‘That Community Government Mob’: Local Government in Small Northern Territory Communities

J Wolfe

Australian National University North Australia Research Unit Monograph
Darwin 1989
‘That Community Government Mob’: Local Government in Small Northern Territory Communities

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Australian National University
North Australia Research Unit
Monograph
Darwin 1989
Wolfe, Jacqueline Susan
"That community government mob"

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ISBN 0 7315 0639 1.

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Aborigines, Australian — Northern Territory — Councils.
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352.09429
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ACKNOWLEDGMENTS

This study is dedicated to the people of the small communities in the Northern Territory of Australia and all those who have concern for their well being. There are many people in the Territory who gave freely of their time, their ideas and their hospitality. In a very real sense this work belongs to all those who contributed to it in the interest of developing a better understanding of community governance in the Territory. First there are the people of Pine Creek, a little town which first caught my eye when I travelled up the Track by bus from Alice Springs to Darwin, and to which I have now returned many times. So, with apologies if I have spelled your names wrongly, to Jimmy and Eddie Ah Toy, Joyce and Tom Shaw, the Holmes', the Gano's, Kathy Stevens, Helen and Mary Liddy, Brian and Shirley May, the Harbrows', Gay and Lance Lawrence, Dick Wimby, Colin Drysdale, Clive Ralph and others in town, and Paddy, Joe and Maureen Huddleton, Bessie Coleman, George and Ivy, Pincher and Gipsy, Alan King and many others in the camps, my thanks. I did not spend as much time in Adelaide River or Batchelor, but everyone there was unfailingly helpful. My thanks especially to Kim Ford and Wendy in Mataranka, and Pat Davis and Sylvia Wolfe in Katherine. The staff of Commonwealth and Territory departments in Darwin, Katherine and elsewhere were always helpful with information and materials. These include Jack Battersby, Graham Bailey, Graham Castine, Robin Martin, Ann Ryan, Brian Evans, Liz de Chastel and Peter Siebert. A special thanks to Hugh Richardson, who let me accompany him on visits to communities and provided so much useful material. A special appreciation, too, to Bill Coburn for the hours he spent talking to me. Staff of the Northern Land Council, particularly Peter Cooke and Vince Leveridge, were also generous with materials and comment. However, no word would have got on to paper without the tireless support of the NARU staff. Special thanks to Peter Loveday who first suggested the topic to me, and contributed the first section of chapter 2, on Aboriginal governance. Thanks also to John Taylor, Colleen Pyne and visiting researcher John Lea, for ideas and discussion. To Jann King, Pam Hunter, and Yvonne vander Weyden, and particularly to Janet Sincock, whose ability to interpret my scratchings on paper correctly and to type so accurately is nothing short of miraculous, my warmest thanks.

Jackie Wolfe
NARU, Darwin
August 1988

BIOGRAPHICAL NOTE

Dr. Jackie Wolfe is a geographer with degrees from the UK, USA and Canada. She currently holds a joint appointment between the graduate School of Rural Planning and Development and the Department of Geography at the University of Guelph. She has worked with rural and remote communities in Canada on a wide range of issues in physical and social services delivery and in public participation. Her work with native Canadian communities has focussed on community level planning for community development. During 1986-87 she spent a sabbatical leave at the North Australia Research Unit, Darwin. Her broad area of interest was in comparative research on approaches to community planning and development and local community governance. She produced a monograph on Pine Creek Aborigines and Town Camps, at the request of the Pine Creek Aboriginal Advancement Association, and undertook the research on community government in the Northern Territory, which is the focus of this book.
Community Government idea spreads

Four more Northern Territory communities have Community Government Councils.

News release: Community Government idea spreads

COMMUNITY GOVERNMENT MOB BEGINS WORK

The Northern Territory Community Government Association (NOTAG) today launched a new Community Government Council in Aboriginal communities.

News release: Community Government mob begins work
Figure 1 Small Places in the N.T.
INTRODUCTION

First there was that community government mob from Darwin. Now we have a community government mob here. I'd like to know what it'll do for us (Pine Creek resident 1987).

Controversy surrounds the introduction of a new and unusual form of local government into small Aboriginal, non-Aboriginal and mixed communities in the Northern Territory of Australia.

The NT government introduced community government legislation in 1978. It was designed to meet what the government perceived as the needs of small communities and was intended as a less elaborate local government option for those communities for which full municipal government was deemed inappropriate. The community government provision was enacted as PART XX of the NT Local Government Act 1979. When the Act was revised in 1985 the community government provision became Part VIII of the new Act.

Unlike most conventional local government legislation, NT community government legislation offers an unusual element: community level choice. Under the terms of the legislation communities may exercise some choice over the area, the electoral structure, and the functions of their community government.

The small places in the NT targeted for community government are of two main types: small towns with predominantly non-Aboriginal populations and adjacent Aboriginal town camps, known in the Territory as open towns; and centralised Aboriginal settlements with satellite or independent outstations and pastoral excisions (Figure 1). Population size varies from under 100 people to over 1,000 (Table 1).

Both the non-Aboriginal communities and the Aboriginal town camps have had little or no experience with anything resembling formal local government, in that all decisions for the communities were made outside the community and all public services were provided from larger centres. Some Aboriginal communities, on the other hand, have had experience with community-level councils for up to two decades, and the community support services which do exist are provided from within the community.

The community government option went almost unnoticed in the Territory until after the 1985 revisions to the local government legislation. In 1985 the NT began an active recruitment program, designed to encourage small communities to adopt community government. Some communities, notably Aboriginal communities in the Centre of the NT have been reluctant to take on community government. Meanwhile, the Northern and Central Aboriginal Land Councils have become increasingly critical of the legislation and the promotional activities of the NT government.

Controversy has centred on the efforts of the Territory government to get communities to adopt community government, and the efforts of the Territory government to prescribe the structures and functions of community governments. While controversy is not confined to Aboriginal communities, it is Aboriginal community adoption of community government which has proved most controversial.
<table>
<thead>
<tr>
<th>Table 1</th>
<th>Population of Small Places in the NT</th>
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<tbody>
<tr>
<td></td>
<td>Community Abor.</td>
</tr>
<tr>
<td>Darwin Region</td>
<td></td>
</tr>
<tr>
<td>Adelaide River</td>
<td>4</td>
</tr>
<tr>
<td>Batchelor</td>
<td>74</td>
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<tr>
<td>Belyuen (Delissaville)</td>
<td>193</td>
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<tr>
<td>Gunbalayna (Oenpelli)</td>
<td>537</td>
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<tr>
<td>Jabiru</td>
<td>61</td>
</tr>
<tr>
<td>Kardu Numida (Pt Keats)</td>
<td>844</td>
</tr>
<tr>
<td>Maningrida (Snake Bay)</td>
<td>594</td>
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<tr>
<td>Milikapiti (Croker Island)</td>
<td>397</td>
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<tr>
<td>Minjilang (Daly River)</td>
<td>131</td>
</tr>
<tr>
<td>Nauiyu Nambiyu (Daly River)</td>
<td>196</td>
</tr>
<tr>
<td>Nguiu (Bathurst Is. Mission)</td>
<td>1009</td>
</tr>
<tr>
<td>Peppimenarti</td>
<td>145</td>
</tr>
<tr>
<td>Pularumpi (Garden Point)</td>
<td>226</td>
</tr>
<tr>
<td>Warruwi (Goulburn Is.)</td>
<td>130</td>
</tr>
<tr>
<td>Katherine Region</td>
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</tr>
<tr>
<td>Barunga (Bamyili)</td>
<td>387</td>
</tr>
<tr>
<td>Wugularr (Bewick)</td>
<td>291</td>
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<tr>
<td>Borroloola</td>
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<tr>
<td>Daguragu</td>
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<tr>
<td>Kalkaringi</td>
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<tr>
<td>Lajamanu (Hooker Creek)</td>
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<td>Mataranka [no data district level]</td>
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<td>Ngukurr (Roper River)</td>
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<td>Pine Creek</td>
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<td>East Arnhem Region</td>
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<td>Gapuwyiyak (Lake Evella)</td>
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Table 1 (continued)

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<td></td>
<td>Abor.</td>
<td>Other</td>
</tr>
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<td>Milingimbi</td>
<td>588</td>
<td>30</td>
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<tr>
<td>Milyakburra</td>
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<td></td>
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<tr>
<td>Numbulwar</td>
<td>362</td>
<td>46</td>
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<tr>
<td>Ramingining</td>
<td>355</td>
<td>20</td>
</tr>
<tr>
<td>Umbakumba</td>
<td>245</td>
<td>23</td>
</tr>
<tr>
<td>Yirrkala</td>
<td>415</td>
<td>149</td>
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<tr>
<td>Barkly Region</td>
<td></td>
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</tr>
<tr>
<td>Ali Curung</td>
<td>318</td>
<td>18</td>
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<tr>
<td>(Warrabri)</td>
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<tr>
<td>Alpururrulam</td>
<td>208</td>
<td>28</td>
</tr>
<tr>
<td>(Lake Nash)</td>
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<td></td>
</tr>
<tr>
<td>Elliott District</td>
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<td>142</td>
</tr>
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<td>(ex town)</td>
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<td></td>
</tr>
<tr>
<td>Alice Springs Region</td>
<td>207</td>
<td>11</td>
</tr>
<tr>
<td>Amoonguna</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aputula</td>
<td>whole area = 196</td>
<td>52</td>
</tr>
<tr>
<td>(Finke area)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arengongyna</td>
<td>152</td>
<td>13</td>
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<tr>
<td>Ikuntji</td>
<td>92</td>
<td>12</td>
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<tr>
<td>(Haasts Bluff)</td>
<td></td>
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</tr>
<tr>
<td>Kpana</td>
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</tr>
<tr>
<td>Inupataka</td>
<td>Total = 67</td>
<td>75</td>
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<td>(Jay Creek)</td>
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<td>Kaltukatjara</td>
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<td>(Docker River)</td>
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<td>Ntaria</td>
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<td>(Hermannsburg)</td>
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<td>Papunya</td>
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<td>Pmarra Jutanta</td>
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<td></td>
</tr>
<tr>
<td>Lyentye Purta</td>
<td>376</td>
<td>50</td>
</tr>
<tr>
<td>(St Teresa)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ti-Tree</td>
<td>whole area = 211</td>
<td>56</td>
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<tr>
<td>Urapuntja</td>
<td>whole area = 422</td>
<td>8</td>
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<tr>
<td>(Utopia)</td>
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<tr>
<td>Walungurra</td>
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<td>(Kintore)</td>
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<tr>
<td>Wallace Rockhole</td>
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<tr>
<td>Willowra</td>
<td>whole area = 210</td>
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</tr>
<tr>
<td>Yuendumu</td>
<td>whole area = 680</td>
<td>71</td>
</tr>
<tr>
<td>Yulara</td>
<td>7</td>
<td>930</td>
</tr>
<tr>
<td>TOTAL</td>
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</table>

Discrepancies are due to: enumeration 1986 of actual population of place at one moment; Grants Commission 1987 estimates of resident population; different boundaries used between census enumeration district and local body area; for small places especially in E. Arnhem Land and Alice Springs Regions population of outstations between two larger settlements are included in one census district, but may be part of a different governing body area.
The position of the Territory government has been stated in the legislature (NT Parliamentary Record 1978; NT Parliamentary Record 1985), and amplified in a report (Turner 1986) specially commissioned by the then Minister for Community Development responsible for community government. In the report anthropologist David Turner favoured the extension of 'mainstream' local government to Aboriginal communities, and rejected the 'parallel institutions' model (Turner 1986, 18-20; for support of the 'parallel institutions' model, see Tatz 1982 and Coombs 1984). Turner emphasised that the unusually flexible provisions of the community government legislation could accommodate forms of representation on local councils reflective of the complex social structure of contemporary Territory Aboriginal communities, asserting:

Aboriginal clans... are like European local government type jurisdictions. Aborigines can easily translate one into the other (Turner 1986, ii).

By contrast, a report jointly commissioned by the Central and Northern Aboriginal Land Councils (Mowbray 1986a), vehemently criticised the NT government for its adoption of the legislation and its active program of recruiting communities (Mowbray 1986a: see also Mowbray 1986b; Mowbray 1986c; Mowbray and Shain 1986), contending that:

... systematic consideration of this form of local government reveals that it too is discriminating.

The report asserted:

There is no intention in this report to imply that even the best system of local government can substitute for other conditions of achieving Aboriginal self-determination (Mowbray 1986a, i).

While much has been said and written about community government in the Territory since 1978, little of it has been objective. On the contrary it has been either promotional, or partisan, or both.

There has been no attempt to examine the legislation and its origins in any detail. There has been no comprehensive review of the implications of adoption of community government for the communities themselves. There has been no examination of the roles, motivations, and support programs of the Territory government as proponent. Nor has there been any review of the responses of Aboriginal and non-Aboriginal communities to the community government option.

This book seeks to fill that gap by offering a critical, non-partisan and broadly based examination of the introduction of community government into small communities in the NT.

The study is concerned with the relationships between levels of government, and between governments and their constituents, and concerned about the processes of decision-making. These are of importance to all local governments. In the intercultural situation which exists between upper levels of government, bureaucrats and public agencies and the Aboriginal communities and town camps, the processes of interaction and decision-making are critical (Altman and Dillon 1988).

As this is a study of governments it is, inevitably, a study of power. Who controls what? Because who gets what depends on who controls it. The study of power is not confined to local governance within small remote NT communities, although that is the primary focus. It also looks, albeit briefly, at the NT government and the Commonwealth government.
and the NT government and the Aboriginal Land Councils, because they all play a significant part in the exercise of power within small communities in the Territory.

The study investigates the structures and functions of community government in considerable detail because there is an assumption implicit in the community government model (indeed it is an assumption of any structural organisational model) that if proper structures are established, other important matters will correspondingly fall into place. The opportunity for community choice which the community government legislation affords appears to place much of the responsibility for determining structures on the community. Are the matters which communities can decide of any real significance? Who actually makes the decisions? And what are the implications for the community?

External critics, senior levels of government, and local people have various expectations about the performance of community governments. Key expectations include efficiency, equity and autonomy. Efficiency is concerned with how well governments carry out their duties and functions; equity with how fairly people are treated in terms of allocation and distribution of public goods and services; and autonomy with how much freedom of action governments have, and whether they have the capacity to exercise their rights and responsibilities.

Will the structures, functions and functional arrangements of community government improve or reduce efficient and effective provision of services and goods to meet the needs of small Territory communities? Do the forms and structures of community government enable or limit efficient local governance and decision-making? This is important in open towns which have had no prior experience of formal elected local government. It is critical for Aboriginal communities. Although many have had some recent experience with elected councils, their cultural traditions do not include the elected and representative structures on which government in non-Aboriginal Australia is based.

Equity acknowledges the special needs of individuals and groups with respect to location, climate, and terrain. It respects cultural differences and affirms and builds on cultural priorities and special needs. It accepts that past inequalities may necessitate affirmative treatment today. It does not necessarily mean equal or identical treatment or imposed uniformity (for an elaboration on the terms equality and equity, need and demand, see Lucy 1981). Does community government contribute to improved access to and quality of public services for the residents of small Territory communities? Do the structures and decision-making processes of community governments contribute to more equitable or less equitable treatment of community members?

The autonomy of local governments is strictly limited. In Australia the states and the NT have the authority to establish local governments for areas within their jurisdiction. The form and structures of local governments are usually prescribed by the upper tier. The powers which they can exercise and the functions they may carry out are delegated to local governments by the upper tier. Does the community government legislation, affording as it does some community choice over these matters, contribute to the autonomy of small places in the Territory? Does the extension of community government to Aboriginal communities enhance or inhibit the achievement of greater Aboriginal autonomy and self-determination? Are Aboriginal community options opened up or constrained by community government?

Since community government is a form of conventional representative government at the local level, the criteria brought to bear in this study are those commonly applied to the formal institutions of government. But as Peter Loveday's examination of Aboriginal community governance amply illustrates, these may not be key concerns for Aboriginal
people, or, to the extent that they are, they are manifested in ways that differ from those in non-Aboriginal governance. The measures which Aborigines apply to forms of governance include how Aboriginal Law is upheld, how disputes are arbitrated within and between groups, how reciprocal arrangements between groups are maintained and how well groups and individuals are 'looked after'. Such concerns are identified and highlighted.

Most of the data was collected between October 1986 and March 1987, with an update in June and July 1988. Sources include: field study and interviews with key informants and many local people in Mataranka, Adelaide River and Pine Creek, and key informants in Batchelor; interviews with personnel, present and past, of the Department of Community Development (NT), particularly the Office of Local Government; interviews with members of the Lands Department (NT), Department of Employment and Industrial Relations, Department of Aboriginal Affairs (Commonwealth), and the Aboriginal Development Commission; meetings and interviews with staff of the Aboriginal Northern Land Council; visits to Aboriginal communities in Arnhemland and the Katherine District; review of non-confidential local association and departmental records; and extensive library and archival research.

The study is presented in two parts. Part I deals with community government as a local government option. It identifies a broad range of implications arising from the legislation, and examines the potential implications for non-Aboriginal and Aboriginal communities which adopt community government. The focus is on what community government structures, functions and powers mean operationally at the local level. The motivations and responses of key players, such as the Commonwealth and Territory governments, government departments, and Aboriginal Land Councils are examined from that perspective.

The first chapter places the NT community government provision in the context of local government in Australia and its gradual establishment in the Territory. Expectations of the upper tier government and the local community about the performance of local government are presented, with an emphasis on efficiency and equity considerations. The second chapter traces the evolution of community level government in NT Aboriginal communities up to 1978 and highlights its characteristics. Expectations of upper tier government about increased Aboriginal self-management, and of Aboriginal peoples for autonomy and greater self-determination are discussed. Chapter three describes the evolution of the community government legislation, details the legislation, and discusses some of its implications. Implications for communities of the adoption process, and the electoral forms and structures, functions and powers of community government are examined in chapter four. Chapter five traces the role of the Territory in the introduction of community government, and documents the responses of Aboriginal and non-Aboriginal communities. The promotional activities of the Territory government and the nature of its support programs are also examined.

Part II traces the development of local governance in small Territory towns and examines community responses to community government through three case studies of non-Aboriginal towns and adjacent Aboriginal town camps.

Mataranka (chapter six) was the first predominantly non-Aboriginal town to adopt community government, and has, therefore, been something of a pioneer. Adelaide River and Batchelor (chapter seven) are two separate towns which the Territory government is urging to form a joint community council. Pine Creek (chapter eight) is a small historic mining town undergoing a gold boom. Within the area considered for community
government are two established Aboriginal town camps. The Pine Creek study is the most comprehensive and detailed of the three.

The final chapter reflects on what community government offers to non-Aboriginal communities, to minorities in open towns and to Aboriginal communities, and highlights development needs of the Territory's smallest communities, regardless of the form of local governance under which they operate.
PART I

COMMUNITY GOVERNMENT:

EXPECTATIONS AND IMPLICATIONS
CHAPTER ONE

LOCAL GOVERNMENT IN THE NT

Local Government in the Australian Federal System

Introduction of formal local government into small places in the NT must be placed in the context of local government as it has developed in Australia generally, and in the NT in particular.

All communities evolve ways of managing and making decisions about locally important matters. 'Local governance' refers to the range of structures and systems which communities use to organise and run their affairs at the local level (Minister for Aboriginal Affairs 1987, 5). It includes non-formal groupings and ways of achieving decisions, as well as organisations legally constituted under various state, territory and Commonwealth Acts, such as recreation clubs, progress associations and community councils. Local governance also includes Aboriginal traditional ways of intra and inter group regulation, handling of conflict and decision-making, which were, and in some case still are, formalised systems within their own context (Williams 1985; Williams 1987). Non-formal, legally constituted and Aboriginal traditional forms existed prior to the establishment of local government under statutory authority, and many of these non formal and formal systems and structures continue to exist after its adoption.

Local government is a more specific and limited term and refers to the systems established by state or territory local government statute, based on locally elected and representative councils.

Gibbins (1988, 8) states that:

"Although local governments are often referred to as the third 'level' of the federal system this is a misnomer as local governments differ from the national and state governments in an important way. The powers exercised by them have been assigned to them by the constitution, and this written division of powers cannot be unilaterally changed by either level of government. Exclusive and concurrent (shared) powers of the Commonwealth Parliament are specified in the Constitution and the remaining powers are left to the States (Constitutional Commission 1987, xvi)."

Local government has not been a right guaranteed under the Australian constitution. Opinion continues to be sharply divided over the advisability of constitutional recognition for local government (Constitutional Commission 1987a: Constitutional Commission 1987b). Even those in favour believe that:

"recognition will not of itself alter the existing position of local government as entirely subject to State or Territorial law (Constitutional Commission 1987b, 24)."

Pertinent to the issue of community government as an option for remote places in the territory, the report notes:
some remote places of Australia do not have local government and might be obliged to have such government, possibly against the wishes of the persons in those areas (Constitutional Commission 1987a, 124).

Local governments, then, exercise powers which are lodged constitutionally with state or territorial governments, but which have been delegated to the local level by the upper tier. Consequently, as Bowman has observed:

*There is no Australian local government: there is local government in each of the Australian states* (Bowman 1976, 66).

There are, as Lea (1987) points out, differing opinions as to whether local governments were put in place because local people were seeking greater local responsibility and demanded this form of representation, or whether they were coerced into accepting it by senior levels of governments. Atkins (1975, 221, quoted by Lea 1987, 3) maintains:

*At no stage has there been any general demand for local self-government, nor have the conditions ever been favourable to its easy growth.*

... the characteristic feature of local government history in Australia has been the attempt by higher authorities first to persuade and then to require local groups to accept financial and administrative responsibility for certain bread-and-butter tasks.

Work by Robbins (1975) in South Australia and Wood (1979) in Western Australia, on the other hand, indicates that 'free' colonists in those areas demanded the introduction of local government.

Local government created by state or territory legislation is subject to change if the government of the day so decides. As a subordinate government its actions are constrained and overseen by the upper tier. So long as local governments operate within statutory limits and meet upper tier expectations, particularly those of fiscal responsibility and efficiency in carrying out their functions, state or territorial governments rarely exercise their powers of intervention. Nevertheless, the coercive power of statutory authority is ever present.

Local governments can, and do, exercise some degree of internal autonomy. They are frequently the local arbiter of 'who gets what' of the funds, programs and projects provided by upper tiers of government. Despite their limited authority, local governments make decisions on matters which directly affect the lives and livelihood of their constituents through the way they allocate resources, such as physical and human services to the residents of the local government area. (For an account of inequitable allocation by local government and non-interference by the institutions of the two upper tiers of government, because they recognise their statutory authority as extending over fiscal responsibility and efficiency and not over equity, see Toomelah Report 1988, 33-36, 61-62).

Upper tier government, through a local government Act, determines the boundaries of the municipal entities and the structure of their electoral systems. It delegates specific and limited powers and a limited set of functions of a strictly local nature to the lower tier.

The states are covered by a continuous grid of incorporated shires, towns, and other municipal forms of government (Power et al. 1981).
There are currently 837 local governments in Australia, all except the most sparsely populated areas of the continent being incorporated (Advisory Council for Intergovernmental Relations (ACIR) 1984, 3).

The NT is the major exception, since it does not have a shire-type municipal system. Most of the Territory is still not covered by formally incorporated local government.

According to the ACIR:

In each state the present system was largely established by the time of the First World War, and in some States the Local Government Act has not been generally revised since about that time... in every State the Local Government Act now constitutes one of the longest pieces of legislation (ACIR 1984, 9).

The report goes on to say:

Local governments were created with the major responsibility of providing the commonplace services (like rubbish collection, street repair, local parks, and public halls) needed regularly by all communities. Formerly these services were mainly property services; more recently they have included ones which serve people directly such as meals-on-wheels and creches (ACIR 1984, 10).

The majority of local governments, particularly those in small towns and rural shires, initially performed a very limited range of functions, largely supplementing the physical infrastructural services of the state level. Indeed, in many areas local roads boards were the precursors of municipal governments. In much of rural and small town Australia local government has remained limited both in its functions and in its capacity to carry out its tasks effectively. Roads, rates and rubbish are not matters which attract the movers and shakers to enter the political arena.

There have, of course, been exceptional cases where communities have taken on a wider range of activities. Robbins details the community entrepreneurialism of one small South Australian town, Nuriootpa. However, he argues that a feature which had:

... an undoubted bearing on the success of the community program is the lack of a local government body in Nuriootpa. This has acted as an incentive in that the townspeople have considered themselves neglected, and... under represented (Robbins, in Brown ed. 1981, 157).

Robbins does qualify this by noting that ‘there are other means of obtaining comparable results’, citing other South Australian towns which:

can also produce a notable inventory of provision, fostered in this case by the local council, and most similar sized towns would have a reasonable proportion of the same community facilities (Robbins 1981, 161-162).

As subordinate governments, local governments are an integral part of the administrative machinery of the upper tier. Local governments administer state programs on behalf of the state at the local level. They carry out services and programs to fulfil delegated functions. Problems of duplication arise when the upper tier designation of functions is permissive: that is, the local level may carry out the function. There may be overlapping programs from both levels. The discretionary element also results in gaps in services
where neither level is carrying out a needed function. Coordination of program and service provision between the levels of government is often inadequate. The ACIR Report 7 identifies six categories of public services based on the nature of the responsibility and the type of unit served (Table 2).

Table 2

Categories of Public Service

<table>
<thead>
<tr>
<th>Category</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>Services to individual property</td>
<td>Cattle grids</td>
</tr>
<tr>
<td>Services to individual households</td>
<td>Meals-on-wheels</td>
</tr>
<tr>
<td>Neighbourhood infrastructure services</td>
<td>Stormwater drainage</td>
</tr>
<tr>
<td>Personal services</td>
<td>Social work</td>
</tr>
<tr>
<td>District facilities</td>
<td>Recreation grounds</td>
</tr>
<tr>
<td>Local-regional services</td>
<td>Sewerage</td>
</tr>
</tbody>
</table>

Source: ACIR 1984, 32

In the NT duplication, gaps, and coordination of service provision is complicated further because much of the funding and programs targeted to Aborigines are from Commonwealth sources through Commonwealth agencies such as the Department of Aboriginal Affairs (DAA) and the Aboriginal Development Commission (ADC).

An image prevails that local government is primarily a provider of services to property - such things as access roads, water, drainage and sewerage, rather than a provider of services to people - such as health, education and social services. Certainly local governments are most experienced in physical service provision. Also, many upper tier governments continue to guard their control over most aspects of health and education. However, local councils are now active providers of a number of human services. Child care, youth and family services, and special services to the elderly are now widespread functions of local governments. Some small towns and rural shires are even beginning to be receptive to the idea of social planning. But, as Perlmut and Sarkissian comment:

*As most councils have little administrative and financial flexibility, the raising of expectations by the preparation of a social plan can be counterproductive* (Perlmut and Sarkissian 1985, 19).

It is ironic that communities in the NT, including Aboriginal communities, have been charged first with responsibility for administering what are termed 'essential services', of the roads and rubbish, water and sewerage variety, in accordance with the prevailing model of what local governments are expected to administer. They have a much lower level of involvement, and virtually no responsibility for those matters which, after land rights, are at the heart of group and cultural survival, namely education, health and security.
The upper tier has given local governments the power to levy rates and set charges for services rendered. This is regarded as the means by which a local government can exercise some independent discretion over a portion of its budget. The proportion of revenue collected by local government is, however, very small by comparison with that collected by the two upper tiers of government, with the Commonwealth raising by far the largest proportion. The ACIR report (1984) gives the revenue collection proportions for Australia as a whole as Commonwealth 80 per cent, states 16 per cent, and local government 4 per cent. This draws attention to the overwhelming dominance of the Commonwealth in revenue collection and the financial dependence of lower tier governments on the upper tier. In the NT small places make virtually no contribution to revenue generation, and are, therefore, almost entirely dependent upon upper tier funding.

Local government is financially dependent on tied, and untied but targeted grants from the upper tier. Grants are usually set annually, and the local government is accountable for the funds to the upper tier. Because of annual uncertainty over revenues, the scope of local government activities is inhibited and the ability to undertake longer term strategic planning is reduced.

While local government raises, proportionately, only a small part of total government revenue and a small part of the revenue expended locally, there is considerable variation in the per capita amount raised by different local government authorities. Generally this is a reflection of the amount of rateable land and property within their boundaries, although it can also reflect the level of public support for local government activities within a given jurisdiction. Local governments set and collect rates in a very public environment, subject to intense and critical scrutiny by ratepayers’ groups and individuals, on an annual cycle. Thus property owners and service users are particularly conscious of the financial contribution they make to local government. They are sensitive to increases, and enraged when expected improvements in the quality of local government services do not correspond to the increased rate levels and service charges.

The various schemes used to rate land and property are politically controversial (Self 1985; Northern Territory Government 1984). Regardless of constraints on local government revenue raising capacity, upper tier governments continue to place considerable significance on the revenue raising effort of local governing bodies as a measure of responsible and effective local government. This is no less true for the new local governments in the NT than for long established local governments elsewhere in Australia (NT Local Government Grants Commission 1986; NT Local Government Grants Commission 1987).

In some states powers are conferred in broad terms and are permissive: that is, the local government act says that local governments may undertake certain functions. Innovative councils have interpreted permissive powers in ways which are unusual, though legitimate. Increasingly such activities are entrepreneurial in style, and involve not only servicing land to attract industry but also providing the infrastructure for commercial development of businesses through lease-back of facilities.

Some are extending into welfare, others are building houses for rental to local people, while others are assisting their residents to borrow for a home. In some sparsely populated areas local government is engaging in commercial activity in order to offer a 'service' that would otherwise be lacking (ACIR 1984, 10).

Thus local governments are engaging in what is customarily regarded as private sector service provision, beyond what is construed as a proper public function. Potentially this
places the local public and private sectors in competition. However, Nuriootpa and like examples show that the current move by local government into economic enterprises has historic antecedents which have been put forward as models to emulate. The keynote speaker at a 1985 NT Local Government Association workshop on Resources and Responsibilities of Local Government in Australia exhorted participants to:


The NT community government legislation has incorporated commercial enterprise development into the functions which community governments may take on.

Local governments in all Australian states and the NT (with New South Wales the exception) have been given the power to initiate subordinate legislation: that is, the power to enact by-laws for those matters which have been delegated to them, subject, of course, to supervision and review by the state government. Local governments thus play an important regulatory and control function at the local level, by setting and enforcing laws and standards locally, and assisting in enforcing state standards and regulations.

Many states have granted responsibility to undertake some form of local town and country planning to local governments. In New South Wales such planning is a requirement. Two levels of planning have evolved. The one most widely delegated and exercised locally is development control and land use management, largely in response to the problems created by rapid population growth and economic development. The other is future planning, which is increasingly directed to integrating the needs of land use, transportation, and social and recreation facilities occasioned by growth. Over the past few years strategic planning has been directed to addressing problems created by population aging, and economic and population stagnation and decline. In the NT, however, planning is an upper tier function carried out by the Lands Department. Local governments in the NT do not have statutory authority for municipal planning.

The Australian custom is for local government to have limited autonomy, responsibility and functions, constrained by what the state level of government perceives as being in its interests to retain or to delegate. Furthermore the ACIR report contends that while:

... at present there are some local governments which consistently undertake their responsibilities effectively and efficiently, where appropriate, and in a manner that complements State government policy objectives... the widespread belief is that only a minority of local governments fit this description (ACIR 1984, 160).

It is also true that local councils wishing to undertake particular activities which they perceive to be in the local interest, have often found ways to be creatively responsive to local needs. In some instances the responses are directed towards genuine service needs of all or a segment of the community and do contribute to greater equity. In other cases councils are responding to powerful local interests, resulting in greater local inequities.

It is a paradox that many small Aboriginal communities in the NT have been charged with local level delivery of a wider range of services than larger, more experienced and well staffed municipal councils are responsible for. This has occurred particularly where the community is physically isolated and the population so small that area-wide service delivery systems are lacking.
Efficiency and Equity: Expectations About the Performance of Local Government

While local governments have powers devolved to them from state or territory legislatures, they also have authority, albeit constrained, which derives from the communities which elect them, to which they are accountable, and which they represent. Expectations about the performance of local government arise from this set of relationships.

The expectations of the upper tier governments for the performance of their creations emphasise fiscal accountability, efficiency and coordination, and effective representation of local needs. This has been called the bureaucratic model of local government. Radical theorists and community activists variously emphasise representativeness, accountability, responsiveness, and equity in dealing with local concerns. Both the bureaucratic and the radical models also include initiative and responsible decision-making as important measures of performance. The expectations are expressions of substantially different ideologies. Local governments are consequently measured against a range of expectations which are not necessarily compatible and which hold them in a dynamic tension reflective of the nascent conflict between the ideologies and the social forces which shape them.

Local governments are expected to efficiently manage and deliver services, and administer programs to local areas, property and people. Efficiency, in this context, usually means getting the job done and having the means to pay for it. A measure of this is whether normative standards of service, for example for water, sewerage or public housing, are met and facilities maintained in a way that is cost efficient and fiscally responsible. This is often the key expectation of the upper tier concerning good management and administration by local governments. However, it presumes efficient program delivery by the upper tier. It also presupposes that standards have been established by the upper tier, and that a combination of funding streams from the Commonwealth, state or territory and local sources, provide local government with the financial resources to achieve the standards. The first two conditions are not yet completely met by the NT government. The third is not yet in place in many small Territory communities, particularly those with Aboriginal populations. Nevertheless local governments are fiscally accountable to senior levels of government which provide funding, and directly accountable to the level of government under whose legislation they are established.

Efficient local governments must also seek out, apply for, and somehow coordinate funding streams, programs and projects offered by separate government departments and by quasi-governmental organisations. The responsibility for coordination is increasingly being placed on the lowest level of government which, in the case of small Aboriginal and non-Aboriginal communities, have the least resources and most limited capacity to deal with the proliferation of programs.

A related expectation for local government is effective representation of local needs. Because each locality has a unique history and geography, and set of socio-economic conditions, resources, aspirations and priorities, effective representation of local needs to the upper tier of government is important. As the NT Local Government Act Review Working Party says of local government:

It maintains the continuing link between the Territory and local government and recognises the role of local government as an advocate and spokesman for its community, leading to its local knowledge being fed into the decision-making processes of the other levels of government (Working Party, Local Government Act Review (NT) 1984, 3).
Effective representation assumes certain conditions are met at both the local level and the upper tier. It assumes that the local level has the ability not only to identify but to articulate local needs. It does not question whether the needs of all local groups will be presented. Further, it assumes that the upper tier not only has the mechanisms in place to listen to local input, but also has the political will and the bureaucratic efficiency to be responsive.

... This also raises the question of what government agencies mean when they talk about consultation. One writer (Von Sturmer 1982, 89) argued cynically that in his experience consultation by agencies was essentially a process by which decisions made outside the region were brought to Aboriginal communities for ratification (Bolger 1988, 52).

An effective local government, in this sense, is one which identifies needs of the local government area and people, and effectively represents the needs, transformed into demands, to other levels of government and to the wider society. Upper tier governments often measure effective representation by the magnitude of special grants obtained and concessions won by local government. Local politicians measure success in terms of the projects funded and generated. There need to be better ways for local governments to present their needs and priorities to the upper tier, and more effective ways for the upper tier to integrate these into responsive delivery systems.

Local government is an elected body, and, within the limitations of the electoral system in place, is representative of and accountable to its electorate. As such it is often vaunted as the level of government closest to the people - this despite considerable public apathy towards local government in many parts of the country. It is expected to be sensitive to, knowledgeable about, and responsive to its electorate, and have the ability to take informed decisions. But even the smallest government unit is unlikely to be homogeneous in its concerns, needs and demands.

As public agents there is an onus on local governments to treat their citizens in an equitable fashion, though Dr Ian McPhail, Director of Local Government, South Australia maintains:

Local Government isn’t always good at looking after minority views in the community... Local Government, traditionally in Australia, hasn’t been terribly good at looking after the minority issues and target groups... Local Government has, I believe, a commitment to respond to the total community (Local Government Association (NT) 1985, 81).

The question of equity in treatment is particularly pertinent where a local government area includes an Aboriginal population, as many do in the NT, since the record of local government has been poor in this regard (Heppell and Wigley 1982; Commonwealth of Australia 1982; Rumley 1986a; Toomelah Report 1988).

Local government is also expected by its constituents to be a catalyst for and resourceful initiator of local effort (ACIR 1984, 5). Upper tier governments on the other hand, tend to be ambivalent toward innovation and initiative on the part of local governments. They offer verbal encouragement, while maintaining tight control over expenditures, being very parsimonious in the allocation of discretionary funds, and being almost incapable of shifting from centralised planning and policy-making to integrating proposals coming up from the grass roots.
Clearly the upper tiers of government have a range of expectations for local governments they have created. Furthermore, through their statutory authority, they have some mechanisms to enforce or coerce compliance. While local governments may have valid expectations about upper tier performance, there is little leverage they can exert to get their expectations met. Statutory authority for fiscal responsibility and accountability, and for efficiency of performance is laid out in local government Acts.

Statutory authority under local government Acts does not include considerations of equity in allocation of funds, programs or projects by local governments. How these are distributed is largely at the discretion of local governments. In that, they can and do exercise internal autonomy, even though it may not necessarily be in the interests of all residents.

The examination of community government in the NT in chapter four will, therefore, have concern for issues of efficiency, accountability and equity, and elements of effective government such as coordination, effective representation, responsiveness, representativeness, initiative and responsible decision-making at both levels of government.

**Extent of Local Government in the NT**

Development of local government in the NT does not fully parallel the development of local government in the rest of Australia, although the general model, of a third and subordinate tier of government, holds. Local government is more recent and less fully developed than elsewhere in Australia.

The NT itself did not gain self-government until 1978, and has yet to attain full statehood. From 1911 to 1978, governance of the Territory was carried out by an Administrator for the Commonwealth government. The Territory government and its bureaucracy are, consequently, in a developmental and transitional stage. Furthermore they have until recently had very few lower tier governments to work with and through.

Much of the Territory is sparsely populated, with very small and discrete clusters of people located at great distances from each other and from larger centres. Much of the land is held under long term lease from the Crown, or held in inalienable Aboriginal freehold, or is as yet unalienated Crown land. Vast areas of desert, scrubland, and tropical forests, and many small places, are not yet under statutory local government, or have only come under it within the last few years. There is not now, nor is there likely to be in the near future, the continuous grid of shire-type local governments found elsewhere in Australia.

Local government was established slowly in the Territory, in keeping with a generally slow rate of growth of urban centres until the 1970's, and limited demands for municipal type services outside of Darwin and Alice Springs. Darwin had an uneasy experience with local government from 1874 to 1937. Palmerston District Council was established in 1874, and replaced, with a name change to Darwin Town Council, in 1915. It was abolished in 1937, after continuous political strife over definitions of its electorate and recurrent financial difficulties. After the bombing of Darwin in 1942, civilian administration of the northern part of the NT was suspended. After the war, military administration of the Top End was progressively lifted during 1945 and 1946, allowing the civilian population, evacuated south for the duration of the war, to return. In Darwin two types of organisation were then set up, precursors of the reestablishment of formal local
government. In 1947 a Town Management Board of appointees, acting as an advisory group, and a Darwin Civic Committee, were established.

