Local Governance in Remote Regions—Models & Issues

Governance and Service Delivery in Wiluna

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Introduction

This research in Wiluna for the Indigenous Community Governance Project is being undertaken in conjunction with a PhD research project in Anthropology through the University of Western Australia. The research focuses on the relationship between governance structures at the local, regional, state and national levels, and the services and programs that are made available to the Wiluna community. For the purpose of this research, the Wiluna ‘community’ encompasses the Aboriginal and non-Aboriginal residents of the Shire of Wiluna.

There are two key components of this research:
(a) Ethnographic research with the Wiluna community; and
(b) An exploration of the relationship between local, regional, state and national governance structures and processes, and the delivery of services to the Wiluna community.

This research uses a number of methodologies commonly used in anthropological research. In Wiluna, participant observation and interviews are the main research methods. Participant observation is guided by the underlying assumption that social life is not fixed, but dynamic and changing. The aim of this method is to gain a close and intimate familiarity with a given community and their practices through immersion in the day-to-day activities of the community. Fieldwork is a continual process of reflection and alteration of the focus of observations in response to developments. Research with regional, state and national agencies will be undertaken primarily through informal and structured interviews and the analysis of documents. This research with organisations and agencies will have an ethnographic component through which the role of culture in determining governance arrangements, including bureaucratic culture, will be explored and analysed.

It is accepted that long-term solutions to service delivery in communities geographically distant from capital cities will require creative solutions that go beyond debates about administrative economy. The aim of this research is to contribute to those solutions.

The first period of intensive fieldwork with the Wiluna community commenced in early April 2005 and will continue until November 2005. A second extended period will be undertaken between April and July in 2006. The relationships established with the community will be maintained through visits of shorter duration once the second fieldwork stage has been completed. Research with government and non-government agencies will be undertaken in two periods of focussed activity from November 2005 to March 2006, and from August to December 2006.

Governance and service delivery intersect at the point where decisions are made about what services are provided, how they will be provided, to whom, and who provides them. A significant issue for research on Indigenous community governance in Wiluna is that it is not a discrete Aboriginal community; it is a Shire under the Local Government Act, albeit one in which a large percentage of the resident population are Aboriginal. As I have noted above, my research in Wiluna will encompass the Aboriginal and non-
Aboriginal residents of the Shire. However, for the purposes of this paper my focus is on the Mardu people living in Wiluna, and their organisations.

The Wiluna Community

The town of Wiluna is the seat of local government for the Shire of Wiluna; it is the only commercial centre in the Shire. The town is approximately 1,000 kms northeast of Perth; the closest regional centre is Kalgoorlie, 550 km to the south.

The Shire of Wiluna is predominantly mining and pastoral land covering an area of 184,000 km². Mining and pastoralism are part of the ‘culture’ of Wiluna and they have a number of implications for governance and service delivery which will be explored as part of this research. The Shire covers a large geographic area but is sparsely populated. It is difficult to obtain accurate information about the resident population of the Shire from ABS figures. The 2001 Census puts the population at 1,640; 357 of whom identified as Aboriginal. However, these data are skewed by the inclusion of mining staff resident in Wiluna on the night of the census, but employed on a fly-in-fly-out basis, and share the usual problem of under-representation of Aboriginal people. Data collected by the Aboriginal medical service shows that it treated almost 800 individual Aboriginal clients in 2003–04, suggesting a significantly larger Aboriginal presence in the Shire than is indicated by the Census figures.

Non-Aboriginal residents of the Shire live in the town, on the pastoral and agricultural leases and on mining sites. Approximately half the Aboriginal residents of the Shire live in the town or at Bondini, approximately 5 km east of the town. Other family groups live at the Emu Farm and Desert Gold, about 10 km east of the town. About 100 people live in two communities outside the town; Kutkabubba, 30 km north, Windidda, a pastoral lease about 200 kms east and Ululla, a pastoral station about 70 km south west of the town.

