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

Patrick Sullivan
Visiting Research Fellow
Australian Institute of Aboriginal and Torres Strait Islander Studies

CAEPR-Reconciliation Australia ICG Project Workshop
with WA and Australian Government Partners
Perth, WA

18 October 2005
Introduction

Susan Wright and Cris Shore, in their collection on the Anthropology of Policy, tell us that the anthropological analysis of policy formulation and implementation offers a way of examining a crucial element of contemporary culture, linking the local to the global (1997: 13). This is true of the recent implementation of whole-of-government policy in Indigenous affairs in Australia, it is global in origin and local in impact. Whole-of-government policy for mediating the relationship between the state and its citizens had been trialled internationally before being introduced to Australia. It can be seen both as a global movement towards corporatising the civil service on the model of efficient commercial enterprises and a response to citizen dissatisfaction with simple bureaucratic responses to complex, labile and interrelated problems. When Peter Shergold, Secretary of the Department of Prime Minister and Cabinet, introduced the Public Service Management Advisory Committee document Connecting Government (MAC 2004) he met two aims. The first furthered the engagement of the Australian Public Service with these international trends, though this has been slow to take hold. Shergold’s second purpose was to announce the implementation of whole-of-government administration uniquely for Indigenous affairs in Australia (Shergold 2004).

The Connecting Government report came late enough to be able to assess international experience and was at best ambivalent about the value of the approach in all areas of public administration. Some analysts had already taken the first blush of enthusiasm off it by concluding that there are still many sectors of public activity that deliver more effectively in the classic command and control, line management, mode. Others had voiced concerns about the potential for undermining expected reporting standards, since lines of responsibility and control over governmental resources become blurred or confused when inter-agency cooperation is enforced (Wilkins 2002: 117–18). This becomes particularly problematic when whole-of-government embraces the private sector (Barrett 2000: 9). Other commentators have added to this the potential for normal checks and balances on the exercise of public power to be overridden with direct political interference in the joint task-forces or interdepartmental committees that are charged with fast-track policy coordination and implementation (e.g. Kavanagh and Richards 2001: 13). These concerns raise the question of how to do whole-of-government, how to foster coordination while retaining authority and accountability. The Connecting Government report is not particularly useful as a tool-kit for implementing whole-of-government approaches, nor was it intended to be. Indeed, there is little in the way of guidance for public servants on new management techniques for integrated service delivery. The Management Advisory Committees document Working Together is brief and concerns itself only with existing features of the bureaucratic landscape, interdepartmental committees and joint task forces (MAC 2005). These Shergold rightly refers to as ‘necessary but insufficient constituents of achieving a whole-of-government approach’

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1 This is a background paper for a research project. The project will use anthropological perspectives to investigate impediments to effective service delivery in Indigenous affairs. This work has been substantially supported by my Visiting Research Fellowship at AIATSIS. Initial field work has received supplementary funding from the Desert Knowledge Cooperative Research Centre. It is supported by the Centre for Aboriginal Economic Policy Research (ANU) Indigenous Community Governance Project.
(Shergold 2004: 7). The Australian National Audit Office (ANAO) has also produced a practice document, again very brief. This is concerned with maintaining good governance procedures for accountability purposes and outlines proposed structural arrangements for a variety of cooperative working arrangements which effectively reproduce departmental or corporate entities, though these may be temporary (ANAO 2003). The Office of Indigenous Policy Coordination (OIPC) which is now charged with implementing whole-of-government cooperation in Indigenous affairs has little practical information to rely upon in devising new administrative arrangements, and yet, as detailed below, is striking out in positive directions. It is likely, however, that there are divergent views within the organisation and it is still too early to tell whether these will result in bureaucratic inertia and a reinvention of the new policy as nothing but ‘business as usual’. As Ling observes for the UK:

> developing new skills in goal-setting, accountability and networking would, most are agreed, require a new type of leadership and a new culture of learning and working … Skills and learning therefore appear to be very important in managing the tensions that may arise in goal-setting, accountability and networking. Given that this also implies different ways of working and of delivering services, it is not surprising that it has been faced with some professional and bureaucratic resistance (2002: 638).

This paper first aims to describe the new arrangements and predict some of the potential positive outcomes. It goes on to discuss those that may be less productive or poorly integrated into the new philosophy: the Shared Responsibility Agreements and Regional Partnership Agreements. Secondly, it suggests that government itself requires analysis and renewal for the proposed whole-of-government approach to be effectively implemented to the benefit of Indigenous people.

**Whole-of-government origins and antecedents**

Shore and Wright are correct that analysis of policy offers a way into contemporary culture. The new policy occurred in a public environment of despair at, even hostility to, the perceived failure of Indigenous communities, particularly in remote areas, despite decades of self-management and apparently enlightened funding and governance regimes. This despair had been precipitated by a mounting tendency for Indigenous representatives themselves to speak out about the physical and social malaise affecting their people (e.g. Dodson 2003). Secondly, the announcement came at a time when the Australian Government felt sufficiently entrenched, and had dealt convincingly with many of the issues that it considered more central to its concerns, to be able to turn attention to a radical new approach in Indigenous affairs. Thirdly, the conditions of intervention presented themselves when the rump of the Aboriginal and Torres Strait Islander Commission (ATSIC), recently riven by the introduction of Aboriginal and Torres Strait Islander Services (ATSIS), showed itself to be incapable of renewing the rhetoric of rights and entitlement for a more pragmatic age and, during an election campaign, the leader of the opposition declared his intention to abolish it. When the Prime Minister pre-empted this by dissolving ATSIC in advance of the election it became imperative that the government clean up the stagnation of policy with a new direction,
abandoning its agnostic stance which previously had been capable only of declaring what it disagreed with in the current arrangements. Whole-of-government, still undergoing assessment at several trial sites established by the Council of Australian Governments (COAG), stepped into the breach. It was, however, a whole-of-government policy carrying considerable political baggage. It tended to reject all that had gone before as misguided, politically suspect, wasteful and corrupt (see e.g. Vanstone 2005), thus alienating those development activists, Indigenous and non-indigenous, who had devoted several decades of their lives to Indigenous advancement, and discrediting their collective knowledge. This presents the bureaucracy with the danger of simply reinventing the past in new guise. The policy was also from the start linked to a parallel, but not conceptually related, commitment to mutual responsibility in the delivery of social services. Thus weighed down, government officials took a running jump at one of the most complex areas of need affecting Australia with few, if any, conceptual tools about how to do the integrated service delivery they were charged with, nor indeed with any consistent and elaborated idea of what it means.