After considerable research and consultation a Local Government Ordinance had been given final assent by the Commonwealth government in 1955. Most of what were then conventional functions of local government were included. However, they were permissive not mandatory, and the Minister responsible could determine the type and number of functions to be delegated to a particular council (Healey 1986a, 43). Only a narrow range of functions was allowed to Darwin when it was eventually granted municipal government. The NT Annual Report for 1955-56 provides a succinct summary of developments in local governance in the post-war decade.

During the year the Governor-General assented to the Local Government Ordinance 1954, which, when brought into operation, will provide for the constitution of municipalities and the establishment of local government authorities in the territory. This ordinance, which is based on local government legislation of the Australian States, envisages the establishment of local municipal councils in towns in the Territory as they show themselves capable of supporting local government. The residents of Darwin are showing an increasing interest in the possibility of their own municipal council being established at an early date.

At present all municipal services in the Territory are provided by the Administration which maintains special staffs for the purpose at Darwin, Alice Springs, Katherine and Tennant Creek. In smaller towns, such as Adelaide River, Pine Creek, Daly Waters, Newcastle Waters and Elliott the demand for municipal services is limited but assistance is provided when necessary.

At Darwin, the Administration is assisted in its municipal administration by a Town Management Board, an advisory body... In 1950, this Board fostered the establishment of progress associations and advocated that six district associations be formed, with a central council comprised of two delegates from each district. It was envisaged that this body would work in liaison with the Town Management Board... The principal work of the central council of progress associations during the year has been the sponsoring of moves to establish local government in Darwin.

Alice Springs, Tennant Creek, Katherine and Daly Waters have progress associations which work in conjunction with the local municipal representatives in the case of Daly Waters, directly with Darwin (NT Annual Report 1955-56, 11).

Town Management Boards and local associations of civic leaders, business people and public servants, known as progress associations, were gradually set up in Territory towns. Town Management Boards were appointed in Alice Springs, Katherine and Tennant Creek. These operated concurrently with progress associations in seeking improvements to physical services in the towns.

Elected municipal government was reestablished when the municipality of Darwin was incorporated in 1957. No further municipal governments were created until Alice Springs was incorporated in 1971 (for a full 14 years after Darwin) and Katherine and Tennant Creek were granted it in 1978 (for details on the evolution of local government in
Katherine see Lea 1987). Evidence indicates that establishment of local government in the NT has been due to pressure from upper tier government (Heatley 1979; Lea 1987).

Particularly after 1966 there were many amendments to the Local Government Ordinance, but they did not result in councils being endowed with significantly greater powers. Heatley makes the following observation:

*From outside, the judgement made by Paul Everingham in 1976 has wide community credence. He quipped: 'Local Government in the Northern Territory is a very emasculated beast and has little to do other than rate, repair a few roads and open and close the rubbish dump... [it] is just a shadow, a paper tiger' (Heatley 1986a, 47-48).*

With considerable urging from Darwin City Council the newly self-governing NT government agreed in 1979 to embark on a full scale review of the Local Government Act and, in 1980, to draw up model by-laws (Heatley 1986a, 40). Review of the Act proceeded slowly. The NT Local Government Act Review Working Party reported its recommendations in 1984. The bill to enact revised legislation was passed, with further amendments, in 1985. The new Act recast municipal functions by increasing the range of permissible activities. The new town of Palmerston, and rural Darwin’s Litchfield Shire, were granted municipal government in 1985, bringing the total number of full municipal governments in the NT to six. The NT government has, however:

*... continued to oppose demands from the (Darwin City) Council and the Local Government Association for the transfer of town planning and building control powers and refused requests for extension of Council’s boundaries (Heatley 1986a, 40).*

Company dominated mining towns in the NT have another distinctive form of local government. Jabiru, Nhulunbuy and Alyangula each have their own legislation. Though important as special cases of the development of local government in Australian mining towns, they are not described here. Yellowcake and Crocodiles (Lea and Zehner 1986) provides a comprehensive description of the government and administration of the town of Jabiru.

Prior to the introduction of community government legislation under the Local Government Act (1979) small largely non-Aboriginal towns in the NT had only progress associations to act on their behalf, and to liaise with upper tier governments. Progress associations became bodies incorporated under the NT Associations Incorporation Act (1978), with a formal constitution, elected executive and fee paying membership. They were then entitled to receive and disburse funds, including government grants. Most small towns also had boards of trustees, usually a body of three appointed members who had responsibility for particular community facilities such as recreation ovals and the local cemetery. Typical activities of progress associations were noted in the NT Annual Report for 1958-59:

*The Pine Creek Progress Association engaged in a plan of beautification, including the planting of trees... and has concluded preliminary arrangements for a branch office of the public library (NT Annual Report 1958-59, 12).*

The necessity for the Territory administration to have some local body to liaise with is confirmed in the 1956-57 Annual Report:
In smaller towns such as Daly Waters, Pine Creek, Newcastle Waters, necessary assistance (to special municipal staffs of the Municipal Section of the Administration) is given often through local organisations such as Progress Associations (NT Annual Report 1958, 8).

The majority of Aboriginal communities in the NT operate under a form of local governance known as community councils, incorporated under the NT Associations Incorporation Act (1978). In most cases communities have additional community associations, for housing, sports and recreation, and community enterprises, incorporated under the same Act. The establishment of community councils and associations in Aboriginal communities in the Territory is described in detail in chapter two.

Community government legislation under the NT Local Government Act (1978, 1985) was designed by the Territory to respond to the special characteristics and needs of the small non-Aboriginal and Aboriginal communities which do not qualify for full municipal status. The nature of the legislation, possible implications of some of its unusual features, Aboriginal and non-Aboriginal community responses to this local government option, and some assessment of the potential of community governments to meet the sorts of expectations discussed earlier, is the substance of this study of 'that community government mob'.

CHAPTER TWO

LOCAL GOVERNANCE IN ABORIGINAL COMMUNITIES

Local Government in Aboriginal Communities
from the Assimilation Period to the 1970's
by Peter Loveday

Until several years after the Second World War the prevailing policy in Aboriginal affairs was one of protection by segregation and control of Aboriginal people. The first attempts to introduce local government, or at least some of its structures, into Aboriginal communities in the NT were made in the late 1950's. During that period the goal of policy, under Commonwealth administration, was the assimilation of Aborigines into white society.

In the late thirties the policy of protection was administered under a Chief Protector of Aborigines, C.E. Cook, who was also Chief Medical Officer in the Territory. It was thought that Aboriginal ‘protection was very largely interwoven with medical service and hygiene’ (NT Annual Report 1938-39, 22).

In 1939, E.W.P. Chinnery, who had been Director of District Services and Native Affairs in New Guinea, replaced Cook and began to initiate changes in Aboriginal affairs. These were, however, cut short by the war. When military control replaced civilian control in the north of the Territory, civilian administration of Aboriginal affairs was suspended. Chinnery was appointed not as Chief Protector, but as Director of Native Affairs, and held office until replaced by F.H. Moy in 1946. The administrative section continued to be known as the Native Affairs Branch until 1954, when Moy (after an interregnum when R.K. McCaffery acted as Director of Native Affairs) was replaced by a newly appointed Director of Welfare, H.C. Giese.

The policy of assimilation, although first enunciated at the end of the thirties, was not systematically put into effect until Paul Hasluck was appointed Minister for Territories in 1951. Hasluck, speaking in parliament just before he became Minister, stated that Aborigines were 'not a dying race', and that the policy of protection was no longer appropriate. They no longer needed protection from 'the invading white community' but 'social advancement' to prevent their degradation through contact with it (Hasluck 1953, 6). At the Native Welfare conference of state and federal ministers soon afterwards it was agreed that:

- assimilation is the objective of native welfare measures. Assimilation means, in practical terms, that, in the course of time, it is expected that all persons of Aboriginal blood or mixed blood in Australia will live like white Australians do. The acceptance of this policy governs all other aspects of native affairs administration (Hasluck 1953, 16).

The assimilation policy prevailed for the next twenty years, but with some elaborations of significance. For example, the Administrator of the Northern Territory emphasised in 1955-56 that the new policy, embodied in the Welfare Ordinance of 1953, abandoned any attempt to define Aborigines and provide protection. Instead:
It assumes that Aborigines... have full citizenship as a right and that this right is to be withheld only in cases where an individual is in need of special care and assistance (NT Annual Report 1955-56, 34).

Another statement made early in the sixties explained that the policy was to promote and direct social change among Aborigines, so that, while:

retaining connections with and pride in their Aboriginal ancestry, they will become indistinguishable from other members of the Australian community in manner of life, standards of living... (Welfare Branch Annual Report 1960-61, 7).

It was also accepted that the 'real job' of changing Aborigines' social attitudes and values 'would be a long-term task' (NT Annual Report 1955-56, 34-5). As Stanner noted in a 1971 memorandum:

their presumption was that, since the development of European society in Australia had made it impossible for Aborigines to be themselves, it was equally obvious that the most practical thing to do was to allow and persuade the survivors to become like us. It seemed to be the honest and the decent thing to do. In the climate of thought of the times no one, or at any rate, very few, saw it for what it was a moral impertinence of the first order (quoted by Williams 1985, 34).

Following the appointment of Hasluck as Minister for Territories, proposals for reform in the administration of Aboriginal Affairs slowly took shape, resulting in the passage of the Welfare Ordinance of 1953. Until this Ordinance was brought into effect, the Aboriginals Ordinance continued in operation and the Director of Welfare was concurrently appointed under the old title of Director of Native Affairs. Of course, the assimilation policy was not introduced overnight. Very little changed in the Territory or elsewhere. In the Territory the changes made under the Welfare Ordinance meant, if anything, a heightening of the authoritarian and paternalistic administration, even though it was officially described as abandoning the 'protective' approach in favour of a 'positive "welfare" policy' (NT Annual Report 1955-56, 34).

The Welfare Ordinance stated that the Director had the duty, in relation to wards:

to promote their social, economic and political advancement for the purpose of assisting them and their descendants to take their place as members of the community of the Commonwealth (Welfare Ordinance 1953-1960, cl.8 (a) (i)).

The Ordinance went on to specify that, as in the old Native Affairs Branch, the new Welfare Branch should concern itself with the education, training and employment of wards, their nutrition and health (including 'to inculcate proper habits of hygiene and sanitation'), and with the prevention and cure of disease. The Branch was given control of reserves and settlements, including the management of those not managed by welfare officers and superintendents. To be declared a ward, a person had to be:

in need of such special care or assistance as is provided for by this Ordinance by reason of his manner of living; his inability, without assistance, adequately to manage his own affairs; his standards of social habit and behaviour; and his personal associations (Welfare Ordinance 1953-60, cl.14 (1)).
Before the Ordinance could be brought into effect, administrative machinery had to be set up and a list of wards drawn up. In practice, this list was drawn up to include almost all 'full blood' Aborigines and to exclude most part-Aborigines, although they too, as the policy made plain, were expected to assimilate to the lifestyle of white Australians. Of the part-Aborigines, believed to number upwards of 5,000 in the Territory, some 300 to 400 who were fully integrated into Aboriginal society were declared to be wards. According to Evans (1981, 7-8) the drawing up of this list was the main reason for the delay in implementing the Welfare Ordinance. Eventually, after three years work, the census of Aborigines was complete and the list of names with other details (the Register of Wards, or 'Stud Book') was ready for gazettal. The Ordinance itself was therefore gazetted in May 1957.

Well before the assimilation policy was introduced, the local protectors in the old system, usually police, were being replaced by patrol officers. The first patrol officer was appointed in 1936 and more were appointed both before and immediately after the war. They were initially given training at the University of Sydney and later at the Australian School of Pacific Administration in Sydney, the model being that of training patrol officers in Papua New Guinea. After the war, as the number of government controlled settlements increased, it became necessary to appoint settlement superintendents, some of whom had patrol officer training or experience. It was under their local control that the first steps were taken towards local government. There had been suggestions in the forties that missions should do something about starting 'councils' but these had come to nothing (pers. comm. J.Long).

Until the war almost all the settlements were under the control of missions, but after the war some government controlled settlements were set up, notably Yuendumu, Hooker Creek (Lajamanu), Amoonguna, Warrabri, and Maningrida (Powell 1982, 233-40; see also Donovan 1984, 172-3).

The Aboriginal population 'in touch' with missions at that time was put at about 4200, with another 2800 'in touch' with government settlements, out of a population of about 13,500 (NT. Annual Report 1949-53, 63). That this total was almost certainly an underestimate was revealed soon afterwards when, in the course of compiling the Register of Wards, some 15,211 'full blood' Aborigines were counted in 1955/56 (see also Evans 1981, 8).

Although settlements were not the only kind of Aboriginal community (others included town camps and cattle station camps) they were the ones into which formalised structures of local governance were first introduced. The settlements were of two kinds: those administered directly by the government, that is, the Native Affairs Branch and its successors; and those administered, as far as secular matters were concerned, on behalf of the Branch, by the missions which had first started the settlements. There were about ten government settlements outside town areas by 1963 and eleven missions, three run by the Church Missionary Society (CMS) of the Church of England, one run by the Lutherans, four by the Methodists, and three by the Roman Catholics (omitting Daly River Mission, since it was outside the control of the Branch). Umbakumba was at that time a separate non-denominational community under the guidance of a white trepanger and pearler, F.H. Gray (Cole 1984).

Some of the government settlements took shape at places where Aborigines already congregated temporarily for ceremonial activities. At some of these locations, or where white people had started mining or pastoral activities and had attracted Aborigines, police stations also functioned as ration depots. One or two, Yuendumu being a notable example,
grew out of ration depots set up to save people from starvation when drought and the pastoral industry had drastically reduced their supplies of bush foods. In mission-run settlements, the churches worked to convert Aborigines to Christianity (not always very successfully), but in secular matters they were expected to follow current government policy overseen by the Native Affairs Branch and later the Welfare Branch.

The 'positive' policy of assimilation for social, economic and political advancement meant that, at the community level, the Welfare Branch promoted housing and progress associations, and the setting up of community stores. The Branch also fostered sports and social clubs, initiated a variety of economic activities such as gardens, cattle enterprises, pig and poultry runs, bakeries, and forestry and timber milling projects. It started the Aboriginal Benefits Trust Fund (as a mechanism for handling royalty money). All of these initiatives were designed to make Aborigines less dependent on government funds for development.

'Political education', it was assumed, was incidental to these activities. Nonetheless 'political advancement' was also directly encouraged. The Welfare Branch noted, in 1961, that:

> whilst the establishment of Native Councils on missions and settlements is not a new development, the last eighteen months has seen a considerable increase in the number of those Councils operating. It is quite clear that Councils and other forms of democratic organisation, such as sports clubs and social clubs, are vital as a means of achieving some political education for citizenship, but at this stage it is the potential of these consultation groups in controlling and accelerating the economic development that seems most important (Welfare Branch Annual Report 1960-61, 3, emphasis added).

Having a consultative mechanism which would facilitate its social and economic work by generating community support and providing advice on community concerns mattered more to the Branch than political education for citizenship. The councils were not mechanisms for giving Aborigines control of their own local affairs.

Native councils were not, however, seen merely as mechanisms for facilitating administrative control. The Welfare Branch observed early in its life that:

> The most obvious danger, of course, is that Councils will be established primarily as an extension of the Superintendent's authority: that members will be expected to carry out his will and express to the community his attitudes rather than formulate and represent the community's will and attitudes... The development which has taken place in this field so far is encouraging but much more emphasis will need to be given to this aspect of the operation and management of settlements if Councils are to serve their important political, social, and economic objectives (Welfare Branch Annual Report 1960-61, 5).

As part of the 'new emphasis' on developing the consultative side of settlement management, there were reports in the mid-sixties of representatives from councils being sent to Darwin to attend civics courses (Department of Territories Annual Report 1963-64, 58; 1964-65, 53). There was also some civics training in the bush communities.

This system had barely been instituted before it had to be changed.
The Register of Wards, which had been compiled in great haste (at the Minister's behest), was not updated until 1962, and by then, with the initial inaccuracies and the effects of population increase, it was thoroughly inadequate as an instrument of administration. As a result, the Director submitted an additional three thousand names for declaration in 1962 but was rebuffed by the Administrator's Council on the grounds that insufficient reasons had been given for their inclusion. Of more importance, however, was the granting of the franchise to Territory Aborigines in 1962 (Hearth 1979, 142).

The effect of the Commonwealth Electoral Act of 1962 on the Welfare Ordinance was dramatic because no person could be declared a ward if he or she was entitled to enrolment to vote in the NT for the House of Representatives (cl.14(2)(a)). For this and other reasons the existing Ordinance had to be replaced with a new one, the Social Welfare Ordinance of 1964, which freed Aborigines from the controls of the preceding fifty years.

The basis for administration ceased to be control of persons declared to be wards, and became the control of areas, principally the reserves of land set aside for the Aborigines in preceding decades during the period of protection. New reserves could be declared and boundaries of existing reserves altered under authority from the Ordinance itself or other existing legislation. Only Aborigines and a limited list of administrative personnel could enter or remain on a reserve without the permission of the Director, but the Director did not have the power to confine Aborigines to reserves as he had in relation to wards in the preceding Ordinance. His duties were to provide for persons who, in his opinion, were 'socially or economically in need of assistance'.

The provision in the 1953 Ordinance that he was to promote the 'political advancement' of wards was omitted from the 1964 Ordinance, although in other respects the duties laid upon him were much the same in the two Ordinances. The phrase was likely omitted in the belief that once Aborigines were enfranchised, political education would be carried out by electoral officials rather than the Welfare Branch staff. But the omission does not seem to have made much difference. Throughout the sixties in communities all over the Territory, attempts were made either to set up councils or to revive them after they had subsided into inactivity. By the mid-sixties there were thirteen government and fourteen mission settlements in the Territory, eleven of each on proclaimed reserves. It was reported officially that there were councils in most communities and that:

Aborigines are showing a great interest in their operations and are participating actively in managing settlement and mission affairs through the councils (Department of Territories Annual Report 1964-65, 53).

Following a national referendum in 1967, the constitutional provision excluding Aborigines from the census of population was repealed. Section 51(xxvi) was amended. Words preventing the Commonwealth legislating with respect to Aborigines were deleted (Hanks 1984, 23-4). These amendments did not change much at first. The practice of administrative control and domination was too well established, and the social and economic dependence of Aborigines so complete that there could be no rapid transformation.

Nonetheless, movements for reform, especially in relation to the control and use of land, were gathering momentum. One further change was attempted a few years after the referendum. At the beginning of the seventies, the Liberal-Country Party coalition government was on the eve of defeat. The party had been in power in Canberra since
1949, and was the architect of the assimilation policy and the Ordinances to give it effect. It made what may be termed a last ditch effort to develop a policy for councils in settlements.

Its aim was to achieve a more appropriate legal status for Aboriginal Councils and was based on village local government legislation in Papua New Guinea. Political events (i.e. the election of the Whitlam Labor Government in December 1972) overtook this and it (a draft Community Development Ordinance) disappeared from the scene for some time. Many of its features reappeared later in the Federal Councils and Associations Act and the Northern Territory's own Community Government scheme (Coburn 1982, 12).

A guarded optimism, to put it at its best, marks the reports of the Welfare Branch and the Administrators of the Territory in the sixties when they comment on the local settlement councils. At the end of the decade the Welfare Branch reported that:

Aboriginal councils are now established on most settlements and missions, although their effectiveness and activity varies considerably from place to place... council functions and responsibilities are attracting increasing support and interest in Aboriginal communities (Welfare Branch Annual Report 1970-71, 11).

The annual reports focus on health, education, economic and social advancement. The talk is all of houses built; health improved; of water supplies; of lavatories and sewerage systems; of roads, gardens and agriculture; of pigs, fowls and goats; of timber projects and the supply of electricity; of employment and training, schools and adult education; of social and recreational facilities; of kitchens, canteens and communal dining rooms; of law and order, and problems with alcohol. The 'native welfare program', the Branch said in 1961:

must concern itself with individuals at all stages of social development towards assimilation, that is, from groups of nomads to individual Aborigines with full citizenship rights (Welfare Branch Annual Report 1960-61, 3).

Its optimism, based on a record of very modest achievements in the provision of physical services and equipment, and on very limited achievements, mostly ephemeral as it turned out, in the development of local economic enterprises, was usually extended to what came to be called the village councils in the settlements. The record, even the official record, shows that though some councils gained a degree of authority in some places and at some times, it was always fragile. Their basic problem was that authority was conferred by non-Aboriginal society and legitimated by Aboriginal society, and the two were inevitably in a state of tension. To make matters worse, non-Aboriginal society held on to its own authority and conceded Aboriginal councils only a consultative role and administrative tasks of the most trivial kind. Ultimate authority always rested with the superintendent, especially in regard to expenditures.

In some mission settlements there were even two councils: a station council of mission staff and Aborigines, which was usually the more important body, and an elected wholly-Aboriginal village council. The distinction appears to have been made so that secular business, that is, government business went to the village council but not any 'mission' business.
Non-Aboriginal administrators, government and mission, appear to have thought that, as in white society, legitimacy was to be conferred by election. It has only slowly been recognised that this was insufficient. If an elected council was to have any social and political strength and legitimacy with its people a link had to be made to traditional decision-making processes. Either it had to be supplemented by the nomination and co-option of elders, or the electoral process had to be managed to ensure some kind of balanced outcome between clans, and adequate representation of traditional leaders. In all places at all times there were other competing sources of authority and legitimacy: traditional leaders and Aboriginal traditional land owners with the support they could draw from clan and family, as well as the local mission, and a cluster of government departments. That the councils survived at all is surprising: that they were weak and often collapsed is not.

To judge by the annual reports and other available documentary sources, village councils discussed matters of local interest, advised the superintendents, and from time to time were given a few administrative tasks. Discussions in village councils and village meetings which have been reported (the reports were written by non-Aboriginal staff) dealt occasionally with 'settlement policy'. More frequently, according to reports, they discussed law and order; alcohol, excessive drinking and consequential fighting; local amenities (the social club, canteen, recreation centre, dining room and kitchen); permits for visitors to enter reserves; the carrying of weapons in camp; and, occasionally, economic projects, a coming election, the census, and, in one or two places, the sharing of royalties. Tension between old and young, and the failure of younger women to abide by traditional marriage customs were mentioned as subjects discussed in a few places (Williams 1987; see also Bern 1977, 103-125).

Council activities, as distinct from the topics discussed, included weekend and other patrols for maintaining law and order and controlling drinking; settling family disputes; supervising local gatherings; helping reduce school truancy; policing camp hygiene rules and conducting camp cleanups and, in a couple of instances, recruiting local workers for the local labour force. Commenting on these activities on one occasion, Welfare Branch said that some councillors:

"tended to see themselves as de facto law enforcement officers. It was difficult to dispel this idea, and win acceptance of the idea that council's most important areas of interest and responsibility were housing, welfare, school attendance and municipal development (Welfare Branch Annual Report 1971-72, 21)."

The official sources say much less about station and village councils on mission settlements, but information available suggests that they were much the same as the councils on government settlements.

The councils repeatedly faced a set of 'problems' which they were unable to resolve and these problems were made worse for them by the administrative changes of the 1970's, if only because they could no longer shrug them off by lapsing into a state of inactivity and apathy. The Commonwealth government took steps to try to ensure that councils did in fact begin to take over administration from the Welfare Branch.

The change was initiated in 1973 after the election of the Labor government in December 1972. Early in 1973 Prime Minister Whitlam announced a new policy: integration, with real and equal opportunities for Aborigines. The policy was also articulated as self-determination for Aborigines, which included a plan that communities would be
real and equal opportunities for Aborigines. The policy was also articulated as self-determination for Aborigines, which included a plan that communities would be incorporated to 'allow groups to achieve their own goals through their own social and economic development programs' (quoted in Cole 1975, 92).

The Department of Aboriginal Affairs was set up to take over administration of matters which, in the NT, had been the preserve of the Welfare Branch. When the new Department was established some functions which had been the responsibility of the Welfare Branch were transferred to Commonwealth Departments.

Special education (for Aboriginals) quickly went to the Department of Education, and Aboriginal health became the direct responsibility of the Department of Health. A little later, Community Welfare became the responsibility of the Department of the Northern Territory, and the Mobile Work Force was transferred to the Department of Construction. The Department of Aboriginal Affairs retained a policy making role in respect of these functions. Along with these functions was a devolution of responsibilities from the Department of Aboriginal Affairs to Aboriginal communities as they considered themselves ready to accept them (Evans 1981, 13, see also Department of Aboriginal Affairs Annual Report 1972-73, 1).

Dispersal of the functions of the Welfare Branch to separate Commonwealth departments undoubtedly made it much more difficult for Aborigines to influence administration at the settlement level at the very time when they were being called on to take added responsibility in the name of self-determination. No one came to take the place of the superintendents and no power was given to the Aboriginal leaders or indeed to anyone else to coordinate the activities of the separate departments at the settlement level. It is also doubtful whether the Department of Aboriginal Affairs, in turmoil in the seventies, had the authority, the will or the administrative means to do what no one else could do. This administrative structure was inherited by the NT when it obtained self-government in 1978. It, too, soon discovered the need for some form of coordination of administrative activity, at the central if not at the local level, and the difficulty of doing anything effective to achieve it.

The new Department of Aboriginal Affairs (DAA) declared that, after the 1974-75 fiscal year, no community would receive funds for development and maintenance unless its application for money was sent to the DAA through offices of a nominal local council or representative body (Bagshaw 1977, 25). At the local level in the Territory, self-determination was interpreted as 'the removal of the authoritarian approach inherent in previous policies'. Councils were:

not only encouraged to participate as vehicles for government funding but as a main focal point for consultation by all agencies on a wide range of issues which directly affected the communities they represented (Coburn 1982, 11).

Steps were taken to remove non-Aboriginal staff and to encourage missions to hand over responsibility to councils, leaving councils to hire their own replacement staff. On the all-important question of coordinating agencies of administration, the councils had no power whatsoever.

Federal legislation, the Aboriginal Councils and Associations Act was initiated to give Aboriginal councils legal status. This Act was finally passed by the Fraser government in
1976, after the Whitlam government had been removed in 1975. But the Labour initiated bill was delayed and amended at the insistence of the states, notably Queensland, and it was not proclaimed and brought into operation until 1978 (Tatz 1979, 13). By that time the NT, newly self-governing since July 1978, had brought in its own legislation, the NT Local Government Act, No.7 of 1979. Part XX of the Act, in attempting to grapple with problems of administration in small communities of all kinds, and not just Aboriginal communities, introduced a new concept of community government to the field of local government in Australia. In addition, local associations could use the NT Associations Incorporation Act (1978) to give bodies like housing associations and cattle companies the necessary legal status to handle property and money if they did not want to invoke the community government legislation on the one hand or the companies legislation on the other.

The Territory government strenuously objected to the Commonwealth legislation, and discouraged communities from incorporating under it (see Coulter in NT Parliamentary Record 20 September, 1978). Only one NT Aboriginal community, Docker River incorporated under the Commonwealth legislation, and that under the Associations not the Councils section of the Act. As Coburn notes, the new NT government ‘sought to extend its influence in this area’.

*As far as the Councils section of its Act was concerned [the Commonwealth] virtually vacated the field and allowed the Northern Territory government to proceed unhindered with its own Community Government Scheme (Coburn 1982, 12).*

By 1978-79 the weakness of the institution of local government and the ‘training’ in politics initiated in the Welfare era had been revealed, first in the inability of councils to handle certain problems arising from the assimilation policy of the sixties, and then from their inability to carry the administrative responsibility, at the local level, of the reforms Labour tried to initiate in the seventies. The councils simply were not strong enough to stand the strain and, to judge by fragmentary evidence, the seventies appear as a result to have been a period of increased disorientation and disorganisation in local settlement administration. According to Long (1970, 177, 181) it fostered passivity, antagonism and hostile dependence; the social atmosphere most corrosive of all attempts to promote local government. Phillpot argues, on the other hand, that relationships between whites and blacks in the communities were more complex than the model of administrative oppressor and the oppressed would suggest. There were no police in the communities until 1972 and white staff were always a physical minority. For a community to operate at all a certain minimum level of good will had to be maintained between staff and the Aboriginal people. At that time Superintendents tended to be young, generally under 30. They had been sensitised to Aboriginal culture through their training in Anthropology at the Australian School of Pacific Administration. In some, though by no means all cases, the personal physical dominance of Aboriginal council members often gave councils real power (Phillpot pers. comm. 1988).

There were, in addition, several other problems arising in the sixties and of much more consequence in the seventies when communities were called upon to take more responsibility. Probably the most important of these was the tension, and sometimes conflict, between traditional and administrative authority. Of course, traditional authority had been weakened from the beginning of contact between Aborigines and white society, but the conflict appears to have been speeded up by the administrative mechanisms of protectionist and assimilationist policies. The policy of assimilation gave no recognition to traditional leadership and authority, and since the policy was implemented by administrative means, bureaucratic and hierarchical rules of authority and procedure, alien to Aboriginal society, were imposed on groups of people used to their own traditional
ways. The Welfare Branch was somewhat ambivalent in its reports on this point: on the one hand it recognised that:

Aboriginals should be encouraged to move away from their present position of group separateness and solidarity, and in groups or as individuals enter, according to their interests, the many and varied groups that go to make up Australian society (Welfare Branch Annual Report 1964-65, 11).

But a few year later it commented regretfully that there:

is the increasing loss of the traditional authority normally invested in the community as a whole. That is most marked in those areas of non-traditional activity... the communities are unable to contain deviant behaviour in young men and women (Welfare Branch Annual Report 1970-71, 10).

Some church leaders evidently felt much the same way. Among those in the field, Reverend Hughes of Numbulwar believed that there the CMS had made little headway in either the spiritual or the social domain, and he, like the Welfare Branch, was saddened that the younger generation 'scorned' their elders. On his resignation in 1971 Hughes said, according to Cole that:

he was saddened by 'the indifference of so many Aboriginal people to the Gospel... Also by the young people wasting their time and coveting the money of others by gambling, rather than by doing something useful with their time and their lives. Also by some Aboriginal women and girls who think that giving their bodies to men is better than keeping themselves pure in the sight of God. And by some young people who scorn their parents and elders and the Aboriginal heritage...' (Cole 1982, 58-59).

A little later the Superintendent of Numbulwar, Colin Gilchrist, complained about the problems connected with consultation between staff and Aborigines.

'One of the biggest hindrances in this is a recognition of the importance of being consulted. It is difficult to deal with just one person. Many do not feel able to give an opinion and there is a weariness amongst the community of having to gather frequently in large groups' (quoted in Cole 1982, 67).

But the authority of traditional leaders was not entirely broken. Rather it had been overridden by non-Aboriginal structures. Writing in 1976, David Hay said, guardedly, that:

slow progress towards self-management can also be attributed to the imposition of the Council structure as the administrative vehicle for Aboriginal control of town management functions. Membership has usually resulted from some form of election and has sometimes coincided with traditional leadership. In other cases, persons without traditional status have been elected... Where decisions are required which affect a community, especially where Council members are not traditional leaders, it takes time to reach concensus forming the basis of an authoritative decision... (Hay 1976, 137).
Dr Coombs reported in 1979 on the efforts being made at Yirrkala to amalgamate or reconcile white models of political institutions with traditional authority structures.

In the larger settlements the acceptance of white models for developing political institutions is giving way to experiments in amalgamating these with structures from their own authority structures. In Yirrkala... these experiments are at an interesting stage. The first development in self-management was the establishment about 10 years ago of a mission inspired Town Council, largely mission controlled and essentially advisory in function. This was supplemented by the formation of an Aboriginal Association to own and manage business enterprises established with government aid and possessing its own elected Council of Aborigines. In due course this Council replaced the original Town Council and was responsible for the town management and all 'whitefella' business. There existed, without constitution or incorporation also, an informal gathering of leaders from each of the clans which was brought together by common consent when matters affecting Aboriginal law, the land or major negotiations with the government were involved. This body's attitudes were generally accepted by the Association as binding on its actions... (Coombs 1980, 126-127).

At Yirrkala the meeting of traditional leaders was known as the Mala. A similar body with the same name at Elcho Island existed alongside the 'whitefella' council and was described by one leader as the equivalent of the Senate in relation to the council: that is, it could delay or block decisions of the elected 'lower house' which it disapproved of.

The story of tension between traditional leadership and authority and the European 'representative' council system is very clearly illustrated from the Lutheran mission at Hermannsburg. Because it so graphically reveals the tension and misunderstandings it is quoted at length.

... the stage was reached in 1974 that the Aboriginals elected a local Village Council from a list of candidates. This seemed to Western minds the first logical step toward local government and the time when Hermannsburg would function as a normal town; it was seen as the forerunner of other ventures through which the Aboriginals would increasingly exercise democratic leadership and decision-making. Later, a Town Council was elected for community affairs, and a School Council came into being, exercising oversight of the school and its 250 pupils... Everything seemed to augur well for a smooth transition period, with the Aboriginals assuming more and more responsibility in running their own spiritual and secular affairs.

For a time, it seemed that a solution had been found. The various councils applied to the government for funds, and they set about getting a few things done... But the atmosphere of unrest in the early 1970's came to the fore as attempts were made to hand over more and more responsibility to what were believed to be the responsible leaders of the community (emphasis added). The Town Council was formed when eight representatives from clan or family groups were elected in late 1971. Like the other councils, they overspent freely, and could not be relied on to carry out tasks agreed to at regular meetings...
The failure of the elected councils, and the Missions unchanged desire to hand over the direction of the work and the property at an appropriate time to the Aboriginals, eventually led to further discussions with representatives of the Aboriginal community. These discussions ultimately revealed that the elected councillors were not the real leaders and representatives of the people. The true representatives of the clan can never be elected in Western democratic style: they are born to that position, and their culture and society demands that they remain in the background (emphasis added). In other words, the elected councils could decide on anything they wished, but had no real status in the community, or any right to act or speak for their clan or family much less for one to which they did not belong. It further transpired that the community at Hermannsburg was made up not of eight, but of almost twenty separate clans or family groups, who considered themselves to be as distinct from each other as Scandinavians from Greeks, or French from Germans. The fact that they were Aboriginals did not make them one, any more that a white skin makes a European one. In no way could they unite and incorporate as a community to take over Hermannsburg... (emphasis added).

What was possible while a 'white boss' held the balance of power and gave the directions, was impossible culturally, socially, and legally for Aboriginals.

All this became evident as the rightful leaders of the family groups came forward to reveal the underlying fabric of Aboriginal society as it then existed and operated beneath the surface at Hermannsburg.

What is more, these rightful family leaders not only demonstrated that they knew the tract of land to which they and their clan were entitled; they also produced their 'title deeds' in the form of ancient tjurungas. There was no dispute among them as to who owned what; they knew the boundaries of their land as clearly and precisely as any European landowner in Australia. When they spoke of 'land-rights' all they asked for was that their claim to an ancient heritage should be recognized under Australian law. When asked why this had not been brought to the notice of government and Mission long before this, they simply replied that the Aboriginal felt that the white man was not interested in such deeper Aboriginal affairs, and would have brushed them aside. Now, however, they felt that there was a genuine desire to understand him on his own terms. This feeling grew into conviction when it was realised that the Mission was in deadly earnest in its offer to hand over operations to the Aboriginal people themselves (Leske 1977, 97-99).

The multiplicity of clans living side by side in government settlements and mission stations which created difficulties for traditional leadership, also created difficulties for councils, since it was accepted that councils could not operate effectively except on a representative basis, representative, that is, of clans.

Most settlements, as creations of the missions or the administration, consisted not of one clan group but several. These clans usually retained their separate identities and their traditional leaders, and consequently the kind of tension about decision-making which Hay mentions was usually extremely complex, and as a result beyond the manipulation or control of superintendents and other non-Aboriginal administrative staff. Occasionally
conflicts between clan leaders were uppermost and frustrated the formation or operation of councils; at other times inter-clan conflict was more subdued and traditional leaders resisted or refused to cooperate with administrative staff. Amoonguna (a government settlement) discussed the formation of a village council in 1965-66 but decided against it because there were too many diverse tribes in the settlement (Welfare Branch Annual Report 1965-66).

Annual reports give only fragments of complex stories. The story from Hooker Creek (a government settlement, now Lajamanu) is one of them. Originally tried out in 1963-64, the village council was 'still struggling to find a stable identity' in 1970-71.

The first formal election was held in 1970 and nineteen nominations were received at a public meeting for the positions of president, secretary and ten councillors. Although some Gurindji and Pintubi people live for short periods at Hooker Creek, the main population group is Walbiri and the council was elected exclusively from this group.

Apart from daily informal discussions with the superintendent and other staff members, the council meets for formal discussions once a fortnight. During 1971 the council accepted increasing responsibility for the maintenance of internal domestic order in the village and arbitration of tribal disputes.

However, the council has not yet developed a political sense such as is displayed at Banyilli... (Welfare Branch Annual Report 1970-71, 47).

A year later, the council had to be reconstructed.

The major difficulty with the village council was obtaining a truly representative body. The council elected in late 1971 was quite ineffectual, being dominated by what must be termed a 'vocal minority', and had little or no influence in the community. The actual decision-makers of the community did not appear to be represented. A new council was elected in mid-1972. The concept of this council was changed and its function is chiefly advisory. Its composition was fairly loose, being made up of eight elected members and a group of older men nominated by the elected members. It was this latter group which appeared to guide the decision-making. The council did not have a president but one of the young men who can write and read and has a good command of English was appointed by them as spokesman. It was through this spokesman that all decisions were handed down, as well as all requests made to the council (Welfare Branch Annual Report 1970-71, 323).

At Papunya, another government settlement, it was reported in 1964-65 that the number of tribal groups living there prevented the Papunya Council being functional as a body' (Welfare Branch Annual Report 1964-65, 72).

In the seventies intertribal or interclan tension was complicated by the growing outstation movement. Outstations depended for supplies and other services on central settlements, and consequently on their councils. In both Maningrida and Numbulwar, to name only two, the politics of service delivery led to severe interclan disputes affecting the councils conduct of business (for details on Maningrida see Bagshaw, 1982).
Numbulwar, in 1963-64, experienced the arrival of a new group of people, attracted by the resources and facilities being developed in the settlement. Although they were given a place on the council, the seeds of future interclan strife had been laid. The report from the mid-sixties notes that:

...the mission population consists mainly of people belonging to the Nunggubuyu tribe, although a number of Balamumu people have moved south from the Blue Mud Bay area over the past five years, and now appear to have settled permanently. Because of this movement, another area has been set aside for the Balamumu to develop their own village within the mission's residential area. In the past there has been some inter-marriage between the two groups, but on the whole they prefer to keep to themselves. Amongst the younger people at school there is more scope for the two groups to mix and get to know each other, although even at the school, each group tends to use its particular language...