The Wiluna Aboriginal community is part of a wider community of Aboriginal people referred to as the ‘Western Desert cultural bloc’. According to Berndt, people from Wiluna and other communities within the Western Desert cultural bloc constitute a society in that there is ‘sustained interaction’, ‘possession of broadly common aims’, and ‘effective and consistent communication’ between the members of these communities.1 People in Wiluna most commonly refer to themselves as Mardu. They are part of a linguistic group who are principally Manyjilyjarra speakers. Western Desert customary law continues to regulate the lives of people in Wiluna occasioning regular contact with people from Punmu and Jigalong to the north and the Ngaanyatjarra communities to the east. The population of the town often increases to more than double its usual size for extended periods due to cultural reasons, such as funerals. Conversely, large numbers of people often leave Wiluna to fulfil their cultural obligations elsewhere. The high mobility of Western Desert Aboriginal people is a factor which has to be considered in discussions about the real ‘service’ population. Mobility is also a factor that can have an effect on the governance arrangements of local and regional organisations.

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1 Berndt, R M, ‘The concept of ‘the tribe’ in the Western Desert of Australia, Oceania, 1959, Vol XXX, No. 2, p. 105
The Policy and Service Delivery Context

In Australia over the last thirty years, the Australian and State governments have operated under a policy of self-determination for Aboriginal communities. This policy encouraged the incorporation of Indigenous community organisations for the conduct of their own community affairs and the delivery of government-funded services, particularly in remote communities.

Over the last five years a key issue for governments has been the need to build the capacity of Aboriginal organisations to ensure their governance structures support efficient interaction with government agencies and the capacity to deliver government programs. This issue has also been high on the agenda of many Indigenous leaders and commentators. More recently, a number of reports have highlighted the need to build the capacity of government agencies to address the lack of coordination within and between government agencies and the different levels of government, particularly in the area of service delivery. At a national level, the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, the Management Advisory Committee Report and the Aboriginal & Torres Strait Islander Social Justice Commissioner’s Report all identified the lack of capacity of government agencies to deliver services to Australia’s Indigenous people as a ‘significant factor’ in their continued disadvantage.2 In April 2004, the Australian Government released its ‘Connecting Government’ report which identified coordination and collaboration within government as its primary policy and program agenda.3

In Western Australia, the unmet needs of community members, due to a lack of statutory government services were highlighted in the Gordon Inquiry.4 The Inquiry also poignantly documented the negative consequences to the community of the lack of integration and coordination of government services. In response, the WA Government commenced a process of public-sector reform to improve the way it coordinated its resources. This strategy included not only new resources, but also a commitment to improve service delivery to Aboriginal communities by ‘doing things differently and better’. This involved a commitment to streamline high-level management and to coordinate structures, and to provide additional training and support to managers in regional offices on how to develop relationships with communities to plan, manage and deliver services. Under this reform agenda, a Human Services Directors General Group (HSDGG) has been established along with regular forums for the Regional Managers of a number of different agencies, to meet and discuss ways to develop and implement more integrated services at a regional level. This group reports directly to the HSDGG.

Self-determination is no longer an avowed policy of the Australian Government, which has moved to a policy framework advocating concepts of ‘mutual obligation’ and ‘shared responsibility’. The overwhelming array of policy and program language which has

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2 House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs 2004, p. 17, Management Advisory Committee Report 2004, Aboriginal & Torres Strait Islander Social Justice Commissioner, 2003
3 Department of the Prime Minister and Cabinet, Connecting Government: Whole-of-Government Responses to Australia’s Priority Challenges, Management Advisory Committee, Report No 4, April 2004
emerged from Australian and State Government Indigenous policy over the last four years (such as ‘governance reform’, ‘moving beyond welfare dependency’, ‘capacity building’, ‘mutual obligation’, and ‘shared responsibility’) has been described by the Human Rights and Equal Opportunity Commissioner as a subtle refinement of policy, rather than a substantial policy shift. There has been neither measurable improvement in the lives of Aboriginal people living in remote areas nor any change in the challenges facing the Federal and State governments. And though it is early days for the ‘whole-of-government’ approach by the Australian Government and its COAG Trials, there has been no publicly available evaluation of the impacts and outcomes of the new policy approach. As Sutton points out, ‘the raw evidence of a disastrous failure in major aspects of Australian Aboriginal policy’ continues to exist in many, if not all, Aboriginal communities.

