and kin have a profound impact on the performance of a community government. One of the case studies revealed, however, that it is possible for a whole-of-community orientation to governance to emerge in an Aboriginal community, underpinned by a commitment to fairness and equity. Where such an orientation becomes internalised in the governance norms of a community, it creates the foundations for effective community governance that benefits the whole community. The findings give cause for optimism that community councils may yet prove to be an important vehicle for Aboriginal communities to exercise genuine self-determination.

Background

Since the 1970s, locally-elected community councils have become an enduring feature of the landscape of many discrete Aboriginal communities across Australia. As a practical manifestation of government policies of 'self-determination' and 'self-management', considerable hope has been invested in these councils as vehicles for addressing the disadvantage suffered by indigenous Australians. Aboriginal councils have had a troubled history, however, facing perennial problems of factional infighting, financial accountability crises and poor service delivery outcomes. An explanation frequently offered by the literature on Aboriginal community governance is that there is a fundamental incompatibility between a Western, representative council model of community governance and prevailing Aboriginal cultural values about governance and politics. This contention was a key area for exploration during doctoral research involving case studies of three north Queensland Aboriginal councils undertaken from 2005 to 2007.

In the 1980s, Aboriginal councils were established in a number of former church missions and government reserves across Queensland. The councils were vested with the status of local governments and assumed administrative responsibility from church and departmental authorities for delivering a wide range of functions and programs. For the present research, three north Queensland Aboriginal councils were selected as case studies: Yarrabah Aboriginal Shire Council, located in an Aboriginal community of about 2300 residents situated 60 kilometres by road south of Cairns; Hope Vale Aboriginal Shire Council, located in an Aboriginal community with a population of 800 situated about an hour's drive north of Cooktown; and Lockhart River Aboriginal Shire Council, located in a remote Aboriginal community of 600 residents on the east coast of the far north of Cape York Peninsula. These councils were selected to represent a cross-section of Queensland Aboriginal communities, in terms of location, circumstances, cultural profile and history of council performance.

The appropriateness of a community government model in Aboriginal communities

Numerous government reports in the past two decades have made the criticism that the legislative model applicable to Queensland's Aboriginal councils is an alien, externally imposed model that is incongruent with Aboriginal norms about governance (Legislation Review Committee 1991; Fitzgerald 2001; Parliamentary Committee of Public Accounts (Qld) 1991). For example, a Queensland Government report made the following observation:

The Committee perceives that the legislative and administrative framework under which Councils operate (based on such concepts as 'representative democracy'; decision making for the 'common good', or the 'good of the community'; the separation of public and private interests and obligations; etc) is fundamentally incompatible and in conflict with the complex interrelationships, priorities, obligations and decision making processes under which Aboriginal and Islander 'communities' operate (Parliamentary Committee of Public Accounts (Qld) 1991, 31).

The underlying difficulty for a mainstream council model to succeed in an Aboriginal community is considered to be the continuing centrality of family and kinship relationships in Aboriginal social, economic and political life. The enduring strength of family and kinship obligations is said to undermine the effective and efficient functioning of a council by swaying decision-making away from 'rational' administrative criteria regarding impartiality, equity and fairness. In 2001, the Cape York Justice Study argued that:

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, 74).

Notions of representation

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' (Keen 1989, 22; Westbury and Sanders 2000, 6; Martin and Finlayson 1996, 7). This view derives from a long ethnographic tradition which posits that the concept of a leader who is elected to represent, and make decisions about, the interests of a geographically-defined community is alien to Aboriginal culture (Rowse 2001). As Rowse (2001, 112) points out, however, 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.

The present research into Queensland Aboriginal councils lends weight to the view that Aboriginal people are not averse to Western forms of electoral representation. 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%). The case studies of three Aboriginal councils in north Queensland confirmed that there was generally a high degree of community acceptance of elections as the means for selecting community representatives. Moran (2006, 263) made a similar finding in his research at another north Queensland community.