The Station Council continued to function throughout the year, meeting monthly under the chairmanship of the mission superintendent. A new council was formed in October, partly elected by the Aborigines with some members being appointed by the superintendent. It was decided that the Nunggubuyu people should have six representatives on the Council, and the Balamumu people, two members (Welfare Branch Annual Report 1963-64, 105).

In 1975, the council consisted of 'fifteen Aboriginal men appointed by the clans as their representatives' (Gilchrist, superintendent, quoted by Cole 1982, 68), but five years later, intertribal and interclan tensions had been greatly increased by the prospect of land rights under the Commonwealth government's Land Rights (NT) Act 1976. As Cole tells the story, quoting Elspeth Young, the local factionalism had disruptive consequences for the council.

Factions within the Aboriginal population, arising through the proximate association of different linguistic groups and clans of the Nunggubuyu tribe, are also potential sources of disruption... This difficulty is largely a consequence of the formation of the centralised settlement, and should be alleviated by outstation growth. However, for a variety of reasons, progress with outstation development has been slow and the problem is not yet near solution...

Continued deep-seated antagonism between the Numburindji people from the north and the other Nunggubuyu clans is reflected in extracts from a document dated March 1980. 'When the site here was chosen the traditional owners and the Numburindji people who came to start the mission were happy with the location. After some years the traditional owners started saying that this was their land and that some clans living in Numbulwar should move back to their homeland. When the Northern Land Council was formed this sort of talk was heard more and more. The traditional owners said that they now had the title to this land and therefore they could decide what was to be done with the land. But work continued in order to improve the community'.

The document continued: 'The council then had a meeting and decided that because the traditional owners wouldn't allow any more work to be done the Council had no choice but to lay off all the Aboriginal Council
employees until such time as an agreement could be made with the traditional owners'. The Numburindi indicated that they wished to establish a 'new settlement'. They said that this 'homeland area is located north of Numbulwar and a possible settlement site would be in the Cape Barrow area on the mainland adjacent to Bickerton Island'. The document concluded, 'now the time has come where this problem must be solved once and for all. Until this problem is solved no more work will be done at Numbulwar. We are sad to say this but we have no choice'.

The anger and frustration of the northern Numburindi clans is clearly seen from these extracts. Unfortunately for them the Department of Aboriginal Affairs would not agree to the request. There was an uneasy truce and Council work continued. But the underlying bitterness remains and will not go away until each of the clans have their own developed homeland centres (Cole 1982, 75).

This extract and the Hermannsburg story throw into sharp relief the connection between the outstation movement and interclan tension in the settlements (the outstation movement is also known as the homeland centre or settledown country movement; see Coombs, Dexter and Hiatt 1982; for details on the movement in the 'red centre' of the NT see Japanganka and Nathan 1983).

Life in the communities and the effectiveness of councils was also complicated by tension between generations, the older and more traditional and the younger generation. In addition women started to assert a degree of freedom, especially in relation to marriage partners, which traditional leaders were loathe to concede. A few examples will suffice.

In 1970-71, reporting generally, the Welfare Branch noted conflict between young and old and especially over the emancipation of Aboriginal women from Aboriginal traditional marriage.

Aborigines in the forty plus age group have become increasingly concerned about the diminished importance of their traditional life in the eyes of the younger generation. Attempts to revive, or reinforce, traditional customs and obligations have become more marked. These have not always been successful. The disinterest of younger people has caused the older folk much bitterness, and the conflict which arises is more apparent in those areas where the presence of non-Aboriginals is most felt, such as at Gove and Groote Eylandt. Yet there is, to some extent, a revival of traditional ceremonies, both secular and sacred. Perhaps the most disturbing side-effect of this development is the increasing loss of the traditional authority normally invested in the community as a whole.

The emancipation of Aboriginal women, most obviously manifested in their increasing insistence upon choosing their own marriage partners, or, at least, rejecting those who have been chosen for them, also causes a problem which has resulted in several confrontations between the rights of an individual as an Australian citizen and the pressures of the traditional code on the same individual as an Aboriginal (Welfare Branch Annual Report 1970-71, 10).

Similar tensions were reported in general terms the following year.
During the year, it was noted that on a number of matters younger men more openly expressed views different from those held by the leaders. They also found the elders willing to consider their views. Also, several young women married outside the 'promise system' of marriage arrangements. A few examples will point up the situational differences in various communities. At Hooker Creek during the year, a group of relatively sophisticated young men were quite outspoken on matters of social control, though their efforts appeared to be largely ineffectual as the authority of the elders continued to be accepted. In a similar situation at Maningrida, the older men attempted to reinforce their authority by requiring the retention of traditional culture values. But at Garden Point and Ngukurr, changes had gathered such momentum that, for the first time, women were elected to the councils (Welfare Branch Annual Report 1971-72, 21).

While it is unlikely that Welfare Branch official reports incorporated full information about social conflicts relating to traditional matters in the settlements, especially questions concerning women and sex, it is nonetheless clear that communities and their leaders and their councils were severely taxed by tension between traditional and non-traditional ways, as exemplified in disputes between young and old, women and traditional leaders.

Yet another 'problem', especially in the seventies, was that of non-Aboriginal staff in communities and Aboriginal dependence on them. Welfare Branch reports do not, of course, say anything about tension between Aborigines and non-Aborigines in the settlements. In the period of the assimilation policy, it was inherent in the situation that non-Aborigines were in charge and that, if there was tension, the Aboriginals had to put up with it (and so too had the staff). But once that policy ended and the process had begun of conveying power to Aboriginal councils, whether under the self-determination or the self-management slogans of the Whitlam and Fraser governments, tensions between Aborigines and non-Aborigines, especially resident non-Aborigines, began to come to notice. Writing at the end of the seventies, Charles Rowley emphasised that although the Councils and Associations Act, 1976 should:

formally facilitate the transfer of authority from white officials to black councillors... old habits and a long-standing power relationship will be difficult to reverse... the occasional violence, at such places as Yuendumu and Hooker Creek, indicate that white advisors remain objects of resentment (Rowley 1981, 152).

The dependence of the about-to-be self-managing council on non-Aborigines was noted by CMS staff and the David Hay enquiry in the mid-seventies. CMS's superintendent at Numbulwar, Colin Gilchrist wrote in 1974 that:

in November the Numbulwar Town Council met under the chairmanship of an Aboriginal member... CMS has provided staff who are both workers and advisors. Many Aborigines recognise their inadequacy in European-style management such as Councils, Budgeting, Ordering and Programming. Skilled workers such as mechanics, nurses, clerks, builders are still required... (Cole 1982, 68).

David Hay notes that an early step in self-management was the 'removal of the role of Government superintendents'.

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In some cases total responsibility for all municipal services and public utilities was rapidly handed over, at times swamping managerial skills which had existed within the Aboriginal community. This has meant that Community Advisors appointed by Councils have been obliged to take on managerial roles. In some cases other non-Aboriginal individuals or accountancy firms have found themselves in similar roles (Hay 1976, 136).

Hay went on to note that many Councils exhibited no sense of responsibility and he though this was because:

they do not appear to be treated as final decision-making authorities by government and private agencies (Hay 1976, 137).

Councils were concerned that the Department of Aboriginal Affairs did not help them with advice. Hay attributed that to the high priority given by the Department to its financing and accounting roles, and to officers on the spot being reluctant to give advice in the belief that to do so would be incompatible with self-management (Hay 1976, 138).

Furthermore, once administrative responsibility had been shared out on functional lines between departments like Education and Health (to name the two most conspicuous in communities) white staff of these departments, not under the control of councils, came to be local residents who complicated social, and sometimes, political relationships in the localities.

Although councils were started in Aboriginal communities as informal institutions for training people in representative and elective mechanisms for managing their own affairs and coming to collective decisions, they inevitably took on political characteristics and became places where power could be sought, competitively, over the allocation of scarce goods and services, and over the settling of disputes and the making of rules for the local community. In the larger NT settlements councils developed as political institutions only slowly and unevenly, and did not have much if any formal authority until late in the seventies.

Formal authority was derived from registration under associations incorporation legislation but neither that, nor the process of election, gave councils the legitimacy they needed in the eyes of their ‘constituents’, the local Aboriginal population. In addition, there were always other ‘players’ in the local political arena, players with independent authority, such as Commonwealth and Territory departments and their field staff.

The attempt to base the legitimacy of councils on the process of election and representation was at best imperfect, and the result uncertain. As Young points out, the tension between clans has its effect on local political life.

Within Numbulwar, clans maintain their separate camps... and people obey customs which restrict them from moving freely to the camps of non-affiliated groups. This has a marked effect on communication; for example, news about decisions taken at Council meetings can only be transmitted properly if each group has its own representative on council, and councillors state firmly they have no right to impose decisions on, or express views of, people who do not belong to their own clan (Young 1981, 186).

The process of election and representation cuts little ice with Aborigines: for them legitimacy rests with performance, and that depends on the success of Aboriginal leaders.
Access to Aboriginal land

Community facilities: school and telephone
Checkout at the Community store

Heading off to an outstation
in making something in practice of their membership on the councils. It is a legitimacy which depends on such things as the ability to 'change the rules', or to manage the process of election to ensure that traditional leaders, or persons approved by them, are installed on councils. This could be achieved either by direct nomination or co-option, or by manipulating the nomination and election process to ensure a representational outcome determined in advance.

As political institutions, the councils and the communities in which they operated and on behalf of which it was hoped that they would make collective decisions, were part of a very complex social field. These arose from, or were further complicated by the assimilationist policy and its successor policies, and the bureaucratic means used by governments to give effect to policies. A council might temporarily overcome the difficulties caused by the tension between white authority and traditional authority, and succeed, at least superficially, in allocating goods and services, settling disputes, making and enforcing rules, only to be presented with a disabling conflict of authority in a new guise or a new context soon afterwards.

Although the elective and representational method was chosen for constituting councils, the competition for power within them was quite unlike a micro-level version of the contest between party groupings on the wider state and national stages of politics. Instead, the groupings in local level Aboriginal community politics appear to have been more like the patron-client and faction groupings found in other administered indigenous societies which are attempting to adapt their traditional cultures to a dominant power (see, for example, Paine 1971; Bailey 1969; Boissevain 1974. For Australian examples see Sackett 1978; Tonkinson 1977; Tonkinson 1978; Meyers 1982; Gerritsen 1982a, 1982b).

A critical fact is that councils were all started in settlement communities which were themselves not traditional, but were creations of the dominant non-Aboriginal administration. Traditional groups and leaders were thrown together in such settlements and became competitively dependent on an alien administration for goods and services of kinds which were unknown and unsought in traditional precontact society. The result has been interpreted by Gerritsen in terms of dominant men and prominent men and their followers, who constitute the principal Aboriginal groups. These are supplemented by a number of other local political actors, notably the white service staff of school and clinic, often but not always neutral, and the white 'wayfarers' employed by the Aborigines or by government departments in the store, the workshop, the powerhouse or the council administration (Gerritsen 1982a, 1982b). Gerritsen's analysis was built on observations made in communities in the region around Katherine when the community government legislation had only recently been passed and before any Aboriginal community there had adopted it. There are, of course, some exceptions to his analysis, principally in communities where white institutions still dominate, if only informally. But in communities in and outside of the Katherine region the general analysis holds good, given that it allows for local variation from place to place, depending on the number and strength of traditional leaders, the strength of the outstation movement, the number and influence of locally based white people and the resources and services available to community leaders for local allocation.

The early years of the introduction of councils to Aboriginal communities created a heritage for the new system of community government which included much more than a basic knowledge of elections and representation. In many, perhaps most, of the larger settlements there were complex political structures of obligation and commitment and some knowledge of how these could be managed to secure both power and a favourable distribution of public goods and services. Community government is not being written on a clean slate.
Self-determination or Self-management: Degrees of Autonomy for Aboriginal Local Governments

As government policies toward Aborigines shifted from protection to assimilation, and then to integration, terms such as self-determination, self-government and self-management have been used as policy headliners by state, Commonwealth and Territory governments. They have also become political objectives and rallying cries for organisations promoting Aboriginal advancement. As Loveday has graphically illustrated, self-determination, self-government and self-management have been interpreted in a variety of ways at the community level, and have had a profound impact on the functioning of local governance in Aboriginal communities (see also Howard 1978; Howard 1982; Sanders 1982). The terms have been infused with different shades of meaning by different people in different settings at different times. The result: a conceptual, semantic, and policy confusion. In a literal, as opposed to a political sense self-government and self-management, and related terms such as self-sufficiency and self-reliance, relate to specific domains of human endeavour. Self-government relates to the political domain of governance; self-management should be restricted in its application to management and administration; self-sufficiency to the economic domain; and self-reliance to the socio-psychological domain (Wolfe 1987a).

The prefix 'self' has been given two different interpretations, context. Upper tiers of government and bureaucrats use it to convey to Aboriginal communities that: 'you may exercise government or management over those things we decide are appropriate and for which we consider you have the capacity, using those structures and ways we consider work best and fit within our systems. If we feel you do not have the capacity, we will retain control over those things, or we will train you for the task'. In contrast, the people to whom it is applied understand that: 'we get to govern, or administer, or manage, ourselves, in our own ways, and over matters of our own choosing'. Deep misunderstandings, often times inadvertent, but sometimes deliberately created, arise from such contrary interpretations.

The issue revolves around how much freedom of choice can be exercised. Of all the concepts, self-determination is the key, since it refers to the right, and the ability, to choose freely (Human Rights and Equal Opportunities Commission 1988, 3) about the extent, and the form and structures, and the process of activities within each of the domains. In any political system, however, freedom of choice by any group is constrained and limited by the constitution and statutes of the levels of government within which it is set. Autonomy, in turn, refers to how much independence of action is permitted and/or possible.

In Canada, another federal state with indigenous Indian and Inuit (Eskimo) minorities, but where many groups of Indian people have a land base (though small) established through historic treaties, the political agenda of native Canadian organizations has, for the last, decade been one of self-determination: to affirm and to establish their right to freely choose their own form of government, within the constraints and limits of the federal structure (for comprehensive studies see Ponting and Gibbins 1980; Little Bear et al. 1984; Asch 1984; Ponting 1986). Native Canadian organizations have consistently rejected recommendations by the federal Department of Indian Affairs and by the provinces (equivalent to states in the Australian System) that governments in Indian communities be based on the elected and representative local government or municipal model of devolved and allocated powers and functions under provincial statute (for further discussion of the local government model for Indian councils see Rieber 1977; Department of Indian Affairs and Northern Development (Canada) 1982a, 1982b).
A series of constitutional conferences involving the Federal government and provincial governments and native Canadian organisations failed to entrench the right to self-determination in the Canadian constitution. Self-determination, in this instance, is the right of Aboriginal people to determine their own powers, functions and structures of government within the federal state. However, the federal government has tabled Bill C-52, An Act Relating to Self-Government for Indian Nations. This alternative to constitutional entrenchment of self-determination follows the recommendation of a 1984 federal all-party committee on Indian self-government (Penner Report 1984).

One Indian band has negotiated a self-government Act with the federal government. The legislative powers of the band government include access and residence, zoning and planning, taxation, education, social and welfare services, health services, financial administration, public order and safety, imposition of financial penalty for breach of council laws, and even imprisonment. Band government autonomy is, nevertheless, limited, but the scope for action includes many matters identified by the band as critical (for background and discussion papers see Institute of Intergovernmental Relations 1985a, 1985b, 1986, 1987a, 1987b).

Dr Coombs observed some similarities between the Native American and Australian situation.

there is increasing pressure for increased power to Aboriginal agencies; for authority to administer law and order and to apply, with the support of white law enforcement agencies, sanctions of their own devising or derived from Aboriginal tradition and practice; for authority to influence and control educational content and procedures; to control the issue of permits to enter their territory; and to exercise a right of veto on government and other personnel appointed to posts within their territory. These demands are essentially political for greater self-determination and independence. It is noteworthy that they bear close resemblances to demands being made by the indigenous minorities in other countries such as American Indians in the USA and Canada, whose traditional relationship with the land has much in common with that of Aboriginal Australians (Coombs 1980, 126-127).

In June 1988, the year commemorating two hundred years of white settlement in Australia, during a festival held in the community of Barunga-Wugularr, Aborigines of the Northern and Central Land Councils presented the Prime Minister of Australia with a statement. The Barunga Statement affirms the Aboriginal position on self-determination and self-management. It opens with the statement:

We the indigenous owners and occupiers of Australia call on the Australian Government and people to recognise our rights:

To self-determination and self-management, including the freedom to pursue our own economic, social, religious and cultural development...

and concludes:

... we call on the Commonwealth Parliament to negotiate with us a Treaty recognising our prior ownership, continued occupation and sovereignty and affirming our human rights and freedom.
As outlined earlier, current options for Aboriginal self-determination, at the local level, are severely constrained primarily by the statutory limits set on the scope and degree of autonomy of the available forms of local government. Across most of the country small rural Aboriginal communities are located within a shire or other recognised local government area under state statute. In the NT, as Loveday has indicated, there are three options for legally recognised local level government: incorporation under the NT Associations Incorporation Act 1978; incorporation under either the councils or associations section of the Commonwealth Act 1976; or incorporation under the community government section of the 1985 NT Local Government Act. Communities taking on community government, or indeed any form of statutory local government, do become legally self-governing and self-managing, but only to the extent allowed by the statutory limits on autonomy and scope of functions set by the Territory. Statutory limits presently exclude community governments from authority for matters such as secondary education, community planning, and those health and social services which are the responsibility of Territory departments. It is noteworthy that several of these responsibilities are, to quote Coombs (1979, 111, 129) 'what Aborigines want'.

Since some options do exist for local level governance, how can communities choose between them? Stanner observed in 1976:

_Aborigines, like us, can come to the point of rational choice and decision only in certain conditions. They need credible motive for having to choose between this and that. They need information all the information that bears on the choice and possible alternative decisions. They need time: all the time needed to work out the implications: how this will affect something else; time to consider alternatives; time to take into account new thoughts that did not occur to them earlier; time to strike balances between losers and gainers; time to make sure of consensus. They need high confidence in the worthiness of the yield from their decision (Stanner 1976, quoted by Williams 1985, 240)._  

The following chapters examine the community government option and its implications for Aboriginal, and non-Aboriginal communities in the NT, and identify the extent and nature of the information which is available to communities as they consider the community government option. The Territory government presents community government as a way for communities to exercise self-determination, gain in autonomy, and become more self-managing. To what extent does community government or the alternatives enhance or inhibit community, particularly Aboriginal community, self-determination and autonomy. To what extent and in what ways are communities self-managing, and does formal community government contribute any more than the alternatives, to greater self-management?
CHAPTER THREE

DEVELOPMENT OF THE COMMUNITY GOVERNMENT PROVISION

Evolution of the Legislation

Evolution of the community government provision in legislation falls into three distinct phases. The first is the period of genesis, from the early 1970's or even before, until 1978 and the passage of the legislation. The second phase is from 1978 to around 1984-85. During this period the community government option was in place. The Department of Community Development made communities aware of the option. Some communities discussed it. A few developed a community government scheme and formally adopted it. Others rejected it. The attitude of the NT government and the Department of Community Development (DCD) was generally laissez-faire towards whether or not communities adopted community government. The third phase, from 1984-85 to the present has been one of active promotion of community government, and encouragement by the NT government to get communities to adopt it.

Several largely abortive efforts had been made during Commonwealth administration of the Territory to design and enact legislation which would be appropriate for Aboriginal communities to operate under. Harry Plant, the Director of the Local Government, Community Services and Housing Branch of the NT Administration had previous experience in Papua New Guinea. Plant thought that the PNG village councils legislation could provide a useful model for a Community Development Ordinance for the NT. Therefore in the mid 1970's he instructed staff member W. Coburn to examine the PNG local government Act and write a layman’s draft and commentary (for a personal account of the PNG local government legislation see Fenbury 1978). But in Coburn’s words (pers. comm. 1986), ‘it was torn up by the legal eagles’. According to Mr. Ede, member of the NT Legislative Assembly, the PNG model:

... was first used in Australia under the Commonwealth Councils and Associations Incorporation Act, which was first introduced in 1975... For the first time in Australia, that Act enabled particular powers and functions to be incorporated into the constitution of the individual schemes...(NT Parliamentary Record Thursday 20 November 1986, emphasis added).

Many of the features of community government which deviate most from conventional local government legislation have their origins in the PNG village councils legislation. Most significant are the elements of community choice: about location of the boundaries of the local government unit, and the form of the electoral system to be used, including the qualifications to stand for council or to be recognised as an elector.

After self-government in 1978 the new Territory government undertook a general review of the existing Local Government Act and its amendments. The community government legislation, enabling small Territory communities, both Aboriginal and non-Aboriginal, to adopt a form of local government recognised within the terms of the Local Government Act, had been introduced in 1978 as Part XX of the 1978 Act. With some important revisions it became Part VIII of the 1985/86 Local Government Act which completed the review and restructuring.
In introducing the first set of amendments to the NT Legislative Assembly in September 1978, Jim Robertson, Minister for Community Development and responsible for local government, emphasised the flexibility and simplified form of the new community government option.

... the municipal type of local government is basically designed for cities and large towns and is over-intricate for areas with small or dispersed populations. It is also fairly inflexible - that is, it would impose virtually the same arrangements on every community without regard to their particular circumstance... To cater for these needs, the government is formulating a broad and flexible type of local government system which is to be known as community government (NT Parliamentary Record 20 September 1978, 235).

The Minister stated that:

A feature of the bill is the extensive provision for consultation at all stages. This has a twofold aim. It ensures that the government responds to the express wish of the community, and that there is a clear understanding of the rights and obligations which the community accepts.

... there will be no imposition of community government or any other form of local government.

The bill is meant to allow for considerable flexibility in what functions and powers each council will have. The extent and style of this responsibility are matters for the particular community, as is the timing of their attainment.

In approving particular functions and powers of community government councils the Minister must be satisfied that the community supports and is willing to accept the proposals.

The scheme which is worked out with any community would cover... the nature of the council and other features of its leadership, the form of elections, the definition of an elector, the location of boundaries and other aspects of operations as may seem necessary or desirable in each particular case.

... a community government council would have the authority to make by-laws for the purposes connected with its functions and powers, including the power to levy charges for the services it delivers.

A major source of revenue for a community government will be grants made by the Northern Territory Government.

Because of the large amounts of money which a community government council would be handling there are a number of provisions dealing with financial administration which is standard practice for all local government organizations in Australia. There are also provisions for the auditing and checking of the accounts of community government councils.
This law will allow greater say by the communities in determining how those and other governments monies will be spent in their own areas (NT Parliamentary Record 20 September 1978, 236, emphasis added).

Considering their source, it is reasonable, therefore, to regard these statements as the government’s case for and position on community government in 1978.

When the revised Local Government Act was given second reading in 1985 the NT government again gave strong support to the community government provision. The Minister of Community Development at that time, Barry Coulter, in introducing the bill, said:

The majority of the changes which have been made in this area have been made to achieve more consisitence with similar provisions in parts of the bill relating to municipal local government and from experience derived from the operation of those already created community government councils. The concept of community government is now being recognised by many small communities in the Territory as an appropriate means for them to obtain a greater degree of control over matters of local concern (NT Parliamentary Record 24 April 1985, 823).

He did introduce one word of caution by saying:

It is recognised that, as the procedure available under this part is used more often and by more diverse communities, it may be necessary to review its operation to ensure it remains capable of providing a proper framework for local government for all small communities.

Community government has been discussed at length in the Territorial Legislative Assembly on four occasions: second reading of Part XX of the Local Government Act, 1978; second reading of Part VIII of the Act, 1985; during the NT Budget Speech and Debate November 18, 1986; and during the debate on the government’s Aboriginal Affairs Initiative November 20, 1986.

On each occasion the provisions of the legislation were generally endorsed by both the ruling Country-Liberal party and the opposition Australian Labor Party (ALP). At no time did the ALP seriously challenge the concept of community government or suggest any alternatives for Aboriginal communities. Support rested on the arguments that the legislation enhanced the movement to self-management already under way in some communities, and afforded a way for others to develop self-management; gave communities local governing powers which they did not have before; conferred community government councils with legal status and recognised authority on an equal basis with municipal governments; gave communities a degree of choice of boundaries, electoral system and functions unusual for local governments; and provided a flexible approach suited to the needs of small and highly differentiated communities in the Territory.

During the promotional phase the NT government has recognised community government as supportive of the interests of the Territory. Relevant Territory interests include: exercise of authority over all the Territory land area; progression towards statehood; and increased access to Commonwealth funding for local governments.

Community government is a way by which the NT government can exercise authority over more of its land area through a regularised hierarchy of local governments by getting
communities to change from 'inappropriate associations legislation to appropriate local government legislation' (Hugh Richardson, Department of Community Development, pers. comm. 1986).

In the Legislative Assembly only one aspect of the legislation provoked sharp disagreement and controversy. Adoption of community government under NT legislation vests community councils with authority over the land area covered by the community government scheme. Like municipal governments, they have not been given formal land use planning powers, though they clearly make decisions which affect land and land use. But in many Aboriginal communities, after settlement of claim under the *Aboriginal Land Rights (NT) Act* of 1976, all or part of the land area of the community is held in inalienable Aboriginal freehold title by traditional Aboriginal owners. The Commonwealth legislation vests certain rights and powers with respect to land granted as inalienable Aboriginal freehold in the Aboriginal owners, the Land Trusts, and, particularly, in the Land Councils (for details see Woodward 1974). The *NT Local Government Act* Part VIII grants certain powers and authorities to community governments. Where the two acts apply within the same area there are unresolved overlaps and inconsistencies between the two acts (*NT Parliamentary Record* 20 November 1986).

The jurisdictional problem has local and inter-governmental implications. Locally there is prospect of conflict over land uses and land use control between local councils and Aboriginal traditional land owners whose interests are mediated through the Land Councils, with each claiming authority under the relevant legislation. How this is to be adjudicated and resolved is at present unclear.

At the inter-governmental level the question is which legislation, Territory or Commonwealth, takes precedence. It is a settled principle of constitutional interpretation, regularly upheld by the High Court, that if Commonwealth, state or Territory conflict in an area of shared jurisdiction, Commonwealth legislation prevails. The issue in this case is whether land, normally a state or Territory matter, is a shared jurisdiction as a result of the Commonwealth *Aboriginal Land Rights (NT) Act* 1976.

The Northern Land Council argues that:

*The Northern Land Council has had the legal opinion from leading counsel to the effect that there are major inconsistencies between the two Acts which could render the Local Government Act void to the extent of its application to Aboriginal land as these inconsistencies render it incapable of operating concurrently with the Land Rights Act.*

*The major area of inconsistency is that the Northern Territory law seeks to substitute its own scheme of land management for the Land Rights Act scheme of land ownership and management. The functions and powers given to a community government council under sections 270 and 272 of the Local Government Act, if applied to a council operating over Aboriginal land, would be inconsistent with powers held by the land trusts, the land councils and traditional owners under the Land Rights Act. In such a situation the Commonwealth law prevails (telex from the Northern Land Council to Mr. Dale, Minister for Community Development and read into Hansard by Mr. Dale, *NT Parliamentary Record* 20 November 1986).*

The authority under which the Northern Land Council claims to make this statement is section 23 of the *Aboriginal Land Rights (NT) Act* which says that:
The functions of a land council are: to ascertain and express the wishes and opinions of Aboriginals living in the area of the land council as to the management of Aboriginal land in that area and as to appropriate legislation concerning that land; to protect the interests of traditional Aboriginal owners of, and other Aboriginal interests in, Aboriginal land in the area of the land council.

A major platform in the Territory's campaign for statehood, however is that:

the Aboriginal Land Rights (NT) Act must be parrtiated to the new State by some agreed method such that it becomes part of the law of the new State and comes under the administrative responsibility of the new State government (Chief Minister Steve Hatton, Northern Territory 1986, 54).

The broad position of the Territory government as set out in Land Matters Upon Statehood (Department of Law, Department of Land (NT) 1986) is that the Land Rights Act should be repealed and concurrently an act of the new state be passed. As the Chief Minister commented in Towards Statehood: 'Control of land is fundamental' (Chief Minister Northern Territory 1986, 9).

The NT government has used the community government provision as a means to argue for Commonwealth funding for small communities. In its submission to the National Inquiry into Local Government Finance (for details of the Inquiry see Self 1985) the Territory Treasury and Department of Community Development made the case that:

... Aboriginal communities with a form of representative government should be taken into account in the future allocation of Personal Income Tax Sharing (PITS) funds. This is particularly the case where Aboriginal communities are developed to the stage where they have been granted Community Government status (NT Treasury and Department of Community Development 1985,44).

The submission also referred to the needs of unincorporated, largely non-Aboriginal or mixed communities to which community government is equally targeted.


... also provides for 'local governing bodies' to be proposed by the State or Territory minister and 'declared' by the Commonwealth minister as eligible to receive Commonwealth funding even though they are not local government bodies constituted under the relevant State/Territory law (Northern Territory Local Government Grants Commission 1986, 1).

In 1986-87 twelve Territory local governing bodies were eligible for funding by virtue of their legal status. These were the six municipal councils, and the six communities which had by then adopted community government. Another 44 communities were proposed by the Territory and declared to be local governing bodies under section 3 of the Commonwealth Act.

But the eligibility of the latter group is subject to change. Some of the 44 communities are contemplating adopting community government, some are not. Those that are negotiating the introduction of a community government scheme will be eligible for declaration as a
'local governing body' and therefore eligible for funding (Northern Territory Local Government Grants Commission 1986, Appendix 7, 1a). However, those communities which could take on community government but choose not to, lose eligibility for declaration as a local governing body and therefore eligibility for funding, after 1990, according to the Grants Commission Report Appendix 7, quote:

This category will not be eligible after 30.6.90.

3. Those bodies which:

(a) make services available to a population which exceeds 100 on June 30 in the preceding year:

(b) are, in the opinion of the Secretary of the Department of Community Development, capable of carrying out community management and community government functions on a continuing basis; and

(c) are willing to carry out community management and community government functions on a continuing basis.

The NT government is believed to have used possible loss of funding to induce communities to adopt community government, since it had established the above categories itself. The NT government, on the contrary, maintains that it:

... does not currently impose any time requirement. It therefore treats non-local government incorporated councils ('association' councils) in an equitable fashion as regards funding and operating local government functions. To this end, it persuaded the National Inquiry into Local Government Finance and subsequently the Commonwealth in its 1986 Financial Assistance (Local Government) Act (LFGA) to accept the local government functional status of relevant association councils (Northern Territory Government 1988, 11).

The discussion paper on a proposed national policy for Aboriginal participation and equity in local government endorses the position that eligibility for Commonwealth funding should not be used as a lever to get communities to adopt a particular local government system.

Pressure must not be exerted on Aboriginal communities to adopt any system within a given time, and Aboriginal community organizations performing local government functions should be recognised for the purposes of the LFGA Act and all Aboriginal local governing bodies should be treated equitably in the allocation of LFGA funds (Minister for Aboriginal Affairs 1987, 21).

The community government legislation is consistent with the Territory's policy of mainstreaming, that is, bringing the Territory closer in line with the states, in this case, in the government and administration of local communities. It is also consistent with mainstreaming Aboriginal communities, that is, dealing with Aboriginal communities through the same structures as non-Aboriginal communities.

Following the March 1987 Legislative Assembly election, the Government 'mainstreamed' service delivery. Each functional department now has
responsibility for providing its area of service to all Territorians including Aboriginals in communities or elsewhere on an equal fashion... (Northern Territory Government 1988, 5).

The Legislation

To identify and explore the issues arising from the introduction of community government it is necessary to examine the actual legislation in some detail. Unique features of the legislation and those aspects which have been emphasised in debates in the Legislative Assembly and elsewhere are highlighted. Elements commonly found in municipal legislation are not discussed. The sets and particular elements are listed in Table 3.

In the following discussion particular attention is paid to two aspects of the legislation: the ways in which the legislation provides for community choice; and the extent to which it maintains upper tier government control.

Adoption Process

Ten residents of an area may apply in writing signed by each of them to the Minister for the establishment of a community government council for the area (Clause 242, emphasis added).

According to this clause the formal steps to adoption are initiated by the residents of the community in question: legally they have the option not to make such a request. When they make a request the minister shall (that is, must) respond. The minister or the minister’s nominee, who is usually a staff member of the responsible department, then informs the residents of the application, fixes a time and a place for a meeting, and thus notifies the residents. At the meeting the purpose of the application and functions of a community government council ‘shall’ be explained, and the minister or nominee shall:

endeavour to ascertain the opinion of the residents present about the proposal to establish a community government council for the area or part of it, and their opinion on the functions the council should undertake.

The applicants may vary their application, but not so as to extend the area to which the application relates. They can also withdraw the application by notice in writing. Draft schemes may be prepared by the minister, or designated member of the department, or by any persons, at the request of ten or more residents. The proposal must be exhibited as the minister directs, and must be published in the Gazette and a locally circulating newspaper. People may make submissions to the minister. The minister or designate ‘shall’ consult with the residents of the community government area proposed. Lastly:

The minister shall not approve a scheme unless... he is satisfied that a substantial majority of the residents of the area to which the Scheme relates is in favour of the many elements of the electoral scheme that are open to community choice (emphasis added).

Several issues arise, including whether communities are free, in practice, not to request development of a community government scheme; how the consultation process is undertaken, and with whom; and how the minister discovers whether a substantial majority of area residents is in favour of the elements of the scheme which are open to community choice.

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Table 3

Elements of the Legislation

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*(Local Government Act (NT) 1985 Part VIII)*

Electoral Systems

According to the community government legislation, area residents can exercise choice over many key elements. Thus each community government scheme is unique, and operates as a local government constitution for the area and its residents. Residents have to determine the boundaries of the proposed community government area and many aspects of the electoral system. Under conventional local government legislation these elements are determined by the upper tier government.

Residents have a say in deciding on the boundaries of the community government area; that is, will it be an existing boundary such as presently defines the townsite, or will the boundary be expanded or contracted?

Choices that may be made with regard to the electoral system include the composition of council; procedures for calling elections; eligibility to run for council; and eligibility to vote in elections. For example, residents have to agree on the number of council members, and whether the president of council is elected by general vote of residents or elected by council from among its members. Residents have to choose between an at-
large system of electing candidates or some subdivision of the electorate, for example, into geographically based wards. According to the legislation they can adopt either the first-past-the-post or the preferential system of voting. They have to determine age and residency qualifications of candidates for the community government council, and determine the qualifications which make people eligible to vote in local elections. They have to decide on the removal and replacement of members of council as a result of unauthorized absence from council meetings, and on the appointment and powers of substitutes for members who are absent from the community government area. Although not included in the legislation, community government schemes often lay out council procedures such as the frequency of meetings, voting and the keeping of minutes. Again a 'substantial majority' of residents must be in favour of the proposed electoral scheme.

Functions and Powers

Community government schemes, according to the legislation, shall make provision for council to perform functions drawn from a specified list. The minister 'has to be satisfied that a substantial majority of residents' is in favour of the list of functions which their council may perform. The list of permissible functions includes commercial development, communications, community amenities, education or training, electricity supply, rubbish collection and disposal, health, housing, relief work for unemployed persons, roads and associated works, sewerage, water supply, welfare, raising revenue in accordance with this part, or, such other matters as are approved by the minister. Each scheme describes in more detail the nature of the functions which the local community government council is permitted to perform.

Powers of community governments include the authority to 'make by-laws not inconsistent with the Act, the Regulations, or another Act' (section 292), in relation to a specified list which includes rates, fees and other charges, supply of services, liquor, firearms and other offensive weapons. Furthermore, section 282 states:

A community government council has power to do all things necessary or convenient to be done for or in connection with, or incidental to, the performance of its functions and the exercise of its powers.

Ministerial Powers

The elements of the legislation described so far provide for considerable choice on the part of the community. However, the legislation places final authority with the minister, or, on ministerial advice, with the Territory Administrator. Section 250 lays out the minister's powers as follows:

The Minister may approve; subject to sub-section (2); alter and approve as so altered; or reject, a draft community government scheme.

In other words, ministerial power to reject or change a scheme legally overrides the residents’ expressed wishes.

The minister also has the authority to approve a set of model provisions for community government schemes. This enables the minister to set some limits on potential proliferation of many locally varying schemes.
There are regular accounting, borrowing and auditing requirements (sections 274-291) in which the minister retains final authority, though councils have some discretionary powers over local financial allocation.

Once a community government scheme is in place, and after a period of consultation on the matter, the minister has the power to recommend to the Administrator that a community government council be removed, and after dissolution, he has the responsibility to appoint a manager (sections 296-302).

Review

Community government legislation is typical of local government legislation elsewhere in that upper tier government retains control and the community governments are accountable to the senior level. The NT government exercises control over the critical matter of finance, and has final authority over the local governments created under its legislation. The government can justify ministerial control with reference to community councils' inexperience with local government, and the need to maintain central authority over budgets and other financially related matters. The minister is the final arbiter of whether a council is properly carrying out its duties and meeting expectations. Upper tier expectations of local governments, namely efficiency, coordination and responsibility are, therefore, likely to be the measures by which the performance of community governments is judged. These differ from local level expectations.

Within the bounds set by ministerial powers, however, the legislation allows for choice by residents about their electoral system, and some discretion over the functions which the local council will perform: matters usually determined by the upper tier of government.

Subsequent chapters examine implications of the community government legislation in theory and in practice. Chapter four focuses on some of the implications for scheme adoption, the electoral system, and the functions and powers of council, especially with respect to the exercise of community choice and the ministerial responsibility to be satisfied that a majority of residents are in favour. Chapter five deals in detail with the adoption of community government and the schemes selected by particular aboriginal and non-aboriginal communities. What variants have been selected? Is this hybrid model of local government adaptable to Aboriginal social and political structures, as Turner (1986) maintains? The chapter also includes a description of, and commentary on, the support systems which the NT government has put in place to assist in and complement implementation of community government. Part II then examines how the people of open towns have responded to the community government option.
CHAPTER FOUR

IMPLICATIONS OF COMMUNITY GOVERNMENT LEGISLATION

NT community government legislation raises two broad sets of questions. One set involves the implications for communities of local government legislation which places them fully within the hierarchical system of territory government. The matter is of particular concern to Aboriginal communities. The other set accepts the legislation as an form of local government, albeit with some unique features. Questions centre on how well this unusual form of local government works for the Aboriginal and non-Aboriginal communities to which it is targeted. The NT community government legislation is intentionally innovative and flexible. It is unprecedented in conventional local government legislation for the degree of community choice, and the range of matters over which choice can be exercised. But there may be consequences which those who drafted the legislation and those who passed it did not anticipate. The consequences are emerging as the legislation is being implemented. In many instances the communities themselves have pointed out the problems, as they grappled with the implications of the choices available.

This chapter examines in detail the implications of the legislated adoption process, the electoral system options, the functions which community governments may choose to take on, and the powers given to them.

Adoption Process

The steps in the adoption process, request by the community, consultation, preparation of a draft scheme, and final acceptance, were outlined in chapter three.

Generally communities have been informed of the community government option, and have been encouraged by the Department of Community Development (DCD) to request development of a draft scheme.