At a local level, an investigation of the current level of programs and services available to the Aboriginal population was commissioned by the Shire of Wiluna in 2004. The subsequent report by the Department of Indigenous Affairs (DIA), Services to Indigenous People in the Shire of Wiluna: Mapping and Gap Analysis, paints a depressing picture of life in Wiluna, stating that: ‘If the welfare system is designed to ensure that those most in need have access to the basic necessities of life including shelter, clothing, food and education, it is not working’. The report found that:

The Aboriginal population of Wiluna is characterised by chronic homelessness; poor health and wellbeing; a lack of care for the elderly and infirm; neglect of children; poor educational outcomes; alcoholism, violence and poverty.

The DIA report also identified a serious gap in the provision of government services to Wiluna, particularly with respect to water, sewerage and public housing. Some idea of the chronic homelessness experienced by people in Wiluna can be gained from the 2001 Census figures, which show that almost half of the 175 occupied private dwellings in the Shire of Wiluna were described as ‘other dwellings’, with over 90 per cent described as ‘improvised home, tent, sleepers out’.

A permanent State Government presence in Wiluna consists of the Police Service and the remote area school. Other agencies do not have any office accommodation for officers to use in Wiluna and visits by staff are infrequent and of short duration. Inevitably, the Wiluna community is heavily reliant upon community-based organisations to provide whatever services they can to residents of the Shire.

In February 2005, the Federal Minister for Immigration and Multicultural and Indigenous Affairs, Amanda Vanstone, signalled both the need for ‘dramatic improvements in opportunities for Indigenous Australians’ and the Australian Government’s preparedness to drive dramatic change. There are ‘two key aspects’ to this ‘dramatic change’:

5 Aboriginal & Torres Strait Islander Social Justice Commissioner, Social Justice Report 2003, p. 7
7 Department of Indigenous Affairs, WA, Services to Indigenous People in the Shire of Wiluna: Mapping and Gap Analysis, Final Report, 2004
8 Ibid., p.19
9 Ibid., p.8
One is genuinely giving Indigenous Australians a voice. The second is realising that the way we work, the way we organise ourselves as governments, has been a large part of the problem.\textsuperscript{10}

Within this current framework, a ‘real voice’, is when governments ‘listen directly’ to Indigenous Australians, rather than to ‘intermediaries’. ‘Intermediaries’ include Indigenous organisations, which in the past the government has assumed, presumably mistakenly, ‘to have the authority to speak on behalf of the community’. Commonwealth will only listen directly to ‘the individual, the family unit or the community’, rather than bodies set up to represent the community. This statement can be read as an indication of a generalised distrust in Aboriginal corporations, and in their capacity to represent the community.

Vanstone’s second point acknowledges that there have been problems with the way government organises itself to deliver services. The remedy is seen to lie in part in the development of Indigenous Coordination Centres which will bring together officers from key departments into one location—a ‘front line’ one-stop shop. It is worthy of note that for Wiluna, ‘the frontline one-stop shop’ is located in Kalgoorlie, 550 km away.

It is useful to place these past and more recent processes into a broader public policy framework relating to changes in the approach taken by the Government since 1970 to its relationship with community organisations, and the role of community organisations in the democratic process. Casey and Dalton (2003) describe four distinct, although at times overlapping, eras: conflict, consultation, collaboration, and citizenship. The ‘adversarial paradigm’ of the 1970s moved into a ‘consultation’ phase in the 1980s. In the 1990s reforms in public-sector management, requiring smaller governments and the transfer of the delivery of services to the non-government sector, saw the need for greater ‘collaboration’ between government and community organisations. During this era, the delivery of government services in accordance with government funding requirements and program design became the primary activity of many Aboriginal organisations.