With these caveats in mind, it may still be said that introducing whole-of-government cooperation for Indigenous development is a significant opportunity for Indigenous people to break out of the quagmire of self-reproducing waste, dysfunction and unintended negative consequences that has characterised development approaches for two decades (see Sullivan 1986; Sutton 2001; Folds 2001). The initial stages of establishing the new arrangements, which I will discuss below, also bode well for the future and indicate solid commitment to the policy. They are not simply window dressing. Here I take whole-of-government policy to mean: (1) vertically streamlining policy development, implementation, and monitoring, so that unnecessary intermediaries are removed, responses are faster, and all levels of government and community governance are aligned in their aims and intentions; and (2) laterally encouraging coordination of activities across commonwealth, state and non-governmental sectoral boundaries, eliminating the bottle-necks that arise from dependence one upon the other as well as eliminating duplication of responsibility and argumentation about where responsibility truly lies.

Following the establishment of OIPC within the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA), several important and innovative new functions have been instituted that promise to deal with longstanding complaints from Indigenous groups. For several decades, since the emancipation period of the late seventies and early eighties, Indigenous settlements and regions have been frustrated with government on a number of fronts. These can be listed:

- The number of government functionaries who come to consult them about development in a piece-meal way about their needs. This duplication of consultation is itself felt as oppressive.
- The inability of government to provide coordinated and well-planned development because any one intervention depends upon several others that lie within the gift of disparate agencies and jurisdictions. Thus houses may be provided without power or sealed roads, or more likely, will not be provided until
there is agreement over provision of these, although they may not be a priority in the relevant agencies’ planning.

- Bickering between the States and the Commonwealth over responsibility and resources in a political environment where the states can neglect the services they guarantee to all other citizens, confident in the knowledge that the Commonwealth will wear the blame.
- The mis-match of skills to responsibilities so that NGOs have little structural power but effective grass-roots knowledge, while government officials are more responsive to internal administrative requirements than to the external effect of their efforts (see Sullivan 1996a: 43-69).

Many recent innovations are set to address these problems.

**Progress in structural initiatives**

Underpinning the new arrangements, and signalling the government’s *bona fides*, are two monitoring groups established at the most senior levels of functional power in the Commonwealth government. A Ministerial Task Force consisting of all government Ministers whose portfolios include an Indigenous element has been established to ‘provide high-level direction to Australian Government policy development, as well as coordination and flexible resource allocation … ’ (OIPC 2005). While this only involves the Commonwealth, the parallel process established by COAG involves state Ministers in the Ministerial Council on Aboriginal and Torres Strait Islander Affairs (though it is not clear how this COAG council articulates with the Commonwealth’s new arrangements in Indigenous affairs). The Commonwealth government also established the Secretaries’ Group, consisting of all departmental heads whose functions include an aspect of Indigenous development, chaired by the head of the Australian Public Service, the Secretary of the Department of Prime Minister and Cabinet, Peter Shergold (himself once CEO of ATSIC). The Secretary of OIPC is only one member of this group, but he also brings to it prior experience as a CEO of ATSIC. The establishment of these two groups is both symbolic and practical. It is a signal of the relative priority the government gives to improved administration of development programmes. When governments commit their Ministers and senior bureaucrats in this way it is one of the most profound responses of which they are capable, since it would be politically embarrassing, as well as personally demeaning, for them to fail. It is also intended to be practical. Taking a simple functional view, assuming that rational administrative structures are effective in themselves, Ministers should be able to walk away from their meetings with agreement over coordinated responsibilities that they can enforce on their portfolio agencies. The Secretaries also, in a more detailed manner, should be able to do the same within their agencies. Among these agencies OIPC occupies a somewhat indeterminate space.

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2 This is something that neither Critical Management Studies (Alvesson & Willmott (eds) 1992) nor an anthropological understanding of organisations (Wright 1994) take for granted. Shergold himself says ‘No prescription of rules and procedures, however detailed, can ever address the diversity of issues that are likely to emerge—and the very attempt to do so is likely to undermine the trust that one is seeking to build’ (2003: 5).
With the abolition of ATSIC and ATSIS, mainstream agencies have taken up responsibility for delivering citizenship entitlements to Indigenous people. The Office of Indigenous Policy Coordination is, as its name indicates, a coordinating agency. Effectively, then, there are three levels of coordination—the Ministers, the Secretaries, and the OIPC itself. We can add to this a fourth, the regional Indigenous Coordination Centres (ICC) that OIPC administers. It is not yet clear how OIPC is to be responsive to the Taskforce and the Secretaries’ Group in functional terms, except through its own Minister, Amanda Vanstone, and its Secretary. At a much lower level it is still not at all clear how the regional ICCs are to coordinate commonwealth government multi-agency interventions and programmes. Still less is it clear how these various commonwealth bodies are to encourage the cooperation of the notoriously difficult state governments and their agencies. It is not surprising, then, that the problem of implementing whole-of-government policy has, in these initial stages, taken a back seat to the more tractable programme of Shared Responsibility Agreements (SRAs), about which more will be said below.