The community government adoption process has more detailed requirements for community consultation than is the case in most local government legislation. Consultation carried out by the minister's delegate from DCD includes discussion with the president and members of community councils, or with the progress association president and executive, if these exist. The delegate explains the legislation, in simplified form. A similar question and answer session occurs at one or more meetings of residents, duly advertised in the community. Pamphlets are made available, and a video Taking Care of Business may be shown to council or at the public meeting. In some communities the process of consultation stretches over many months, or even several years. Pine Creek progress association had consideration of community government on its agenda from 1979 to 1987. Some communities have gone through many draft versions of their community government scheme. Burunga-Wugularr, for example, had ten official draft schemes.

People need time: time to absorb what the proposal is, and what the details mean. Choice about community government operates at two levels. One level is the decision to adopt community government or not. The other involves the details of a community government scheme. People need time to think through the implications for themselves,
their family and kin, and their community, of taking on community government, and of setting the boundary here rather than there, or of having this electoral system rather than that.

The time taken by communities in their consideration of community government is lengthened because most activity occurs when the DCD official is around promoting community government, and community meetings are being held. This supports the thesis that, as with the development of local government in much of Australia, there is little local demand for the change: rather, it is being promoted by the upper tier (Atkins 1975, 221; Wood 1979, 97). There is clearly a trade-off for communities and the Territory government between sufficient time for new ideas to be absorbed, and so long a time that disinterest and boredom set in, or circumstances change to such an extent that new implications arise.

A careful, slow adoption process should, however, be regarded as a strength of the legislation and its implementation. It is unusual for an upper tier government to enact and to implement such a process, especially when, as in the NT case, it is the advocate and promoter of adoption of the legislation. However:

*The Territory government recognises that some communities need more than the decade already available to consider community government (Northern Territory Government 1988, 11).*

Upper tier government is, however, unused to making available the sort of information communities need, and are beginning to request in order that they can make an informed choice. As promoter of the community government option, the Territory emphasises what it perceives as being the gains to communities of taking on local government. Communities like Pine Creek have requested information on the costs which have been incurred by departments in previous years in the provision of the entire set of services, physical and social, that the community enjoys, and which the community has the option to take on. Territory departments seem to find it difficult to provide service by service information segregated at the local level.

Ascertaining who the residents are, arranging meetings at times suitable for many people, and getting a good turnout, is not easy anywhere unless there is a pressing issue or community crisis. It is especially difficult in places where weather can disrupt movement, and where people are often away visiting, or have other personal or community business which concerns them more. In small communities absence of a few people may mean absence of a considerable proportion of the total population.

Ascertaining who should be party to the consultative and decision-making process is critical, because those in the community who contribute to the decision are making that decision for the whole community. Views on who constitutes the community range from 'all residents, of course', to 'those who, when a reasonable effort has been made to contact and inform all, are sufficiently motivated to turn up and take an interest', to 'only those with a long term stake or record of community involvement'. The first is an ideal, but unrealistic position. There are always some who choose to remain outside of the political process. The latter is unacceptable because it entrenches power in a few hands.

Hence the importance of an informed consultative process, facilitated by someone who has an understanding of the social and political structures of each community, whether it be Aboriginal or largely non-Aboriginal in origin. The facilitator who is invariably the minister's delegate, also needs an understanding of the implications of the decision to accept or reject community government and the implications for council structure of
including or excluding parts of the potential community, of different boundary locations, and of different election systems. The large choice element affords many opportunities for inadvertent but significant gerrymandering, or for deliberate manipulation. Thus the consequences of this legislation for power imbalances within a community are considerable.

The facilitator needs an understanding of the communities’ present administrative machinery and economic base, as well as a good grasp of local government finance. Without this sort of knowledge the potential of the community government model will not be realised. Features may be built in to schemes which will be difficult to alter once vested interests have been given statutory authority. There is also the danger that schemes may be brought in which are not understood by the community, even if they are understood by an existing council. Sooner or later other community members may get on council, and may disregard features of the community government scheme out of ignorance, or in a deliberate attempt to circumvent them, because the individuals do not feel they were party to the original decision.

A bias is inbuilt, even with a capable facilitator and commitment to inform all those with a potential interest. The Territory government and DCD wish communities to adopt community government. In practice then communities may have little choice over whether to accept or reject community government, although they do have choice over some of the options within schemes.

A vital feature relating to choice is the requirement that the minister be satisfied that a majority of the residents are in favour of a proposal. The annotated consolidation of the Act, Part VIII states:

_There is no prescribed definition of 'substantial' majority. The Concise Oxford Dictionary definition: 'of considerable amount'. The Minister has a discretion to determine in his mind just what is a substantial majority. The ultimate determinate would be reliance upon judicial discretion and interpretation of facts (Northern Territory of Australia 1988, 5)._ 

The intent is to ensure that a minority of vested interests does not come up with a scheme which the rest of the residents do not know about, or, if they have been consulted, are not in favour of.

Herein lies a practical problem. How does the minister or delegate find out whether a majority is in favour? The requirement would seem to demand that there be a referendum of all residents, and/or a clause by clause poll. In Aboriginal communities where the level of functional literacy in the English language is low, this is probably impractical, although the question of adoption, and elements of a scheme can be voted on at an all community meeting. It has been suggested in open towns that a referendum, with compulsory voting as is required in elections, should be conducted to conform with the legal requirements of the Act. It is conceivable that any community government and the decisions of the council could be challenged legally because this requirement of the Act has not been properly carried out.

In no community has any attempt been made to identify the full roll of residents and to conduct a poll or referendum on community government. Rather, protracted discussions have taken place with members of existing councils or associations. Bias in favour of existing interests is introduced when those already holding political power are used as the eyes and ears of a community, as a sounding board for its concerns, and as the informant on its social and political composition.
After a draft scheme is developed it is presented and discussed clause by clause at a public meeting. The meeting is required to be well advertised. If no dissent is voiced, the clause stands: if there is dissent, then there is discussion of alternatives to find one that is acceptable. Those in attendance and those who speak out get heard and heeded, and influence the outcome.

There are potential consequences of this approach which must be of concern. Bias is inbuilt in favour of the vested interests of existing council members or organisation members who sponsor the meeting: they are most likely to be attending and speaking out. The literature on participation and decision-making in similar settings indicates that key minority groups or groups who see themselves as relatively powerless, either do not attend such meetings, or do not speak out at them, so that their views and concerns get overlooked (Wolfe 1985).

Aboriginal traditional processes of discussion and decision-making, according to Williams, favour 'sounding out' of concerns over a considerable time (for examples see Williams 1985, 259-265). This again places a special onus on the minister's delegate to have a sensitive understanding of the socio-political structure and non-formal decision-making processes of small Territory communities. But in 1988 DCD officials from Darwin were holding consultations in 40 or so communities, each with its own distinctive social composition and social field. The Office of Local Government has stated its intent to:

change the organisational responsibility for the introduction of community government more towards regionally-based field staff (Northern Territory Government 1988, Appendix 4, 11).

There is a basic ethical as well as practical conundrum for the minister's delegate. Stated views, and verbal agreement on the part of people who are vocal at an open meeting, have the appearance of being the views of a majority of residents. If the Territory official is aware that aspects of a proposed scheme discriminate, that is, that they favour one set of interests over others, or even have the potential to discriminate, what is that person's responsibility? Is it to accede to the will of an apparent majority, or to point out the implications for minorities? The legislation does not offer guidance, and there do not appear to be departmental guidelines to cover such situations.

It is vital to the long term success of community governance that a scheme be not only acceptable to a majority of those presently wielding power or influences, but also give regard to the needs of minorities with little or no say in decision-making. Once a scheme or system is in place there is inertia in favour of it staying in place, regardless of provisions which make revisions possible. Furthermore, once a scheme is in place it either confirms or reflects an old ordering of power, or contributes to the establishment of a new ordering. Either way, interests become entrenched, and pressures result to conserve the new status quo. Hence the importance of selecting a scheme which is responsive to and reflective of the community's expressed voice, and has some prospect of being equitable in its distribution of power.

Electoral Systems

Communities are empowered to create their own electoral system by choosing the details of the elements permitted by the legislation. With so many options available, it is not possible to discuss all potential implications for the allocation and distribution of power...
among segments of the population covered by a community government. Some that are especially pertinent will be highlighted.

Selection of Boundaries

Decisions about the location of the boundaries of political jurisdictions are always important because they determine which people, land and resources are included within the jurisdiction, and therefore subject to its powers and functions, and which are outside and excluded. This is particularly relevant in the case of community government, because it does not presently form a continuous net of local government across the entire land area of the Territory: rather it creates islands or enclaves of community government within extensive areas where formal local government is absent. Furthermore, once a political boundary has been decided upon, there are often strong pressures to maintain it. Powers are exercised, services developed and resources allocated in response to its location. Interests develop which benefit from its location. Inertia to retain the status quo sets in.

The location of a community government boundary may be selected to correspond with an existing gazetted township or the boundary of an existing Aboriginal land area or excision. Alternatively a community may opt for a boundary beyond any previously established boundary. While it is usual for a local government boundary to enclose a single block of land of regular dimensions, this is not the case for community government areas. Many are irregularly shaped and include non-contiguous blocks of land.

The boundary selected for the Elliott District Community Government area conforms to the first type: a regular rectangular block. Mataranka is an irregular but contiguous block. There are also examples of community government covering more than one block. The blocks may be regular (Yenbakwa), or they may be highly irregular (Angurugu). Some follow physical features such as rivers. Others follow roads (Angurugu and Pularumpi respectively). A community government area can be highly fragmented and widely dispersed, as in the case of Yugul Mangi. Figures 2, 3 and 4 illustrate the diversity of boundary types.

Reasons for boundary selection are complex. Generally communities seek to include those people, and the land that they occupy, who have some social and functional relationship with the settlement centre: that is, they go to the centre for services such as postal service or health care, or they receive physical services such as electricity, water, road maintenance, or air access from it. It is argued that such people should be included so that they can have some say in what goes on and what decisions get made. This, over the long term, will allow the community to levy rates and/or charges over all those receiving service. It is to be expected that some of those outside the existing boundary, who, on inclusion within a community government area, would then be eligible to be rated or charged for services, may be resistant to such a boundary extension. It is also conceivable that the majority, or a particular set of interests within a community, might deliberately seek to extend the community government area to spread the burden of charges and rates across more people and more rateable property, and thereby lighten their own costs.

An Aboriginal community may include a road or an airstrip at some distance from the settlement centre, in order to exercise control over access or control over the entry of certain goods, such as alcohol. A community may include within its boundary areas considered important to its economy, such as a river or shoreline, so that it can exert some influence over utilisation of the resource. Likewise, a boundary may be extended to include a larger land area, to provide the community, over the long term, with the right to have some say about what sorts of facilities and developments take place, and where they
take place, even though they do not have statutory planning authority. There are also situations in which the placement of a boundary so as to include or exclude people, land and resources, is especially controversial. Two such situations concern outstations and Aboriginal pastoral excisions, and Aboriginal fringe camps.

Boundaries and Outstations

Since the early 1970’s Aboriginal people in Arnhemland and the Centre have been moving away from centralised settlements back to their homelands to ‘settle down country’ (Japanganka and Nathan 1983). The reasons are numerous, and include both push and pull factors (Brokensha and McGuigan 1977; Meehan and Jones 1980; Altman 1982; Coombs, Dexter and Hiatt 1982; Japanganka and Nathan 1983). Many wish to live all or part of the year on their traditional country and establish a presence there in order to ‘look after’ their country in ceremony and ritual. They protect the sacred places from further intrusion and violation and reestablish a physical, social and spiritual environment in which traditional components will once more be dominant and the influence of non-Aboriginal culture minimal (Coombs 1979, 7). Away from the settlement people have access to bush food and the materials for painting, carving and basketry. Some wish to remove themselves and their families from what they recognise as detrimental aspects of settlement life where people are ‘all mixed up’, where different groups have to live in close proximity, where there is overcrowding, ready access to alcohol, and where there may be fighting. Some choose to exercise some personal authority away from the power structures of the settlements, and thereby gain in status and prestige (Gerritsen 1982a). Still others want to gain independence from settlement authority.

Data collected by the Northern Land Council from outstation resource centres indicate that outstations are concerned to provide a basic level of services, such as water, access by 4WD truck or airstrip, radio communication and shelter (Northern Land Council 1986). Some outstations are seeking to set up their own simple health and education services. There are outstations which have grown to such a size that they are equal or larger than the original central settlement, where the population has declined. Others are tiny. Still others are inhabited for only a short time during the year.

Herein lies a dilemma for Aborigines who choose to live in remote areas, and a dilemma for policy-makers concerned about allocation of scarce resources. Outstation dwellers need basic resources in order to survive, but governments are reluctant to provide the resources unless the places that the people occupy become properly constituted, permanently inhabited settlements. Pressures are exerted to designate only larger permanent outstations to receive resources. There is, therefore, the potential for re-establishment of centralised serviced settlements with duly constituted councils (Wallace 1977; Japanganka and Nathan 1983).

Most outstations continue to be intimately connected with the central settlement in many social and functional ways, even though many of the residents are provided with services through separate outstation resource centres. People move back and forth depending on the season, kinship and ritual obligations, and the need of family members for the services provided at the central settlements, such as health clinics and schooling. Although some people live their lives almost exclusively in one type of location (settlement or outstation) many spend part of their time in each location.

The practice has occasioned comments from critics about ‘halfway camps’ and ‘two home’ Aborigines. But the practice should in no way be construed as a two home luxury, comparable to a non-Aboriginal two home ownership. Shelter is basic: often self-made on the outstation, and basic in the settlements. Physical overcrowding of residences is
Figure 2 Simple Community Government Boundaries
Elliott, Mataranka and Yenbakwa (Angurugu)
Figure 3  *Elongated Community Government Boundaries Angurugu and Pularumpi*
AREA WITHIN THICK LINES COMPRIS
COUNCIL BOUNDARIES I.E. N.T. PORS. 2099, 2276,
1545, 2632, 1718, 3270, 1507, 3369, 818, & Pt. 1646.

Figure 4 Complex Community Government Boundary:
Yugul Mangi
characteristic at both locations. Both locations are likely to be lacking or standard in the range and quality of services available. Community government boundary location clearly has implications for resource allocation among central settlements and outstations, implications which are further complicated by two location residency patterns of some Aborigines.

The functional relationship between outstations and central settlements would suggest that the boundary for the community government area of a settlement with outstations should be drawn so as to include them, either by having the outstations as enclaves, as in the Ngukurr (Yugul Mangi) community government scheme, or by having the scheme cover a very large area along the shire model. The latter is only possible where other jurisdictions or land holding interests do not preclude it. Such boundaries would ensure that all people in places which are socially and functionally linked have a say in how the places are governed and what services are provided. An alternative configuration would group together several dispersed outstations in a shire-like community government scheme.

But outstations were established because people wished to remove themselves from a central settlement, its lifestyle and its authority. Often people moved because they were unable to break the power/resources nexus of dominant clan groups (Gerritsen 1982b). Therefore, the inclusion of outstations in any community government scheme may be contrary to the interests and wishes of outstation people. As they are few in number, dispersed and nearly inaccessible, it may not be a simple matter for them to be consulted. Consultation with outstation people presumes that either the minister’s delegate or community key informants have recognised the importance of including them in the decision-making process. This is one illustration of the problem of determining who is the community to be consulted and how 'majority' is to be defined.

Interests of the upper tier governments are directly involved in this issue. The Territory and Commonwealth governments provide funds to the larger settlements and the outstations from a wide variety of funding streams. Senior governments have at least two major concerns for which they are accountable. One is efficiency: ensuring that funds are allocated and services provided in such places and in such ways as to be economically efficient, and rational, in a planning sense. The other is equity: ensuring that a reasonable level of services are available to all citizens. Standards or guidelines for determining appropriate levels of service delivery to small, remote communities in the Territory are not available. The Territory has been drafting its guidelines on minimum population thresholds for provision of each type and level of service, such as water bore, pumped and piped water, full reticulation, hot and cold water, and waste treatment since 1986. Once some standards have been determined, the Territory intends to ‘trial’ them over a period of twelve months (Northern Territory Government 1988, Appendix 3).

From a rational efficiency perspective it makes sense to have community government areas which embrace larger settlements and outstations in one community government scheme, or, if that is unacceptable at the local level, to have shire-like groupings of outstations in a single community government. While such organisational structures offer an external appearance of orderliness, and may be efficient for the delivery of certain services, they may run counter to the wishes and interests of outstation residents. Putting the case for the independent existence of outstations outside of a community government scheme, the Northern Land Council maintains:

*People live on outstations because they want to be their own bosses. Incorporation into community government councils would be felt to compromise this position in a significant number of cases. The system for determination of community government areas proposed by the NT*
government is such that outstations could be included into community government areas against their wishes. Although there is provision for a plebiscite, outstation views might be overridden in cases where there is a large population in the central community voting for inclusion of outstations (Northern Land Council 1986, 23).

Boundaries and Aboriginal Town Camps

A not dissimilar situation arises with respect to the location of a community government boundary to include or exclude Aboriginal town camps located on the fringe of a predominantly non-Aboriginal town. Townspeople may favour a boundary which places the camps within the community government area, in anticipation that this may enable the town to exercise some control over the size, location, and particularly the activities of the camps, and campers. Neither they nor the Territory government appears to have thought through the consequences, and the potential increase in community government obligations, of extending local government jurisdiction over town camps.

Evidence from local government jurisdictions in the Northern Territory and other parts of Australia suggests, however, that local governments are particularly unresponsive to Aboriginal needs (Heppell 1979; Rumley 1986a; Rumley 1986b; Minister for Aboriginal Affairs 1987; Bolger 1988; Toomelah Affairs Report 1988; Collmann 1988). The discussion paper on Aboriginal participation and equity in local government states that:

> with few exceptions, local government generally has not become involved with the provision of either 'property' services (roads, sewerage, etc) or 'human' services (health, education, welfare etc) to Aboriginal communities (Minister for Aboriginal Affairs 1987, 12).

Rumley, referring to Western Australia, found that:

> Most if not all local authorities have tried as far as possible to ignore, exclude or disclaim any responsibility for Aboriginal residents in their areas (Rumley 1986a).

The Toomelah Inquiry (1988) drew attention to flagrant inequity in provision of water and other services to an Aboriginal community on the Queensland/New South Wales border. Aboriginal households in Toomelah had access to water for human consumption, laundry, bathing and sewerage, for two fifteen minute periods a day.

What effect might local decision-making under community government have on existing physical services disparities between town camps and a town? Would community government perpetuate existing physical service and other inequities because of numerical or vocal dominance of town interests on council? Alternatively would community government contribute to reducing inequities because they would be better known to council. For example, council members would have to have regard for the potential dangers to the town as a whole of substandard water, sewerage and hygiene in parts of the area for which they have responsibility.

In the case of Elliott, establishment of the community government boundary to coincide with the pre-existing town boundary has placed the Elliott town camps within the community government area. As a consequence there are more Aboriginal people than non-Aboriginal people in the electorate. The first community government election in 1985 produced a majority Aboriginal council. In Pine Creek two possible boundaries
were considered: the existing town boundary, which would include one Aboriginal camp within the community government area; and a boundary extending at least eight kilometres beyond the town, which would bring a second camp under the jurisdiction of Pine Creek community government (Figure 5). Since the opening of a major gold mine in Pine Creek in the mid 1980's, the non-Aboriginal population of the town has doubled, to over 400 people. The population of the two town camps is around 100, placing Aborigines in a minority regardless of where the boundary is located.

While evidence from other local government jurisdictions suggests that town camp interests will not be well served by establishment of community government, the unusually small size, and special provisions of community government could contribute to more positive outcomes for Aboriginal town campers in small NT open towns.

Electoral Schemes

As outlined in section 249 of the 1985 Act, communities have discretion over key elements of a community government electoral scheme. Electoral schemes are important because they determine the way in which locational, social and political sub-groups of a community are represented on the formal decision-making body, the community council. Consequently they can affect the distribution of power within a community.

Communities may decide the size of council and the way in which the president (and the vice-president, if they choose to have one) are selected. Thus councils can be large or small. The more complex the internal social and political structures the more likely a community is to opt for a large council. The president may be elected directly by the people, and can then be held directly accountable by them. Alternatively the president can be elected indirectly by council, from among its membership.

Communities have selected various options. For example, both Mataranka and Elliott have small six person councils, plus a directly elected president. Wallace Rockhole, with less than 100 people, has a seven person council, plus president, again directly elected. Pularumpi elects eleven council members, who then elect one of their number to be president. Daguragu has considered an eighteen member council. Ngukurr community) has a fourteen member council, but has also built in a small five person executive committee to be elected by council from its membership and to which council may delegate any of its powers and functions (Yugul Mangi Community Government Scheme 1988, 4). The small executive is one way of dealing with a potentially unwieldy council which may have difficulty in coming to decisions. However, it can concentrate power over community business in the hands of a small group.

Another key set of community choices are the criteria which determine who may stand for election as a council member. Conventional local government legislation eliminates several categories as potential council members, including those who hold 'office for profit under or at the disposal of council' (Northern Territory Local Government Act 1985, Div 4, Section 15). Criteria being adopted by communities are rather different, since they emphasise length of residence and other special requirements. The residency for prospective councillors varies from as little as three months (Mataranka) to a period or periods totalling five years (Pularumpi, Nguiu and others). Wallace Rockhole and Nguiu allow non-resident traditional land owners to run for council. Ntaria, Daguragu and others are considering this. Further, there is no specified exclusion from council membership through 'holding office under or at the disposal of council'. These variations reflect communities' attempts to come to grips with local political realities: for example, the lack of private sector jobs and dominance of public sector, council allocated jobs; the rights of non-resident traditional Aboriginal land owners; and the presence of non-Aborigines in Aboriginal communities. A lengthy residency requirement reduces the likelihood that non-Aborigines would be eligible to run for office, but does not eliminate those who lived there long enough to have roots and stage in the community.
Figure 5 Pine Creek Community Government Boundary, Town Boundary and Aboriginal Camps
Communities must also decide who can vote in an election. This includes 'being enrolled as an elector under the terms of the Electoral Act', plus other specifications. Residency on or before the close of the role, as adopted by both Wallace Rockhole and Pine Creek, is the shortest requirement of any scheme. Milikapiti has specified not less than six months in the preceding twelve months, and Nguiu no less than twelve months continuous residency before the election. Provision is made in both the Wallace Rockhole and Nguiu schemes for voting by non-resident traditional land owners. Short residency allows outstation people, visitors and those who have been away a while, to vote: longer residency reduces the likelihood that such people can vote. Pine Creek's minimal residency requirement enables mine employees and other short term residents to participate in community government elections.

A community can acknowledge that some non-residents have community rights and responsibilities as traditional landowners. It is not clear from the way schemes are worded whether acknowledgement of traditional owners is restricted to those whose rights have been legally recognised and who have received title under the land rights legislation, or whether the scheme also allows acknowledgement of those who claim traditional ownership. Nevertheless the clauses do mean that non-residents have a say in the decisions which govern the community, an unusual though not unprecedented feature in local government.

Electoral Schemes and Community Subgroups

A community may choose to elect its council by votes cast by all eligible community voters who select from all the candidates nominated. This is known as an at-large system, and is common in small communities of a few hundred people. Generally, the predominantly non-Aboriginal communities such as Mataranka and Pine Creek, and open towns with a substantial non-Aboriginal population, but Aboriginal majority living in camps around town, have this electoral system. Alternatives were not encouraged by the DCD officials undertaking community consultation. An at-large system can disadvantage minorities, or give than fewer representatives on council than their numbers warrant.

There are two distinct ways in which an electorate may be subdivided into smaller units. One is by geographical or spatial division of the electoral area into more than one electoral district, or ward. The other is by recognising social groupings of the electorate. In the ward system the electorate nominates and votes for candidates according to their place of residence within a specified area, a ward. There may be single or multiple seat wards. The Aboriginal community of Barunga-Wugularr (formerly Barmyili-Beswick) adopted the latter system. Barunga is one ward, with nine council members; Wugularr is the other, with six members. In this way Wugularr is guaranteed representation, and the larger Barunga community cannot monopolise council, although it is in control numerically.

A ward system could be used in towns where non-Aborigines and Aborigines live in distinct subdivisions or camps, to ensure each group's representation. The proposed policy for Aboriginal participation and equity in local government endorsed the use of the ward system to secure Aboriginal representation, noting that precedents exist (Minister for Aboriginal Affairs 1987). Turner recommended consideration of ward divisions for towns with significant numbers of Aboriginal people in relation to non-Aboriginal or vice-versa (Turner 1986, 152). Although the ward option was discussed in Elliott it was not aired as a possibility in Pine Creek. The first mixed town to adopt a ward system was Borroloola in 1987 (Figure 6).
Figure 6  Ward Boundaries in Borroloola
Elliott had a population of around 450 people in 1985, 75 per cent Aboriginal, who live both in the town and in two special purpose lease town camps, and 25 per cent non-Aboriginal, living in the town. The ward option was rejected for fear it would further divide the town (Turner 1986, 68). The result of the at-large election in 1985 was two non-Aborigines and five Aborigines elected to council, with one of the non-Aborigines then elected as president. The election ‘returned whites in exact proportion to their numbers’ (Turner 1986, 69). The outcome of the first election in Elliott was a surprise to many non-Aboriginal town residents, who were skeptical about the workability of the new council. Evidence elsewhere in Australia suggests pressures within a community are likely to cause a shift in the composition of council in favour of non-Aborigines at subsequent elections (Rumley 1986b). But Elliott has continued to defy predictions. In the 1987 election no actual vote was held. Nominations exactly filled the seven positions, and the Aboriginal-non-Aboriginal balance was maintained.

The scheme for the mixed town of Borroloola divides the town into five wards, each with two representatives. The ward concept has been taken further in that the scheme gives council authority to establish ward committees for each ward (Borroloola Community Government Scheme 1987, 5).

The other way in which an electorate can be subdivided into units is to allow for representation based on some social grouping important to the residents. Aboriginals living in settlements continue to identify themselves as distinct groups on the basis of their clan or tribal identification, language, or skin group (Turner 1986). The importance of these groupings has been recognised in several schemes, notably Angurugu (1982), Barunga-Wugularr (1986), Nguiu (1987), and Yugul Mangi (1988).

In some schemes clan, language or skin groups, singly or in specified clusters, may nominate a given number of candidates from their group for council, and one candidate for president (Figure 7). Then all eligible voters make their choice from all the candidates. Although they may vote for the candidates from their own social grouping, they are not restricted to do so. Angurugu is an example. In its 1982 scheme, twenty clans are grouped into ten groupings, each of which may nominate up to four candidates, and one person for president. If more than ten candidates are nominated for council, and more than one for president, an election is held. Each voter can vote for up to ten candidates. The candidate from each clan grouping with the largest number of votes is elected (Angurugu Community Government Scheme 1982).

Alternatively, nominations are called for from each social grouping. The number of nominations per grouping is not restricted, but only those of the group may vote for candidates of the group. This system, which Nguiu adopted, reserves seats on a council directly to the specified groups.

Another alternative is for representation of the various language groups present in the community government area. Yugul Mangi adopted a fourteen member council to represent seven language groups with two members representing each group (Yugul Mangi Community Government Scheme, 1988). Barunga-Wugularr chose a complicated, combined ward and language group system (Figure 8). Although it is adapted to and reflective of the present structure of the community there are problems in its implementation. The first election in 1987 did not occur because insufficient nominations were received, and because key people were unavoidably away at the time. After consultation with the three nominees, it was decided that further nominations should be called for at a special purpose community meeting. As a consequence of this local adaptation of the formal electoral system, a council was nominated with some balance in
Schedule 2
Clause 15
Clan Groupings Entitled to Nominate Candidates

1. Lalara
   Ngalmi
2. Amagula
   Mamarika
3. Wurraramara
   Nundhirribala
4. Wurraramarra
5. Wurrabadalamba
   Jaragba
6. Mirniyowan
   Nungumadbarr
7. Murrungun
   Manggurra
8. Wurragwagwa
   Yantarnga
9. Wurrawiliya
   Maminyamanja
10. Barabara
    Wanambai
    Durila


Figure 7 Clan Groupings: Angurugu Community Government Election Scheme
Barunga-Wugularr Community Government Council
Barunga Ward

You must vote by placing an "x" in the box opposite the name of candidates of your choice, including at least one in each of the language groups for which candidates are shown.

DJAWOYN
_____ (Name of candidate)
______ (Name of candidate)
______ (Name of candidate)

MANGARRAI
Elected unopposed
(Name of member)

MYILLY
No nominations

(and so on as appropriate for the other language groups in the ward)

Northern Territory of Australia, Department of Community Development, Community Government Scheme (‘Plain English Scheme’), Barunga-Wugularr, 17 October 1986, p.11.

Figure 8 Ward and Language Groupings: Barunga-Wugularr Ballot Paper
representation between the two member settlements and their language groups. It included women as well as men, and older and as well as younger people.

In some communities, notably Nguiu, skin groups are the basis of group representation. Nguiu council shall consist of sixteen members, four from each of four skin groups (Nguiu Community Government Scheme 1987, 2). In an election a voter may vote only for candidates from his or her skin group. Turner describes skin groups as 'subdivisions of heritable jurisdictions on a generation basis, combining alternate generations into the same category' (Turner 1986, 57), and recommended representation by skin groupings an alternative to language, clan or ward representation. The view has been challenged by Petersen, who maintains that:

[skin] sections have no social coherence. It is highly unlikely that any person from a given subsection could effectively represent another person with that subsection affiliation on any matter (quoted in Marshall 1986, 3).

A skin group based electoral system ensures representation of those groups identified in the scheme (as do the clan and language group systems). It also ensures representation of women as well as men on council: a feature not guaranteed in conventional electoral systems (Figure 9).

One councillor must come from each of the 9 male skin groups... and one councillor from each of the 9 female skin groups (Daguragu Plain English Scheme, proposed, 7/11/86, 2).

The scheme proposed for Daguragu also reserves membership on council for the non-Aboriginals of adjacent Kalkaringi by allocating them a skin group. The skin group Kartiya is for white people so that two, a man and a woman, may be on council (Daguragu Plain English Scheme, proposed, 7/11/86, 2). This ensures non-Aboriginal representation, but limits it to two of the eighteen council members. Alternatively, Aboriginals who have been accepted within an Aboriginal community may be assigned a skin group on an individual basis as has been the custom.

Respected persons, whatever their race, are assigned a skin grouping or place in society. John Stewart, the Council Administrative Officer [in Yuendumu] for instance, is jaburulu (Turner 1986, 62).

This may enable a non-Aboriginal to vote in elections, and even to stand for election to council in a predominantly Aboriginal community.

Review and Commentary on Community Government Electoral Systems

With the exception of Angurugu, the first six community government schemes adopted were quite conventional, generally being the 'government preferred option' with no wards or reserved seats, and with preferential voting in open towns and first-past-the-post voting in the Aboriginal communities. The main variations were in size of council and length of residency required. The schemes developed since 1985-86 have been much more varied. Recent schemes set some interesting precedents in contemporary local government systems: non-resident voting, and reserved seats for sub-groups, including clans, language and skin groups, women and non-Aborigines.

It is not uncommon in local government elections generally, for sitting members to be renominated with no challengers, and to be returned unopposed, without votes being cast.
Daguragu Community Government Council

You should vote by placing an "x" in the box opposite the name of one candidate of your choice in each skin group for which candidates are shown.

<table>
<thead>
<tr>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jungurra</td>
<td>Nanaku</td>
</tr>
<tr>
<td>(Name of candidate)</td>
<td>Elected unopposed</td>
</tr>
<tr>
<td>(Name of candidate)</td>
<td>(Name of member)</td>
</tr>
<tr>
<td>(Name of candidate)</td>
<td></td>
</tr>
<tr>
<td>Jangala</td>
<td>Nalyiri</td>
</tr>
<tr>
<td>No nominations</td>
<td></td>
</tr>
<tr>
<td>Japarta</td>
<td>Nimarra</td>
</tr>
<tr>
<td>Julama</td>
<td>Nagari</td>
</tr>
<tr>
<td>Japalyi</td>
<td>Nampijina</td>
</tr>
<tr>
<td>Jampinjina</td>
<td>Nawula</td>
</tr>
<tr>
<td>Janama</td>
<td>Nangala</td>
</tr>
<tr>
<td>Jangari</td>
<td>Namitija</td>
</tr>
<tr>
<td>Kartiya</td>
<td>Kartiya</td>
</tr>
</tbody>
</table>

Northern Territory of Australia, Department of Community Development, Community Government Scheme, Daguragu ('Plain English Scheme'), Draft No. 2 of 7 November 1986

Figure 9 Skin Groupings (Proposed): Daguragu Ballot Paper
Also, in single and multi-member wards or other groupings adopted by Aboriginal communities, the number of nominees may equal the number of members to be elected. Nominees again go forward to council without an election being called. It may thus be possible for Aboriginal communities to manage and manipulate the new formal electoral system, by nominating only sufficient individuals to the council seats in each reserve category.

One community has actually put a no-vote community government scheme in place. The Yugul Mangi scheme allows only for nomination of council members.

*The method of election of a language group shall be effected by agreement between the persons eligible to participate in the election as to the persons they wish to be represented on the council (Yugul Mangi Community Government Scheme, 1988, 8).*

The above clause can be interpreted as a recognition both by the community and by Territory officials responsible for implementing community government that formal elections are not the way Aboriginal people identify leaders (Northern Territory Government 1988, Appendix 4). Given the opportunity for flexibility afforded by the community government electoral provisions, a community has found a way to avoid elections.

On the other hand, the Yugul Mangi scheme may be also be regarded as extraordinarily complex, and probably unworkable. It covers a huge area, including large and tiny blocks of land, central communities, outstations, and pastoral excisions (Figure 4); has representation by language groups; and has a large council, small executive and nominated representatives. The scheme effectively disfranchises non-Aboriginal residents. The history of the communities covered by the Yugul Mangi scheme gives cause for concern over the appropriateness of establishing community government at all. The outstations arose out of many people's mistrust of the Ngukurr community council, and from the inability of smaller clans to influence major tribal groups (Gerritsen 1982b). Outstation people vigorously opposed the control of Ngukurr council, because of what they regarded as inequitable distribution of funding and resources. They established an administrative body, Yugul Mangi, to provide support services to the outstation movement. Community government places a new formal political and administrative body over the disparate pieces. It will be essential to monitor the effects of the scheme in terms of equity, efficiency, and accountability.

Concern about adequate representation of minorities and minority interests must be maintained, despite the success of Aboriginal candidates in some mixed towns.

Non-Aboriginal residents in dominantly Aboriginal communities may be restricted in their right to vote or to be nominated for council by schemes which include a lengthy residency requirement and/or reserve representation to clan, language or skin groups. Aboriginal communities wish to exercise greater control over their community affairs, and several have interpreted the community government electoral scheme options in such a way as to place limits on non-Aboriginal electoral participation.

As of July 1988 no legal challenge had been launched by any party affected by the community government schemes. As Mowbray and Shain (1986) note, the *Commonwealth Racial Discrimination Act 1975*, Section 8 (1) on the one hand provides for 'special measures' to be applied 'for the sole purpose of securing adequate advancement of certain racial or ethnic groups'. It can be argued that an Aboriginal community government scheme which limits or excludes non-Aboriginals from standing
for election or voting in elections for community government is one such 'special measure'. On the other hand, the same Act also provides for the exercise of political rights for all persons irrespective of race, colour, descent, or national or ethnic origin (Section 9(1)). During 1988 the Territory government continued to support the right of its new Aboriginal community governments to exercise the electoral options which Territory local government legislation allows. The Office of Local Government stated:

... at Ngukurr the May 1988 scheme effectively disfranchises non-Aboriginal people unless the Aboriginal community chooses to give them an honorary skin group. Whilst there could be some objection to the disfranchisement concept, non-Aboriginals have no right of residence in the community government area under the provisions of the Commonwealth's Aboriginal Land Rights (NT) Act, 1976 (Northern Territory Government 1988, 9).

The Territory is, however, taking a risk in citing the Commonwealth Land Rights Act, since, as noted previously, it takes precedence over Territory legislation, should legal challenges arise over the whole concept of, and implementation of community government in NT Aboriginal communities.

Aboriginal minorities may also be affected by the electoral provisions. Schemes which reserve seats for language, clan or skin groups give equal representation on council to the identified groups or clusters of groups. Some very small or politically powerless groups could be excluded: overlooked inadvertently or deliberately. It is also possible that large groups could be under represented.

There is considerable migration of Aboriginal groups into and away from settlements. Schemes listing clan or other social groupings which reflect a particular point in time, may bear little resemblance to the actual social composition of a community a few years later. Although there are provisions for revisions to a scheme, changes will not be easy to effect, because of the implications revisions have for the balance of power in a community.

The increasing number, complexity and internal variance of schemes challenge the ability of the Office of Local Government and the NT Electoral Office to retain a clear picture of all the local options.

The communities, Aboriginal organisations and the Territory government each have their own perspective on community governance. They need, though, to be concerned not only about differences between communities operating under the community government ordinance and those operating outside it, but also about the effects within communities of conventionally constituted and flexibility constituted councils and the relationship between these formal structures and traditional leadership and power. As illustrated, the way each scheme is structured has potential for affecting participation rates, access to power, and the exercise of power in a community. Is one system more or less effective than another in dealing with whitesella business or blacksella business, with matters of service delivery, with social development, or social order and control?

Functions

Community government legislation permits council to assume responsibility for an unusually wide range of functions. Some are broad functional areas, such as community health, community training, and communications. Others refer specifically to physical and human services that are carried out within a community, such as water supply,
sewerage, electricity, rubbish collection and disposal, roads, housing, and community amenities.

When a community government takes on a specific function, it takes on responsibility for managing the budget, for delivery of the service, and for local decision-making. This applies to housing, roads and road maintenance, water supply, sewerage, garbage collection and disposal, community amenities such as sports and recreation facilities, relief work for the unemployed, and welfare. Many Aboriginal councils or special purpose associations already have responsibility for a number of these functions. This is not the case, however, in the non-Aboriginal communities.

The situation is different with respect to another group of functions, namely health, education and training, communications, and, in most places, electricity. Responsibility for these functions rests with an upper tier government department or special purpose agent. Councils may enter into an agreement with the government department or commission to act as the local agent, and many community government schemes include clauses to that effect. However, councils may take on functions in areas such as health and education only to the extent that the relevant Territory department does not perform the function.

Community government legislation contrasts with other Territory municipal government legislation in the way in which functions are identified, and in the scope given to community governments. The functions permitted to a municipality are listed (Local Government Act 1985, Schedule 2, 129-131). The items are not broadly inclusive: rather, specific subfunctions are specified. Some functions identified in Schedule 2 continue to be retained as functions of the Territory government: they have not been fully devolved to the local level. There is no general category in the municipal legislation for commercial development, as there is in community government legislation, though one or two municipal functions such as caravan parks, markets or saleyards may be construed as commercial development. While community governments may take on provision of communications and of electricity, these remain services provided to a municipality from the upper tier.