Most recently, from around 2000, governments have sought to ‘seek input directly from citizens’, a process aimed at marginalising the representative role of community organisations, and shifting them outside of the ‘mainstream’.\textsuperscript{11} This move towards ‘governing for the mainstream’ signalled a shift in focus from equity to ‘whether sections of the also called ‘normalisation’ community outside the mainstream … should be represented at all’.\textsuperscript{12}

It is widely accepted that a well-functioning democracy involves a continuing process of consultation between government and the citizenry. A core mandate of democracy and

\textsuperscript{10} Minister for Immigration and Indigenous Affairs, Address to National Press Club, 23 Feb 2005


‘good governance’ is that people should have a chance to express themselves explicitly, and in ways that count, on decisions that significantly affect the nature and meaning of their lives. What is currently being contested within the changing policy context is the role of Aboriginal organisations as legitimate representative intermediaries between community and government. Aboriginal community organisations, particularly in the absence of its members having a voice in other arenas, are an essential component of a healthy and resilient democracy. The authority of any Aboriginal organisation is granted by the communities it represents and it is to these same communities and its members that they must be accountable. However, in the current policy environment, State and Australian governments are turning away from community organisations representing ‘sectional interests’, toward organisations that are seen to represent the ‘mainstream’. A significant assumption underlying this approach is that for bodies such as local government, issues of representation are seen to be unproblematic, and the test of community representativeness, portrayed as being central to the authenticity of Aboriginal organisations, is elided.

I will now discuss the Wiluna governance environment and provide some background to the organisations and the contemporary context within which public policy is being played out in Wiluna. I will focus first on the Aboriginal organisations and then look at the how local government is situated within the Wiluna governance environment.

**Governance in Wiluna**

At this stage of my research, I have only a preliminary understanding of governance in Wiluna and am still coming to grips with the complex dynamics of the relationships between community members and these organisations, with their issues of representation and decision-making, and the identification of services required and desired by the community. As my work progresses I will be able to develop a deeper understanding of these processes.

In 1974, the Ngangganawili Community Incorporated (Ngangganawili Inc.), a body incorporated under WA legislation by Aboriginal people in Wiluna, gained control of the Seventh Day Adventist Church mission site just outside the Wiluna township. At around this time Ngangganawili Inc. also acquired a research station previously operated by the Department of Agriculture, now known as the Emu Farm, and an agricultural lease, now known as Desert Gold. Ngangganawili Inc. acquired other properties over time, including the Windidda pastoral lease. These ventures were run with varying degrees of success over the next 20 years by Mardu people living in Wiluna through CDEP programs.

In the mid 1990s, Ngangganawili Inc. was wound up and its assets distributed across three newly formed organisations; Marruwayura Aboriginal Corporation (MAC), Kutkabubba Aboriginal Corporation (Kutkabubba) and Windidda Aboriginal Corporation (Windidda). These organisations were all incorporated under the *Aboriginal Councils and Associations Act 1976* (ACA Act).

In the distribution of assets, MAC received freehold title to the Community Store and associated assets which included a house attached to the Store, and some blocks of

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13 The transfer of some of these assets was not fully perfected.
reserve land in the town. MAC functions as a resource agency for Wiluna. It administers the following programs: Community Store, Municipal Services Program, Women’s Centre, a Housing Program and the Community Work Order Program. The community store has been run by MAC over the last 10 years, with varying degrees of success, by the committee employing store managers. In recent months, Kutkabubba has been negotiating with MAC to take on the lease of the store.

Kutkabubba received the Desert Gold agricultural lease and the fruit producing venture operating on the lease at the time. This lease, which is over 1200 hectares, was later forfeited by Kutkabubba and was transferred to WDPAC in 2001 to be held in trust for Aboriginal people in Wiluna. Kutkabubba now operates a community on Reserve land approximately 30 km due north of Wiluna where about 35 people live. It runs a successful sandalwood business in conjunction with CDEP workers from the community and, as mentioned above, is negotiating with MAC about leasing the community store.