Staying for the moment with the positives, in the first year of operation of the new policy OIPC has established Indigenous Coordination Centres at the regional level and staffed these, in general, with senior public servants enticed to the regions by benefits commensurate with their expectations. These benefits are tied to their ability to perform well. While the way in which their conditions of employment have been structured could bear some scrutiny, they are nevertheless an indication of serious intent. From a public service point of view, when significant results are expected a programme should be placed in the hands of senior people plied with material motivation to perform well. In practice this may not have been done in a particularly sophisticated manner if performance payments have been pegged only to the number of Shared Responsibility Agreements an ICC Manager can produce, but clearly the intention is serious.

In addition, at the national level OIPC have appointed an officer charged with cutting red tape in the implementation of development programmes. This office has begun by contracting a representative survey of selected Indigenous communities to estimate the productivity losses in duplication of services, duplication of reporting requirements, and onerous or unnecessary reporting or audit. An interim report was due in September 2005 with the final report due December 2005 (Palmer & Parker 2005). Another officer has been appointed to mediate Commonwealth/State relations. The Secretaries’ Group has proposed the appointment of ‘solution brokers’ to work in key areas to reduce bottlenecks and mediate cooperation where delays are occurring in implementing urgent programmes (SGIA 2005: 3). All of these initiatives are admirably pragmatic and go to the heart of many of the problems in previous forms of administration. It is of concern, then, that the positive and difficult work of instituting a new Indigenous affairs culture has been overshadowed by the subsidiary policy of implementing Shared Responsibility Agreements and, to some extent, Regional Partnership Agreements. To understand the problems it is necessary first to step back and take a look at OIPC itself.

OIPC is a small and structurally rather marginal section of the more politically volatile portfolio of immigration and multicultural affairs. It still has some residue functions of
ATSIC, for instance in coordinating Native Title Representative Bodies and repatriation of cultural material from overseas. In policy terms, all other functions of ATSIC have reverted to mainstream functional departments—health, education and training, etc. (OIPC 2005: 9). OIPC is left with a coordinating role. Yet coordination in any arena is always a combination of cajolery, promise and threat. OIPC is not equipped with any sophisticated administrative instruments to perform this balancing act. It is not powerful enough to cajole in areas where there is real disagreement or recalcitrance. Its ability to promise depends on its relatively small (in relation to need) pool of discretionary funds. Its only threat is to withdraw support, for instance where the Community Development and Employment Projects (CDEP) programme is effectively subsidising state municipal services. Withdrawal of OIPC support would have a devastating effect on its clients in most cases. In a rational world, OIPC would be expected to wield some power at the Secretaries’ Group and through its Minister on the Ministerial Task Force because both of these have been established within its area of expertise. In reality it is likely to succumb to the Australian Public Service pecking order, where the bigger departments get the bigger say. As ever in Indigenous affairs it is at risk from political interference for the management of public perceptions. Indeed, the management of public perception may be one of the key drivers of the Shared Responsibility Agreement programme.

**Shared responsibility agreements**

The introduction of mutual responsibility into social welfare programmes is not unique to Australia. It has been more firmly established as a plank in the ‘third way’ platform of the Blair government in Britain. In Australia, it has been the principle behind changes to unemployment benefits, which have required recipients to show greater willingness for retraining, relocation and lowered job strata expectations. In Indigenous affairs it translates as a community or settlement’s willingness to modify its behaviour in ways favourable to health, education and the communal social and physical environment, in return for allocation of discretionary funding for some public purpose. The use of the term ‘discretionary’ by OIPC staff is important. In conception, all necessary funding of citizenship entitlements now rests with mainstream agencies and with state governments. OIPC’s grant funds are supplementary and therefore discretionary and so can be contingent on contractual arrangements for improved behaviour. There is no absolute correspondence between whether the funding is discretionary and the services or facilities it provides. What is discretionary in one community may be required for normal human existence in another. With its control over discretionary funds, OIPC retains some of the grant function of previous regimes such as the Department of Aboriginal Affairs, which gave way to ATSIC in 1989, and of ATSIC itself. This is inappropriate for a coordinating department, but it is a lever of control that it would prove difficult to relinquish, partly for political reasons. Shared Responsibility Agreements (SRAs) resonate well with a public increasingly convinced of Aboriginal irresponsibility with well-intentioned public funds. At the same time they offer political capital as, with each signing, the media celebrates the gift of yet another facility to the native population. Pursued in the current manner they threaten to overwhelm the innovative project of the OIPC with a reversion to the grant regimes of the past. If, however, they develop as suggested by the Secretaries’ Group, into complex whole-of-community multi-factoral interventions (2005: 2), they may be
able to offer the necessary impetus to whole-of-government development coordination, an argument that I will develop here.