There are historic reasons for charging Aboriginal communities with these responsibilities. Because they are remote, widely dispersed, and not fully integrated into a network of service provision, some services had to be delivered on site, although it does not follow that the service delivery is particularly effective, or cost efficient. Also, many isolated Aboriginal settlements developed locally based responses to specific needs. For example, the community based, not-for-profit store fills a gap when private enterprise does not respond because the likelihood of turning a profit is small, or because the community wishes to have some say over the running of the store (Young 1984). The listing of functions is, to some extent, reflective of the range of functions already being managed at the community level. Identification of a broad range of functional areas is consistent with the Territory policy of Aboriginal self-management and community level administration.

While community government legislation allows a community to choose which functions it adopts, choice is subject to the condition that the Minister be satisfied that a substantial majority of residents are in favour (Local Government Act 1985, 97). Again, the requirement for majority approval is problematic. In practice, there is some discussion with members of the community council, progress association, or other associations, and there is discussion at a community meeting of some of the functions which may be included in the scheme. One or two of the functions presently being carried out by council, and one or two proposed which are especially important to the community or
which are controversial, are discussed in some detail. There is no attempt to get majority approval of all items.

The listing in a community government scheme of functions which a council may perform, and those it actually does perform is largely a consequence of three factors. The scheme lists functions which council already performs. The scheme also lists the functions which the Territory wishes council to perform. The government then encourages council to take on responsibility for those functions. And the scheme lists, and council then seeks to take on, functions the council wishes to carry out, such as production and selling of artifacts and souvenirs, management and control of site of historic interest, or promotion and development of tourist attractions and facilities.

Conventional local government services, such as water sewerage and rubbish, are included in almost all schemes, and the schemes use the same phrases to describe them. Some functions are spelled out with local specificity. For example, the Barunga-Wugularr scheme lists 'the maintenance of the Barunga, Beswick and Eva Valley airstrips'. The Milikapiti scheme lists 'the provision and maintenance of a barge landing'. Many schemes identify the commercial functions which a community government council may undertake. For example, Barunga-Wugularr council may undertake:

(s) the hiring out, for reward, of any plant, appliance or equipment belonging to the council and the repair and maintenance, for reward, of any plant, appliance or equipment not owned by council;
(t) the contracting, for reward, of works projects outside the community government area;
(u) the establishment and operation of pastoral enterprises;
(w) the establishment and operation of commercial enterprises, including mechanical workshops;
(y) the selling of petroleum products;
(za) the promotion and development of tourist attractions and facilities within the community government area;
(zb) the production of and selling of artifacts and souvenirs.

Efficiency and Community Capacity to Undertake Functions

When DCD began to actively encourage communities to adopt community government in 1985, it was assumed that all functions presently being carried out in the communities by existing councils and community agencies such as housing associations, pastoral companies, store associations and social clubs, would come under the aegis of the new community government council.

There are several reasons for this. The community government council provides a single entry point into the community for upper tier agencies. From the agencies' viewpoint this is a simple efficient structure. All funding for community facilities and endeavours is funnelled through council. There is one contact, and one decision point. Ideally council can coordinate delivery of related services. Councils can begin forward planning of service improvements. Equipment can be shared, not duplicated. On the human service
side, council can begin to establish priorities, and encourage cooperation between related services such as adult education and training, health, hygiene, and nutrition. If necessary, related sets of services can be overseen by committees of council, along the lines of conventional local government elsewhere. In terms of the efficiency model of service delivery this makes sense. For communities with the management capacity, and planning capability and authority it can be very effective.

What is not adequately recognised in this model is the power of existing organisations and their relationship to the community council. Each has a role in the distribution of status, prestige and power, and in the allocation of scarce resources within the community. Positions not only on council but also on the boards and committees of associations afford individuals status and the opportunity to exercise some power, both as individuals and on behalf of clan, language or other groups. People who hold these positions are unwilling to have them subsumed under the authority of a community government council. A community government council will tend to concentrate power, prestige and access to valuable assets such as money, jobs, transportation and trips. Furthermore, subgroups such as clans, have often gained responsibility for a specific functional area, such as housing or rubbish collection, and are reluctant to lose their power base (details of the distribution of power and resources in Aboriginal communities are discussed at some length in Sackett 1978; Tonkinson 1978; Altman 1980; Tonkinson 1982; Myers 1982; Gerritsen 1982a; Ellanna et al. 1987). The dispersed governance typical of many NT Aboriginal communities may not be the most efficient structure for delivery of services. But communities may find it more effective, at least for a while, to let the associations continue, rather than lose the support of influential individuals and clans, and further undermine cooperation in the interests of coordination.

The discussion paper on Aboriginal participation and equity in local government draws a distinction between two sets of functions and advocates the following management structure:

as with mainstream local governments, general community infrastructure assets (council offices, plant, equipment, water reticulation...) should be controlled by the Aboriginal local government. The control of other assets, including rental housing, sporting club facilities, and enterprises, is less clear cut, but in many cases they should be under the control of bodies separate from the local government (Minister for Aboriginal Affairs 1987, 23).

The arguments to support these notions are strictly economic, and have little to do with the distribution of power and prestige. The paper continues:

if such assets were to be owned or controlled by the local government, income generated by one undertaking could be used to cross subsidise another... Profits or surpluses accruing to a local government from enterprises could reduce its eligibility for Local Government Financial Assistance or NT grants. Conversely losses made by those undertaking(s) could be a burden on the whole community and may not be offset by additional grants (Minister for Aboriginal Affairs 1987, 23).

A set of interrelated implications arise from the Territory's views on community government functions and its perspective on Aboriginal self-management. Small, often inexperienced communities are allowed by legislation, and required or encourage by the NT government to have responsibility for functions such as commercial development, and to be subcontracting agents for communications and electricity delivery, which are not in
the purview of more experienced and professionally staffed municipalities. It should not be too surprising that some community councils and community governments have problems in discharging their practical and administrative responsibilities.

Community government is expected to manage the physical services which are typically a local government responsibility. These are highly technical in nature. Community residents and council members may have little skill or knowledge of, and little interest in these services. The physical service functions are presently managed and carried out by significant numbers of non-Aboriginal managerial and technical staff. They are regarded as whitefella business, yet they are increasingly becoming council and community business.

Traditional leaders operating within the context of traditional law, are struggling to deal with the survival of Aboriginal culture in the settlements. Central to the survival of the culture are such issues as violence and substance abuse and their control (for a discussion of legal issues see Law Reform Commission 1986), education of children and training of young people and adults, health and nutrition - social issues and cultural matters. Experience of indigenous communities in North America suggests that when they have a genuine choice over the functions they wish to take on, they select those which directly relate to their cultural survival (Wolfe 1989). In terms understood by government this means human services rather than physical services. These are precisely the functions which are not being developed to community management and decision-making in the NT. It means, for example, Aboriginal law and justice, not simply Aborigines as police in the communities.

While health and education are included in the list of possible functions community councils can adopt, Loveday (1987) points out that the Education and Health Departments are unlikely to devolve much to community governments, except in limited areas such as adult training and specific aspects of health. In these circumstances, it would appear that the best method of Aboriginals gaining control of functions central to cultural survival is for them to set up their own systems. An example is Yipiringa School Council, set up by Aboriginal parents in camps around Alice Springs in 1978. Despite lack of support from the NT Department of Education, an Aboriginal 'self-service delivery of education' has been created which features Aboriginal control, emphasis on community development, a decentralised structure, the Aboriginalisation of teaching staff, and a strong bicultural curriculum (Yule 1982).

Ideally a community might wish to carry out a broad range of functions, and so meet upper tier as well as local priorities. In small communities much could be gained by this, as all aspects of life are intimately connected. Water, sewerage, housing, electricity, hygiene, health and education are directly related. However, a major problem is simply the capacity of the community as a collection of people to carry out the technical, administrative and managerial tasks. Typically, Aboriginal communities have low levels of literacy, numeracy and technical and other skills and experience, and consequently have non-Aboriginal advisors and technicians to assist them. However, the Minister will not approve a community government scheme until satisfied that a community government council is 'capable of effectively performing that function' (Local Government Act 1985, 97). Ministerial retention of this particular authority demonstrates government concern about the capacity of community government councils. How the Minister evaluates a council's capacity to perform a function is not made clear in the legislation. Nor is it clear what the Minister's responsibility is for ensuring improvements in local, indigenous capacity.
Lack of human capacity, and lack of sufficient qualified, energetic and interested people to carry out necessary tasks is a common feature of small communities, both non-Aboriginal and Aboriginal. Such places have been described as 'undermanned'. Wicker (1979) discusses the attributes of undermanning. Some are positive, others negative. For example:

**Occupants of undermanned settings more frequently:**

- serve in responsible positions;
- engage in actions that are difficult for them;
- engage in actions which are important to the setting;
- act in response to important actions of others;

than occupants of optimally manned settings (Wicker 1979, 72-73).

Communities of a few hundred people in the NT are increasingly being expected to perform a wide range functions and take on responsibilities with a small human resource base to draw on. The implication of lack of capacity and undermanning for community government is that the council may simply not be capable of carrying out all the functions which the upper tier and the community expects of it. Those functions it takes on first, therefore, are the ones it will be committed to. These are usually basic physical services. Furthermore, both upper tier government and the community judge the council on how effective it is in carrying out its tasks. The tasks may be those that council is least capable of, and in which the residents are least likely to wish to be involved. This is not to imply that the residents do not want the functions performed effectively: rather, that there seems to be a serious mismatch of functions with capacity and interest. When community interests are ignored Aboriginal councils, in particular, are often evaluated as having poor and inefficient performance.

*Mainstream local government is not the focal point of general community organisation, is not expected to accept responsibility for all aspects of the community's welfare, and does not attract most people to active participation... Aboriginal local government should not be regarded as the sole focus for community activities nor as a convenient 'one-stop' point for community consultation by government officials or funding for all community endeavours (Minister for Aboriginal Affairs 1987, 19).*

**Commercial Development Function**

It is unusual for commercial development to be identified as a broad functional area in local government legislation. Several key informants suggested that the notion of councils being permitted, even encouraged, to undertake commercial activities, has Papua New Guinea roots (Coburn 1986). It happens also to be reflective of the existing situation in many Aboriginal communities, where community councils or community associations already run commercial style enterprises. Community run commercial activities have, to a large extent, emerged to fill gaps in local services which in larger, more economically sound places are filled by private entrepreneurs, or they have been initiated to provide some competition to private non-Aboriginal monopolies (Altman 1980; Young 1981).

Territory departments, such as Community Development, and Industry, Small Business and Tourism, as well as the Commonwealth departments of Aboriginal Affairs, and Employment and Industrial Relations, and the Aboriginal Development Commission, all encourage community governments to undertake commercial activities. There are several
reasons for this. Both upper tier governments are concerned about the limited revenue raising capacity of small Territory communities, particularly Aboriginal communities. There is little likelihood of communities raising any significant amounts of money from the usual source of locally raised funds, land rates. Therefore community administered and managed commercial activities controlled by the community council are regarded as one way in which these places can generate local funds. This could provide councils with discretionary funds which they could use to supplement existing upper tier funded programs, or undertake activities for which funding is not presently available.

From the Territory perspective commercial activities are about the only way that Aboriginal communities can demonstrate 'reasonable revenue raising effort' (NT Local Government Grants Commission 1986, 7).

The Grants Commission is required, under the Commonwealth Act, to follow a principle of equalisation. 'Equalisation' is not easy to define, but basically means that a community should have an equal quality of services to other communities, provided (emphasis added) they make an equal fundamental raising effort, subject to their capacity to do so (NT Local Government Grants Commission, 1987, Appendix 2).

The Grants Commission pursued the point by indicating to the community council of Mataranka:

... the need for the community to introduce some avenue this year to raise revenue as a contribution to the cost of its local governing functions (Appendix 5).

and to the council of Elliott:

Some revenue raising effort must also be made by the community and alternatives were explored (Appendix 5).

With reference to Aboriginal communities, such as Galiwinku, which have not yet adopted community government, the 1986 Grants Commission report also noted:

... Government may need to give special consideration to the supply of major capital equipment to enable contracts to be let which will increase revenue raising and opportunities for employment (Appendix 5).

At Peppimenarti it found that:

Real attempts are being made to introduce outside revenue into this community and in this direction a rodeo ground has been constructed with a view to Peppimenarti being admitted to the Rodeo circuit for annual competition.

Because there is a lack of skills and few jobs in so many Aboriginal communities, the community enterprise is seen as a means of generating some local jobs at skill levels and with work patterns which local people can handle (Miller 1985; Turner 1986, 114-128).

A review of the community government schemes presently in place uncovers a wide range of commercial activities listed as actual or possible functions of community councils. Table 4 highlights the range.
Table 4

Community Government Commercial-Type Functions

the operation, for reward, of a workshop for the repair and maintenance of vehicles and machinery (Lajamanu);

the development and operation of a market garden and a cattle station (Lajamanu);

the construction and maintenance of roads and associated works, for reward, outside the community government area (Lajamanu);

the supply of gas and petroleum products (Lajamanu);

the operation of a bank agency (Lajamanu);

the operation of an airline agency (Lajamanu);

the operation of a bakery, general purpose shop, book shop, printing enterprise, market garden, mechanical workshop and any contract for work currently in existence (Angurugu);

the establishment and operation of commercial enterprises, including a fishing enterprise and fish marketing enterprise, for the benefit of the residents (Angurugu);

the establishment and operation of agencies for a post office, the sale of petroleum products, and the hire of vehicles and equipment (Milikapiti);

the hiring out, for reward, of any plant, appliance or equipment owned by the council and, for reward, the repairing of any plant, appliance or equipment not owned by the council (Pularumpi);

the promotion and development of tourist attractions and facilities within the community government area (Mataranka);

the production of and selling of artifacts and souvenirs (Elliott);

the establishment and operation of pastoral enterprises (Barunga-Wugularr);

for reward, the development and maintenance of roads and boat ramps outside the community government area (Yugul Mangi);

the contracting, for reward, of works projects outside the community government area (Wallace Rockhole).

An example of a community government scheme which includes each commercial function is given (e.g. Lajamanu). Community government schemes include many of the functions listed here.

From the list it is possible to identify several types of commercial activities which are being carried out or being contemplated. Some enterprises are based on local physical or
human resources. These include pastoral enterprises, fishing and fish marketing, production and sale of artifacts and souvenirs, and promotion and development of tourism. Such enterprises may be expected to create or sustain existing jobs, and in some cases, bring new income into the community, even if in only small amounts. Other enterprises, such as a bakery, or general purpose store, may create jobs, and therefore give some people wages, but do not generate new income: rather, they stem the leakage of money from the community to externally located businesses or to internally located privately run, for-profit businesses. Yet others, such as the operation of a bank, provide services which may not presently exist within the community, or exist but do not meet its needs. Finally there is a broad category of activities based upon contracting for various types of works projects within and outside of the community government area, and the hiring out of plant and equipment.

The issues around community commercial enterprises are manyfold, and have been dealt with at length by other researchers. Young (1982, 1983, 1984, 1985, 1988a, 1988b) has undertaken extensive research on community retailing and community stores; Alman (1980) has examined various types of enterprises in Aboriginal settlements in the NT; Turner (1986) provided an overview of several Aboriginal enterprises; Gerritsen (1982a) has given a detailed account of works project contracting; and Stanley (1985) has summarised the economic development problems of remote Aboriginal communities. Ellanna et al. (1988) have identified the opportunities and the constraints on Aboriginal controlled economic enterprises in selected Aboriginal communities in the NT.

While it is unnecessary to repeat their findings, there are several issues which need to be discussed because of the emphasis being placed on Aboriginal commercial development and community revenue generation in the policies of the NT and Commonwealth governments, and the tendency of these governments to use efficient profit making enterprises as a measure of effective community self-management. Expectations of profitability for enterprises in remote locations may be unrealistic. Expectations about what constitutes good management may be inappropriate to Aboriginal community conditions. Expectations that the community government council be responsible for all community business may undermine the initiative of existing legally incorporated, independent associations presently running stores, pastoral operations, art and craft production and the like.

There are obvious differences between the economy of traditional Aborigines as hunters and gatherers and that of mainstream Australians. As Turner (1986, 109) says, 'no two economies could be more unalike'. The differences reflect fundamental contrasts in the values which underlie the two societies. Turner provides a keen insight on the effect of Aboriginal values:

Rather than compete with one another in the marketplace, one rather aids the other in time of need. I would, however, go one step further than this to say that the Aboriginal economy creates artificial needs to ensure people aid each other. Recall the example of Aboriginal totemism: what is mine as totem and prohibited to me is thereby made available to you. We draw our boundaries around our country so that we cannot be self-sufficient in critical resources. The fact of our holding jurisdiction over this entails a reciprocal relationship with those holding jurisdiction over that. This is what makes such concepts as 'communal', 'sharing', 'cooperative', so difficult to apply to Aboriginal society. And yet traditional Aborigines are not 'individualistic', 'greedy', or 'competitive' either... (Turner 1986, 109).
It is overly simplistic to assume, therefore, that a community approach rather than an individual approach to development is more ‘fitting’ with Aboriginal values and Aboriginal custom. Today’s settlements have brought together within a single physical location groups which traditionally were distinct: sometimes linked through the reciprocal relationships referred to above, or through being in appropriate marrying relationships, but also sometimes hostile to one another. Within the settlements some family groupings have developed spheres of dominance over certain activity areas (Gerritsen 1982a), not just over traditional activities, such as ceremonies, but also over whitefella business, such as housing.

However, very few Aborigines in the NT settlements have well developed skills, training or experience in enterprise management, whether as private entrepreneurs or as community administrators of for profit or not for profit undertakings. Consequently such businesses as have been established in the settlements or in adjacent open towns are either fully owned by non-Aboriginal entrepreneurs or are managed and staffed at the technical level by non-Aborigines. Drakakis-Smith (1984) has drawn attention to the extent to which Aborigines and Aboriginal settlements are a major consumer of goods and services provided by non-Aborigines, who are likely, therefore, to protect their economic base by setting up various types of barriers to what they see as competition or the undermining of their privileged economic position.

There are yet further constraints to the development of economically viable community enterprises in addition to remoteness, distance from markets, non-Aboriginal competition, and institutional barriers to access to the land base across the pastoral areas of the Territory. In contemporary Aboriginal settlements virtually all things that contribute to the fulfillment of material human needs are scarce. Basic physical needs, shelter, water supply, adequate food and nutrition, are far below accepted Australian national standards. Incomes are low and largely dependent upon welfare payments. Especially scarce are those things which are highly valued in Aboriginal society, such as access to transportation.

Myers discussed the implications of this scarcity for community councils and councillors in Western Australia in the following terms:

Whereas traditional authority derived from and existed mainly in the exercise of virtual knowledge and power, corresponding to biological aging and the succession of generations, there now exists an autonomous institution differentiated from the rest of the unified world. The Pintupi have sought to integrate the new autonomous domain with the old, but ‘democratic representation’ is a cultural construct that is not first nature to all people... It is felt that these ‘bosses’ (councillors) should look after their charges... a councillor should help the people. Consequently he cannot deny anyone the use of the corporately owned truck without accusations that he is not helping them (Myers 1982, 101-102).

Gerritsen (1982a, 21) gives a further variant on this theme from Barunga by drawing attention to the distribution and exercise of power:

Power in Aboriginal communities (and its benefits, status and prestige - not necessarily money per se) is in control over the lives of one’s fellows. Controlling access to vehicles, housing (one could add jobs, training and skills) and so on is as real and important to Aborigines as is controlling access to ceremonies on traditional lands.
This has relevance for the management and operation of community enterprises and for community self-management generally. The importance of an enterprise may not be conceived of within the community primarily as an income generating activity, as non-Aboriginal policy makers generally presume. Nor may success be measured locally by its profitability. Instead, the community enterprise may be a way leaders can demonstrate they are ‘looking after’ members of the community. Also, individual council or association executive members may distribute favours, jobs, use of vehicles and so on, to their supporters, and so strengthen the reciprocal relationship. Funds, physical facilities, trucks, and equipment may be diverted from the original project and reallocated by dominant council members. Council and executive members thus exercise power, and confer status and prestige on those who receive these favours, while augmenting their own (Gerritsen 1982a).

It is in the light of these and other practices in Aboriginal settlements that communities and those who advise them on community enterprises must assess enterprise proposals. A community pastoral enterprise may, for example, mean far more to the community than simply a source of paid jobs, a little financial profit, or a locally needed killer herd (Phillpot 1985). Stockmen are admired in Territory Aboriginal society. To be a stockman gives a young Aboriginal something to aspire to, an incentive to acquire skills, and status in the eyes of peers and the community. Not all community enterprises should, therefore, be assessed solely in terms of their economic viability, but also in terms of their social benefit (Hanlon 1985). Ellanna et al. (1988, 268) argue that subsistence food gathering and art and craft work, should be strengthened, for example, by improving access to transportation into the bush. Social benefits include application of existing valued but under-utilised skills and knowledge, maintenance of control, gainful employment, reduction of leakage of money out of the community for store food and improved nutrition.

Communities have to decide whether existing and proposed community economic enterprises should come directly under council, as appears to be expected by the terms of community government legislation and by those who are promoting it, or whether they should remain as separately incorporated bodies. The issues are similar to those relating to whether physical and social functions should be carried out by council or by separate community organisations. Maintenance of separate bodies distributes positions and prestige more widely within the community, and keeps the accounting systems and the effects of financial loss or profit separate (Minister for Aboriginal Affairs 1987, 23). Bringing the organisations within the direct jurisdiction of council reduces positions, establishes the structure for coordination, though it does not guarantee cooperation, and makes council responsible for profitability and responsible for financial losses.

Furthermore, it is important to consider the potential long term effects on a community economy if a community government council has control over all economic activities. By its economic monopoly, and through its power to levy rates and charges, it is in a position to prevent the development of any independent economic enterprises.

Works Project Contracting

In addition to the more conventional type of enterprise (cattle company, store or other retail outlet) communities are encouraged to raise revenue and generate jobs by works project contracting. Turner expressed optimism about this approach.

In relation to Aboriginal communities it is government policy to award contracts to the local community if they are assured that the community can
do the job in question at a reasonable cost. By community I mean Community Council. Aboriginal communities had, in fact, been issued a blanket Certificate of Expediency authorising a bypass of the public tendering process (Turner 1986, 114).

Gerritsen describes a system of contract price over-estimating in the NT which enables ‘profit’ to be made from contracting public works. He examines its effects and traces where a significant portion of the profit goes.

The fact that Transport and Works usually over-estimate contract prices provides an attractive profit margin...

This laudable policy is designed to supplement the revenues of the local council/housing association through the profits from these contracts and to enhance skills levels and experience amongst the settlement’s Aboriginal workers...

Many of these contracts are carried out at least in part by (way-faring, that is, non-Aboriginal) sub-contractors, in some cases the housing manager’s own associates. The Aborigines benefit very little. In practice the contract system shields the reality that its beneficiaries are not always those for whom it was intended. Housing Associations or Councils may be tenderers, masking the fact that it will be wayfaring men who carry out the greater part of the contract. The Aboriginal community may derive some monetary profit but little training to increase their capacity to carry out future contracts (Gerritsen 1982a, 19, 20).

The effect that the public works contracting and contract over-estimating approach to community revenue generation may have in the long term is questionable. Contract estimates are usually brought in well above the real cost of carrying out the job. Funds are allocated by departments with respect to one or another, or a combination of estimates. Tendering occurs. Councils get preferred treatment, although they do not inevitably win the contract. The difference between the estimate/tender and the real cost of carrying out the task is regarded as legitimate profit. If the job is carried out by a private firm, it gains what can be regarded as a windfall profit. If the job is carried out by or for a council, then council takes the profit. This is regarded as efficient and legitimate council management, and a proper alternative to conventional, and in Aboriginal communities, inapplicable ways of raising revenue locally (such as land rating). By their involvement in it, both the Commonwealth and the Territory governments endorse this approach to community revenue raising.

A more straightforward approach would be for the contracting process to be directly related to the real cost of doing the job, with the margin being that necessary to accommodate unforeseen circumstances. Council, if successful in tendering, would be allocated funds, and expected to handle them efficiently and get the job done, either through its own works team, or by contracting to a private contractor. Jobs, skills training, regular work habits, task completion, and budget management, can be all legitimate and achievable objectives.

Council should, however, receive untied, discretionary funds, preferably as part of the core budget, which council would be accountable for, both to the Territory government, and to the community. In this way, the community, through council, has to identify its priorities, and the requirement of accountability is upheld. Most importantly, priorities are not determined externally.
Under the existing system the over-estimating procedure provides councils which can handle a contract efficiently with a significant 'profit' of untied funds. However, council is then not accountable, either to the department which provided the funds or to the community, for how the 'profit' is expended. This appears to be a negation of the principle of accountability, and an abrogation of the responsibility claimed by Territory government to promote accountability. Whether it is a deliberate or an inadvertent consequence of a convoluted procedure, is unclear. Furthermore, the system institutionalises and rewards over estimating and the submitting of tenders which are known to be well above the real cost. It institutionalises what in other settings would be regarded as illegitimate profiteering. It also establishes expectations on the part of council and community members that a large profit margin is the norm. Far from encouraging efficiency it can easily have the reverse effect, since cost overruns due to padded employment rosters and poor workmanship can easily be absorbed. Councils may benefit in the short term by having a discretionary fund under their control, but this is outweighed by the long term disbenefits of the system. An alternative is untied core funding.

Powers

A major difference between the 1978 and 1985 community government legislation is the increase in powers of community councils. Community government councils now have the authority to levy rates and service charges, and have general powers to 'do all things necessary or convenient to be done... for the performance of its functions and exercise of its powers'. The 1978 legislation gave community government councils the power to enact by-laws. The 1985 revisions added the power to enforce by-laws and impose and collect penalties. This section deals with some of the issues arising from community government powers.

Councils and Other Local Associations

A controversial aspect of the general powers of council is whether existing associations are to be brought immediately under the jurisdiction of council. Most community government schemes include a phrase indicating that council may take over and manage any activity of an existing community organisation as consistent with the functions of council. The pros and cons of this debate have already been discussed. Differences of view between council and some associations have been sufficiently deep that further consideration of community government has been delayed. For example, in November 1986 the community of Yuendumu decided to defer any decision for six months to allow council and community associations time to reach a mutually satisfactory agreement. At community meetings concern focussed on what would happen under community government to the store, the mining company, the cattle company, and the housing association, all independent organisations. While a number of possible structural relationships were discussed (Ellanna et al. 1988, 24-26), the issue was not resolved and Yuendumu had not adopted community government by mid-1988.

Many mixed towns have to decide on an appropriate structural relationship with existing local organisations, the local progress association with its virtually exclusively non-Aboriginal membership and tradition of activities directed to the non-Aboriginal community, and the local Aboriginal advancement association, with its exclusive Aboriginal focus. A 1986 draft of the Borroloola District Community Government Scheme states that:
The council may take over and manage any activity of the Borroloola Progress Association Incorporated and the Warrawilla Association Incorporated consistent with the functions of the council.

A 1981 draft prepared for Pine Creek had a similar clause referring to the progress association and the Pine Creek Aboriginal Advancement Association. When Pine Creek took on community government in 1987 the progress association immediately handed over its remaining balance of funds to the community government council. The Pine Creek Aboriginal Advancement Association, however, continues separate from and independent of council. Even though Aboriginal associations are almost certain to remain in place in mixed towns, it is likely that, as the community council begins to take on functions, there will be jurisdictional matters to be sorted out between the community government council and the Aboriginal association.

Rates and Service Charges

There are usually two ways in which local governments raise some local revenue: by levying rates on land and property, and by setting and collecting charges for certain municipal services. Because small places in the Territory have not been under formal local government until the introduction of community government, they have not been subject to land or property rates. Furthermore, it has not been usual for people to pay charges for certain municipal type services.

In Aboriginal communities, until the mid 1980's, it was unusual for people to pay any sort of service charge. Not only were the minor municipal style services, such as rubbish collection, provided, but user fees were not collected for electricity usage, and rents were seldom collected from house occupiers. There were substantial historic reasons for this practice.

Now, however, both upper tiers of government share a common position that small places in the Territory must be seen to be trying to pay their way (Commonwealth Local Government (Financial Assistance) Act 1986 Section 9, subsection 2(6); NT Local Government Grants Commission 1986). However, levying of rates and setting of charges, and collection of fees are problematic.

Land Rating

Rating of land and collection of rates is not likely to be a significant way of raising revenue in either Aboriginal or non-Aboriginal communities because of the nature of land tenure in each. As the NT Local Government Grants Commission Report (1986, 9) says:

The European concept of freehold land title held by an individual is foreign to Aboriginal custom. In the Northern Territory large tracts of land are held in inalienable freehold title, under the Aboriginal Land Rights (NT) Act. The principal method of raising revenue for local government (namely a land-based rating system) is simply not applicable.

Aboriginal community government councils on inalienable land cannot raise revenue through rates. If the land is not a saleable asset, it has no commercial value. It cannot therefore be rated or valued. Nor is there any way of imposing the usual penalty for non-payment: that is, government seizure of the land or property. Some Aboriginal settlements are located on land held in short or long term lease, either by the community
or an outside agency. Again, land rates would not be an appropriate revenue rating device, primarily because residents do not have the income to pay rates, and are not individual property owners.

In non-Aboriginal communities land is not held in inalienable freehold title. The idea of land rating is to be taken seriously, since it was included in the 1985 Local Government Act for community governments. When the notion of local government is introduced, local people assume that, if not immediately, then within a few years, rates will be introduced. The Territory government and its delegates do not deny this possibility, citing the fact that all other land owners are subject to this form of contribution to the cost of local government and local services.

However, there are problems for community councils in looking to rates as a revenue raising device. In many of the open towns large tracts of land within the town boundary are held not by private individuals, but by public bodies such as the NT Housing Commission, NT Electrical Commission, and the Conservation Authority. They are exempt from paying local government rates. There is:

\[ \text{an express constitutional basis for the exemption of Commonwealth property from local government rates. Similar exemptions also apply in favour of State-owned property under State legislation. Several submissions from local organisations to the Sub Committee, under its immunities reference, emphasised the significance of this problem (Fiscal Powers Sub Committee 1984, quoted in Constitutional Commission 1987b, 230).} \]

Sizeable tracts of land within town boundaries have not been divided into private blocks or business sites, and continue to be held by the Lands Department. Further, residents occupying Housing Commission or other publicly provided houses form a significant part of the population of many towns. As renters, not owners, they are not liable for rates. Likewise, Aboriginals on leased sites, such as town camps or special purpose leases, would not be rated. Conventionally, the rating system is based on the undeveloped capital value of the land. Major developers, such as Renison Consolidated Goldmine in Pine Creek, with its mine site and residential compound, would therefore be charged on the undeveloped, not developed value.

Unless they are compelled to do so by the Territory, it is unlikely that community councils will adopt land rating. The non-Aboriginal core of the communities, and the core membership on the new community government councils are precisely the few private property and business owners who would be most affected. As an example, the people who ran for election in Pine Creek shared one platform: they would not raise revenue through rates.

Service Charges

Community governments are empowered under the 1985 Act to charge for municipal style services. After acknowledging that land-based rating is not applicable to Aboriginal communities, the NT Local Government Grants Commission looked at alternatives to revenue raising, and identified the adoption of service charges. Elsewhere in Australia it is customary for individuals to be charged for the use they make of certain public utilities, such as water or electricity.

This has not been the case in most Territory Aboriginal settlements. The provision of electricity to individual dwellings is quite recent, and not universal. Water is by now

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provided to most Aboriginal dwellings, but in some cases there may still be only outside cold water taps. Also, partly because of low, largely social welfare dependent incomes, and poor quality of housing, house rents have not been widely collected. Both the NT Housing Commission and recently the Aboriginal Development Commission have adopted policies designed to require rent collection. In the case of ADC the Commission’s 1986 Corporate Plan requires that all tenants of Aboriginal housing associations should pay 20 per cent of their income as rent.

All rents collected go to your Housing Association and can be used for repairs and maintenance, rates, wages, and other housing purposes such as building house extensions or purchasing new houses (Aboriginal Development Commission 1987).

Where a community has a separate incorporated housing association it is charged with responsibility to carry out rent collection, and collection of user charges, by:

acting, for reward, as an agent in respect of the collection of electricity charges (Nguiu Community Government Scheme 1987, 5).

While Aboriginal councils, whether or not they are within or outside of community government, are encouraged by the Territory and the Commonwealth to raise revenue by levying charges, people are unused to such charges. Communities have had varying success, first in adopting service charges, and second in collecting the money. Where for example, housing is seriously substandard, people are reluctant to make rental payments of 20 per cent of their income. For a large family this could amount to $400 a month for an overcrowded tin shed with only outside running water. Not surprisingly, people say they are willing to pay rent, if they occupy a structure with the attributes of a habitable house, but say they are not willing to pay rent for the old style town camp corrugated iron shed (Wolfe, 1987b, 73).

Communities benefit in a number of ways from collecting service charges. In some cases the money stays within the community to be used for related services. Councils which are successful in setting and collecting charges are viewed as efficiently and responsibly meeting the criteria for upper tier financial assistance as set out in the Local Government (Financial Assistance) Act (1986). It remains to be seen whether outside service providers continue to maintain or increase their levels of funding to communities, or whether they reduce their contributions in proportion to the charges or rentals collected.

The 1986 Grants Commission Report does recognise several inequities in the way service charges are levied and collected.

in most cases, they are voluntary charges. The Commission was concerned that such charges were generally imposed by and on Aboriginal people, but were not paid by some of the European people and Government facilities which receive the same services.

Generally in Aboriginal communities a single charge covers essential services such as water, sewerage and electricity, and also strictly local government services such as domestic rubbish collection and maintenance of recreation reserves. The single charge is a way of introducing the ‘user pays’ principle.

In open towns, specific charges for services provided by the upper tier of government, such as housing or electricity, are levied and collected directly by the agency involved. In most towns rubbish collection has been carried out under special contract handled through
the progress association. Progress associations are not local governments, and cannot collect service charges. With the introduction of community government, it is likely that councils will contract such things as rubbish collection and the maintenance of town public spaces, and may choose to levy a charge on residents at least for rubbish collection.

Councils, Traditional Owners and Charges

Some complex situations arise in Aboriginal and mixed communities where all or part of the land base of the community government area is held by a Land Trust in inalienable Aboriginal freehold title for the traditional Aboriginal owners. The *NT Local Government Act* confers on a community council the power to do those things necessary to the performance of its functions. Many functions that community government councils undertake occupy parcels of land. However, all or part of the land which the facilities occupy may come under the terms of the Commonwealth *Aboriginal Land Rights (NT)* Act.

When the traditional owners and the community on whose behalf the community government council is empowered to act are the same people, jurisdictional problems may arise. However, they should not be impossible to resolve as there is a convergence of local community interest. But where traditional owners form only part of the community government population (and, as in some cases, are non-residents) problems may arise.

Aboriginal Land Councils are charged under the Land Rights Act with protecting the interests of the traditional owners, and a community government council is charged by the *NT Local Government Act* to act in the interests of the community as a whole. A possible situation, and one which is being played out in several Aboriginal communities with local variations, is as follows. Council is urged by the Territory to set and collect a flat rate user fee for services people receive. Some or all of the facilities, such as the electricity generator or the rubbish dump, are located on land belonging to traditional owners. The Land Council, acting in their interests, seeks in turn, to charge for use of the land occupied by the facilities. Council then resists paying charges which would have to be paid out of the community budget. Less money in the budget could result in either a reduction of community services, or further increases in user fees.

There are other related issues. Community facilities may be located on land ‘owned’ by traditional owners. They were placed there in the past without consultation with the traditional owners. Who then owns the facility: the agency which put up the facility, the community government council, or the traditional owners? A community government council may plan to construct new community facilities which will be of benefit to the residents. The most suitable location for the facilities all or in part, is on land owned by traditional owners. When councils’ rights and responsibilities towards upholding general community interests conflicts with the interests of traditional owners, and the responsibility of the Land Councils to uphold those interests, resolution may be difficult to achieve.

Community government councils have by-law making powers (NT *Local Government Act* 1985, sections 292-295). The power has not been widely exercised by councils. Some councils have introduced animal control and littering by-laws. Others are seeking to introduce an offensive weapons by-law. These have to be carefully considered for their effects within the community, and for their relationship with other statutes. Again, the question of NT community government council jurisdiction with respect to Aboriginal land trust land under Commonwealth jurisdiction is pertinent.
Ministerial Powers

The autonomy of local government is always constrained by the powers held by the upper tier: community government is no exception. Under local government legislation, the minister responsible retains significant powers over the small, remote, and often inexperienced community governments. In addition to the powers already discussed, and responsibility for majority endorsement, the minister has responsibilities and powers with respect to community government financial management.

Community government councils' financial responsibilities have been increased beyond those of progress associations and incorporated councils. Greater local responsibility has been matched by tighter requirements for community government council financial accountability to the Territory. Councils are required to make detailed annual estimates of income and expenditure, to:

\[
\textit{ensure, as far as practicable, that estimated expenditure balances with estimated income (Section 281).}
\]

The minister has the power to withhold subsidies and grants until he is satisfied that council has -

a) discharged a duty imposed on it by this Act;

or

b) fulfilled conditions imposed on it by the Minister in relation to a previous subsidy warrant (Section 282).

The 1985 Act also requires that community government councils be audited annually, whereas the 1978 Act stated that councils could dispense with detailed audits. The auditor must now report, in writing, to the minister any breach or non-observance of the Act (Section 290). Councils may not borrow money without the prior approval of the minister (Section 278).

The minister has ultimate power over community government councils through the power vested in him to recommend to the Administrator of the Territory dissolution of a council (Section 296). While this is a customary power of the minister responsible for local government, the Aboriginal Land Councils take the position that Aboriginal local governments should not be subject to dismissal or control by state or Territory governments.

Review and Commentary

As communities engage in the adoption process, they are required to make many vital decisions, first whether or not to take on Territory local government, then about the electoral system under which the community will operate, and about the functions which the council will carry out. These are written down in a scheme for each community. The scheme is, in essence, the constitution of the council, setting out the details about the where, who, what and how, of each community government. Generally speaking, the councils have enumerated functions and powers, with residual powers residing with the Territory. While a community may exercise choice, and design a scheme specially adapted to its social mix and responsive to its needs, the autonomy of the new local governing unit is constrained by the considerable authority and powers, particularly the financial and dissolution powers, exercised by the minister on behalf of the Territory government.
Adoption of community government by non-Aboriginal communities which have had no prior elected form of local government, can increase the opportunities for local decision-making. The effects on the Aboriginal communities in open towns is harder to predict. Adoption of the Territory community government option by Aboriginal communities which have operated with elected councils, places them under the Territory system of local government, and may restrict future options.