Windidda assumed the management of the Windidda pastoral lease approximately 200 km east of the town and the Aboriginal Reserve known as the Emu Farm. The Windidda community have lived on and run the pastoral lease since the early 1900s. A small family group run a business on the Emu Farm approximately 10 km east of town. Earlier this year a complaint to the RSPCA resulted in the de-stocking of the pastoral lease. The community has appealed against this procedure and the appeal is yet to be heard. Many members of the community continue to live at Windidda Station, but the decline in meaningful work for people since the station was de-stocked has resulted in a number of people moving back into town.

The division of assets between the three newly formed corporations, MAC, Windidda and Kutkabubba, formally recognised, but also entrenched, the separate spheres of influence exercised by the three dominant family groups in the region. This is reflected in the membership of the organisations. Although the three organisations have a combined membership of 240 members, membership tends to be mutually exclusive. For example, membership of MAC is open to:

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\text{Adult Aboriginal persons and Non-Aboriginal Spouses of Aboriginal persons normally and permanently resident: (a) in or within 20 kilometres of the town of Wiluna in Western Australia; and (b) All such other locations as the Committee shall from time to time determine.}^{14}
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These conditions ensure that membership of MAC concentrates on the families resident in the town or at Bondini, located 5 km from the town, and effectively excludes people residing at Kutkabubba community (30 km out of town) and Windidda (200 km east).

Kutkabubba and Windidda have broader membership criteria—‘Adult Aboriginal persons normally and permanently resident in: (a) Wiluna and surrounding districts; and (b) such other locations as the committee may determine’—which reflect the standard membership criteria contained in the model rules of the time. However, in practice the membership of the two organisations consists of members of separate family groups.

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14 Constitution and Rules of Marruwayura Aboriginal Corporation, May 1995, 8(1)
Wiluna is often talked about as being a ‘divided community’, and it is true that at one point in time the resources of the community were divided. Some of the ‘divisions’ between family groups are centred on the way in which these resources are managed and protected. The recipient organisations are seen to have ‘custodianship’ of the assets rather than ‘ownership’. There is ongoing community scrutiny of the way these assets are managed and protected as they remain the property of the community, rather than of the corporate entity.

Stories that have their origins in perceived or real past actions by respective family members have been constructed around each of the organisations and these constructions often inform contemporary interactions. These dynamics create tensions within and between organisations, and complicate the way they are managed. However, these same organisational structures are integral to the way Mardu people in Wiluna have been managing their complex web of relationships for the last 30 years—and no doubt before that. The notion of Wiluna as a ‘divided community’ needs to be understood in these terms; as the way the citizens of Wiluna have organised themselves to ensure they are able to negotiate the allocation of community resources, maintain access to those resources and equally importantly, so that each group has a voice.

In 1993, around the same time as MAC, Kutkabubba and Windidda took over the management of the community’s assets, the Ngangganawili Aboriginal Community Controlled Health and Medical Services Aboriginal Corporation (NAMS) was set up. NAMS evolved out of a one-doctor medical practice providing health services to Mardu people in Wiluna. It received its first round of Commonwealth Aboriginal Community Controlled Health Organisation (ACCHO) funding in July 1994 and commenced operating as an Aboriginal medical service at that time. NAMS is the sole health provider in the Shire, and the only ACCHO in WA contracted to provide medical services to an entire population within its region. It provides a 24 hour, seven day a week service to residents. In 2003–04 NAMS provided treatment to 790 Aboriginal people and 485 non-Aboriginal people involving over 12,000 separate episodes of health care. The majority of non-Aboriginal people treated were from mining sites within the Shire. 15

NAMS is the largest Aboriginal organisation in Wiluna. It administers an annual budget of around $3 million.16 It is also the largest employer in the Shire. In the 2004/05 financial year it employed 29 FTE. Some of these positions provide employment for a large number of Mardu people. For example the Sobering-up Shelter, which operates after hours, has a policy of spreading the casual employment across each of community sub groups. Last year, it provided part-time employment for over 80 individuals.17