There have been at the time of writing 43 Shared Responsibility Agreements signed, with the disbursement or promise of $12,985,000 (DIMIA 2005). They cover a diverse range of benefits from $1,035,000 for a community store at Minjiland (NT), and $450,000 for a mud crab enterprise at Kulaluk (NT), to $704,000 for ‘secretariat support for community working parties’ for the Murdi Paaki Regional Council (DIMIA 2005). Even a cursory glance at the DIMIA list raises questions about the discretionary nature of these benefits and the responsibility of government to fund development among its most impoverished and disadvantaged citizens. If it is argued that the activities funded by OIPC under its SRA programme are discretionary for OIPC, that, alternatively, they could be the core business of another government department or jurisdiction, then clearly OIPC should not be funding them. It simply compounds the confusion of roles that whole-of-government policy was meant, in part, to overcome. OIPC should facilitate their provision from the appropriate authorities. If, however, these programmes or facilities are not entitlements but simply good will gestures on the part of government, the probity of the arrangement is called in question. Since when has government offered gifts to selected citizens? Demanding in return promises of good behaviour makes this arrangement even more suspect in terms of its good governance principles. Perhaps this is to scrutinise the policy in a naive way. It is a grant programme that does recognise need and demands in return pledges of self-help, as distinct from mainstream grant giving which simply recognises need. It differs from previous Indigenous grant programmes in that the good behaviour required is not necessarily functionally linked to the benefit provided. In the past a vehicle, for instance, would be provided for the social benefit associated with that vehicle—rubbish collection, transport of pensioners, outstation support. Under SRAs these necessary activities are implied (it’s not likely that it would be provided for hot-rodding for example) but its provision could be linked to something unrelated such as a school breakfast programme.

Regarded in this way, much of the SRA programme can be seen as the repackaging of ATSIC’s grant role, but with some important differences. Firstly, it positions OIPC advantageously for the necessary negotiation with other Commonwealth, and with state government, departments to shoulder a greater share of the Aboriginal development burden. The rhetorical stance of discretionary funding may help to remove one of the previous impediments to Indigenous development—the ghettoisation of Indigenous service delivery. Because it was the responsibility of an Indigenous affairs agency it was no-one else’s responsibility. Indeed, mainstream servicing, if it occurred, was sometimes seen as discretionary. Secondly, the SRAs have the important aim, though inappropriate in this context, of restoring community authority by tying development funding to positive community behaviour. This is well-intentioned but misguided. Firstly, it takes an unrealistic view of the nature of authority in most Aboriginal communities. There is no cultural precedent for a leadership to enforce compliance in return for a community good (see Hiatt 1986; Sullivan 1997; Sullivan 2005a). The SRA is a blunt implement for addressing the complex problem of governance malaise. It is conceived in the cultural system of contract and obligation, and is not a good substitute for long-term programmes.
which engage the community in their own cultural change on a daily basis with the involvement of skilled development workers. Secondly, it encourages non-productive grant eliciting and a continuing grant dependency culture at the same time that it ostensibly requires self-determining programmes. Thirdly, the success of SRAs depends upon an infrastructure of education, health, transport, and administrative support services of a sufficient level to allow the community to engage with them. This requires the whole-of-government coordination that an overemphasis on SRAs is in danger of substituting for.

One example can illustrate these contentions, one that became quite notorious when it was made public. It is the agreement with the Mulan community in the remote south Kimberley for the provision of a fuel bowser in return for agreement to wash children’s faces. It is not necessary to rehash arguments about paternalism, nor that the face washing programme was a community initiative well-advanced before the signing of the agreement (McCausland 2005: 17–18). Rather, it is important to tease out the ramifications of that simple act of face washing, and that simple bowser, to arrive at the conclusion that there is no such thing as a simple SRA. There may be simplistic SRAs—those that neglect long standing practice in Indigenous planning. The transition to SRAs of acknowledged complexity can only be welcomed.

Washing children’s faces to remove the bacteria that lead to eye infection, scarring of the interior eyelid, and abrasion of the cornea (trachoma) is clearly beneficial. Encouraging this by establishing a contractual arrangement with the view to instilling community monitoring and control of each other is rather optimistic, neglecting the nature of authority in Aboriginal communities (see Sullivan 2005a). Something must be done about the breakdown of order in Aboriginal settlements, but SRAs are not it. The idea that SRAs will encourage Aboriginal people in the belief that they can take control of their own lives is erroneous. Grant giving from its earliest days has always been predicated on community identification of need, and community promises to apply the grant to good purposes. It encourages only skills in the manipulation of grants from government and little else. A second point is that, while trachoma eradication is urgent, so is the reduction of other debilitating diseases. Otitis media (middle ear infection) leads to deafness and consequent poor educational performance. Intestinal parasites are also a major problem in remote communities, causing malnutrition and high mortality rates in infants. There is a view that dental hygiene in childhood has a very strong impact on Aboriginal health later in life. It can cause infections that fundamentally weaken vital organs, such as the heart, and this can lead to heart disease in middle age, accounting for some of the incidence of low life expectancy. Mortality of all forms, not least from violence and accidents, produces widespread and cumulative grief which undermines a people’s ability to take charge of their own programmes. Face-washing to reduce trachoma is important, as is the provision of swimming pools in remote communities, particularly with the rule ‘no school no pool’, but they need to be seen as one element of wide-ranging long-term programmes that cross-cut with other programmes in health promotion, education, community policing, good administration and a host of other areas. This is not new, this is well-known. SRAs have the potential to become a distraction from these more complex
programmes, even a substitute for them, and they are being negotiated in haste by people
with little expertise in these areas of intervention.