The 'community' as a viable political unit

The persistent misgivings regarding the appropriateness of conventional representative models for Aboriginal populations are linked to the more 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, Vol.1, 10-11; 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, 77) has called "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 (Tonkinson and Howard 1990, 169; Parliamentary Committee of Public Accounts (Qld) 1991, 16). In his comprehensive review of the anthropological literature, Rowse (1992, 51) comments 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 governance are clear. In Queensland, the PCPA (1991, 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, 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.'" Nevertheless, cohabitation in service-based aggregations is a contemporary reality for Aboriginal people in remote areas. As Rowse (1992, 29) acknowledges, whatever their traditional affiliations may have been, Aboriginal people "are now sufficiently persuaded of the value of water bores, stores, schools and clinics, that they will remain for months or even years at a time in large aggregations where these services are available." 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. These are shared interests that need to be represented by a governance structure at the settlement level. Researchers such as Myers (1986) and Trigger (1988), however, have noted the tendency in Aboriginal communities to separate the business of their community councils from their traditional political domain. 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? For Aboriginal residents, can it be a legitimate 'government' which is a focal point for their cultural and social identity and a governing body for matters other than just service delivery?

The data from the Aboriginal council case studies, suggest that the scepticism of anthropologists regarding the sense of 'community' is misplaced in relation to Queensland Aboriginal settlements. While family and clan allegiances remain central to Aboriginal political and social life, the case studies revealed that identification with the

home 'community' is a strong feature of the psyche of residents in these locations. This is consistent with Peters-Little's observation that communities have become "an integral part of ... people's heritage and are fundamental to Aboriginality" (cited in Smith 2002, 24). Of the three case study 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.

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. 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.'*"

Similarly, at Hope Vale, anthropologist Fiona Powell (2002, 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. A Hope Vale councillor summed it up when he said that "*we are really just one big family.*"

In all three communities, therefore, the experience of colonisation has been the catalyst for the emergence of a sense of the 'community' as a viable political unit for Aboriginal governance. A shared identity at the broader community level now overlays the strong affiliation that residents continue to hold towards their own family or clan groups.

The anthropological literature suggests that the centrality of kinship-based affiliations, so often seen as an obstacle to a sense of community, should not be seen as immutable. Citing the work of Sutton and Sansom, Rowse (1992, 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 a review of the anthropological literature about Aboriginal governance, Keen (1989, 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, 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, 22-23). In his anthropological study of Lockhart River, one of the case study communities for this research, Chase (1980, 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 for people coalescing and dissolving around particular issues at particular times, this occurring through the centrality of particular individuals and families.” Chase (1980, 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.” 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, 7; Martin and Finlayson 1996, 6). Thus, Myers (1986, 256) describes the Pintupi polity as “a temporary jurisdiction of relatedness among autonomous equals.” Smith (2002, 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 affiliations to be formed at new levels of aggregation, including at the community level (Martin and Finlayson 1996, 5-6). The evidence from the case studies regarding the strong sense of community identity that has emerged in Yarrabah, Lockhart River and Hope Vale is testament to this process of cultural evolution in north Queensland Aboriginal communities.

The enduring impact of family and kin relationships

Notwithstanding this emerging sense of community identity, the continuing importance of family and kinship groups in the political life of the community was evident in the case studies of the three north Queensland Aboriginal communities. Anthropologists have described the central role of local family or kin groups as the basic political units in Aboriginal society (Keen 1989, 24; Rowse 1992, 59). These kinship-based affiliations have survived the establishment of permanent settlements, as evidenced by Anderson’s (1989) study of the Wujal Wujal Aboriginal community. Anderson observed that 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, 68).

A prominent feature of the family and kinship groups or mobs that exist within Yarrabah, Lockhart River and Hope Vale today 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 (1979a, 143-157) described in detail the way in

which the kinship networks operated in Yarrabah in the late 1970s, and how they are characterised by certain reciprocal obligations that serve individuals' social, political and economic ends. He noted that social networks are multi-faceted and cannot 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 good governance by Aboriginal community councils in every jurisdiction where they have been created. O'Malley (1998, 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 'traditional' according their personal standing." As noted earlier, in Queensland the PCPA and the Cape York Justice Study identified kinship structures as a primary reason for problems with the financial accountability of Aboriginal community councils. Martin and Finlayson (1996, 6) describe the problem as follows:

The complex social calculus upon which decisions are made and social relations negotiated within [the Aboriginal] realm can not be easily discarded as Aboriginal people undertake their roles within organisations, to be replaced with one predicated upon nominally objective assessment of competing demands for scarce resources, financial accountability, equity in access to services, and the setting aside of individual and family interests in favour of those of a broader 'community'.