The other Wiluna-based organisation is Nguurra Yuldoo Aboriginal Corporation (Nguurra Yuldoo), incorporated in September 2000 under the ACA Act. Nguurra Yuldoo used to just run its own CDEP. However, in mid 2005 the organisation won the tender for a mobile maintenance contract to maintain the Department of Housing and Works’ houses

15 Ngangganawili Aboriginal Community Controlled Health and Medical Services Aboriginal Corporation, Business Plan 2005 to 2007 and Capacity Statement, 2005
16 In comparison, the annual budget of the Shire of Wiluna is only marginally greater at $3.5 million
17 Pers. com. Finance Manager, NAMS
in Wiluna. This contract has expanded the role of Ngurra Yuldoo; it now has responsibility to provide contracted services to the broader community beyond its own membership.

The Western Desert Puntukurnuparna Aboriginal Corporation (WDPAC) is a regional organisation with its head office in Port Hedland and an administration office in Wiluna. WDPAC was set up as a land council in 1984 but currently operates as a resource agency servicing approximately 18 Western Desert communities and organisations. In Wiluna, WDPAC administers the corporate CDEP for the town and other communities, and provides financial support to some organisations.

These three organisations are qualitatively different from the organisations that evolved out of Ngangganwili Inc., principally because their origins are not embedded in the distribution of community assets. Consequently, their organisational structures are less constrained and their relationships with the community rest on different foundations.

The governance structure of NAMS illustrates one strategy used by members to broaden community ownership and control of a major service delivery organisation. Membership is ‘open to adult Aboriginal persons and their spouses normally and permanently resident in the Wiluna Region of Western Australia …’. The current membership of 112 reflects the broadly inclusive nature of this criterion. Amendments to the Rules in 2002 put in place new arrangements for the governing committee, so that it now comprises ‘community sub-groups’, defined as ‘persons who relate to a particular location or project or enterprise’.

At the 2004 AGM, members decided that for the first three-year term there would be nine ‘sub groups’ which loosely reflect the principal locations throughout the Wiluna region in which Mardu live. Two nominees were then elected to the governing committee from each of the sub-groups. Although a total of 18 members were elected only nine—one from each sub-group—attend each committee meeting. The person attending can be either member or another person from the sub-group acting as a proxy, it means that in a three-year term a large number of NAMS members may actually sit on the committee.

Another example exists in the structure of the working group for the Wiluna Native Title claim, which draws together members of all family groups. At this point in time, the group is not an incorporated body, although if there is a positive determination of the claim, a prescribed body corporate will be developed.

These examples are given to counteract the often stated impression that the description of Wiluna as ‘divided’ implies it is a community riven by dissent. The logical extension of that impression is that it is difficult to effectively engage with the Mardu community through its organisations. It can become convenient for agencies and other groups to blame their inability to establish effective lines of communication with the community on a narrow interpretation of Wiluna as ‘divided’. As discussed above, the NAMS

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18 Rules of Ngangganwili Aboriginal Community Controlled Health and Medical Services Aboriginal Corporation, July 2004, s9.1
19 Ibid
20 I have avoided identifying each of the sub-groups as each is a multi-layered identity that would require a more detailed explanation than this paper will allow.
committee and the Native Title working group include people from all family groups who regularly make contentious decisions that affect the whole community, such as in the case of the Native Title group, about the distribution financial benefits from mining agreements. Community members also exercise power or influence across a number of organisations. It is not uncommon for someone to be a member of a number of organisations, employed by one of them, and on the governing committee of another organisation. This is assisted, intentionally or otherwise, by the ACA Act which precludes members of the governing committee from also being employees of that organisation.

The other major corporate identity in Wiluna is the Shire. In the past, the capacity and at times willingness of local government authorities in regional shires of Western Australia to deliver services equitably to Aboriginal residents has been a source of community tension, and has often impeded the development of productive working relationships between local government and Aboriginal residents. Historically, there have also been a disproportionately low number of Aboriginal people on Shire Councils in Western Australia. This situation has been well-documented, and portrayed as either symptomatic of the tensions and ‘divisions’, or as an indication of disinterest on the part of Aboriginal residents.