Aboriginal affairs has suffered enough from ill-considered grant programmes, poor
planning and lack of foresight in producing the unforeseen consequences of development
initiatives. Even a brief consideration of the situation at Mulan indicates how a simple
SRA may reproduce these problems. The community operates a pastoral station venture
with its neighbour Aboriginal-owned Billiluna (Mindibungu), and it has strong cultural
relations also with Ringers Soak (Kundat Djaru) community and with Balgo (Wirrimanu). Many of these people from time to time migrate across the border into the
Northern Territory to Lajamanu and to Yuendumu. The planning of this SRA should take
into account this mobility and the changing composition of the residents of the settlement
because it needs to consider factors of reinfection. As well, planners need to assess
whether this positive behaviour can be effectively maintained as people move around and
consider what may be necessary to maintain it. They need to consider, also, the people
coming in and out of the Mulan community who will not have signed up to this SRA. If a
family is regularly doing what it said it would do, and then is impacted by others who do
not, indeed who have no knowledge of the programme, what effect will this have on the
family’s morale? In assessing community compliance, how is it determined who the SRA
applies to and who is exempt?

At the time the Mulan SRA was made known it was believed the provision of the fuel
bowser was a community benefit arranged because fuel was only available at Balgo,
some distance away (see McCausland 2005: 18). However, since the fuel to be provided
is petrol, rather than diesel, it is mainly for the benefit of tourists, with some intention
that the community uses it as a form of economic engagement with the wider economy
(McCausland 2005: 8; DIMIA 2005). This may prove beneficial to the community.
However, in the absence of a regional business plan that would take into account the
impact on other local communities losing tourist income to Mulan, such as Balgo and
Carranya, it is difficult to determine this.

None of the difficulties raised here are without solution, nor should they be taken as an
argument for not providing a simple facility such as this fuel bowser. However, they
point out the need to learn from experience in community planning for Aboriginal
development. In the early years of the Commonwealth Department of Aboriginal Affairs
similar grants to those that are now listed as SRAs were made. These alligator farms,
horticultural ventures, and bull-catching plants universally failed due to inadequate
business planning skills on the part of the officials charged with development, just as
much as the Indigenous people in receipt of the grants. SRAs are running a similar risk of
being ‘all carrot and no donkey’.

These are just some of the questions with which anyone involved in Indigenous
development must be familiar. They require developed sectoral programmes, such as
integrated health initiatives that take into account community awareness, training and the
presence of skilled professionals. They require also cross-sectoral programmes – in the
schools, in policing and in encouraging effective leadership. They cannot be solved by
simple SRAs. They may be tackled by the more complex whole-of-community SRAs proposed by the Secretaries’ Group, but these will require more than the disbursement of discretionary funding. They will require robust whole-of-government arrangements, including the involvement of state governments. They are dependent on these infrastructure arrangements, which must be in place before SRAs can be responsibly negotiated. This is the true arena of innovation from which single-issue SRAs are a distraction.3

**Non-governmental organisations and regional partnership agreements**

To be successful, complex SRAs require more than cooperation across government departments and jurisdictions. They will require the involvement of the NGO sector for negotiation, implementation, monitoring, and reporting. This is another area where political perceptions may again come into conflict with the pragmatics of Indigenous development needs. In mainstream governance it has long been recognised that NGOs play an important and increasing role. As Shergold says:

> The administrative reforms that have marked generational change in the APS, often characterised as the ‘new public management’, have been extolled, debated and criticised. But, beneath, something far more profound has happened almost unnoticed. Governance has been democratised. The elements of this quiet revolution are clear enough. There is increasing competition in the delivery of services to government and on behalf of government. Benchmarking, market testing and contract management have become a staple of public administration. The provision of policy advice has become contestable. The delivery of public policy has been outsourced. Such developments are now the standard fare of public service commentary (2003: 2–3).

In Indigenous Affairs, consensus on the role of NGOs is not so apparent. They have been seen as part of the problem since the present government took office, when the Prime Minister’s first press conference was given over to an announcement of an audit of all organisations funded by ATSIC. They are a clear target of Minister Vanstone’s comments in a recent speech at the National Press Club (23 February 2005) where she said:

> The history of these [Indigenous] services is that they’ve been provided through Indigenous organisations. Some do a tremendous job but there has been waste, there has been corruption and that means service provision hasn’t been what it should be. If we continue to regard these organisations as untouchable and unaccountable we are failing our Indigenous citizens yet again.

Over the past three decades Aboriginal Australia has developed an intricate network of Aboriginal owned and controlled service organisations in the fields of health, legal

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3 The Warburton Regional Partnership Agreement (RPA) includes provisions, embedded in SRAs, that clearly go beyond discretionary grants into areas of citizenship entitlements.
assistance, land and heritage management and protection, education, arts and media. These have inevitably become both service delivery organisations, advocacy bodies, and in many cases the institutional base for leading Aboriginal political actors. This poses a problem for OIPC, which is clearly in need of the positive attributes of NGOs: local wisdom, community credibility, expertise acquired through practice, and not least the willingness to work for less material reward and under more difficult conditions than its own staff. The pool of individuals and organisations that have these attributes is the same as that denigrated and regarded with suspicion at the political level of government. It is worthwhile considering some of the foundations of this problem by contrasting non-Indigenous NGOs and representative organisations with these indigenous NGOs.