The Aboriginal council case studies confirmed that family and kinship networks have a profound impact on elected leaders and staff within the councils in performing their governance roles. 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 by participants in the research that "*traditional obligation always wins*" and "*will always preside over anything else*".

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. During the case studies, 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*". Thompson (1996, 151) 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...” Thus, what might be considered in a non-Aboriginal community as ‘rorting the system’ is often considered in an Aboriginal 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”*.

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. The majority of informants expressed the view that families who elect a representative to the council expect that the councillor will favour their interests in decision-making. 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.”*

From one perspective, the councillors are simply looking after the interests of the constituents who voted for them, which is a valid democratic principle. This is not so different from local governments in non-Aboriginal communities, where councillors actively represent particular interest groups or regions within the shire. The problem arises in Aboriginal councils because 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. 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.

The case study data for two of the communities, Lockhart River and Hope Vale, revealed numerous instances of councillors favouring family members in their decision-making, such as in the allocation of housing. Other significant areas where favouritism was widely acknowledged to occur related to filling council jobs, allocating council resources for outstations, providing loans to residents and paying for residents’ private expenses.

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. 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”*. Unlike at Lockhart River and Hope Vale, the case study found no evidence of Yarrabah Council decisions that were obviously preferential towards councillors’ families.

Interviews for the three case studies revealed that, like councillors, those council staff who were members of the local Aboriginal community were also subject to pressure from family members to make preferential decisions or provide favourable treatment. This created 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 my own family of not doing enough for them.

Staff who are required to implement unpopular policies or decisions that adversely affect relatives regularly suffer abuse and retribution. The Yarrabah housing officer told of how she was personally affected by carrying out her role of evicting families under the council's housing policy: *“people go that far, that they'll say things to my children!”* While council staff spoke about the need to *“be strong”*, they acknowledged that inevitably, there are instances where staff cave in to the demands from family members: *“Some crumble, they're not strong, you know”; “It happens. We're only human.”* It is particularly difficult for staff where denying a request goes against a strong cultural protocol, such as respecting and assisting elders. The Yarrabah CEO acknowledged that some *“soft discrimination”* occurs in minor ways. For example, if you had a relative in the 'accounts receivable' section, *“they'd probably do a little bit more for you”*. The CEO explained that *“we're in a constant battle reminding [staff] that we're here for the greater good.”*

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. Local residents employed in Lockhart River Council's bank agency misappropriated \$45,000 over a four month period in 2002 (Queensland Audit Office 2003, A4-5). Senior council officers indicated that most of this money was not taken personally by the staff but provided to relatives. 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 [the staff] can't go and ask them for it, because that's shaming.”*

The evidence from the case studies demonstrates that family and kinship networks and obligations have a significant impact on the operation of Aboriginal councils. The research specifically identified the adverse impacts that these cultural dynamics may have on the performance of the councils. Where councillors or council staff give preferential treatment to families or friends, it disrupts efficient process and undermines the functional administration of the organisation. Examples from the case studies include councillors requesting payroll staff to prioritise a particular person's pay packet and council workers being diverted from council projects in order to undertake personal work for residents. At a broader systems level, practices such as appointing a relative to a position rather than applying the merit principle also compromise council performance. At Hope Vale, councillors' accession to continuous demands from family members to create more council jobs had led to unsustainable wage expenditure that had undermined

these councils' financial management. Possibly the most significant impact of family dynamics on the effective functioning of the councils is the inability of councillors and council staff who are local residents to take difficult decisions for the benefit of the community where they may impact adversely on their own relatives. For example, councillors are frequently unwilling to rationalise the council workforce where this will result in family members losing their jobs. Councillors and staff often fail to take action to deal with under-performing staff because of the family relationships that would be affected.