In Wiluna, there was no Aboriginal representation on the shire council prior to 1985. In that year, amendments to State legislation gave the vote to adult residents regardless of whether they were ratepayers, effectively enfranchising Aboriginal people in local government elections. There was considerable resistance to this legislation not only because the delivery of services to Aboriginal people was seen to be the responsibility of the Federal government not local government, but also because there was resistance to Aboriginal people, who did not contribute to the income of the Shire through the payment of rates, being able to make decisions about how such funds were expended.

In the election held after the amendments, the first Aboriginal councillor was elected. In 1987, following the resignation of a number of Councillors and the subsequent appointment of a Commissioner, a full council election was held. In this election, Wiluna became the first local government in Western Australia to elect an Aboriginal majority to Council. These Councillors were predominantly residents of the Ngaanyatjarra lands, rather than people living in Wiluna.

In 1993, the eastern portion of the Wiluna shire area was excised to create the new Shire of Ngaanyatjarra. In the first election after the reduction in the Wiluna Shire boundary, four Aboriginal residents from the Wiluna area were elected to Council. The other three Councillors were non-Aboriginal people working with Aboriginal organisations. Between 1993 and 2000, an Aboriginal presence on the Shire Council was maintained although dropping from a majority representation of four Councillors to three and sometimes two. In 2000 and also in 2003, tensions between Councillors required the dissolution of the Council and appointment of a Commissioner. At the time of the dissolution in 2003 two of the Councillors were Aboriginal. Following a full council election in 2004\(^{21}\) and a half-

\(^{21}\) As in 1986 and 2000, a full council election was required after the dissolution of the Council.
Council election in 2005, Aboriginal representation on the Council increased to six Aboriginal councillors with one non-Aboriginal councillor.

In recent months there have been indications of a shift in the way government agencies engage with the Wiluna community that are indicative of the shift from an era of ‘collaboration’ when the delivery of services were transferred to Aboriginal organisations to the ‘citizenship’ era characterised by the marginalisation of Aboriginal organisations and the ‘mainstreaming’ of services. While there are signs that State and Commonwealth agencies have started to channel their discussion about community issues and service delivery through the Shire, there has been a concomitant withdrawal of support for, and engagement with, community organisations. If the policy of mainstreaming is to be enacted through the passive dismantling of community organisations and an increased reliance on local government to fill the vacuum, this approach may require closer examination.

The principle and practice of democratic governance underpins governance in the local government sector. It refers to the democratic nature of local government and the accountability of local governments to their communities. In Wiluna, where Aboriginal people constitute around 90 per cent of permanent residents and where the majority of Councillors are Aboriginal people, it is tempting to consider the Shire as unproblematically part of the Aboriginal domain, and having drawn that conclusion, to use it as the default organisation with which to engage the Aboriginal community. Some of the questions about governance and service delivery I am exploring in Wiluna focus on issues that are central to the democratic process: who is making the choices that govern people’s lives, with what official or unofficial authority, according to whose definitions of the good, with what rights of public representation, and in forums organised according to whose rules of the game? The points I raise below form part of the data I have collected and some of the issues raised by that data.

1. Reliance on the Shire as the organisation with which to form partnerships to mainstream services assumes that it is a stable organisation protected from the exigencies of Aboriginal organisations. The depiction of the Shire as a stable body may be a chimera. The fact that it has been necessary to appoint Commissioners, to stand in place of the elected Council because it has been unable to resolve internal disputes, three times in the last 20 years indicates that the Shire may have its own governance problems. A more fully developed understanding of the nature and extent of these problems is required.