Although the legislation includes measures designed to provide community councils with ways of achieving financial independence, there are such limitations to the local revenue-raising capacity of both Aboriginal and non-Aboriginal councils, that they have little meaningful autonomy. Because of their dependence on upper tier funds and programs they are not in a position to set and implement their own priorities. They are self-managing only in so far as they respond to Territory expectations that they will manage and administer the programs, primarily for physical services and physical infrastructure development, that the Territory wishes to devolve. They thus take on responsibilities without having commensurate authority.

The capacity of community councils for efficient management of these programs is acknowledged to be modest. The success of community government in meeting Territory expectations of efficient services management will largely depend on two things: the effectiveness of government departments in coordinating departmental policies and programs and then coordinating them with councils; and the effectiveness of the support from the Territory and other agencies provide to the local governing bodies to increase local capacity. The following chapter examines this in more detail.

Measures of success from the local perspective are likely to be different from Territory expectations. To a degree unusual for local governing bodies, communities design their own electoral systems. The councils which result may, in some cases, be primarily vehicles for confirming the power base of individuals and/or groups already in dominant positions, to the detriment of broad communal interests, and to the detriment of particularly disadvantaged groups. Alternatively, councils may be sufficiently politically balanced as to work towards assisting minorities and the disadvantaged through concern for more equitable distribution of locally valued resources.

Aboriginal communities have the particular challenge of the relationship between a formally constituted council and traditional decision-makers. The distinction between the whitefella business which councils are responsible for and blackfella business which is the preserve of traditional decision-makers is becoming blurred, especially where both have a bearing on social order and social welfare. Open towns have the challenge of adapting from a volunteer association to formal local government, and in dealing equitably with minority interests, whether they be Aboriginal or non-Aboriginal. In both cases careful selection and phasing in of functions is important, because of the limited human resources available to manage and administer the full spectrum of needed community services.
CHAPTER FIVE

A DECADE OF INTRODUCTION

Whenever local government is being introduced there are two major sets of players: the local community and the upper tier politicians and bureaucrats. If pressures for local government derive from the local level there is some likelihood that some aspects of the form and functions of the new local government may be appropriate to local needs and some, though by no means all, local people will have a commitment to making it work. If, on the other hand, the upper tier has decided that local government is consistent with its interest, the upper tier will be the dominant force in shaping local government and in choosing the timing of its introduction. Lea's monograph on the introduction of local government into the town of Katherine (Lea 1987) and Heatley's monograph on Darwin City Council (Heatley 1986a) both illustrate the dominant role of the upper tier (Commonwealth or Territory) in setting the agenda, and determining the structures and functions of municipal government in the NT. There is little indication that small communities in the NT have been demanding community government, though some express interest when it becomes available.

Other potential players are individuals and organisations with an interest in the political evolution of governance in the Territory and/or concern for the welfare of particular groups affected (Gibbins 1988). In the NT the other players are the Commonwealth, and in particular its agencies charged with responsibility for Aboriginal welfare and land such as the Department of Aboriginal Affairs and the three Aboriginal Land Councils (Altman and Dillon 1988). Commonwealth interest in the evolution and extension of local government in the NT is indirect. The Department of Aboriginal Affairs has not directly intervened in the debate on community government, and is itself engaged in developing a policy on Aboriginal involvement in local government across the Commonwealth (Minister for Aboriginal Affairs 1987). The Land Councils have a stated concern about the extension of Territorial controlled local government to Aboriginal communities (Marshall 1986; Mowbray 1986), but have not expressed a coherent critique or policy response, either individually or collectively. The NT government, in preparing its case for statehood to the Commonwealth, presumes that the Commonwealth expects to see effective and efficient local government under Territory jurisdiction operating in the small communities.

This section focuses on the way in which the NT government introduced community government into small places during the decade 1978-88. Two phases are identified: the laissez-faire phase 1978-85, and the promotional phase 1985-88. Other Territory initiatives which have a bearing on the community government issue, such as the Everingham Five Year Plan to Improve Aboriginal Communities in the NT are also discussed (Everingham 1980). The organisational structures and support programmes of upper tier governments have a bearing on the ability of government agencies to promote and sustain structures of local governance. The latter part of this section examines the extent and nature of supports proposed and available during the two phases.

Laissez-Faire 1978-85

The NT government launched community government with an enthusiastic speech by the Minister of Community Development in support of the second reading of the revised
Local Government Act (NT Parliamentary Record 20 September 1978). The Department of Community Development informed communities of the legislation through existing village councils, progress associations and other local associations. Contacts made by departmental personnel were followed up when communities expressed interest. The legislation requires, however, that communities petition the Minister through a written request with at least ten signatures. Legally the onus of initiating community government rests with the community. A strict interpretation of the legislation requires that communities enter and remain in the adoption process voluntarily.

From 1978 to 1980 no community had finalised community government. From 1980 to 1984 only four places, all of them Aboriginal settlements, had signed up (Table 5).

**Table 5**

<table>
<thead>
<tr>
<th>Community Government Scheme</th>
<th>Date of Minister’s Approval</th>
<th>Date of Establishment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Lajamanu (Hookes Creek)</td>
<td>09.05.80</td>
<td>16.05.80</td>
</tr>
<tr>
<td>2. Angurugu</td>
<td>05.08.82</td>
<td>27.08.82</td>
</tr>
<tr>
<td>3. Milikapiti</td>
<td>30.05.83</td>
<td>17.06.83</td>
</tr>
<tr>
<td>4. Pularumpi</td>
<td>07.09.84</td>
<td>03.10.84</td>
</tr>
<tr>
<td>5. Mataranka (Amendment)</td>
<td>21.05.85</td>
<td>23.05.85</td>
</tr>
<tr>
<td></td>
<td>26.04.88</td>
<td></td>
</tr>
<tr>
<td>6. Elliott District (Amendment)</td>
<td>06.11.85</td>
<td>06.11.85</td>
</tr>
<tr>
<td></td>
<td>19.04.88</td>
<td></td>
</tr>
<tr>
<td>7. Wallace Rockhole</td>
<td>13.10.86</td>
<td>29.10.86</td>
</tr>
<tr>
<td>8. Barunga-Wugularr</td>
<td>16.10.86</td>
<td>29.10.86</td>
</tr>
<tr>
<td>9. Nguiu</td>
<td>16.02.87</td>
<td>20.02.87</td>
</tr>
<tr>
<td>10. Borroloola</td>
<td>06.04.87</td>
<td>08.04.87</td>
</tr>
<tr>
<td>11. Pine Creek</td>
<td>14.05.87</td>
<td>15.05.87</td>
</tr>
<tr>
<td>12. Yugul Mangi</td>
<td>03.05.88</td>
<td>25.05.88</td>
</tr>
<tr>
<td>13. Nauiyu Nambilu</td>
<td>25.05.88</td>
<td>01.06.88</td>
</tr>
</tbody>
</table>

Mataranka was the first open town to adopt, followed by Elliott, both in 1985. During this phase, the Department of Community Development (DCD) seems to have taken the passive stance that community government existed simply as an available option. The
Department worked with communities which expressed interest but did not actively promote adoption. At first the Department believed it had to:

\[\text{hasten slowly and test community government with communities that were willing and interested in it (Loveday 1987, 2).}\]

Aboriginal communities, already struggling with the problem of making elected village councils work effectively, appear to have been indifferent to the opportunity to take on formalised local government. As Loveday, quoting Coombs, points out in chapter 3, they had been unable to resolve several major difficulties with existing councils, among them the legitimate authority spheres and power relationships between elders and traditional leaders and elected representatives; between Aboriginal land owning groups and elected representatives; and between powerful clan groups and an elected council. Elections and representative councils simply do not fit well with traditional notions about how leaders are identified, or traditional notions about how and to what ends leaders exert power and influence. Neither community members, nor even councillors, feel bound by council decisions when these decisions contradict personal or group interests or values (Coombs 1978).

On matters of community concern, such as social wellbeing and social order, the distinction between 'blackfella business', that is, matters about traditional land, law and ceremony, and 'whitefella business', that is, all matters arising from the demands and expectations of white Australia, including the formal machinery of government, is especially blurred. Neither traditional leaders nor contemporary councils have sufficient acknowledged authority to deal adequately with these problems. Administratively, councils have not been judged by the Territory bureaucracy as particularly efficient or effective in handling financial matters or getting tasks coordinated or completed. For these and other reasons, they had been delegated authority over relatively few matters considered significant by relevant Territory departments or by the communities.

Opposition member Brian Ede provided a perspective on the experience of Lajamanu (Hooker Creek) during a Legislative Assembly debate on the government's Aboriginal Affairs Initiative in 1986.

\[\text{The first community that took up the offer was in my electorate, Lajamanu. That community has had a chequered relationship with the scheme. In the early years it was very happy with it. The people felt it gave them the ability to perform quite a substantial number of functions they had found it difficult to carry out before. Unfortunately after one or two others developed community government it appeared to the Lajamanu community the pressure was off the government to take not of it (sic) because it had other communities which it could hold up as ideals. Lajamanu was out of fashion, as people described it here.}\]

\[\text{The people of Lajamanu decided to utilise some funds which they had saved from the program to put a road through to Tenant Creek, which the officers of the public service or the Minister or whatever did not agree with. The full weight of the bureaucracy came on the community, and the people learnt that while you may appear in principle to have the ability to manage your own affairs under this bill, the bureaucracy has a very tight rein on it all the way through (NT Parliamentary Record 20 November 1986, 19-20).}\]

It is hardly surprising, then, that communities were not rushing to adopt the new system: a system which inevitably raises expectations about how locally important matters will be...
dealt with, and raises expectations of the Territory bureaucracy and government about which functions councils will undertake and how effectively they should perform.

The predominantly non-Aboriginal or mixed open towns were even slower to adopt, even though several had expressed an initial interest. The response of several communities to the community government option will be presented in detail in the next chapter. However, a brief overview of the Pine Creek experience is illustrative of how slowly the process of community deliberation worked.

In August 1979 the Pine Creek Progress Association at its monthly meeting held a vote as to whether Pine Creek should put forward a written request signed by at least 10 signatures to the Minister re further inquiries on establishing Community Government, the vote resulted in a 20-3 in favour of initiating this step.

On the 16th October, 1979 at 8 pm I [the Regional Officer, DCD, Katherine] attended a public meeting to discuss the issue of community government further. Mr. L. Burridge (DCD) was present as the Minister’s nominee pursuant to Local Government Act s.429. Unfortunately this meeting very quickly became a clash of local personalities...

... a number of people felt they had not been informed adequately prior to the meeting... at approximately 10.30 pm Mr L. Lawrence put a motion (sic) to the meeting that a vote be taken to assess the feeling of those present as to carry on with a Community Government scheme or not. A secret ballot was held... The result, 12 voted in the affirmative, 14 against, 1 abstained; a number of proxy votes were put forward but not allowed.

Since this time interest and local discussion continued to be shown culminating in a written request from the Progress Association to this office for further discussion on the issue. Notices were placed around the community notifying everyone of the main purpose for the meeting to be held 25th February (1981) at 8 pm.

Some 26 local residents were in attendance and approximately 2 hours were spent in a question and answer format to discuss Community Government. Again a motion was put to the meeting that the original request for community government be reactivated and that assistance be given to presenting to the next meeting (25.3.81) a draft scheme for discussion, the motion was passed unanimously (Department of Community Development, Katherine 1981).

A draft scheme was developed, but the interest of both the community and the department was insufficient to sustain the modest momentum, until DCD reactivated the process in 1986 in the second, promotional, phase. By early 1987, six years after it had first received a draft scheme, the Pine Creek Progress Association and the community were again considering a draft community government scheme. The community adopted community government in May 1987, eight years after discussion was initiated.

The Everingham Five Year Plan

During the 1978-85 phase community government was not the only Territory initiative directed towards Aboriginal communities. The NT government also undertook work towards development of a five year plan:
to bring about a significant improvement in the environmental conditions of Aborigines in their remote communities in the Northern Territory (Everingham 1980, 2).

In 1980 Chief Minister Paul Everingham tabled three draft reports: a discussion paper on the Development of Aboriginal Rural Towns, from the NT Department of Health; a Five Year Development Plan for Essential Services at Remote Communities, from the Department of Community Development; and a Proposal for Achieving Improved Housing Conditions for Aboriginal Communities in the Northern Territory from the NT Housing Commission. The essential services and housing components can be regarded as specific targets within the broad development plan.

The document illustrated the government's concern for shortcomings in the quality and quantity of essential services and housing, and deficiencies in employment opportunities and skills levels in Aboriginal communities. Furthermore, it recognised the interrelatedness of these problems and emphasised that they need to be addressed in a coordinated manner over a period of several years, if substantial and positive change was to be achieved. To use departmental resources more effectively and get them coordinated the Chief Minister proposed:

... a high level task force to implement the plan. It will consist of the Secretaries of the Departments of Transportation and Works and Community Development under the Chairmanship of the coordinator general of my department (Office of the Chief Minister)... The Secretaries of the Department of Health and Education will be seconded to that committee as and when required (Everingham 1980, 6-7).

There was, moreover, an acknowledgement of the need for input from the beneficiaries of the proposed plan, the Aborigines of the Territory. During the 1970's there had been important shifts in thinking about the role of public input in policy formulation and the process of implementation of community development. In keeping with the philosophical shift the Minister stated:

... it is important that the development of a 5-Year Plan be undertaken with the communities themselves to ensure that the plan reflects the need and priorities as they see them. This approach will also ensure that communities are conversant with proposals and are themselves committed to them. Such community commitment is as important as government commitment if the final products are to be accepted and used in the manner intended (Everingham 1980, 5).

The Department of Health plan proposed that:

... a consultative Aboriginal group (a council) be established to advise Government on the policies and programs relating to health, education and community development in the Aboriginal communities (Everingham 1980, 6).

The Everingham 5-Year Draft Plan did, therefore, recognise the importance of consultation with and input from the ultimate clients at the policy-making level, and at the community implementation level. However, it made no reference whatsoever to community councils or to community government councils as bodies for consultative or implementation purposes.
For the Territory to act on the recommendation and include Aborigines in the consultative process would be a substantial step to take. For it to heed advice received, and to act on it, would be an even greater step. Often when consultative groups are set up they have no power or authority to have their recommendations incorporated into policy, programs or implementation. The result is expenditure of energy on the part of those involved and cooption of the consultative group into the system, with little or no real impact on outcomes of decision-making.

The Department of Health’s discussion paper identified three main aims: development of a Comprehensive Vocational Training program; development of a safe and appropriate physical environment for rural Aboriginal families; and promotion of Aboriginal community development (Department of Health 1979, 13-18).

The five-year plan for essential services in remote communities recorded that:

The Government is putting the finishing touches to a five-year plan to bring essential services in remote communities up to a good standard.

The preparatory work has been carried out by the Department of Community Development with cooperation as necessary from the Department of Transportation and Works, Health, Education, and the Commonwealth Department of Aboriginal Affairs (Department of Community Development 1980, 1-2).

The approach to the task was organised in three progressive stages:

1. an inventory of existing services;
2. consultation with 40 major communities and appraisal of 530 institutions to assess total requirements;
3. written acceptances by communities of discussions arising from (2) (Department of Community Development 1980, 1-2).

Attachments provided a detailed breakdown, by community, of cost estimates for upgrading of the following essential services: electricity supplies, water supplies, sewerage works, public toilets, airstrip works, road works and drainage, cyclone shelters, barge landings, other items (mainly fencing) and town camp improvements.

The system of public works contracting to community councils (see Chapter 4) which has evolved in the NT is foreshadowed by the statement:

Because the program for remote communities could have a substantial impact on the normal Civil Works Program, the Government is looking at the possibility of developing a separate program technique which will enable communities to have an involvement with the contractual process and supervision of the work with the assistance from appropriate Government Departments. This will have the added advantage of involving the communities as well in the timing and priorities of their individual programs (Department of Community Development 1980, 2).

The proposal for achieving improved housing conditions presented a review of problem areas and a set of recommendations. Problems identified included: lack of staff housing in Aboriginal communities for the majority of Aboriginal NT public service staff; tensions arising when non-Aboriginal and non-local staff get housing priority; provision of the 2,400 homes estimated to be required; and housing where Aboriginals cannot
afford, or do not want, conventional or permanent housing. Among the recommendations were proposals for Homemaker Services, and for technical and vocational training directed toward housing construction skills (Northern Territory Housing Commission 1980, 20). The Commission outlined a five-year program for building ten houses a year in thirty selected communities at a unit cost of $30,000-$35,000, based on 1979 prices, representing an expenditure of approximately $9 million per year.

Where did the 1980 preliminary planning exercise lead? As far as can be determined it did not result in a 'coordinated and integrated development plan'. No Aboriginal consultative council was set up and listened to. Communities, whether they were under community government or other forms of local governance, do not claim to have been much more effectively consulted as to their priorities for essential services than previously. It is fair to note, however, that essential services upgrading has continued, albeit on a piecemeal basis, over the intervening seven years, and that new houses have been constructed in the settlements.

The Everingham Plan 1980 appears to have been developed with little or no explicit reference to what preceded it, and no acknowledgement of the actual dangers inherent in the gap between stated intent and actual implementation. In the 1985-88 proactive phase of community government promotion DCD has initiated another round of identification and cost estimation of essential services upgrading in the communities. However, no reference seems to have been made to the 1980 documentation, or to the substantive difference between needs inventory, plan, and implementation which failures of the Everingham plan so clearly illustrate. There is, apparently, no Departmental sense of 

deya vu.

There are rapid changes in personnel in the Territory, with new staff being added, and middle and senior staff transferred to other departments. Consequently there is a weak corporate memory in DCD and in Transport and Works, although a few individuals who have been in the Territory bureaucracy for several years must be conscious of being on a 'here we go again' merry-go-round. Departments carry out detailed needs identification at about five year intervals, but little happens in the interim in terms of coordinated services planning and implementation within the communities.

At the national level there continue to be calls from task forces (Miller 1985) and joint commissions, for Aboriginal input into policy development, and Aboriginal control of policy for community health and education and training, but no effective mechanisms have actually been developed and implemented either at the national level or in the Territory.

Everingham refers to 'policies of self-determination, self-management and self-reliance', and the Department of Health paper seeks 'promotion of Aboriginal community development'. However, nowhere in the plan is there any specific reference to the local level structures for community governance which are already in place, such as the community councils. Neither is there any reference to the structures which the Territory itself is slowly putting in place, community government councils. This reinforces an interpretation that small community councils, if they are regarded as having any importance at all, are seen only as instruments for program delivery, not as potentially significant elements in a process of local level Aboriginal community development.

Promotion 1985-88

From 1985-1988 the NT government actively promoted adoption of community government by small communities in the Territory. DCD initiated a vigourous program
explicitly designed to bring the 50 or so major Aboriginal communities and the open
towns into formalised local government over a period of two to three years.

Several reasons have already been cited for the Territory's promotion of community
government, but it is necessary to bring them together to appreciate the government
agenda.

In 1986 the government, with support from the opposition ALP, committed itself to
pursuing full statehood (Chief Minister NT 1986). Extension of local government to all
settlements and across all parts of the Territory is a demonstration of Territory control
over its land and its people: a plank, albeit a small one, in the statehood platform.

As a result of the National Inquiry into Local Government Finance (Self 1985):

money made available to local government under the personal income tax
sharing scheme of the states and the Commonwealth was extended to
Aboriginal communities... The Commonwealth Financial Assistance to
Local Government Act (1986) gave effect to this, and the NT's June 1986
legislation setting up a Territory Grants Commission created the
machinery for allocating the Commonwealth local government funding. It
is at the annual discretion of the NT Minister whether the Grants
Commission will also be asked to advise him of the allocations of NT local
government funds. So far, since its inception in 1986, the Territory Grants
Commission has been asked to recommend on the distribution of the NT
local government funds as well as Commonwealth funds. The communities
which have taken community government under the NT Local Government
Act get Commonwealth funds by right. Those still under the Associations
legislation are declared to be local governing bodies, as distinct from local
government bodies, to enable them to share in the funding. This status is at
the discretion of the Commonwealth and NT Ministers (Eillana et al 1988, 20).

The review of Aboriginal employment and training programs (Miller Report 1985):

identified appropriate government structures as one special issue in this
connection, structures which would give Aborigines greater control and
more regular and appropriate funding for community council operations
(Loveday 1987).

This has been interpreted by the NT government as an endorsement of and encouragement
for the extension of Territory local government into Aboriginal communities.

Community government legislation provides the NT with a means to test the relative
powers of Commonwealth Aboriginal Land Rights legislation and Territory Local
Government legislation, since both are operative in Aboriginal settlements. Community
government legislation provides the Territory with a legitimate legal tool to challenge the
power and influence of the Aboriginal Land Councils over Aboriginal land and Aboriginal
people, with a view to limiting that power.

The latter two points are implicit in the NT government's agenda, rather than explicit.
The Land Councils, however, interpret the promotion of community government to
Aboriginal communities as a challenge to their authority. Together the points provide a
strong rationale for the Territory's efforts to get communities to adopt community
government.
The next section examines DCD’s promotional activities, the initiation of ancillary support programs, and some of the responses to the initiatives on the part of communities and interested parties such as the Land Councils.

‘Action Research’ and Electoral Schemes

Anthropologist David Turner, a Canadian, was hired as special consultant to the Minister to assist in the development of community government schemes, and to report, among other things, on the potential of the revised community government provision. Turner had considerable field experience in Aboriginal communities on Groote Eylandt and in Arnhemland.

To undertake what he described as ‘action research’ (Turner 1986) Turner accompanied a DCD staff member on visits to Aboriginal communities that had adopted community government, and to Aboriginal communities and open towns that were considering it. It is not the intent here to provide an exhaustive summary of Turner’s 1986 report, or to offer a detailed critique: rather it is to highlight his contribution to the community government adoption process.

As consultant to the Minister, Turner took the community government provision as a given. He did not reflect in any depth on the implications for Aboriginal communities of accepting formal local government within the Territory framework.

Turner endorsed community government with the argument that Aboriginal affiliation and association with the land carries with it notions that land areas are ‘bounded’ and ‘heritable’. He maintains that these notions are conceptually similar to the ‘bounded jurisdictions’ of the local government system established by nineteenth century English, Scots, and Irish settlers of the Ottawa valley area of Canada with which he is familiar. Further, he states that Aborigines have a predisposition towards interdependence and accommodation. Hence, Turner argues, Aborigines should not have much difficulty with community government, through which, for example, people may collectively identify community boundaries and select an electoral system tailored to reflect their social composition. Mowbray (1986, 33) draws attention to the Turner interpretations in these words:

Part of its (DCD’s) rationale for pursuing this policy is said to be the anthropological discovery by Professor David Turner of an essential correspondence between Aboriginal culture and Anglo-American local government. In his Foreword to Turner’s report, the Minister for Community Development is able to announce the ‘very interesting’ finding that ‘Aboriginal clans... are like European local government-type jurisdictions. Aborigines can easily translate one into the other’ (Turner 1986, ii). Turner himself writes that ‘Aboriginal culture is inherently a municipal culture - only more so’. and that ‘Aboriginal societies can be seen as variants of the municipal (ward) principle’ (Turner 1986, 9, 142).

The Turner thesis is provocative. However, the notion of formalised reciprocity is a more widely accepted interpretation of Aboriginal inter-clan and inter-horde relationships, as Turner himself describes elsewhere (Turner, 1980). Further, Loveday and others have graphically described the complex and difficult adjustments which Aboriginal peoples go through when municipal style council government is introduced into Aboriginal communities (see chapter 2). Turner offers no framework for comparative analysis of local government-type systems or community decision-making processes. Neither does he perform any such analysis. He simply draws a conclusion.
COMMUNITY GOVERNMENT

A NEW STYLE OF LOCAL GOVERNMENT

that provides the opportunity for all small, isolated or dispersed communities throughout the Northern Territory to accept responsibility for the management of their own affairs.

Community Government Pamphlet
Turner's most interesting contribution is the demonstration of ways in which the community choice elements of the electoral system provision (by which each community may determine for itself the way community subgroups are represented on an elected council) can be adapted to reflect community socio-political structures. Turner brought the indigenous social structures within contemporary Aboriginal settlements to the attention of Territory level DCD personnel, and made them aware that the dominant affiliation groups vary from one settlement to another. Working alongside the DCD staff member with community leaders and some community members, he contributed to the shape of the electoral system adopted in places like Barunga-Wugularr by opening up discussion on options.

During the pre-1985 phase only one of the six communities which took on community government had utilised the flexible provisions of the Act to adapt the electoral system to reflect existing community social structures. Angurugu utilised clan groupings (Figure 7). After 1985 it has become the norm for Aboriginal communities to develop draft schemes which reflect the current community social structure. Barunga-Wugularr uses both wards and language groups in its electoral system (Figure 8). Nguju proposes to recognise four skin groups, while Santa Theresa (Lyentye Purte) and Daguragu are contemplating drawing councillors from male and female skin groups (Figure 9). There is, however a growing concern among regional DCD staff that skin groups are not important to all Aborigines and that they may not be the most appropriate substructures on which to base electoral systems.

Turner observes in his report that councils and community members were most involved and contributed most actively to discussion when this aspect of each scheme was on the agenda. He does not discuss the political implications for the community of electoral systems which essentially reserve seats for community subgroups. Also he makes no suggestion about what mechanisms can be used if the composition of the community changes. This is a common occurrence in Aboriginal communities, when groups remove themselves to establish outstations, or when a settlement experiences substantial immigration of newcomers.

Turner provides little discussion of Aboriginal political and power structures of the sort that Coombs (1978, 1980) and Gerritsen (1982) are concerned with: that is, how do the elected representatives identified through externally derived and legally legitimised systems, and leaders who have legitimacy and authority through traditional processes work out their respective spheres of influence and power. Implicit in the Turner report is the belief that if the community and DCD get the electoral system worked out so as to reflect community subgroups this will solve the tensions between traditional leaders and elected councillors. But this is unrealistic. And, as Bob Collins observed in the 1986 Legislative Assembly debate:

the politics of these small communities were vicious - and they still are, I might add. This is not just a phenomenon in isolated Aboriginal communities in the NT, but in any small community (NT Parliamentary Record 20 November 1986, 43).

Promotional Activities and Community Responses

Several other initiatives indicate the nature of the NT government's commitment to promotion of community government in the 1985-88 phase.
COMMUNITY GOVERNMENT SCHEMES

A Community Government Scheme can be different for each community.

Because many communities are different, they may have different needs and problems to solve.

For instance, one community might want to hold elections for members of their Council. Another might decide to appoint members to the Council.

Each community can choose the type of Community Government Scheme that is best for it.

When a community decides what type of Scheme would work best in its area, the people can write down a list of the things (or functions) they want the Community Government Council to do.

Promotional Booklet: Community Government Schemes

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A full-time position was created in DCD’s local government section for a person to visit communities and carry on a consultative process. The simple five page mimeographed pamphlet describing community government, which was used during the early phase, was replaced by a small illustrated booklet (Department of Community Development 1985). The booklet uses straightforward language: for people who are literate it is a clear exposition of what community government is all about. In 1987 another lengthier booklet, Community Government: 100 Questions and Answers, was produced by the Office of Local Government, by then the agency responsible for community government (Office of Local Government 1987). During the Turner consultancy DCD commissioned the making of a promotional video to be used with communities considering community government (Department of Community Development, 1986). The video, Taking Care of Business, uses the Aboriginal settlement of Milikapiti, on Bathurst Island, as its case for community government. It is oriented towards Aboriginal community adoption not to open towns. In 1988 the Territory brought out an annotated version of Part V111 of the Local Government Act (Northern Territory of Australia 1988).

There are some statements in the 1985 booklet which are worth examination. The introduction states that: ‘Community Government is a type of local government which is less complicated than the large town councils’. But as this study is illustrating, community government is more complex than many people in the Territory government and bureaucracy seem to acknowledge. Also the booklet draws attention to one of the more controversial electoral scheme options by stating that:

... one community might want to hold elections for members of their council. Another might decide to appoint members to council (Department of Community Development 1985, 2, emphasis added).

One community, Yugul Mangi, has availed itself of this option and proposes to select members of council by agreements between eligible members of specific language groups.

The booklet also states that:

not every community can have Community Government. Some very small communities and outstations may not have enough people for a council to be set up (Department of Community Development 1985, 1).

However, a community of under 100 people, Wallace-Rockhole, has been granted community government.

The booklet continues:

In a number of places it will be necessary to have a council covering a very large area of land, and looking after a number of small communities and outstations.

The booklet thus affirms the government’s position that attempts should be made to get sets of small communities to link into unitary councils. However, local sentiment is often against the amalgamation of small places under one council, whether the communities are non-Aboriginal, or Aboriginal town camps, or outstations. The experience of Batchelor and Adelaide River (Chapter 7) elaborates on this theme.

During 1985 and 1986-87 the DCD community government staff officer, sometimes accompanied by a second staff person, sometimes by consultant Turner, vigorously engaged Aboriginal communities and open towns in a process directed to community
government adoption. The process places heavy demands on the DCD field officer. In one week the officer may visit three or four communities, including large and small Aboriginal settlements, open towns and Aboriginal town camps. The communities are very different in their social structure, recent history, power distribution, experience with local government and administration, and their level of interest in community government. Some communities are enthusiastic, some are cautious, and others are skeptical about community government.

The DCD officer has not only to come to grips with unfamiliar Aboriginal cultures and value sets, which differ in subtle but critical ways from place to place and region to region, but also has to perform an unusually wide ranging set of roles. The officer functions as educator, persuader, facilitator, mediator, power broker, researcher, liaison person, and salesperson. Inevitably, the officer is doing a great deal of personal learning about each of the communities, community issues, and community personalities, and is having to work out, on the job, how best to handle all of these.

Furthermore, each community has its own special set of local concerns and priorities. The officer may not be well briefed, or have the authority to respond to the priority concerns that are brought forward in each community. Yuendumu, for example, had been trying to work out how existing formally constituted and incorporated associations, such as the Housing Association, will relate to a formalised community government council. Should they retain autonomy or come under the jurisdiction of council? Pine Creek residents wanted to know how they would be affected by land rating. Mataranka's newly elected president and council secretary wanted more efficient lines of communication with key Territory departments, including DCD.

The field officer learns how to respond to one set of issues, only to be confronted by a new and different set in the next community. This is indicative that DCD (and its successors) has not been able to think through the implications of community government and has not developed a set of responses and procedures for handling issues.

Since it is the stated intent of the NT government to extend community government across all eligible communities, the DCD officer is the primary informant, as well as promoter. But information on the implications for communities of making particular choices is unavailable. One of the reasons that communities take too much time and go through so many draft schemes is that they are having to work out all the implications for themselves. They have not been assisted with information to help weigh the community government option against maintaining the status quo. Neither the NT government nor the Land Councils, nor the Department of Aboriginal Affairs, or Aboriginal Electoral Information Service have taken on responsibility to assist communities in a careful assessment of the options, the costs and benefits to the community of one form of local governance over another, or the implications of the choices inherent in the community government option.

**Territory Supports to Community Government**

A new form of local government requires some new structures and ways of doing things, or adjustments to old ones, not only within the communities affected but also within the upper tier of government. This section examines what systems the Territory had in place, and what it has been developing to support the embryonic community governments.

The NT government set out the broad structure of community government by passage of the *Local Government Act* 1985. The upper tier, both implicitly and explicitly, has expectations about what the new governments will do and how they will carry out their
duties. The expectations were given clear voice in the Legislative Assembly. They are implicit in the types of scheme promoted, and in the Territory presumption that community governments will take on specific functions, such as carrying out physical service provision.

However, the onus of making community government work cannot rest with the local communities alone. Territory agencies play a vital role. The Territory already has in place some structures for interacting with local communities: funding procedures, capital works programs and so on. This section gives attention to three sets of questions. How well prepared was the NT government to handle the transition from associations to community governments? What new structures has it set up to interact with evolving community governments? What special support programs has it developed or is it developing to deal with new needs and new demands?

Structures and Supports: Laissez-Faire Phase

Passage of community government legislation in 1978 was coincident with two major changes in the NT. The Territory took on an expanded range of functions which devolved from Canberra when the NT was granted self-government. The Department of Community Development was made responsible for additional functions. In August 1980 the Community Government Division of DCD was created to assume responsibility for the provision of essential services and local government functions for Aboriginal communities. Then the mandate of the Commonwealth Department of Aboriginal Affairs (DAA) was shifted from policy and program matters to policy development and administration. While this affected all the states, it was especially important in the Territory where DAA has a very active presence. Hence further responsibility for DCD and the Community Government Division in the development and administration of programs for Aboriginal communities.

The division of responsibility between Territory and Commonwealth is not, however, clear cut. The NT government has taken on a policy development role vis a vis Aboriginal people in the Territory distinct from that of the Commonwealth. The Territory's philosophical and political stance is to view Aboriginal people as an integral part of the whole territoran community. No special NT department of Aboriginal affairs was set up. However, the Territory did acknowledge that Aboriginal communities have special needs. An Aboriginal Services Department was established within DCD, with responsibility for providing infrastructural assistance to major and minor Aboriginal communities. The Commonwealth DAA retained responsibility for outstations and the multipurpose resource centres which provide the outstations with most of their services. The division of service provision between the Territory and the Commonwealth is a matter of deep concern to outstations when the Territory promotes the idea that they should join into consolidated community government councils.

The communities still administered through incorporated community councils as well as those under community government fall within the jurisdiction of the Aboriginal Essential Services Department and the Community Government Division of DCD (until 1987). Open towns are administered directly by the Territory and specialised services delivery departments, with local liaison being performed by local progress associations. Services to Aboriginal town camps may be provided through DCD, DAA, and the Aboriginal Development Corporation (ADC), with no clear responsibility being assumed by any one of them. Small places in the NT consequently vary in their administrative status, and receive services through complex delivery systems.
The Community Government Division became responsible for community governments and Aboriginal community associations incorporated under other Acts. The new division set as its objective the provision of local government and other municipal services to major Aboriginal communities through council subsidy programs. Five specific goals were defined:

- development of appropriate council structures to facilitate community government sponsored programs and to ensure maximum Aboriginal involvement in their implementation (emphasis added);
- ensuring that sufficient money, advice and technical assistance was available to communities to carry out programs;
- development of appropriate budgeting and administrative systems to suit Aboriginal communities;
- extension of municipal programmes to developing communities;
- development of management and skills training programs for council staff.

The way in which the division has addressed the first goal has been discussed earlier in this chapter. The others will be considered, though in less detail, in subsequent sections.

In the period following the transfer of essential services programming from the Department of Transport and Public Works to DCD, DCD has been very much tied in to the existing Transport and Public Works Town Management and Public Utilities (TMPU) program. DCD split its local government, community government and other local governing body operations into two geographical regions: the Northern Region, having responsibility for Darwin, Katherine and East Arnhemland areas; and the Southern Region, having responsibility for Alice Springs, Tenant Creek and the Centre. Overall control was exercised by the Darwin office. However, according to DCD, each of the regions was virtually autonomous. Divisional officers place different interpretations on departmental policies. Most of the goals continue to be a long way from being achieved.

There are exceptions. The Territory placed a high priority on financial efficiency and accountability on the part of communities. While not required prior to the passage of the Act, or when the first communities adopted community government, a standardised bookkeeping system is now in place. Introduced in May 1982, it was not restricted to community governments. By 1983 it was in use in 25 Aboriginal communities, even though only one had adopted community government. By 1988 the majority of Aboriginal communities were using the system.

DCD's goal was to have standardised bookkeeping procedures operational by community government councils and incorporated councils. The division declared its intention that new council staff would continue to be trained in the system through one week courses in the community or in a major town in the Territory. Division field officers also received training. A Community Government accounting procedures manual was produced to guide community staff in implementing the new procedures. A revised, illustrated version is being used as a training manual. There should, therefore, be a relatively smooth transition from association status to community government with respect to bookkeeping and accounting in Aboriginal communities.

For open towns, where money for specific projects was handled in an ad hoc fashion by volunteers in progress associations and by nominees to boards of trustees, new procedures
have to be put in place. Furthermore, the Territory seems to have encountered difficulties in identifying precisely what monies have gone into the communities, and for what purpose. When Pine Creek and Batchelor and Adelaide River were considering the implications of adopting community government in 1986-87 they requested DCD to give them a detailed breakdown of what local government type monies had been allocated and what services they had been spent on. The towns wished to use this as input into the decision on which functions their community government should take on. DCD found it difficult to provide this information on short notice.

Absence of a pre-set system for transition may allow some responsiveness on the part of upper tier government to specific and unusual community requests. On the other hand it reinforces a perception in the communities that the bureaucracy is inept and already overloaded. And it may deter communities from taking on community government if they perceive it means having to deal with a bureaucracy that is not well prepared. In the communities it fosters a sense of uncertainty, insecurity, and lack of confidence in upper tier government. Further, it reinforces a style of political administration typical of the NT, whereby local power brokers put pressure on Territory power brokers (usually those in the political rather than bureaucratic system), because that is how to get things get done. Projects happen by personal intervention. Either bureaucratic channels do not exist, or they do not function well enough. Movers and shakers use their personal networks and personal influence to by-pass what are perceived to be inefficient or unnecessary bureaucratic procedures.

Structures and Supports: Promotional Phase

The previous section pointed to some new structures which were being put into place. These might perhaps have been adequate for a slowly changing system, whereby one or two new community governments came on stream voluntarily each couple of years and the Territory had time to work each community into its own evolving structures. But 1985-87 was the period of promotion of community government, and, at the same time, a period of increasing questioning by potential adopters.

Given these pressures, what new structures had the upper tier prepared, to interact with and support the existing community governments? The question can, in part, be addressed with reference to the problems the Territory bureaucracy and government experienced in dealing with the implementation of a new set of funding arrangements for small communities.

Loveday (1987, 2-3) sets the scene:

In 1985 it (DCD) decided to transfer responsibilities for programming essential services from the Department of Transport and Works to DCD and to increase the Aboriginal participation in identifying their needs and in designing, constructing and managing essential services within the communities. Arrangements with Transport and Works were virtually completed in 1985.

Loveday then goes on to detail the funding confusion.

The important things for our purposes here are that the Commonwealth financial assistance money is untied money, and it goes to Aboriginal councils not to the Department. At the same time DCD began to untie some of its money, the TMPU (Town Management and Public Utilities)
funds and some of the Transport and Works essential services money (AES: Aboriginal Essential Services funds) and add that as an operational subsidy to the pile which could be allocated by the Grants Commission to Aboriginal communities.

In 1986, however, these arrangements did not work out quite the way that many people hoped. In its report, the Grants Commission noted that it had told the representatives who attended its hearings that the increased level of Commonwealth funding to local governing bodies has been offset by an equivalent reduction in the Commonwealth's general funding to the Northern Territory (Grants Commission 1986, 4).

It had been stated publicly that the total Commonwealth-NT funding to non-municipal local governing bodies would not be reduced. Communities, however, had been hoping that the Territory would not reduce the amount of its funding, and that the Commonwealth's money would increase the total funds available for local government. Moreover, they hoped that the 'extra' money would be untied. The Commission itself said that:

this means that the local governing body receiving this grant is free to use it for whichever purpose it sees appropriate (NT Grants Commission 1986, Appendix 2).