Mediating the impact of family and kinship factors

While the impacts of family and kinship factors were evident in each of the councils involved in the case study research, there was an appreciable difference between the councils in the degree to which they were affecting council performance. A key component of the research design was a detailed evaluation of the performance of the three councils across their full range of functions. The analysis showed that the Yarrabah Council has achieved much higher levels of council performance than the other two councils. A salient finding from the research was that the Yarrabah Council has been successful in mediating the impact of family and kinship factors to the extent that it has been able to function relatively effectively. As noted earlier, in contrast to Lockhart River and Hope Vale, the Yarrabah case study did not reveal conspicuous examples of favouritism in areas such as allocating resources and houses, filling jobs, subcontracting council work and providing loans to residents.

The research identified some important features of Yarrabah Council's approach to governance that had assisted the council to mediate the impact of family and kinship factors. A key factor was that the Yarrabah Council had institutionalised the principle of the separation of powers between the elected councillors and the council administration to a much greater extent than the other two councils. At Yarrabah, the councillors were aware that the focus of their role was to set the direction and develop policy at the strategic level, leaving the day to day administration of council business to the CEO and the administration. This clear separation of the roles and responsibilities of councillors and staff limits the opportunity for councillors to interfere in operational decisions to satisfy requests from family members or affiliates. As the Yarrabah Mayor explained, *"it's no good, with councils before me, you could run to uncle who's on council, and get a house, or get this changed or get that changed, but now you can't run to uncle no more, you've got to go and see this relevant manager."* The separation of powers also provides protection and stability to staff, who know that they can refuse a request for preferential treatment secure in the knowledge that the councillors will not overturn their decision. It was noted by a number of observers of Yarrabah Council that the council had empowered its managers to run their programs effectively and was prepared to back up their managers' decisions, even where it was unpopular with residents.

A second feature of Yarrabah Council's governance that has mitigated the impacts of family and kinship factors is the commitment to respecting the rule of law. The case studies showed that the Yarrabah Council had a much greater orientation than the other two case study councils towards the consistent application of laws, rules and policies in conducting its business. A good example relates to the allocation of housing. Yarrabah

Council had developed a policy based on time on the waiting list combined with needs-based criteria such as medical conditions or disability. In allocating a house, the council followed the housing manager's recommendation, which was determined by the policy. At Hope Vale and Lockhart River, there was no housing allocation policy and waiting lists were not being used as a basis for housing allocation. Instead, the allocation of a house was the subject of bargaining around the council table. The inevitable outcome of this process was that councillors' families and affiliates had often been favoured in the allocation of houses. Not only is this approach inequitable, it places acute pressure on councillors to satisfy the demands of their families when they are making important decisions. At Yarrabah Council, councillors and staff had come to understand that a key advantage of a policy-driven approach was that it protected them from this pressure and from allegations of bias or favouritism when they were making decisions. An observer explained that "*the adherence to a rule allows people to justify the decision.*" For example, the Yarrabah Housing Manager explained that she was unpopular because she sometimes had to evict tenants under the council's housing policy, but that she sought protection from the policy: "*I just say to people, 'I'm just doing my job, that's what the policy says'.*"

Principles such as the separation of powers and the rule of law are often found in conventional formulations of 'good governance' in the broader governance literature (United Nations Development Program 1997; Graham, Amos and Plumptre 2003; CPA Australia 2005). Many of the governance challenges confronting Aboriginal councils mirror those of governments in other contexts and have parallels, for instance, in mainstream local governments. An important finding of the present research, however, is that many conventional governance principles not only have relevance in Aboriginal community governance, but take on additional significance in addressing the unique challenges confronting Aboriginal councils (Limerick 2008).