In the mainstream, functional NGOs tend to lie at one remove from advocacy organisations, though they may make up the spokes of its umbrella. The Salvation Army, the members of the Australian Collaboration, and the Country Women’s Association tend to go about their work leaving advocacy for their clients to the Australian Council of Social Services, the Farmer’s Federation, the Council for Civil Liberties or World Vision. In Indigenous Affairs the advocacy organisation, ATSIC, has been responsible also for programme delivery. It has not been a credible advocate, even from many Indigenous peoples’ point of view, and this role has often fallen to the Land Councils, health bodies or legal services. In this they fall foul both of the political arm of government and of its administrators—the first reacting to criticism as if it is motivated by party political affiliation, the second being both sensitive to criticism as a career threat as well as being concerned that advocacy interferes with practical effectiveness. NGOs that are responsive to government and credible to their clients can only be fostered where their advocacy needs are adequately met by an effective organisation crafted for that purpose. This will leave them free to engage only with the pragmatics of Aboriginal development. The local resource agencies in the Kimberley region, for example, once filled this role well, leaving advocacy to bodies such as the National Aboriginal Conference, the Kimberley Land Council and umbrella organisations like the Aboriginal Legal Service and the Kimberley Aboriginal Medical Services Council. Advocacy in the new arrangements falls to a small state-appointed National Indigenous Council which to date has made little contribution to public debate and whose legitimacy had been challenged. This is short-sighted—risking precisely the hijacking of functional organisations that previous administrations have found so distasteful.

In this climate, it is not clear how Regional Partnership Agreements (RPAs) and the Indigenous networks proposed to support them will meet the needs of their constituencies. If RPAs are to be ‘a mechanism for guiding a coherent intervention strategy across a region’ (OIPC 2005: 17) government will need to have its integrated administrative framework firmly established, something that still seems a long way off. Just as complex as inter-departmental and inter-jurisdictional cooperation are the Indigenous cross-cutting regional alliances, oppositions and competition for resources that have developed over the last thirty years. Current policy envisages ‘regional structures’ or ‘representative networks’ that will vary according to regional circumstances which will negotiate these Regional Partnership Agreements (OIPC 2005: 17). It is significant that RPAs have their own acronym, while the regional structures or networks
that will negotiate, sign-off and support them do not. It is indicative that this aspect of the new arrangements is undeveloped, and it signifies also that this is probably the most complex area for OIPC to become involved in. These networks will require legitimacy, experience and skills beyond that demanded of the ATSIC Regional Councils that they replace. This is because the Regional Councils in most parts of Australia did little more than advise the ATSIC bureaucracy on how to distribute local funding.\(^4\) The new networks will need to set regional planning priorities for the integrated delivery of services from a range of government departments and jurisdictions, and be able themselves to deliver cooperation and agreement from their constituent communities. Although the aim of the RPA scheme is better founded than that of ATSIC Regional Councils, there are few, if any, regions of Australia that are currently equipped to engage with it.

The policy envisages regional representative networks congenial to the actually existing circumstances of a region. These may be language group entities, clusters of clans or families, networks of settlements, coalitions of functional organisations or, indeed, single regional organisations. This is actually a step backwards, but is nevertheless a step in the right direction. Both the O'Donagheue and the Coombs report recommendations in the lead up to ATSIC supported diversity in regional structures in keeping with local cultural circumstances (Sullivan 1995: 3; Palmer 2004: 5). These recommendations were not accepted. The current arrangements offer the opportunity to try again. However, these recommendations from the 1980s were based, as is the RPA policy, on the assumption that there is an unincorporated polity in Aboriginal regions that only needs to identify itself to qualify. The difficulties in this assumption are numerous. There is not one polity in a region, there are many and they have overlapping membership. The legitimacy of representative voices is limited not only to locality but also to context, thus different people speak for different areas of expertise or responsibility within the one region, sub-region or locality. Regions themselves are not readily identifiable for these reasons: if they are to be identified with cultural and social blocs this question of overlapping and cross-cutting cultural jurisdictions makes them problematic; if they are to be identified geospatially they will not encompass well the social groups they are designed to capture. As well, they will have to interact with existing organisations that have both statutory and cultural legitimacy such as Prescribed Bodies Corporate and Representative Bodies under the Native Title Act and lands trusts and Land Councils under the various state Acts. These problems are not insurmountable, they have been recognised and analysed at least since the High Court recognition of native title in 1992 introduced the possibility of regional settlements by agreement (see Edmunds (ed.) 1999). The Kimberley is one region where many of these issues are exemplified, and will be referred to here simply because it is the one with which I am most familiar.

The Aboriginal people of the Kimberley region have long adapted themselves to the realities of its administrative boundaries, undeterred by the artificial nature of this regional construct. It bleeds in the east into the Northern Territory, in the southeast and south into the central desert areas of both WA and the NT, in the southwest into the Western Desert, and in the west into the Gibson Desert and the Pilbara hinterland.

\(^4\) The Murrdi Paaki Regional Council in NSW was one exception to this.
Moreover, it has no heartland. It is not home to a single cultural or linguistic group such as the Pitjanjatjara or the Noongar peoples. Such linguistic groupings as there are do not represent political units (nor do they anywhere else in Australia). The Walmajarri at Fitzroy Crossing, for example, recognise affinity but no strong and binding ties to the Walmajarri some 300 kilometres away at Billiluna, while these conversely express their solidarity with Jaru and some Kukatja in their more immediate vicinity. While there has been a tendency for the native title regime to press Aboriginal people into ethnic groups (linguistic/territorial/descent-based) this has often been resisted. The Mirriwung/Gajerrong determination includes these two language groups and some Kija people as well; the Tjurabalan consent determination includes Walmajarri and Jaru as well as Nyinyi, who are separately identified, although linguists say these are dialects of the same language (McGregor 1988: 181–5; Tsunoda 1981: 3); the Neowarra claim embraces Worrorra, Wunambal and Ngarinyin; and the Rubibi determination allows the possibility that the Yawuru community may include those who are not Yawuru. All this before we consider overlapping and multiple identities both within these groups and at their edges (see Sullivan 2005b, 2006 forthcoming).