But the NT government did reduce its funding by the amount of the Commonwealth money, leaving councils in much the same position for 1986-87 as they had been before. Since essential services are a first charge on a council's funds this effectively prevented the 'untied' money from the Commonwealth being used for any other purpose. Needless to say, some Aboriginal communities thought this was 'all double talk', and resented the frustration of their hopes of getting genuinely untied money. The prospect of untied money had offered some hope of starting up the revenue raising activities which the Grants Commission had stated would be taken into account in future allocation of grants to the communities (NT Grants Commission 1986, 7).

Barunga-Wugularr, Milikapiti and Bathurst Island communities expressed particular concern and confusion over the reduction in TMPU funds by the Territory, citing Commonwealth assurances that the Grants Commission funds were extra and untied. This illustrates what non-Aboriginal as well as Aboriginal communities perceived as misleading information about funding levels and untied money for community governments. It also demonstrates the ad hoc character of the NT government's responses, as it struggles to cope with changes initiated by the Commonwealth, over which it can exert no control, and changes in community governments, for which it is ill prepared despite the fact that it created them itself.

The Territory government initiated another major sequence of changes when the re-elected Country-Liberal Party again restructured the Territory bureaucracy after the March 1987 election. In the restructuring, both Aboriginal services and community government seemed to have been overlooked. By their very nature they do not fit well into any single department. Aboriginal and non-Aboriginal small settlement needs are small and modest compared to the Territory population and economy as a whole, and they cut across conventional departmental structures. Hence the rationale, in 1980, for bringing the pieces together into two subsets, Aboriginal services and community government, and placing them within the multipurpose Department of Community Development.
The three 1987 Territory bureaucratic mega-groupings, production/promotion, administration, and services, do not easily accommodate the integrated and small-scale needs of small communities, especially when that constituency does not have an influential voice in government. Part of the former Community Government Division, the promotional part, found itself in Treasury, while some of the services were put into Health and Community Services. In the twelve months following the bureaucratic restructuring, both community government and Aboriginal field services continued to be moved around. Community government experienced five different directors, two or three different ministers, and two different offices in the twelve month period. As of July 1988 community government became a responsibility of the Office of Local Government which was placed under the Department of Labour and Administrative Services. Clearly neither the structures which had been established in DCD, nor the Territory government's stated commitments (NT Parliamentary Record 24 April 1985) were firmly enough established or sufficiently influential to survive restructuring intact.

From the communities' perspective this is simply a repetition of a familiar and expected pattern: promises, commitments, and tentative emergence of some useful support structures, followed by hiatus or confusion as the upper tier again makes its adjustments in response to pressures which have little or nothing to do with Aboriginal or small, remote community needs.

Concurrent with the promotional phase, the Territory again took initiatives directed to improving conditions of life and livelihood in the communities. Three components stand out: the physical infrastructure of communities in the form of so-called essential services, including housing; economic development; and training. It should be recalled that these were the three key components of the 1980 Everingham Five-Year Plan.

**Essential Services**

Major disparities continue in the level of physical infrastructure (essential services) between non-Aboriginal and Aboriginal settlements. Despite increased expenditures since the mid-1970's this is still the case in the NT. During its tour of the Territory's smaller communities the Commonwealth Grants Commission expressed concern over visible essential services disparities. The Commonwealth government has a formal commitment to ensuring that Aboriginal essential services are at levels and meet standards which are equivalent to those in much of the rest of Australia.

Back in 1979, the Department of Health draft plan proposed a 'basic needs list' as a first requirement to setting a minimum standard of services for all communities. The list included water, sewerage, shelter, power, transport, and communication.

> On the basis of this list a development program should be built for each community. Local priorities would be set within a local budget allocation.

> The development program would form the basis for the vocational training program and the two would be closely related to a planning point of view (Department of Health 1979, 8).

When DCD acquired responsibility for essential services it was not able to find consistent and up-to-date information on the services that existed in the communities, despite the data on essential services collected for the Everingham Plan. For some places there were some original draftsmans plans of water reticulation for engineering purposes, with or without later extensions added in. Much of the information was stored only in the head of
the settlement administrator or a local contractor. There was no local level system for planning services extension or improvement in each community, or Territory level system for identifying priorities and allocating funds (Peter Siebert, pers. comm. 1986).

A new structure, NT-CAP (Coordination of Aboriginal Programs), was put together to deal with the problem. At the Territory level this consisted of heads of NT departments. In the north and central regions an Interdepartmental Working Party was established under the guidance of departmental division heads.

Until the creation of NT-CAP, the NT Department of Lands had not been directly involved with Aboriginal communities, except in a very indirect fashion with those located on Crown Lands. The Department’s three main functions are: administration of Crown Lands; implementation of the NT Planning Act; and development of plans for municipalities and other settlements. A few limited plans had been drawn up in the 1970’s for small remote communities by the NT Lands Department predecessor, the Commonwealth Department of Lands.

Under NT-CAP the Lands Department was instructed to administer consultancies to develop simple physical development plans indicating where services should be extended. Plans were drawn up for Lajamanu, Wadeye (Port Keats, now Kardu Numida), and Milikapiti in 1984, and for Minjilang (Croker Island), Galiwinku (Elcho Island), Umbakumba, and Angurugu in 1985-86.

In 1986 Lands Department was made responsible to the CAP Working Party for coordinating and undertaking Serviced Lands Availability Plans (SLAP) in 48 communities in the Territory. The objective was to compile an information base and begin a planning process. Information was to be compiled for each community to provide answers to the following questions:

What services, of what quality, are in place, and where are they located?

What are the essential services needs of each community?

Where will growth occur, and where is the ‘developable land’, in an engineering sense?

What is the distribution of essential services needs priorities among and between the communities?

Data were to be compiled through aerial surveys and ground mapping, through compilation of existing information from departments including Transport and Public Works, and from engineering consultants, contractors, and local communities. The data were then put into a consistent format. Maningrida, in coastal eastern Arnhemland, was undertaken first, in anticipation that it would stand as a model system for the other communities. Transport and Public Works working drawings and housing plans were compiled on a large-scale map base. Field verification was further supplemented by information from engineers responsible for installing services and from subcontractors responsible for maintaining them.

Lands Department acknowledged that there was very little public involvement in the data compilation. Departmental capacity was stretched to the limit by a timetable calling for 24 such plans in 1986-87 and full coverage of all 48 communities in two years. For example, all Lands Department air photo capability was directed to the project. Available personnel, time, and equipment were very limited. As a consequence the Department placed most emphasis on identifying what services were presently in place, and where
developable land was located. Locally determined needs and between community priorities would have to be determined at a departmental level, rather than through community consultation. Detailed investigations were made of Maningrida and Nguiu, and by mid 1988 a start had been made in nearly 30 of the Aboriginal settlements. The work was scheduled for completion by June 1989. If completed there would be a consistent and comprehensive physical infrastructure data base, an indication of between community disparities, and a projection of the cost of extension and upgrading of services.

SLAP is a positive step towards improved physical infrastructure. Certainly the data base is long overdue, and a necessary prerequisite for improved Territory funding allocation to Aboriginal services. But it has some shortcomings.

No reference seems to have been made to the 1979-80 data compilation and cost projections: and no reference made to the reasons for the absence of follow-up after 1980. It is not clear whether the 1986-89 data gathering system of continuous updating of essential services information has been built in to it. If this is not the case no doubt the Territory will have to repeat the exercise in another five years or so.

‘Developable land’ has been defined as land which is ‘best’ for development in engineering cost-effective terms. But there is a vital cultural and spiritual significance to ceremonial and sacred sites located within some communities. Many Aboriginal people desire to orient their living space in the community towards what they identify as their traditional country (Heppell 1979). Land in communities may be held in trust for traditional owners. Consequently lack of consultation with the community on whether the land which is physically most suited for development is appropriate for development from the perspective of people, council and traditional owners, may create serious planning problems in the future.

The Territory’s two year time frame responds to the urgency of the essential services situation, but really cost-effective planning, especially in cross-cultural situations, involves early and continuous community participation in order to avoid engineering cost-effective solutions which are at variance with community wishes. Furthermore, it is well documented that where leaders and people are not involved in determining where community services should go, or in determining what they will be, they have little commitment or sense of ownership. Vandalism and under use are frequent consequences (Wolfe and Strachan 1987; Wolfe 1989). Since the Territory expects communities to take over management of the services, involvement is also essential to effective management. Short cutting to meet an external time frame sets the community and council up for future failure.

The question of appropriate standards for essential services and housing is also closely related to the issue of Aboriginal participation in policy making, program development and program implementation. Undeniably, funding allocations are insufficient to bring physical services up to normative standards. Until they are adequate, a strong case can be made that Aboriginal preferences and priorities between, for example, different types and qualities of shelter, or between plumbing and airstrips, should not be prejudged by external priorities.

The outstation or homeland movement is an illustration of Aboriginal people finding a way to exercise choice over their preferred place of residence and lifestyle. It has been interpreted, at least in part, as a rejection of the externally set priorities and standards which shape the character of the centralised settlements, and which emphasise physical infrastructure. Differences in priorities between the two types of settlements were clearly illustrated when the outstation resource centres listed outstation residents priorities.
(Northern Land Council 1986). Standards for larger Aboriginal communities have been difficult to establish. Standards and appropriate service levels for tiny outstations are posing an even greater conundrum for the Territory and Commonwealth governments.

Communities should have a say in determining community priorities. Conceptually that is what community government councils are all about: communities having legitimate authority to exercise decision-making over matters which most concern them. In practice they are given limited responsibility for specific tasks which the Territory chooses to devolve.

**Economic Development**

Aboriginal economic development has received a great deal of attention from the two upper tiers of government. The Committee of Inquiry into Aboriginal Employment and Training (Miller 1985) stimulated a number of new policy and program initiatives. Because of their importance to communities and community governments, Commonwealth and well as Territory programs will be described here.

The Aboriginal Employment Development Policy (AEDP) operates between four Commonwealth departments: Department of Aboriginal Affairs (DAA), Department of Employment and Industrial Relations (DEIR), the Aboriginal Development Commission (ADC), and the Commonwealth Department of Education (COMED). AEDP has replaced the National Employment Strategy for Aborigines (NESA). AEDP's emphasis is on developing an economic base for Aboriginal enterprise development, and the generation of Aboriginal employment.

The Department of Aboriginal Affairs is responsible for the Community Development and Employment Project (CDEP). CDEP provides remote Aboriginal communities with the opportunity to undertake community development projects which create employment. A community, in consultation with DAA, may take on CDEP only if there is 'widespread support' in the community. A community council must, in the view of DAA and DEIR and the Department of Social Security (which is responsible for checking administrative procedures and award wage rates), be competent to administer the scheme. The council then receives block funding, on a regular basis, in the amount that is the 'notional aggregate value' of the unemployment benefits for which Aborigines in the community are eligible. The council determines the work which will be undertaken, the people who will get the jobs, and the rates of pay. When a community takes on CDEP, individuals in the community no longer receive personal unemployment benefits. Obviously, only communities with well established councils and broadly based community support are likely to participate in the CDEP programme (for a detailed discussion of the development of CDEP and its implementation see Sanders 1988).


At the Territory level, DCD took over responsibility for handling Aboriginal Essential Services (AES) funds from the Department of Transport and Public Works, and administered the funds through the Aboriginal Programs Branch of Local Government and through the Community Affairs Branch. As noted earlier, communities with the means to carry out contracts can generate substantial community employment and revenue through works contracts.
As a further step the NT government contracted a special study of activities open to economic development whether under the "commercial" (that is, individual, for profit), function or under the various "municipal" functions' (Loveday 1987, 9). Results from the North Australia Research team suggest that, in the Top End at least, small enterprises with modest managerial requirements may have a greater chance of success than those that are organisationally large and complex (Ellanna et al. 1988). Those needing a small land base, or no land base at all may have more chance of success than those that need a large land base (Loveday 1987). The preliminary report notes that:

In the Top End, to a much greater extent than in the Centre, any large area project will entail negotiations between a larger number of separate language groups, clans, or tribes and traditional leaders. For many the anxieties about a project which means subjecting their land to cash economy exploitation will be either unacceptable or difficult to accept... Any personal project of the large area land based kind could only be initiated after prolonged and probably acrimonious agreement in the course of which the enthusiasm and interest of the Aboriginal initiators will probably evaporate and in the course of which the opportunities will be presented for outsiders to take part in the process and complicate it still further (Loveday 1987).

Another positive feature of the small scale enterprise which Loveday and Ellanna endorse is that the entrepreneur and any workers can arrange their time and responsibilities in such a way that other aspects of their lives that are important to them, be it participation in ceremonies, food preparation, child care and so on, can be maintained (see also Wolfe, Cunningham and Convery 1988).

Training

When either Aboriginal development or community government are being considered by the NT government or by community people, training is usually mentioned as a necessary component. The 1979 discussion paper, Development of Aboriginal Rural Towns, advocated vocational training and the development of a comprehensive range of skills. It proposed the following guidelines:

... the program is to be primarily directed at Aboriginal people resident in their communities, to enable them to gain the skills to deal with their day to day 'vocational' problems...

... the literacy and numeracy skills required to handle these courses are frequently deficient among adults and young adults in rural communities and this will need priority attention.

... the training should be largely 'on the job' within the students' own community. As students progress beyond the 'basic' levels then progressively greater use can be made of short, appropriate regional and central courses (Department of Health 1979, 10-11).

Vocational training of this type is largely directed to specific practical skills, such as carpentry and building maintenance or community water provision and waste disposal. The Aboriginal Health Worker program is a typical example, giving people basic competence to maintain community water and waste disposal services. There are also nursing aide and teachers aide training programs.
The DCD training for community council staff in accounting and bookkeeping procedures described earlier in this Chapter was a specific response to needs arising from community government. As communities began to take on more of the community administration, whether through community councils and associations or formal community government, another set of training needs directed to community management became apparent. Batchelor College, the Aboriginal training college, designed several programs tailored to the needs of Aboriginal communities: an Associate Diploma in Community Management; a Certificate in Office Administration; and a proposal for Council Clerks training (College Community Management Education Centre 1986).

The Associate Diploma in Community Management is designed specifically for Aboriginal people who have managerial responsibilities in remote Aboriginal communities in the NT. The course is suitable for community managers, town clerks, councillors, and project/works managers. Parts of the course are suitable for people who wish to become more competent in specific managerial situations... (Community Management Education Centre 1986, 7).

The course structure deliberately recognises the role of older Aboriginal people as community leaders and councillors, and is designed to build on their experience as well as expand their competency in non-traditional roles and tasks.

Older Aboriginal people who may otherwise feel disadvantaged by such factors as lack of formal education or low literacy levels, but who have considerable experience in either Aboriginal or western forms of work, who strongly desire to become more competent in western management aspects of community management, and who are supported by their community people in this desire, are encouraged to apply for entry to the course (Community Management Education Centre 1986, 8).

The program deals with short term projects, community development planning, longer term community strategic planning, and ways of mobilising community and external resources. People can work through the full diploma program, or take only one or two units. Certificates of competency are given to people who achieve the required standards of performance in any specific unit of study.

The second level of training is the Certificate in Office Management. This is directed to people who work not only in community council offices but in offices of community schools, outstation resource centres, arts and crafts community enterprises, women’s centres, health centres, and so on. The course is designed to be delivered largely on the job, with modules taken at Batchelor College only twice a year. People who can demonstrate competence in specific office skills receive credit in the course for their initial level of competence (Community Management Education Centre 1986, 10).

In 1986-87 the College was developing a third course designed for community government clerks and town clerks. A special, though not exclusive, emphasis would be on the financial and bookkeeping procedures required of community governments by the Territory. This would complement the training promoted through the Territory’s own departments.

During 1986-87 DCD undertook a special project to investigate the training needs of those involved in community councils, as councillors and administrators, and looked at various approaches to training delivery. Many possibilities were considered: contracting a consulting firm to prepare and deliver training for councillors; expanding the role of the
Department of Education; or building on the Batchelor College courses. During the investigation it was suggested that the newly established Association of Community Government Councils might be the most appropriate body to advise on the training needs created by community government legislation. If the association saw fit, it might be the body which would give the shape and direction to a training programme. The DCD training initiative was suspended with the March 1987 reorganisation of the Territory bureaucracy. One product, an *Elected Members Guide to Community Government*, a handbook for councillors and council presidents, was completed. The Darwin Institute of Technology, in its preparation to become part of the University of the Northern Territory, has also proposed special Aboriginal education and training programs (Darwin Institute of Technology, 1988).

In 1988 a number of agencies began to cooperate in a newly incorporated body, the Local Government Industries Training Committee. Agencies include the Office of Local Government, the Northern Territory Local Government Association, the Commonwealth Department of Employment, Education and Training, and the Municipal Workers Union. One of the objectives of the committee is to develop training modules for Aboriginal people in managerial and leadership positions in their community. To assist in development of the training module a training needs assessment of community government in remote Aboriginal communities is scheduled for 1988-89.

**Review and Commentary**

The Territory has set the agenda, and has tried to take charge of the timetable for community government. Communities have been slow to respond, even during the recent promotional phase, reacting with indifference, caution, or suspicion. Communities which have adopted have responded to a convergence between the case promoted by the government and what community leaders perceive as being in the collective or individual interest. There has been negligible input from other parties with potential interests in local governance or responsibilities for the communities. Although a decade has passed since passage of the community government legislation, the NT government is still sorting out and reorganising its bureaucratic structures. Personnel are juggled between positions. As a consequence the corporate memory is weak. There is a tendency for policies and programs to be dropped and then reactivated within the space of only a few years. After the flush of enthusiasm for community government in 1985-86 it has been virtually ignored in the bureaucratic shuffle. Frequent Territory government restructuring is counter productive to the development of community governments. It is detrimental to bureaucratic efficiency. And it aggravates rather than allays the fears and perceptions of small communities, where community memory is highly developed, that the Territory government mob in Darwin does not know what it is doing, and perhaps does not care much about the people and places out bush.

The problems of the upper tier of government affect all the communities which receive funding programs and services from the Territory, regardless of whether or not they are run under the Territory system of community government councils. The community government system temporarily raises the expectations of communities which adopt it that the Territory government will be dealing with them more efficiently. Over the long term the impact of Territory inefficiencies on those communities operating under community government may be greater because they are being tied more tightly into the Territory system. Conversely, they could benefit more from improved Territory efficiency in program and service delivery, should that come about.
Training initiatives, or rather their inadequacy, are a good illustration of lack of upper tier foresight, and inability to put together and implement a well thought out, responsive and coordinated program. Training must build out from the knowledge and skills which people have, to incorporate those 'balanda ways' which are necessary tools for managing contemporary Aboriginal settlements. Such programmes will not only make people more efficient in dealing with those things which the NT government expects them to manage; they also have the potential to empower them to more effectively take control of those aspects of community life which matter most to their cultural survival and continued development. Training which is not bound in to the NT bureaucratic system may have a better prospect to be a potent tool for community change, both for those within community government and those outside it.
PART II

TAKING ON COMMUNITY GOVERNMENT:
CASE STUDIES OF OPEN TOWNS

For people who make their home in small remote places that place is the
centre of their world. Other places are remote from them and on their
periphery.
INTRODUCTION

This section looks at the impact of the community government option on selected small communities across the NT and examines community government primarily from their perspective. Three small places have been chosen for scrutiny. Each has been selected because it illustrates one or more major issues which it has in common with other places. Mataranka provides the experience of the first open town with community government. Mataranka is also dealing with an Aboriginal land claim which covers a substantial area of the town. Batchelor and Adelaide River, a proposed joint community government, have to respond to the Territory’s agenda to restrict the number of community governments by encouraging some places to amalgamate. Pine Creek illustrates land and property rates issues and the problems small places face in raising revenue locally. It also illustrates some of the problems that a common community government may create for Aboriginal town campers and townspeople. The most detailed field work was undertaken in Pine Creek. It is used as the base to explore the range of responses of local people to community government, and to provide some understanding of the involvement of progress associations, trustees, and other organisations in small towns.

What sorts of generalisations can be made about these small places? What do they have in common? They all have small populations, between 350 and 500 or so, including non-Aborigines and Aborigines (Table 1). Each place is on a paved highway. Each has had a very brief history, of 110 years or less. Their economic viability as settlements has fluctuated widely, with the economic seesaw typical of places dependent upon the Territory’s primary industries. Pine Creek is said to have had five or six mining booms in its 100 year history. For a place like Mataranka, it is a record of dreams and disaster due to the ups and downs of the pastoral industry and agricultural experimentation. All have been impacted by innovation in the country’s communications and transportation industries.

Each change has added to or removed people from the town. Addition or loss of ten or twenty people in a small place has an impact of considerable social and economic magnitude on that town. Newcomers turn up and work the telegraph station, maintain the rail line, or get work on road construction. Most eventually leave. But a few stay on, put down roots, and find other ways of sustaining a livelihood. Each town bears faint traces of its various pasts. The traces are found through the people, who they are, where they came from, why they stayed; and in the relic physical structures which survive either abandoned or adapted to new uses.

Mining, the pastoral industry, and agriculture, have each contributed, at different periods and with different intensities and effects, to the displacement of Aboriginal people from their traditional lands. Regardless of the economic cause, most small towns have historically had Aboriginal and part-Aboriginal people living in town, and other Aboriginal people camping within or adjacent to the townsite on a seasonal basis. Those whose traditional lands are now occupied by towns or pastoral leases and cannot, therefore, make claim under the Aboriginal Land Rights (NT) Act 1976, those who are awaiting judgement on a claim, and those who no longer get seasonal work on pastoral stations, all form a permanent core population of the towns’ camps. They are joined by kin and short term visitors. Together they are an economic mainstay of local stores, and share with non-Aboriginal residents in the services of school and clinic (Wolfe 1987, 78). The dominant residential pattern of physical separation but close proximity between Aborigines and non-Aborigines has been reinforced by the granting of special purpose leases on camping sites within and around the towns (Commonwealth of Australia 1982).
Nevertheless non-Aboriginals and Aborigines are interwoven in the economic and social fabric of the towns.

However, the towns are very different from one another, in their present social and economic make-up. Pine Creek and Batchelor were both mining towns; the one is experiencing a renewed mining boom, the other is now a public services education centre for Aboriginal adults. Mataranka and Adelaide River are grasping in different ways at the opportunities they see in the expansion of the Territory's tourist industry.

The smaller the place the more striking is its uniqueness. Local residents, convinced of their community's uniqueness, become creators and perpetrators of a community image. They promote it as the town's main feature. There is also a rivalry between small places which is hard for outsiders to comprehend. This stems in large part from a sense that local people have that they have had to fight hard to survive, have had to work hard for the few amenities the town now has, and intend to continue to protect its position.

Each town's capacity for effective local government is influenced by its history and experience with local governance. The direct experience of open towns with forms of local governance is less than that of many Aboriginal settlements. However, all the open towns have had social committees organising such things as race days, Christmas parties, and so on. Depending on the particular character of the place, there may be library, school, heritage, bicentennial or other committees.

Most towns have boards of trustees. These are made up of prominent citizens appointed by the Administrator (now the Minister) to handle funds and oversee local public facilities, such as the community hall, sports oval, cemetery or other public reserve. In the past, appointment as a trustee was probably the highest recognition of local commitment possible: an acknowledgement of a person's community status and volunteer effort. By the 1980's controversy had developed around the role of trustees. The office seems to have outlasted its usefulness.

Progress associations can be considered a precursor of formal local government in these towns. They began to be established in the mid 1950's, and spread slowly. Commonly they have a three person executive elected by a voluntary, but paid up membership. The annual fee is nominal. In absence of formal local government they have been used by upper tiers of government as the channel into the community, for communications and funds. But they are not legally representative of the whole community, only of the association membership. Hence the insistence of the upper tier that they should be replaced by duly elected representative councils. As the demands being placed on communities by upper tier governments increase and become more complex it is necessary that there be a legally representative body in each community. There has, however, been no discussion about the particular role that progress associations play in the communities and no examination of the presumption that they must be eliminated when community government is adopted.

Despite moves by senior levels of government towards privatisation, there is little indication of any decrease in the number and range of services and activities which upper tier and local governments are taking on. The list of functions which community governments may take on suggests, rather, that their activities are increasing. The activities expected of community governments by both the Territory and the local residents are even more wide ranging than in the past. As a consequence there is a growing need for professional administrative assistance at the local level, to handle the financial implications of the additional functions and to support the process of local decision-making.
Achievements such as paved and curbed streets, street lighting, firehall and medical clinic are widely attributed by the community and by long-term progress association members to the perseverance of individuals working for the association. It is not uncommon for claims to be made that such facilities were brought into the town through the direct intervention of the Administrator or Minister due to the good personal relationship between an association executive member and the member of the government. There is strong evidence that direct personal representation of local concerns to decision-makers in the upper tier has been a more effective way of getting facilities and service improvements than working through bureaucratic channels. One senses that this way of getting things done is likely to die hard, especially if Territory departments do not have smooth systems for service delivery.

Because the population of open towns is small, the number of residents with a sense of long term commitment and stake in the future of the place is few. The same names and faces show up repeatedly on committees year after year until they either burn out, voluntarily retire to make way for new blood, get so embroiled in clashes of personality or perspective that they are forced to withdraw, or move away. There are severe negative consequences of this phenomenon of 'undermanning' (Wicker 1979), including overload, burnout, and very long community memories, which can often be distorted and unforgiving. This can lead to community factionalism and bitter infighting.

On the positive side, people in each small place who are forced into leadership roles, develop skills and proven leadership capacity to achieve what they see as needs in their community. In open towns individual capacity has often been developed through running a local business.

As small communities take on more responsibilities the 'undermanning' problem is exacerbated. Local leaders are expected to be able to respond swiftly and knowledgeably to the questions of external agencies, fill in appropriate forms correctly, provide the data asked for, attend meetings, and make decisions, all in accordance with external agendas and time frames. Some individuals find the demands are too great, are unwilling or unable to meet them, and either remove themselves or are removed from public office. When communities hire staff to deal with the administrative burden both the community and the staff often encounter difficulties in distinguishing between staff responsibilities for administrative and managerial functions and public political decision-making.
CHAPTER SIX

MATARANKA: PIONEERING COMMUNITY GOVERNMENT

Trial and Error*

As Aboriginal people tell it, the landscape of the Mataranka area was created as a wild wind swept across the country, bringing Najig, the hot springs, and Goran, the bitter springs into existence. Displaced now from their traditional country the Mungarai people now live, along with other Aboriginal groups, at Djimbere (also known as Djimbra, Jilkminggan or Duck Creek) along the Roper River.

Early European explorers include Ludwig Leichhardt, who travelled through the region in 1845, and John McDouall Stuart, who passed through in 1862 during his exploration of the Roper River. Only ten years later crews were working in the area to complete the Adelaide to Port Palmerston (Darwin) Overland Telegraph line.

Non-Aboriginal settlement of the area began in the 1880’s with the establishment of cattle stations such as Elsey Station, located today east of Mataranka townsite, but then encompassing a huge area including what is now the townsite. A graphic and somewhat romanticised description of station life in the Mataranka area at the turn of the century is found in We of the Never Never, written in 1902 by the wife of the Elsey Station manager, Mrs Aeneas (Jeannie) Gunn.

In 1912 the South Australia government’s Territory Administrator, Dr. Gilruth, working to find an economically viable alternative to cattle for the region, took 1,157 square miles from Elsey Station to found the Mataranka Horse and Sheep Experimental Station. By 1919 the experiment was publicly admitted to be a failure. Sheep were unsuited to the high temperatures, lengthy dry season, and intense rain and high humidity of the wet season. Mataranka Station reverted to extensive cattle raising.

Other European ventures in the area included the first location for the Australian Inland Mission, and the opening of a tin mine 41 kilometers north west, at Maranboy. Cattle stations, mines and missions all contributed to the process of alienating land from Aborigines and limiting their access to traditional country and sources of both spiritual well being and material livelihood.

In 1915 South Australia passed a bill to extend the rail line south from Katherine to Bitter Springs. It was not until 1928 that the line actually reached Bitter Springs, by then renamed Mataranka by Administrator Gilruth. A tiny settlement grew up at Mataranka, where the rail line crossed the head waters of the Roper River and its tributaries. The settlement provided a small service centre for the large cattle stations, such as the Elsey, Beswick and Maranboy on the Upper Roper River, as well as stations on the drier country to the west and south west.

* Much of the information in this section is drawn from Jane Gleeson and Michaela Richards, 1985. Mataranka and the Daly, Monograph, North Australia Research Unit, Darwin.
Yet another government venture designed to settle the Mataranka area was initiated in 1930, when the government began a peanut growing scheme to solve the dual problems of unemployment in Darwin and lack of European settlement to the south. Again the crops and the settlement initiative failed. In 1936 Mataranka Station was proposed as the location for the training of Darwin Aborigines in stock work and agriculture, with a view to placing Aborigines on small holdings in the area. The plan was dropped before any attempt was made to implement it.

During World War II, Mataranka lay south of the fully militarised Top End, and south of the zone from which non-Aboriginals were evacuated. Nevertheless up to 1,500 troops were stationed in the region, which was used as a staging area for workshops, fuel depots and ammunition dumps. Aboriginal families were housed in a compound at Mataranka homestead and engaged as workers around the military camps.

It is clear from this brief historical overview that Mataranka’s existence as a town, and the ups and downs of its economic viability have been dependent on government intervention. Gleeson sums it up this way:

*The single most significant factor determining the nature of settlement at Mataranka was Government policy... The town attracted few wealthy settlers, those who could not make a living did not stay. Measured in terms of the government’s aims, the settlement was a failure. In terms of the survival of the prior culture, it was probably just as well* (Gleeson and Richards 1985, 12).

Serving Locals, Truckers and Tourists*

Mataranka is still a tiny town. As of June 1985 there were 64 people on the electoral roll. The local population, excluding Aborigines at the Duck Creek pastoral excision, is estimated at around 200. However, the town has found its niche as a service centre with businesses directed to two distinct groups: locals and transients. The town serves townspeople and workers from the district cattle stations, the people who provide support services to Aborigines in nearby Aboriginal settlements, and district Aborigines. In the past, the town catered to the needs of people passing through: cattle drovers, sales people, and train travellers. Today it continues to serve transients. An important group are the long distance truckers on the Stuart Highway. Increasingly the town is directing its business to tourism. As tourists are being drawn to the northern part of the NT Mataranka has adopted the slogan ‘Capital of the Never Never’ to attract them.

The town is spread out along the Stuart Highway. The race track, and a new town park and parking area occupy the east side of the highway. Some businesses stretch along the west side. The general store and the supermarket, which was doubled in size in 1986-87, cater to both local and transient business. A new souvenir shop, specialising in Territory arts and crafts, carries a video library, functions as a banking agency, and provides light refreshments, indicating that it too caters to both tourist and local needs. The long established hotel caters primarily to locals, including Aborigines from nearby settlements and the town camp, and to truckers.

* Much of the information presented in this section is drawn from field observation, records of the Mataranka and District Progress Association, and from conversations with long time residents and past and present community leaders.
Mataranka has several businesses directed almost exclusively to the growing tourist trade. There are two or three safari and horse riding outfitters. A quality motel with a small wildlife park and a restaurant is located on the north east edge of town. The old Mataranka homestead provides a motel, hostel type accommodation, and camping. This continues an old tradition when the Mataranka homestead was an overnight stop for travellers. The main attraction now is the Mataranka Hot Springs. The thermal pool is set in a grove of fan palms and lush tropical vegetation along the banks of the Waterhouse River.

The main residential area lies west of the business strip. A few older houses are mingled with the new Housing Commission houses. In the same area are the primary school with public library attached, community hall, police station and volunteer fire hall. The public works yard is located south and west of the town. In response to local demand for more privately owned lots, the Lands Department has released and sold off new lots on the south west side of the town.

A small town camp for Aborigines is located in the centre of town, immediately behind the new Mataranka Community Government office. Aborigines had camped in and around the town throughout its existence, and had occupied the land for generations before. In the 1920’s Aborigines had established a camping area which was occupied several months each year during the wet season about half a mile from town. In 1983 the lease was signed by Yulungu Association, a DAA supported resource centre established in 1976 to supply services to small Aboriginal communities in the greater Katherine area.

In the wet season 1986-87 there were two permanent shelters, plus one well established tent camp and several makeshift camps. The town camp was occupied by at least four groups of Aborigines. There is a core of virtually permanent dwellers, plus people from Duck Creek, who come in to town for cheques and stay a while in town where they 'book up' supplies at the two stores and the pub.

Despite its small population Mataranka has several local organisations. The Mataranka Race, Rodeo and Recreation Association dates back to the war years. Since then the race meet has been a recurring August weekend event, which now draws large crowds of tourists as well as people from across the region. The town also has a volunteer fire brigade, historical society, Australia Day committee, a recently formed cricket club, and, until community government was adopted, a progress association.

**Mataranka Progress Association and Aboriginal Camps**

A progress association was formed in 1960 and formally incorporated in 1975-76. In 1977 a group of Territory and Commonwealth VIPs visited the town. The list of concerns developed by the association, to bring to the attention of the visitors, is indicative of the issues the community and the progress association had been trying to deal with throughout the preceding decade. The list includes: town roads improvement; problems with the power supply; the dangerous condition of the water supply tanks; airstrip upgrading and maintenance; improvements to both radio and telephone reception; the need for a second policeman; town clean-up contracts; town public toilet facilities; and the need for facilities for Aboriginal transients. The issues are typical for many small Territory towns.

* Information in this section is drawn from the Minutes of the Mataranka and District Progress Association and from interviews with past members of the executive and local key informants.
The 1971 Minutes of the association comment that Aborigines, on holiday or on stand-off, camp around the town near the hotel. The 1975 Minutes note that ‘Aboriginal transients in Mataranka treat it as an outstation from bigger settlements’ and:

*We advise the Department of Aboriginal Affairs and the Department of Health of our disgust in allowing Aborigines to squat in the town area without proper housing or sanitation.*

Extension of drinking rights to Aborigines in the 1960’s had been closely followed by the establishment of award wages in the pastoral industry. Mataranka Station was the first in the Territory to give the award wage to its Aboriginal workers. A substantial increase in drinking was coincident with receipt of the award wage, and coincident with decline in employability due to drinking. The pastoral industry responded to the award wage by mechanising, and turned off a large proportion of its Aboriginal workers. Even when they were able to get dry season employment Aboriginal workers and their families were turned off in the wet, rather than being permitted to make wet season camps at the station. While some people found residence in the larger centralised Aboriginal settlements, others formed semi-permanent camps around small towns.

The Progress Association discussed setting up a formal camp in 1976. In 1977 the Association drafted a letter to Chief Minister Paul Everingham concerning his failure to respond to the concerns they had expressed about housing for Aboriginal transients. In 1980 a specific site and special purpose lease was discussed between the Progress Association, the Lands Department and Kalano Association, the Katherine town camp organisation. By April 1982 the Progress Association had been shown a plan for an Aboriginal camp site and buildings. The Association was still not fully satisfied with the details and rejected the proposal.

The Special Purpose Lease, to begin in November 1982, was witnessed in 1983. The Progress Association continued to express its concerns throughout the protracted negotiations on site and facilities, although it reiterated in a letter inviting Yulngu Association, the legal lessee, to a special meeting, that ‘the town supports the concept of a Transient Camp and has in fact expressed this view over the past nineteen years’. At the 1983 meeting townspeople indicated that the area was not designed as a drinking area, nor did they expect it to be used as one. Aboriginal transients were expected to stay no longer than two weeks. By 1984 the association President’s Report stated that ‘there is some confusion as to who will in fact manage the site’.

The Aboriginal town camp, its physical condition, whether it is for transients only or available for more permanent residence, and who controls it, is now a major concern for the Mataranka community government council.

**Mataranka Takes On Community Government**

In August 1978, on receiving notice of the community government option, the Mataranka and District Progress Association sent a letter of inquiry about ‘the local council proposal’. In November 1979 it invited DCD to send a representative to assist and advise in the formation of a community government. Despite this early expression of interest, and enthusiasm on the part of some community leaders, progress to community government was slow.

A public meeting on a draft community government scheme was not held until May 1985. Several issues were raised at the meeting. One question asked was whether Mataranka, a
town of around 100 people, was really large enough to warrant formal local government. The DCD representative responded that every town needs a formally constituted body to make approaches to government for services and this is the form the NT government favours. 'A town needs more powers and better representation than a progress association can have'. The issue of land and property rates was also raised. The official reply was that rates could not be levied until after the revised Local Government Act became effective in July 1986: then community councils would have the authority to levy rates.

The electoral system received some consideration. The June 1986 Progress Association meeting voted unanimously in favour of a first past the post electoral system, rather than the preferential system customary in Australian elections. The July 1986 meeting was informed that the Act requires full preferential voting. This interpretation is consistent with the Electoral Act, but not consistent with the way the community government provision of the Local Government (NT) Act has been and continues to be interpreted with regard to Aboriginal communities. They generally do not use the preferential system. Subsequent to the Mataranka ruling, mixed towns such as Elliott and Pine Creek have adopted the conventional preferential, at large system, with no mechanisms such as wards to provide for representation of community subgroups, whereas most Aboriginal communities specifically incorporate ways of ensuring subgroup representation. Since taking on community government Mataranka has continued to press the NT government for a first past the post voting system. In April 1988, the Territory officially approved an amended scheme in which the key change was from preferential to first past the post elections.

Some residents continued to be of the opinion that Mataranka was simply too small to warrant adoption of formal local government, and that there was no need for change. Others argued the need for a single and legitimised access point between the Territory and the local community, and maintained that community government would enable the community to access more information and exercise more control over what was happening in the town.

Minutes of the Progress Association indicate that members were requesting the NT government to supply information that they considered essential input into the decision whether to adopt community government or not. The Association sent a letter asking 'what percentage of capital does the government expect to give us and how much are we expected to raise?' The Minister responded:

\[
\text{at present the government will assist you 100\% as it [community government] will be set up as a model to encourage other communities to follow suit. Because of the small size of your population you would not be expected to raise considerable revenue.}
\]

Eventually 50 copies of a revised draft scheme were circulated in the town. No one came forward with further objections, and community government was established in Mataranka in 1986.

Although Mataranka has not had community government for long, enough time has elapsed for members of the community to develop a sense of what has been gained, and what has been lost, through adoption of community government, and for council members in particular to be able to reflect on the advantages and problems of working under community government.
Participation and Volunteerism

The change from a community based voluntary organisation to a statutory body legally representative of the community has a potential impact on the way in which community members participate in community affairs. Some community members commented that they had actively supported the Progress Association. Now that the town had a community council only one non-council member attended meetings and the ‘community no longer knows what is going on’.

The Progress Association was an association of members. Records indicate attendance of between eight and twenty people at meetings. The executive ran the business of the association, but the membership discussed agenda items and raised matters for discussion as full participants. As members they participated in the functions and activities of the association well beyond simply voting for an executive at an annual meeting.

By contrast, representative democracy is inclusive of all persons residing in a constituency or government area. But individual responsibility is discharged primarily at election time. Any community member may run for office. If elected the individual may play an active role throughout the life of council. But those who do not run for office, and those not elected hand, over responsibility for community affairs to the elected council until the next election.