A focus on rule-based bureaucratic administration and the adoption of a rational and impersonal role by council staff evokes a traditional Weberian conception of bureaucracy that, as Du Gay (2000) has pointed out, has become unfashionable in recent times. In the highly personalised environment of an Aboriginal community, however, organisational modes that enable local residents to compartmentalise their personas as community members from their personas as officeholders are crucial to organisational functionality. The institutionalising of the separation of powers and the rule of law at Yarrabah Council has been pivotal to mitigate the negative effects that family and kinship pressures can have on council performance. These practices serve to minimise the opportunity for councillors and staff to indulge in preferential treatment for families and perhaps even more importantly, they provide a level of protection for councillors and staff to be able to resist the pressures from their families. Other researchers on indigenous governance have noted the increasing use of rules and policies to enable indigenous leaders "to buffer their governing roles from the demands of their wider social relationships" (Hunt and Smith 2007, 12).

A significant outcome from this approach is a greater level of stability in the council workforce. The insulation of staff from family pressures at Yarrabah 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. At Yarrabah, the majority of

management positions (including the CEO and Deputy CEO) are held by members of the local Aboriginal community who have been long-term employees of the council. Hope Vale and Lockhart River Councils, on the other hand, have relied on outsiders to fill management positions within the council, which has contributed to greater turnover in these positions. At the time of the case studies, the average tenure of managers at these two councils was only 4 years, compared to 15 years at Yarrabah Council. Capable and skilled local community members at Hope Vale and Lockhart River have been unwilling to take on positions of responsibility within the councils due to the lack of protection from family and community pressures.

These findings beg the question: what has predisposed Yarrabah Council to adopt an approach that embraces positive governance principles such as the rule of law and the separation of powers to an extent that Lockhart River and Hope Vale Councils have not? The research suggested that the answer is to be found in a complex infusion of historical and contextual factors (Limerick 2008). Among the factors identified, a central explanation concerns a fundamental difference between Yarrabah and the other two communities in relation to prevailing governance norms and values. Specifically, the communities' divergent approaches to governance have been shaped by the extent to which the communities have evolved a 'whole of community' orientation towards governance, as opposed to a more partisan family or clan orientation. This issue is the focus of the next part of this paper.

A 'whole of community' orientation to governance

A fundamental tenet of the Western representative council model of community governance is that councillors are elected to collectively make decisions in a rational, impartial and equitable manner for the benefit of the whole community. As we have seen, the orthodox critique of the community council model's appropriateness in Aboriginal communities suggests that the family unit is such a central feature of Aboriginal social organisation and the pull of family allegiances and cultural obligations of reciprocity to kin is so inescapable that councillors will be unable to see beyond family interests to take a 'whole of community' perspective. While the case studies of Hope Vale and Lockhart River Council lend some support to this contention, the Yarrabah Council case study demonstrates that a 'whole of community' governance ethic can be nurtured in an Aboriginal community, resulting in higher levels of community government performance.

The examples cited earlier indicated the tendency for leaders at Hope Vale and Lockhart River to be 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*". 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, 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". The orientation towards family exhibited by council leaders at Lockhart River and Hope Vale is, of course, partly driven by the strong expectation of family members that they will receive preference from relatives in positions of authority.

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."* Interviews with Yarrabah councillors confirmed that they clearly conceptualised their role as governing for the whole community. The Mayor said that his role was *"making sure that those decisions would benefit everyone, not just a small quarter"* and another councillor indicated that *"I myself, I feel that I'm there on behalf of everybody's interests."* 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."* Generally, however, Yarrabah councillors appear to have successfully resisted the family pressure and developed a 'whole of community' orientation in their decision-making. A councillor suggested that while this ethic had been there for some time, it had been reinforced by the councillor training that the Government had provided to all Aboriginal councils from 2004:

Once we go through those councillor training packages, most of [the councillors] 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.' [That attitude's] been there for a long time, [but the training's] reinforced, it's strengthened that attitude.

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. For example, the Yarrabah Council's response to a question in a 2003 green paper on community governance (Department of Aboriginal and Torres Strait Islander Policy 2003) was 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.¹ For example:

¹ The Hope Vale Council did not submit a written response to the review.