The region has been served by Aboriginal organisations since the late 1970s. Some of these were town-based progress associations that transformed themselves into multi-social-service agencies to deal with the diaspora from missions and pastoral stations that resulted from formal emancipation. Others were established during this period precisely for this purpose (see Bolger 1987; Sullivan 1996b: 71–103). At the same time the regional non-statutory organisation, the Kimberley Land Council, was established, itself often fragmented by east-west tensions and a rival organisation, Kamali. The local clinics of the Aboriginal Medical Services were established following the example of Broome. The Aboriginal Legal Service operated local offices from its Perth base. Cultural organisations such as the Kimberley Aboriginal Law and Culture Centre, the Kimberley Language Resource Centre and Kullari Media followed. The first two of these were consciously based in the more impoverished and remote localities of Halls Creek and Fitzroy Crossing. Prior to ATSIC (1989) and the Native Title Act (1993) the importance of the Kimberley Land Council and the local offices of the National Aboriginal Conference cannot be underestimated in establishing a sense of regional identity and a catalyst for Aboriginal social movements.

The point need not be laboured—the proposed regional networks that will sign up to RPAs will come into a world already populated, into contact with sets of institutional arrangements with long histories, accumulated skills and experience and hard-won, but always contingent, legitimacy. Harking back only to the brief, and externally imposed, era of Regional Councils would be a mistake. O’Donaghue’s and Coombs’ advice was not heeded. The ATSIC Act imposed Regional Councils elected by constituencies based, in the Kimberley, on local government shire boundaries. From the start they were regarded at best with ambivalence and frequently with hostility even by those who chose to engage with them (see Sullivan 1996b: 105–8). For the most part they failed to attract the talent away from the established organisations, which themselves sometimes formed unrelated regional organisations such as the Kimberley Aboriginal Medical Services Council. It is significant that the ATSIC Zone, encompassing all Regional Councils,
never functioned as a regional focus. The mid-90s saw the emergence of a counter movement that the current RPA strategy could well learn from. The Combined Kimberley Aboriginal Organisations (CKAO) was an attempt to draw together the fragmented strength of the functional organisations (see Sullivan 1995: 3–7). It was inclusive of Regional Councils but foundered on their jealous protection of their statutory control over limited local funding decisions, and a suspicion of the intentions of the Kimberley Land Council as the peak body attempting to foster the movement. In retrospect an approach to ‘nesting’ sub-regional and regional agreements and organisations one within another (see Sullivan 1999: 289, 313) could have been more productive. Consultations over regional networks will most usefully begin at the sub-regional or locality level, where functional organisations occupying the same territory and with the same local client base can be encouraged to work more closely together. These clusters, that will vary in their components from locality to locality, may then themselves contribute to, or be nested within, wider regional arrangements.

Similar complexity in organisational and cultural networks will be found throughout Australia, though there are significant differences from region to region. In some areas mining companies promote and cross-fund local organisations for the purposes of liaison and development that are very similar to those of government. In other areas Natural Resource Management (NRM) is a powerful enabler of representative organisations. The Murray Darling Basin Commission-supported Murray and Lower Darling Basin Indigenous Nations (MDBC 2004) is one example. Also in NSW, the Murdi Paaki Regional Council developed over several years into a multi-purpose regional development body and has survived the dismantling of ATSIC. These last two examples, though successful in themselves, also provide examples of the problems of Aboriginal regional organisations. Both have some power and legitimacy among their constituents. One is sub-regional, the other spans jurisdictions, but they have little if any communication with each other. Like the unsuccessful CKAO proposal mentioned above they point out the need for substantial intra-Aboriginal negotiation and mediation in a region before networks can be consolidated. Suspicion, jealousy, or simple non-alignment exists in Aboriginal regions as much as it does between government departments and jurisdictions. As the Indigenous Facilitation and Mediation Project (funded by OIPC and based at AIATSIS) has shown, active relationship-building by skilled professionals over a substantial period will be needed if regional networks are to have the legitimacy to negotiate, and the ability to facilitate, Regional Partnership Agreements (IFMP 2005). As well, they will need to preserve their relative autonomy if government is to benefit from any influence they can assert over their constituents.

This is a long way from the ambivalence with which government continues to regard the Indigenous community sector. OIPC pledged to consult Regional Councils about the appropriate form for their replacement bodies. Yet it is likely to result only in a re-invention of Regional Councils, which, as I’ve argued, have rarely been particularly successful and cannot meet the challenge of the new environment. OIPC has pledged also to consult more widely. This, I believe, has not yet happened. It is inevitable that Indigenous regional alliances will speak uncomfortable truths to government, and that they will wish to influence the agenda for discussion, including in many areas the
question of inherent rights with which the current government has shown considerable impatience. Regional networks will not work for government unless this potential is recognised as simply part of the landscape. It is more likely to lead to debilitating confrontation where representative organisations see no advantage in cooperating in a spirit of mutual advantage. This is likely to occur if government succumbs to the temptation to craft ineffective organisations. That would also, of course, be self-defeating as they will not meet the needs of its own new agenda.

There is a further element to regional organisation that is missing from OIPC’s proposals. It is the necessary linkage between Aboriginal people’s representatives and the skills, knowledge base and good-will of those non-Aboriginal interests with a long-term commitment to the region. This may well be an opportune time to put forward once more a bi-cameral approach to regional governance (see Sullivan 1995: 16–17). Of course, it is inappropriate that non-Aboriginal people should assume representative positions in any arrangement for Aboriginal representation and implementation of development programmes. However, there should be forums in which Aboriginal and non-Aboriginal people can meet to decide together broad policies and programmes for the regions that they share, and to iron out among themselves the impediments that they encounter.