2. The reassertion of a strong Aboriginal presence on the Council has been a recent occurrence. While it is a positive indication of a process of engagement by Mardu people with the formal institutions of power, it may be that it is a tangential move that is not intended to supplant the power base of community organisations, to which all the Aboriginal councillors belong either as ordinary or executive members, or employees. If the move is read as a laterally extension of community power into local government, then it does not necessarily indicate either a lack of confidence in existing community organisations or a desire to see their roles and functions superseded by local government.
3. In terms of the relationship between local government and the community, good governance is often referred to as the trust and confidence a community has in its local government, and the extent to which the community is engaged in its governance. Historically the Shire has not had a positive relationship with Mardu residents or with their organisations. At a recent Shire Council meeting a councillor raised ‘the real issue’ of the gap between the Shire and the community, stating that: ‘For a long time (Mardu) people haven’t had a good relationship with the Shire. It will be a long time until people embrace it as ours’. Councillors and staff are working to bridge this gap, but it is difficult to know at this early stage what results will be produced by the strategies being developed.

4. Good governance requires a sophisticated understanding by all parties of roles, responsibilities and issues. Local government is not a partnership of equals, but a hierarchy with the councillors at the top. The administration is accountable to Council through the CEO. This relationship between Council and its administration is an extremely complex issue that recent research indicates is not well understood by elected representatives or managers. Education for staff and councillors obviously has an important role to play in the development of good governance. There are at least three issues here: (i) the availability of high level training that addresses the full spectrum of the roles and responsibilities; (ii) recognition by councillors and staff that they require training, and (iii) their preparedness to undertake the training.

5. A Council meeting is a formal process, defined by relevant state and local legislation. The Local Government Act was recently amended to include provision for a specific offence to penalise councillors who fail to vote at council meetings. This provision came into force in May 2005. Recourse to criminal law proceedings, where the person would be required to appear before a Magistrate and face a fine of up to $5,000, seems punitive and inappropriate in the local government sphere. It is informative to compare this to the situation in the Legislative Assembly in the West Australian Parliament where there is a similar requirement for a member who is present ‘on the floor of the house’ to vote. However, there is no penalty set down for a member who does not vote, even if they are deemed to be present. I am not aware of the background to this amendment, or indeed if there was any debate about this provision when it was introduced in Parliament. Disproportionately harsh penalties, such as a criminal conviction and a hefty fine, have the potential to discourage Aboriginal people from participating in this tier of government.

A shift in public policy towards ‘mainstreaming’ service delivery has the potential to disenfranchise Mardu people if it is accompanied by a move to by-pass consultation and negotiation with community organisations in favour of the Shire. Also this process may not be embraced enthusiastically by the Shire. It has only recently emerged from a period of disruption and is working hard both to provide stable governance for the region, and to establish sound links with Mardu people and organisations in Wiluna. Within this context, the Shire may resist moves to become unduly burdened by an expansion in its...
service delivery role. This will be particularly so if, through this expansion, it is perceived as being complicit in the marginalisation of local organisations.

Conclusion

An investigation of the governance environment in Wiluna requires an interrogation of all the structures and processes in which power is invested, and which are part of the democratic process. This process involves opening out hidden normative presumptions of the way organisations—including all tiers of government—operate, and engaging in inclusive debate. An understanding of the Wiluna’s organisational history is an important part in this process as it provides insight into why Mardu people have deeply held views about their organisations, and what binds families to organisations and to a particular set of responsibilities. Developing an understanding of the ‘relationship web’ is integral to understanding the social and corporate dynamic of Wiluna. Aboriginal organisations are the structures through which relationships are channelled, distilled, negotiated and mediated. In Wiluna almost every adult Mardu person is involved in at least one Aboriginal organisation; these corporate entities are not peripheral to people’s lives, they central. At this point in time, people in Wiluna look to their own organisations, rather than to local government, to articulate and respond to their service requirements. Although Aboriginal people have been involved in local government in Wiluna since the late 1980s, it was only in May this year that they reasserted their position as a majority on the Council and the representational roles of individual councillors are yet to be fully explored. The gap that exists between the Mardu community and the Shire cannot be ignored and will need to be acknowledged in the strategies government develops to engage with the community.

24 The term ‘relationship web’ is coined from the concept of a ‘food web’ in ecology, which is used to illustrate the interconnectedness of all the components within an location.
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