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)

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)

Support your Clan Group, maintain your family power base, don't move too quickly to change. (Aboriginal Council staff member response)

At Yarrabah, there appears to be a growing realisation that the supposedly competing governance norms pitting family interests against equity for the whole community are not incompatible; that an approach that seeks to put the whole community first will lead to the long-term benefit of all the families in the community. This has not always been the case at Yarrabah. In 1979, anthropologist Daniel Craig (1979b, 69) noted that: “Every Aboriginal on Yarrabah who occupies a position of authority... finds it difficult to transcend family ties and act impartially.” 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. But slowly over the years, I noticed a big difference, that even some of [the councillors’] 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.

A corollary of this whole of community orientation that was evident at Yarrabah was a strong commitment to the notions of equity and fairness. In discussions with Yarrabah people about what they expect from their council in making decisions, the concepts of equity and fairness were a recurring theme to an extent that was not apparent during the Lockhart River and Hope Vale case studies. For example, a Yarrabah Council employee explained that, “*as a community person*”, her expectation was that council decisions should be “*not biased in any way, and fair and based on policies.*” The council’s 2004 mission statement lists “Fairness and equity” as a core component of the council’s mission.

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 Yarrabah. A non-Indigenous officer who had been working closely with the Lockhart River councillors explained that “*they’re still learning about equity. I think*

equity is our [non-Indigenous] notion.” While there were occasional comments during interviews attesting to 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. At Yarrabah, on the other hand, residents have been quick to challenge the council, and have often used external avenues such as local Members of Parliament or the Ombudsman. 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.”

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. Following fieldwork in the 1970s, Craig (1979a, 116) described Yarrabah as “more or less an egalitarian community with little class or status stratification.” By contrast, processes of status stratification and elite formation were a feature of the history of the Lockhart River and Hope Vale missions (Powell 2002, 188; Holden 1994, 307). 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 1979a) 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. This often does not, however, reflect the reality of resource-sharing practices at the community level. In his study of the Lockhart River community, Thompson (1996) explains that 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). 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.

In the United States, researchers from the Harvard Project on American Indian Economic Development have argued that the success of an indigenous government is partly dependent on the extent to which the government’s institutions and practices accord with the particular community’s prevailing norms regarding the way in which governance

should be organised and practised (Cornell and Kalt 1992, 2002). On this analysis, it could be argued that the problem for Aboriginal councils is that there is a poor 'cultural match' between the representative council institution, with its associated requirements for impartiality and a focus on the common good, and the localised, kin-based norms of Aboriginal society. One way of viewing the Yarrabah case study is to see the development of an orientation towards the whole of community interest as an instance of the community's governance norms evolving in such a way that they now better match the essentially Western governance institutions that the community inherited from non-Aboriginal administrators.

This interpretation of the Yarrabah Council experience would be simplistic, however. It was clear from the case study that kinship remains a core element of the Yarrabah community. As in other Aboriginal communities, obligations to family and kin are fundamental in dictating social and economic relations. In the practice of community governance, however, the primacy of family interests is giving way at Yarrabah to a shared commitment to making equitable decisions in the best interests of the community as a whole. This is a cultural adaptation that has enabled the impacts of kinship factors on governance to be effectively managed. In his provocative essay entitled 'The Politics of Suffering', Sutton (2001) has suggested the need for "rethinking culture", with a view to recognising the obstacles to Aboriginal aspirations to improve their standards of living that are posed by cultural factors such as kinship. This process has been far from smooth at Yarrabah, and the case study revealed that there are those within the council and the community who feel that the council has gone too far in institutionalising mainstream governance policies and processes and has failed to adequately accommodate local cultural values and lifestyles. In fact, there was evidence that the institutions and processes inherent in the mainstream council model have been adapted in a number of ways to Yarrabah's cultural context. This was evident in the adaptation of policies and procedures to explicitly accommodate cultural protocols such as 'sorry business' and itinerant lifestyle patterns. It was also appreciable that everyday interactions and practices within the council were strongly infused with Aboriginal cultural values. The research indicated that achieving a legitimate and effective community government at Yarrabah has required a narrowing of the gap between Aboriginal norms about governance and the Western-derived institutions and practices inherent in a representative council model. There has been adaptation and change on both sides of the equation.