Conclusion

This paper has canvassed some of the positive aspects of the new arrangements in Indigenous affairs. Principal among these is the twin effect of mainstreaming Aboriginal services, potentially tapping into the skills and funding base of non-Indigenous government departments, coupled with the intention to streamline and coordinate services across departments and jurisdictions. While techniques of administration uniquely applicable to whole-of-government policy are not yet well developed, the lead coordinating agency, OIPC, has, with the Secretaries’ Group, instituted some key innovations that have considerable promise. Two significant absences in the new arrangements are, so far, the lack of credible regional representation and the lack of a distinctly autonomous national Indigenous voice. The latter is not envisaged by government at this time. Concentration on signing up SRAs has distracted the ICC managers in their first year of operation and has led, at best, only to a ‘suspension of disbelief’ among the Indigenous groups whose cooperation is required. As well, the policy of establishing regional representative networks that will be responsible for Regional Partnership Agreements is, so far, embryonic. To work effectively it will need to confront some of the most pressing problems of authority and legitimacy in Indigenous areas. These will need active facilitation and mediation of a skilled nature that cannot appropriately be undertaken by the staff of the ICCs. It is not only, as Shergold points out, ‘the need for agencies to recruit and develop people with the right skills [and that] relevant topics should be included in induction and training so that coordination, cooperation, negotiation and openness are truly valued (2004: 14)’. There is also a need, not just within OIPC but also in all of the other arms of government, for cultural change. This in turn requires an examination of existing cultural dynamics within the administration, the drivers—aspirations, insecurities, inertias and rewards—that lie behind these, and in the light of this understanding, programmes must be initiated for new
arrangements of governance within the bureaucracy itself. As a senior British civil servant told Kavanagh and Richards:

… at the moment we have tried to join government up with Sellotape and bandages and I think it is going to take a lot more in cultural terms to really join up government. It will take serious incentives … to make officials and ministers working within departments realise that they are being judged upon the outcome of the overall policy and not just on their own individual role or that of their department (2001: 16).

Some of the drivers of organisations that an anthropologist would look for within the formal structure are lines of authority, responsibility, control over resources, flows of information and the means of dominating the agency’s symbols and discourse. Despite formal positions of authority, the power to direct any individual or section is attenuated by the subordinates’ power to resist. Conflicting aims and needs come into play as well as conflicting assessments of what is required. Resistance may come about by being responsive to extrinsic influences. For instance, directing an individual to take risk without protection for failure will clearly foster resistance. Yet the person directing may not be in control of such a guarantee. There are, then, other lines of authority, direction or influence that can lead to a confusion or dilution of clear principles of management. This is a small example of the manner in which similar cross-cutting interplays of power and resistance within an organisation could be described and analysed. A common means of dealing with multiple pressures is to re-interpret the goal such that it seems to meet all requirements. So a clear intention at one level of the organisation is implemented in an unforeseen manner at another. Often, the least powerful voice in such an interaction is the client, leaving the service personnel able to sign off on an achievement, variously reinterpreted at all levels, while the client is no better off.

Organisational complexity theory leads to the understanding that emergent qualities of complex systems break the bounds of formal structures of management with unintended consequences, both positive and negative (Stacey et al. 2000). Research into the governance of government, in other words the internal processes of Indigenous affairs administration, is both urgent, given the nature of Indigenous development problems, and timely with the impetus towards new approaches outlined in this paper gathering momentum within the Australian Public Service. An anthropological analysis informed by Critical Management Studies (Alvesson & Willmott 1992; Parker 2002) and complexity theory, would assess flows of information and the contrasting interpretations and reformulations among staff of various levels as policy is developed and implemented. It would pay attention to the mechanisms for negotiating contested meanings, motivations and goals at different levels of an organization and across sectors. It would assess the ways that organisations produce informal cultural processes embedded within their formal structures which have become internalized as self-evidently correct procedures or assumptions, or the inescapable conditions of the field of activity, but which are often one of the more significant factors affecting achievement of the outcomes that an organisation requires. The organisational flexibility required to deal with emergent consequences of action needs to be contrasted with the equal need to maintain disciplined systems of
reporting and accountability. This is particularly difficult when devising whole-of-government strategies since cooperation across sectoral lines inevitably blurs the traditional boundaries of budget allocation, dispersal, accounting, authority and responsibility. This can be a challenging environment for the staff involved, and they may still fall back upon organisational cultures that are not well adapted to the new environment. These dynamics should be examined and proposals for dealing with them evolved. Necessarily, a project such as this, needs to negotiate between the specialised jargon of an expert discipline and the commonsense language of everyday life. Concrete proposals for how to do whole-of-government in the context of Australian Indigenous Affairs should be a major focus of this work.

The problems on the Indigenous side of the development equation are immensely complex. Equally, they are well known, well-studied, and there is an increasing body of experience in dealing with them, not least among Indigenous organisations themselves. The problems on the non-Indigenous side, in contrast, are not well understood and have been little studied in Australia (but see Hunt 2005). Although they require urgent attention, they are subject to resistance by both politicians and managers because of the extreme sensitivity of Indigenous disadvantage in a country struggling to build its sense of national identity. This may prove an unsurmountable obstacle to the necessary introspection the Australian Public Service requires at this crucial juncture, and the innovations described in this paper are still in danger of being reinterpreted into business as usual, the application of failed procedures to a field seen to be intractable to progress, and which therefore concentrates itself on the management of public perceptions.
References