Recognition of the need for effective blending of Western and Aboriginal governance approaches has become a feature of the recent literature on indigenous governance. Martin (2002, 2) has argued that to achieve better Aboriginal governance, "the challenge is to develop distinctively Aboriginal institutions which nonetheless facilitate effective engagement with the dominant society", a task which Rowse (2000, 167) suggests will be "a matter for creative synthesis from more than one tradition, an experiment in hybridity." In case studies for the Australian National University's Indigenous Community Governance Project, researchers have noted that "western corporate tools are being deliberately customised for organisational governance, in order to enable them to 'fit' within preferred Indigenous culturally-based styles of interaction" (Hunt and Smith 2006, 17). Brigg (2007, 415) has argued for a reassessment of the hegemony of Western liberal political ontologies in Aboriginal affairs and suggested the need for "conversation and exchange between Settler and Indigenous political ontologies and their

accompanying political and administrative rationalities.” Although this process should be understood as ongoing, the achievements of the Yarrabah Council are testament to the benefits that can be achieved through synthesising Aboriginal and non-Aboriginal traditions.

At a fundamental level, the emergence in an Aboriginal community such as Yarrabah of a ‘whole of community’ orientation to governance based on norms of equity and fairness is best understood in the context of the broader contest of values that is a central narrative in contemporary Aboriginal society. Many aspects of life in Aboriginal communities today are characterised by an ongoing contest being played out between values inherent in Aboriginal culture and the values of 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. This narrative is different in each Aboriginal community, but at Yarrabah, a powerful community imperative to manage its own affairs in order to achieve mainstream standards of living has reshaped governance norms in such a way that equity, fairness and whole of community benefit have become central to the practice of community governance. This adaptation has enabled the Yarrabah community to harness the tools of community governance to more effectively realise the community’s needs and aspirations.

The evolution of governance at Yarrabah holds out the promise that the impacts of kinship factors can be effectively mediated in other Aboriginal communities such as Lockhart River and Hope Vale. In a study of a remote Queensland community, Kowanyama, Moran (2006, 269) also observed that leaders were overcoming kinship pressures and exhibiting a concern for acting in the interests of the whole community. As at Yarrabah, Moran linked this approach with strongly egalitarian norms in the Kowanyama community, which underpinned a system of checks and balances preventing leaders acting in a preferential manner (2006, 270). This environment had contributed positively to the community’s governance outcomes.

Conclusion

In the debates about the most appropriate models for Aboriginal governance, it has been common to dismiss the representative community council model as incompatible with Aboriginal values about governance and politics and therefore doomed to fail. Some commentators have suggested that, instead, policymakers should give effect to a more “dispersed” form of community governance that better reflects supposed Aboriginal cultural preferences for more localised, more disparate, family or kin-based political affiliations (Wolfe 1989; Rowse 1992; Westbury and Sanders 2000).

The case studies of three north Queensland Aboriginal councils confirm that family and kinship groups remain the focal social and economic unit within Aboriginal communities. The continuing significance of kinship relations has not, however, prevented the emergence of a strong sense of community identity in each of the Aboriginal communities. The scepticism of many anthropologists regarding the existence of a sense

of community identity sufficient to found a legitimate community government is overstated. Nevertheless, the case studies highlighted that the strength of family and kinship affiliations and their ancillary networks of reciprocal obligations pose significant challenges for the operation of Aboriginal councils. In two of the case studies, the influence of family and kinship factors on decision-making has adversely affected the performance of the councils.

The case study of the Yarrabah Council, on the other hand, demonstrates that it is possible for a 'whole of community' orientation to governance to emerge in an Aboriginal community. Although a sense of shared 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 their community's 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. At a fundamental level, it can be understood as part of the process by which Aboriginal communities are resolving the tensions between values rooted in Aboriginal traditions and the pull of Western lifestyles and standards of living. The significance of the Yarrabah Council case study is that it illustrates 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.

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