Meetings of council are meetings of a body elected to do a job on behalf of the community. They are not community meetings, unless council chooses to treat them that way, and invites and encourages its constituents to attend, or unless community members take the initiative and attend. Furthermore, residents cannot ask questions, make comments, or otherwise intervene in council business unless they are given permission by council.

In Mataranka there has been almost no public attendance at council meetings. The location of the meeting, in the small community council office, presently precludes any sizeable public attendance. Also there is an assumption on the part of community members that since they elected a council to do a job, it would be an intrusion for them to attend council meetings. If they did it would look as though the community lacked confidence in its elected representatives, and wished to oversee and police them.

This situation sets the stage for a division between council and community, especially if there are no mechanisms to keep the community well informed as to the business, activities and actions of council. In these circumstances a council could find itself increasingly alienated from the community it represents and works for. In such circumstances council, or the community, may recognise this as a consequence of the change from an association of members to representative council and seek to establish effective mechanisms of communication between council and community.

Community members also commented on another change in the way people participate. In voluntary associations people gain satisfaction, and are appreciated for doing things for the community. Non-members are drawn in to support what they see as a community effort. Under a community government council, certain functions now come under council jurisdiction, and jobs are created to get those functions carried out. Even small jobs are paid for. While this increases the number of people with full or part-time employment, and spreads money within the community, it is perceived by some in Mataranka to have a potentially negative effect. People begin to expect to be paid for their time and their effort. The spirit of volunteerism on which small Territory communities

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pride themselves, and on which they have had to rely to get things done, is undermined, the critics argue.

Communities which recognise early that formal local government has a potential impact on volunteerism should be in a position to allocate to council only those functions which are necessary and appropriate for a formal body to undertake. At the same time they will support voluntary associations by not appropriating to council those activities best left to the volunteer sector.

**Bureaucratic Systems and Councillor Responsibilities**

As the first to adopt community government, Mataranka gained an advantage: of being financially supported in the transition, and in being able to get a clerk-treasurer, and a community government office in place. On the other hand council has found the experience frustrating mainly:

> *because the bureaucracy does not seem to have the system in place to deal with new community government (K. Ford, President, Mataranka District Community Government 1987).*

Mataranka council has found the uncertainty and inconsistencies in the funding mechanisms to new community governments especially difficult to cope with. The division of responsibility for matters pertaining to community government between Territory departments had not been clearly worked out even before the 1987 reorganisation of departmental structures. Personnel changes within the bureaucracy result in inconsistent and often contradictory information being given by departmental staff to local council staff and elected members.

Some council members were also concerned that the upper tier bureaucracy may be pushing some functions down to the local level which are not appropriate for that level to undertake, either because the problem is too complex, or because the local level does not have the experience, or the personnel, or sufficient authority to deal with the matter. No specific examples were given.

For individuals who are pioneering the system it is a difficult learning process. The clerk, though paid, is part-time, and is not immediately familiar with the ramifications of several levels of bureaucracy, or with the programs and policies community governments are supposed to fit in to. Furthermore, clerk and council are trying to become acquainted with a bureaucracy which is itself in a state of flux.

Council president and council members are unpaid. They quickly find that the demands of office are considerable. The office simultaneously isolates them from the community and ties them to it to an unanticipated degree. They are now the official community decision-makers, who can allocate contracts, and hire workers. They are also expected to improve community conditions and meet community expectations about local service delivery. President and council members inevitably have other commitments and jobs to perform. In many cases they are local business people. It is unexpectedly difficult to balance the demands of the community and the demands of the business or occupation. Suddenly they have two jobs, and little past experience and no training to help them in the new one.

In addition to pioneering the community government system in open towns, being the first to make certain requests to government, and carrying out the regular functions of a local government, Mataranka has some special challenges for its fledgling community
Mataranka and area land claim hearing

Roper River in the vicinity of a claim site
government. In particular these concern aspects of the relationship between Aborigines and non-Aborigines in small towns: town camps, and land claims.

Community Government and the Aboriginal Town Camp

The steps leading to the establishment of a designated Aboriginal camp in Mataranka have already been described. Some of the issues relating to town camps in small NT towns such as Mataranka need further elaboration.

The special purpose lease affords campers some security of tenure. The security of tenure is limited, however, because the terms of the lease require that the lessee, Yulgur Association, make specific improvements to the site and provide a specified level of maintenance (Northern Territory of Australia Special Purpose Lease No. 574). Improvements include fencing, shelters and ablution facilities. The 1983-84 budget for the camp was to include a caretaker, a hygiene officer to clean the ablution blocks and keep the site tidy, and a tractor and trailer. Early in 1985 Yulgur ran out of funds until mid-year, and continued to have financial problems. It is not clear to what extent the financial shortfalls compromise the security of the lease and land tenure.

Provision of ablution blocks and the maintenance requirements of the lease were designed to deal with townspeople’s concerns over unsanitary conditions in the town. As far as the townspeople were concerned, the camp was erected to provide for transients who would stay over for a few days or a week or so and then return to their community. However, provision of permanent shelters and water supply in a designated area also make it feasible for Aboriginal groups to make the camp their home base, which two or three groups appear to have done.

The camp area of 2.5 hectares also provides sufficient space for makeshift camping. It is likely that more groups will make the Mataranka town camp their base, creating demand for more shelters and ablution facilities, to add to the two presently in place and four additional facilities specified in the plan.

Unlike many Aboriginal camps in small towns, the Mataranka town camp is not ‘fringe’. It is located in the centre of the town. Unlike some town camps, then, it cannot be hidden from either locals or from the view of tourists.

As small towns take on forms of municipal government, the issue of who has jurisdiction over town camps comes into focus. The Mataranka camp is located within the local government’s jurisdiction. However, Yulgur Association holds the lease on the land and has been given the responsibility to fulfil the terms of the lease. Yulgur, though, is not physically headquartered in Mataranka. It has financial and management problems of its own, and has experienced difficulties servicing the camps and outstations it has responsibility for. The Mataranka camp is a new and minor part of its responsibilities. From the town’s perspective, Yulgur has already demonstrated that it cannot adequately administer the camp. In the view of several townspeople ‘the community government council will have to deal with the situation’.

It is not clear whether the NT government had recognised that community governments might be expected to administer town camps. The interests of townspeople in maintaining a sanitary and tidy town centre, and the interest of Aboriginal people, in having a place for temporary camping or a permanent home base, are not particularly compatible. Sources of funding for Aboriginal town camp facilities are not the same as those for town facilities, creating confusion over Territory-Commonwealth responsibilities, a reluctance by agencies to commit funds, and a slow response to needs and formal requests. So far, no
adequate mechanisms have been created to serve the interests of Aboriginal campers and camps in small Territory towns.

The Mataranka Land Claim

The Office of the Aboriginal Land Commissioner received the Mataranka Land Claim in 1983. Claimants were quickly put on notice that the claim was unlikely to be heard before 1985 at the earliest. A hearing was held at Duck Creek in early 1987. The Northern Land Council is acting on behalf of ten 'Aborigines claiming to have a traditional land claim to unalienated Crown Land in the Mataranka region' (Northern Land Council 1983). The land claimed consists of a large block of land and several smaller sites including the Mataranka Hot Spring (Najig) and sites along the Roper River.

The claim has two special and overlapping features of interest. One, it takes in part of a stock route, namely:

... that part of the Urapunga stock route extending westerly from the western boundary of N.T. Portion 1508 to the western extremity of that stock route at or near the town of Mataranka (see Figure 2).

Two, the area under claim and including part of the stock route covers close to 80 per cent of the Mataranka and District Community Government area, and consists of open bush, and the race course, park and parking lot on the east side of the Stuart Highway and immediately east of the business and residential core of the town.

The issue of whether a stock route is or is not claimable under the terms of the Aboriginal Land Rights Act is not a central concern for community government. However, as the land claimed lies within the area designated as the community government area it is appropriate to elaborate.

The two page claim identified the three land parcels being claimed in some detail and recognised the possible legal exclusions as follows:

EXCEPTING any land on which there is a road over which the public has right of way; any land which is land within a town; and any land that is not alienated Crown land (Northern Land Council 1983, 2).

Under the heading Status of the Land Claimed was the statement that:

The whole of the land claimed is unalienated Crown Land (Northern Land Council 1983, 2).

The Northern Land Council, on behalf of the Aboriginal claimants, argues that the stock route is not land on which there is a road over which the public has right of way and is thereby claimable. A counter argument is that a stock route does constitute a public right of way and is therefore not claimable. The merit of each argument is yet to be tested. A decision on the issue in the Mataranka land claim could set a significant precedent for further claims to stock routes, whether the case is found in favour of the claimants or in favour of the town.

As noted above, land that is located within a town is not claimable. Some have suggested that the municipal boundary of some Territory towns, notably in the Top End, have been extended in recent years by the NT government in a deliberate attempt to frustrate Aboriginal land claims. A legal issue, then, is whether the land now embraced by the
Mataranka and District Community Government Area, part but not all of which was a previously gazetted townsite, is land within a town: that is, does the community government provision of the Local Government Act create a municipality which is a town as referred to in the Aboriginal Land Rights Act Part 1, 3. If it does, then the land in community government areas is not claimable. If it does not, then the land which was not part of a previously gazetted town is claimable. Timing may be critical. The Mataranka claim was lodged in 1983. Mataranka and District Community Government was not proclaimed until 1985. Does the 1983 claim take precedence over the 1985 community government area designation, even if the area is interpreted as being a municipality, and therefore the same as a legally recognised town?

Some Mataranka a town residents and council members expressed concern that the land claim process is a game played between legal counsel for the claimants and other interested parties. As stated in the claim document these are:

the Proprietor, Elsey Station (Pastoral Lease 593), the Proprietor, Mataranka Station (Pastoral Lease 653), the residents and proprietors of land within and in the locality of the Town of Mataranka (Northern Land Council 1983, 2).

Because of the complexity of the issues involved and they potential impact on the town and its residents of a judgement totally in favour of the claimants, several residents were of the opinion that all interests, including those of the town, would be best served by negotiation, before a final decision was reached by the Minister of Aboriginal Affairs. The Land Rights Act is not set up to accommodate negotiation of the type being suggested in Mataranka. Any formal consideration of a negotiation process would have to respect the intent of the Act. At the same time it would have to ensure that both the process and outcome of negotiation was not designed to serve the interests of one party over the other: rather, that the objective was to ensure the best outcome for each party. In a situation which bears some resemblance to the Mataranka case, negotiation was proposed in 1988 in connection with the recommendation by Aboriginal Land Commissioner, Mr Justice Maurice, in favour of the Waramungu land claimants. The negotiation, to deal with mutual issues arising from the judgement, would bring together the Central Land Council, on behalf of the Waramungu, and the Tennant Creek Town Council whose land area is affected.

Review

As the first community government in an open town Mataranka has had to deal with problems arising internally and externally from the introduction of new ways of conducting local public business, and with critical jurisdictional issues which ultimately affect the way in which local Aboriginal and non-Aboriginal people will coexist. Time and growing experience will take care of many of the initial problems facing the new community government. Adequate Territory systems, issues and Aboriginal-non-Aboriginal tensions will prove much more intractable.
CHAPTER SEVEN

BATCHelor-Adelaide River: Joint Community Government*

In November 1986 a DCD officer met with the Progress Association of Adelaide River and residents of Batchelor in the Adelaide River primary school. The meeting was attended by eight people from Adelaide River and ten people from Batchelor. The DCD officer was introduced with the comment: 'He’s going to try to convince us to form a community government'.

The DCD officer made the case for community government by noting that a progress association cannot legally speak for the community, has no full-time paid staff, and has to rely on volunteers, and 'you cannot growl at volunteers'. Community governments, he said, can do most of the things municipal governments do, and, because of the flexibility of the community government provision, some more and different things. Money will continue to come from the upper tier. Local people, through an elected representative council, will have most say in how it is used. There are additional sources of financial support, notably the former PITS money, available to organised and recognised local governments, which are not available to progress associations or their equivalent, he said.

People from both Batchelor and Adelaide River had been invited to the meeting because the Territory government, through DCD, had a specific agenda: to link the towns of Batchelor and Adelaide River in a joint community government area. 'The link would be a useful one if it suited both communities'. The audience asked: 'why'? Batchelor is growing quite rapidly, whereas Adelaide River is hardly growing at all, they were told. Batchelor enjoys a considerable range of facilities and services. Adelaide River has a more limited range of facilities. If the two towns agreed to combine into one scheme, it was possible, the DCD officer suggested, that the area between them would be joined up too. If that happened, land rating of pastoral properties would become an option, in addition to land rating of town property. According to the DCD officer:

*Land rating is the least worse local revenue raising system compared with all others... it is regarded as the most equitable way.*

The audience was assured that shires are cost efficient, and there are service delivery benefits in linking small places in the Territory into a large contiguous shire-type community government area. The officer suggested that a Steering Committee with membership from both towns be put together to guide the adoption of community government.

Questions and comments ranged across the issues: land rating, increased costs to individuals and the community to support the machinery of local government, and the existing inefficiencies of DCD and other departments in channelling funds and supplying services. But the audience from the two towns was united in their perception that they were being coerced into a joint community government, and united in their reluctance to consider it.

*Much of the information for this section is drawn from notes taken at the public meeting on joint community government and from interviews with key informants involved in the discussions about community government.*
The next section looks briefly at the two towns, their history, economic base, facilities and such structures for local governance as exist, in order to gain some understanding of the negative response to joint community government. The section also examines the level of congruence between the provisions in the Local Government Act for community decisionmaking about adopting community government, and the Territory agenda for combining Batchelor and Adelaide River.

**Batchelor: From Mine Town to College Town**

Like so many parts of the Territory, the Batchelor area has been subject to dramatic shifts in its economic base and economic viability. As early as 1869 the Hundred of Goyder, a 148 square mile area south of Darwin in which the town of Batchelor would eventually be established in the 1950's, was surveyed. A number of minerals, including low grade copper, were identified. The Overland Telegraph was pushed through the Hundred in 1872, and a stopping point on the Track for miners, travellers and settlers seeking agricultural land became known as Rum Jungle, a name befitting the tiny but rowdy frontier settlement.

During the 1880's settlers tried out a variety of crops, including coffee, cinchona, rubber, sugar, tobacco, and market gardening, seeking for some commodity that would be economically viable. The Batchelor Demonstration Farm was established on the location of the present townsite in 1911-12. Eventually covering an area of 3,232 acres, it experimented with sheep and cattle, millet, fodder grasses and orchards. Flies, ticks, flood and drought were constant hazards. During World War II the Demonstration Farm land was resumed by the Commonwealth of Australia, and an airstrip, aircraft 'hideaways', military camp, and fuel and ammunition dumps were constructed.

The town of Batchelor was established in the 1950's as a uranium mining town. A local prospector had found uranium in the area in 1949. By 1952 a townsite was surveyed and houses were being constructed. The town was built to accommodate 600 people: 94 houses for families and quarters for 240 single men. Street layout allowed trees to be left in place. Between 1952 and 1954 the town population rose from 30 to 700. Because the population exceeded the housing capacity, shacks grew up in the surrounding bush. A post office, primary school, hospital, churches, swimming pool, tennis courts and a bowling green were constructed.

Open cut mining went on between 1954 and 1958. But by 1960 consideration was already being given to closure of the mine. In 1963 the last uranium ore to be treated at the site was processed. The mine finally closed in 1971.

Because the town was located on part of a special purpose mining lease, no private home purchase had been allowed between 1953 and 1971. Similarly, no purchase of land for private enterprise development was permitted. The town remained a company town. When the mining operation closed, the Commonwealth government and the Territory administration had to consider what to do with the town and its facilities. Compared with most settlements in the Territory the housing was of good quality, and the town had an exceptionally wide range of well maintained facilities.

Back in 1920 the Batchelor Aboriginal Reserve had been created on 243 square miles in the area. In 1972 the Department of Aboriginal Affairs moved to use the Batchelor town facilities and some of the housing as an Aboriginal Vocational Training Centre.

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* Material for this section is drawn largely from Douglas R. Barrie, 1982. *The Heart of Rum Jungle*, Batchelor, NT.
Primary school and play facilities

School of Australian Linguistics
Batchelor wins Tidy Town awards

Keeping the town tidy
The School of Australian Linguistics, specialising in Aboriginal languages, was set up in Batchelor in 1975. In 1976 the moves were formally recognised when the Batchelor Education Village complex was established. After the Territory gained a degree of self-government in 1978, the NT Department of Education took over responsibility for Batchelor College.

During the decade 1977-87 a range of public facilities and private amenities not found in other Territory towns of comparable size has been established and maintained at Batchelor. By 1979 it had 111 houses, three churches, public services and facilities including a post office, medical clinic with ambulance service, police station, water and sewerage reticulation, cinema and recreation facilities including a swimming pool, tennis courts and basketball courts, bowling green, sports oval and barbecue facility, plus general store, petrol sales, and car repair workshop. The Rum Jungle Recreation Club is a focus for part of the town's social life.

Some diversification of the economy has occurred, despite the dominance of education. An abattoir prepares beef and buffalo carcasses. There is a drilling rig company. Batchelor Aviation leases light aircraft and offers pilot training. There is a quarry in the area, plus a private zoo, and War Graves sites. The town is connected to the Stuart Highway by a paved road. A draft Town Plan was prepared by Lands Department in 1979.

Batchelor has always been a town dominated by one industry, first uranium, and now education. Since the 1970's it has become a public servants' town, with many of its residents holding staff positions in the educational services. The 1981 census recorded a population of 308, with 56 people identifying themselves as Aborigines. In discussions on community government no particular mention was made of the Batchelor Aboriginal population. No Aboriginal attended the joint meeting. Twenty-eight per cent of employed people were in the community service and education field. There is a slow but steady increase in the number of entrepreneurs in private business, supplying services to the townspeople, students and tourists.

Throughout much of its life, the town has been administered directly by a Town Manager. Among the Manager's duties has been responsibility for allocating town housing. Town facilities, including most of the recreational facilities and public grounds, have been very well maintained by the town public works crew. Not surprisingly, Batchelor has regularly won awards in the annual Territory Tidy Towns competition.

The town has not been problem free. However, responsibility for dealing with the problems has again rested outside of the town and its residents. Both the war and uranium mining left their legacy, of ammunition dumps and of contaminated soil and water, and mining debris, which upper tier government have attempted to clean up.

Townspeople have had virtually no experience in managing their own affairs or petitioning politicians or bureaucrats for new facilities or improved maintenance of existing facilities. The town has not had a progress association or board of trustees. People have not had the opportunity, therefore, to meet regularly to discuss town business and needs. Thus they have not had experience on the executive of these quasi-governmental organisations, and they have not had to donate their time, labour and talents to achieve improvements in the quality of life of their town. This is not to imply that people could not do these things. Batchelor probably has one of the highest educational levels of any place in the Territory, a pool of talent, and increasing numbers of successful private business people. Nonetheless, the town's experience with local governance has been quite different from and even less than that of other open towns.
Adelaide River: Serving Locals and Travellers

According to the 1981 census, Adelaide River had a non-Aboriginal population of 146, and 37 people identifying themselves as Aboriginal. The town has not grown much in the 1980's. An estimate in 1986 gave the total population as under 200 and the population of the surrounding area as another 200.

Adelaide River is a historic Territory settlement which grew up at a major river crossing. The 'Track' forded the Adelaide River here. The Stuart Highway now crosses it by a high level, all weather bridge. The old railway station is on the south side of the river, away from the core of today's settlement. The town developed as a stopover for travellers and has continued to find its raison d'être and economic viability through serving the travelling public. During World War II, Adelaide River was well within the militarised Top End of the Territory, with several air strips and military camps in the vicinity. After the war a major War Graves cemetery for the Top End was established on the eastern side of the town.

In the mid 1980's the town had a grid of four or five paved residential streets, served by reticulated water and sewerage. The primary school, police station and clinic, with ambulance service, are located back from the highway on residential streets. The commercial activities of Adelaide River are strung out along the feeder road parallel to the Stuart Highway. Private businesses serve truckers, tourists in private cars, and both scheduled and tour buses. There are two motels, a restaurant-bar, which also has live outdoor entertainment some weekends, one or more petrol and repair garages, and two stores. Most travellers stop for only a short time in the town. However, the War Graves monuments and carefully tended grounds do attract a number of visitors to spend a few hours rather than minutes in the town.

The balance between people employed in the public service, nurses, teachers, and police, and people engaged in commercial enterprise serving the travelling public is reflected in the employment proportions. Twenty-one per cent of employed people are in the wholesale and retail sector; twenty-three percent are in community service and education; while ten percent are in agriculture and forestry. Some town people farm property in and adjacent to the town.

Adelaide River has never been a single industry town like Batchelor: rather it has a mixed economic base with an emphasis on private business. Although the Territory tourist industry has been growing during the 1980's, and highway business is expected to continue to expand with the completion of paving of the Stuart Highway, highway business is erratic. It peaks during the dry season and falls off dramatically in the wet, and is unstable from year to year. New businesses have been established in the 1980's. Consequently there is competition between the stores, gas stations, motels and takeaway food outlets to capture the tourist trade.

Unlike Batchelor, Adelaide River does have a progress association. It was established later than the one in Pine Creek, and has had a shakier history, due, it would seem, to the small number of people who have participated actively, and to internal conflicts between members whose objectives and methods have clashed. Adelaide River has a board of trustees with responsibility for facilities such as the sports oval. It has experienced difficulties when trustees move away from the town and are not replaced. One of the town's oldest and most active organisations is the Adelaide River Show Society, which maintains the showgrounds, and runs a well established annual show and races which attract visitors from across the Top End and beyond.
Adelaide River main street: serving the traveller

Joint tourism development association
The Adelaide River Aboriginal town camp is outside the gazetted town, two to three kilometres from the town centre. There are seven houses, corrugated metal shelters, and several other shelter-type buildings. Up to 50 people live there during the wet season, and there is a core population of four to five families. The people have kinship connections with the Pine Creek town campers, and with Daly River and Port Keats people to the west. In 1986-87, out of a primary school population of around 50, nine were Aboriginal children. Aboriginal people and townpeople cross paths at the stores and gas station and at the clinic. The children meet in the classroom. Otherwise their lives today are lived almost completely apart. During the first round of discussion on community government between the Adelaide River Progress Association and people from Batchelor, no mention was made of Adelaide River Aborigines. The DCD officer did not raise their possible inclusion or exclusion and its implications for consideration at the meeting and no Aboriginal person from the camp had been contacted to attend.

People in Adelaide River feel that they have had to fight hard to build the town. They recall individual and group efforts to acquire the oval and the fire station. As they see it, the struggle goes on: between the town and the government in Darwin, and also among themselves. The individualistic, entrepreneurial spirit is strong in Adelaide River.

**Perspectives on Joint Community Government**

There is a dissimilarity between Adelaide River and Batchelor, in their history, economy, social composition, governance, and most importantly in their civic culture and civic ethos. Local people are well aware of the differences. They are especially sensitive to contrasts in civic culture and ethos. It forms the basis for competition and mutual criticism. Cooperation is not entirely out of the question, though, when people in the two communities come to recognise a convergence of interests. For example, they have incorporated a joint Batchelor-Adelaide River Tourism Development Association.

The joint community government proposition also throws into focus several issues arising from differences between certain Territory interests and the wording of the legislation.

Community will and community choice over aspects of the scheme is recognised in the legislation and emphasised in the pamphlets and public presentations by DCD personnel. The Act also makes it quite clear, though, that the will of the Minister and therefore of the NT government interest can override community will.

The Territory, through DCD, has indicated its wish to have small places in the Territory, and possibly the area between, form a single community government. There are several reasons for this.

The Territory is concerned about the proliferation of tiny community governments since they are not cost efficient. Each community government has been promised a paid trained clerk. Each would generate many types of paperwork for departments ranging from DCD to the Electoral Office. Each would have to be dealt with by the NT government departments and service delivery agents. While neither Batchelor nor Adelaide River is as small as the smallest of the community governments, Wallace Rockhole and Mataranka, they are only 42 kilometres from each other, close in Territory terms, and in both places the majority of residents is non-Aboriginal. Perhaps this is sufficient, from the Darwin based NT government perspective to suggest that they should form a community government.
The degree of assymmetry and difference of ethos between the two indicates, however, that they would experience difficulties in forming an effective community government. For example, the two communities would be faced with trying to work out how to allocate the time of the clerk, and deciding where the offices should be located. They would have to come to some agreement on what which form of electoral representation would best balance the needs of both communities. To those outside the communities these may appear to be trivial matters. They are, however, difficult issues to resolve between parties seeking joint government. They could prove insurmountable between two parties with different sets of needs and different interests each wishes to safeguard: parties who are unconvinced about the value of a joint community government.

By mid 1988 the Batchelor Adelaide River joint community government issue had not been resolved. The outcome may afford an illustration of which provision of the Act is overriding: that which enables community discretion and community choice, or that which provides for ministerial intervention in the interests of the NT government. Alternatively it may illustrate the way communities can work out their differences and come up with a mutually agreeable local government system, though that is less likely.
CHAPTER EIGHT

PINE CREEK: FACING COMMUNITY GOVERNMENT ISSUES

From Boom to Bust and Back*

Pine Creek has played a significant and recurring role in the mining, transportation and communications history of the NT. Its fortunes have fluctuated with changes in these industries.

In 1871 gold was discovered at Yam Creek, 40 kilometres west of what was to become Pine Creek, by a crew digging postholes for the Overland Telegraph. The discovery triggered a major gold rush into the Territory in the 1870’s. First European and then Chinese miners moved in, and spread out across the bush and hill ranges. The first discovery of alluvial gold was announced by the Mine Warden in 1877, bringing large numbers of Chinese diggers into the area. By 1880 a small town was serving the miners at the southern end of the gold field.

Probably because of the speed with which mining spread out across the region there is little verified information on the association of Aboriginal people with land in the Pine Creek area, although there are plenty of references to the presence of Aborigines. Pearce comments:

The traditional lifestyle of Aborigines within the Pine Creek District had been changed by the pressures of contact before it could be carefully observed (Pearce 1982, 11-12).

Mining devastated the habitat across which small groups of Aborigines ranged for their livelihood. It destroyed sites and dreaming tracks which were sacred to Aboriginal people. Furthermore:

The uprooting and destruction of the Aboriginal population throughout the Pine Creek District exceeded in intensity all previous retaliations (Pearce 1982, 67).

The first mining boom was short lived. As early as 1882 a South Australian parliamentary delegation observed of Pine Creek:

This settlement is fast declining...there remain only representatives of the hundreds of Chinamen who some years ago resided here (quoted by Pearce 1982, 62).

At that time:

*Aborigines in the neighbourhood of the town chose to live along the headwaters of Pine Creek in an area known as the gorge, or nearby at the head of Copperhill Creek. Both locations were traditional areas as the upper reaches of each gully carried good flows of spring water through the Dry Season (Pearce 1982, 65).*

But the slump did not last long. The railway from Darwin, which wound its way through the gold fields, reached Pine Creek in 1889. The townsites had been surveyed the previous year, and was gazetted as the town of Playford. Although it was not until 1973 that it was gazetted as Pine Creek, the town has always been known by that name. From 1890 Pine Creek became the major service centre for the southern section of the goldfield, with telegraph office, railway station and rail yards, police post, hotels, blacksmiths, and eventually, the Mine Warden’s office. Chinatown, with its huts and shops, alleyways and temples, spread out over the alluvial workings and mullock heaps south of the town. In 1894-95 there were an estimated 700 Chinese in Pine Creek, with Chinese outnumbering Europeans by as many as seventeen to one at the peak. As the value of gold from the fields declined, miners began to exploit local tin and copper deposits.

Such a large population needed a local supply of food. The Chinese obtained garden leases and grew rice and vegetables. Some of the district’s rural small holdings of the 1980’s are on surviving garden leases.

In the 1880’s the Pine Creek pastoral district became established. Most of the cattle stations were, and still are, small by Territory standards. They were taken up and developed by small self-financing residents of the Top End of European origin. Prospecting, and the use of unpaid Aborigines for stock work, carting and preparation of hides, helped sustain the local pastoral enterprises. As Pearce (1982, 105) says: ‘The Pine Creek pastoral district became, and still is, a small man’s country’.

Mining activities, gardens and cattle stations were all on lands which were the source of both physical and spiritual sustenance for the area’s original inhabitants. The new occupiers of the land were indifferent to Aborigines and their need to gather food, and ignorant of the spiritual responsibility Aborigines have to nurture the land itself in ritual and ceremony. References are made to Aborigines being rounded up for work, and chased when they escaped.

Economic booms in Pine Creek have been, characteristically, short lived. Mining throughout the district had virtually ceased by 1914, and the 1920s and early 1930s were a period of prolonged slump. Most of the Chinese drifted away. The small cattle stations such as Bonrook and Esmeralda struggled on. The 1929 census for the Pine Creek district enumerated 107 Europeans and 54 Chinese. A count of the Aboriginal population of the district gave an estimate of 93. Reopening of the Enterprise gold mine on the western edge of town in 1934 gave the town only a brief boost. Pine Creek survived as a tiny service centre, with railway station and weekly service from Darwin, and a store, hotel, bakery and hospital.

Military occupation of the Top End, from 1942-45, totally disrupted the life of Pine Creek. The civilian white and ‘half-caste’ population was evacuated to southern Australia. Pine Creek became a military headquarters. Major upgrading of transportation and communications occurred. The ‘Track’, the bush road which wound south from Darwin, was sealed and upgraded to become an almost all weather road. A telephone link was
Changing uses of an historic building

Abandoned machinery near the museum
constructed between Adelaide and Darwin, with an exchange and linesmen located in the small towns along the line.

The local cattle stations took on an importance unknown before or since, as a source of beef and vegetables for the large military force. Cullen cattle station south of Pine Creek was expropriated by the army in 1943, and became a camp for Aboriginal stock workers and their families. Aboriginal stockmen were used to muster stock off adjacent properties. Others were used in camp to shoot and butcher cattle. Women worked in the kitchen as mess assistants. Those directly employed by the army were paid five shillings a week, and received free clothing, medical treatment and full army food rations for themselves and two dependents. By the end of the war it was estimated that 300 Aborigines from the district and beyond lived at Cullen compound in a collection of iron humpies, grass huts, and tents.

In the immediate post-war period the Aborigines dispersed as station owners took men for stock work, and families left to avoid contact with government welfare officers who visited compound camps to remove part-European part-Aboriginal children from their parents (Pearce 1982, 143-44). Following the war civilians were slow to repopulate Pine Creek. The town population in 1947 was 91, and in 1954, only 43.

From the late 1950s to early 1970s, the Pine Creek district experienced another mining boom, not in gold but in iron and uranium. An iron ore mine opened at Francis Creek; uranium was mined at El Shera and at UDP (Uranium Development Project) Falls. A new hotel was built in the town in 1957. Local business began to flourish again. Some employed Aborigines and allowed their employees and their families to camp on and adjacent to their properties.

But again the boom did not last. Just as a medical centre and hospital designed to serve Pine Creek and district were completed in 1973 the iron and uranium mines closed. Rail service was finally closed in 1976. In 1978 the telephone exchange and linesmen were replaced by a microwave link. The old 'Track' was upgraded to a bitumenised two lane highway, and straightened to bypass the centre of Pine Creek.

From the mid 1970s until the Renison Consolidated Gold mine opened in 1985 the town population was around 200 to 215. The 1981 census gave a total population for Pine Creek of 214, and an Aboriginal population of 42. But because of enumeration problems and undercounting of Aborigines, it is probable that both these figures are low.

The cyclical boom and bust pattern of the Pine Creek mine-based economy has introduced new people and then withdrawn them from the town. But mining persists as the town's raison d'etre. Through the ups and downs, a few families have stayed on, giving the town a stability and continuity. These included the one remaining Chinese family, who run the local store; the family who took over the hotel in the twenties and opened a new hotel in the fifties; and some of the surrounding cattle station operators. In addition several Aboriginal families trace their ancestral land affiliation to the Pine Creek district and have lived in and around Pine Creek as long as the town has been in existence, and for a long time before.

Establishment of the Pine Creek Aboriginal Camps*

It is probable that the number of Aboriginal people in the Pine Creek area began to rise after award wages were granted in the cattle industry in 1965 and cattle stations reduced the number of Aboriginal stock workers they used. Even where Aborigines continued to
find some dry season employment on a station, they and their families were turned off in the wet season, rather than being permitted to make wet season camps at the stations or its outstations. Since there are no Aboriginal reserves within a 100 kilometre radius of Pine Creek, Aboriginal families would establish wet season camps around Pine Creek. Increasingly they found themselves remaining there if they did not find employment in the dry, or if, as became the norm, only workers, not families, were allowed on the cattle stations.

By the early 1970s Aboriginal people were camping on a regular basis around town, although they had no legal rights to occupy the land, and no particular facilities were available to them. Some movement from site to site occurred seasonally because of problems associated with each site. Some people camped along the banks of Pine Creek, because of the availability of water in the dry. But these locations were subject to flooding in the wet. One favoured location in the wet was a section of bush on the north edge of the built up area of town. No permanent water supply was available, but as this was mainly a wet season camp, water was collected off iron sheets. When the medical centre was constructed on this site, people moved to the vicinity of the railway water reservoir, but this was also subject to flooding, and the people had no security of tenure there either.

Something needed to be done to supply Aboriginal camping areas with piped water and latrines, at the very least. Pine Creek community leaders, especially those in the Pine Creek Progress Association, established in the late 1950s, had some experience with getting government agencies to make improvements to town facilities. There were also people of part Aboriginal origin who had a deep concern about the conditions in the makeshift camps. The Pine Creek Aboriginal Advancement Association (PCAAA) was set up in 1972 to develop a response to the situation. The PCAA board consisted of three townspeople and three people of Aboriginal origin. Immediate improvements included the sinking of a bore at the railway dam site, and, a little later, erection of a couple of iron shelters.

The PCAA sought to acquire land for a camp that had some security of tenure. In 1978 it negotiated for a 97 hectare property outside of the town boundary, five kilometres to the south, known as Kybrook Farm. Aborigines were moved from the town camping sites out to Kybrook. A manager was installed in the old station homestead. Gradually, with DAA and DCD funding, simple corrugated iron shelters were constructed.

Successive camp managers have sought funds to improve the camp site and its facilities. In 1987 there were eleven corrugated metal shelters for upwards of 50 people. Each shelter was supplied with electricity and an outside cold water pipe. There were communal showers and toilets. Families were cooking on half oil drum stoves, set out in the open in the dry season and moved in under the metal veranda during the wet, where they tend to fill the shelter with smoke (Figures 10 and 11 show the layout of buildings at Kybrook Farm).

The PCAA and the DAA had assumed that all Aboriginal people in the Pine Creek area would make Kybrook their camping place. However, people soon began to move back to town and reestablish themselves in the vicinity of Railway Dam. In 1984 the PCAA successfully negotiated another lease for a small area roughly 85m by 75m immediately adjacent to the reservoir. Simple metal shelters were erected on the site.

* Much of the information for this section is drawn directly from Wolfe, J.S., 1987. Pine Creek Aborigines and Town Camps, North Australia Research Unit, Darwin, 14-15.

141
Typical camp shelter, Kybrook Farm

Kybrook Farm camp shelter housing fourteen

142
Women's work: cooking and washing facilities

Cooking Kangaroo
Figure 11 Kybrook Farm: Entrance Area Development
By 1987 the Town Camp had an ablution block and laundry tubs supplied with solar heated water (Figure 12). In 1987-88 a new construction phase occurred at Kybrook Farm. Many of the old style huts were pulled down, and the materials reused on site or moved to an outstation. They were replaced with new dwellings in the core community and others along the access road. The new metal shelters have large shaded louvered verandas, and running water, wash tubs and toilets (for greater detail on the camps and Pine Creek Aboriginal see Wolfe 1987).

Gold Boom of the '80s

In 1981 Enterprise Gold Mines NL and Renison Goldfields Consolidated Ltd, through a joint venture agreement, undertook to explore mining tenements at Pine Creek (Kinhill Stearns, 1984a, 1-1). A significant ore body was delineated, centred on the old Enterprise Gold Mine immediately west of the Stuart Highway and the Pine Creek township. By the mid 1980s, therefore, Pine Creek was experiencing what long time residents regard as the fifth or even sixth boom. As with earlier mining booms, and intervening busts, the impact on the small town was dramatic.

The June 1986 population estimate for Pine Creek and area was 680, including Aborigines. A December 1986 survey of Aborigines living in the two Pine Creek camps indicated a resident population of around 100, with up to 50 additional people being expected to spend some time as residents during the wet season. Because the number of non-Aboriginal people has tripled in four to five years the proportion of Aborigines to non-Aborigines fell from as much as 20 to 50 per cent depending in the year and season to between 15 to 20 per cent.

In 1981, the mining industry provided employment for 25 per cent of the local labour force of around 100. Nineteen per cent were employed in community services, fourteen per cent in construction, ten per cent in restaurant and hotel, and seven per cent in retailing (ABS Census 1981).

The Renison mine became the major employer, introducing 75 jobs between 1985 and 1986. The number of mine employees and dependents was a little lower than the 115 to 130 predicted in the proposals. The number of dependents is lower than anticipated, because more singles were hired than people with families. An assay laboratory, handling the Renison daily assay samples, as well as work from the Tennant Creek area and as far away as Indonesia, opened in Pine Creek in 1985-86. By early 1987 its work force was sixteen to twenty people, and is expected to increase to about three times that number (Australian Assay Laboratories Group, pers. comm. 1987). While almost all of the mine jobs were filled by out-of-towners, the assay laboratory employs some locals. No Pine Creek Aborigine has yet found employment in the mining sector or in any of the services or businesses which have grown up in response to the mining boom.

Mining exploration and mineral extraction is proceeding both within the town and in the greater Pine Creek area. In 1987 a local business family began reworking the alluvium and mullock heaps south of the built up area. Individuals and major companies were prospecting across the district and a number of individuals were working leases for gold and tin. As long as the price of gold holds, and the prospecting and mining boom continues, employment in the mines, laboratory, and in prospecting will dominate the town's employment pattern.
Renison Consolidated crushing facility

From hill to hole: the Renison mine
Most single industry towns experience significant social and economic impacts from rapid population increases during a period of economic boom. Pine Creek residents were questioned about what effects the opening of the mine had on the town, and how it had affected them personally. Forty non-Aboriginal adult residents, or roughly eight per cent of the area's non-Aboriginal residents were interviewed in connection with research on the introduction of community government. No attempt was made to interview a scientifically structured sample. Rather, structured interviews were held with people from across Pine Creek's socio-economic spectrum, including owners and managers of town businesses and industry, public servants, long time residents, and newcomers. Forty Aboriginal residents were interviewed to obtain information on many aspects of camp life, including the impact of the mining boom.

Most non-Aboriginal people were indifferent or positive about the impact of the new operations. As they saw it, Pine Creek had absorbed the impact with few negative effects. Physical problems, such as noise from the crusher, dust, and lack of warning about blasting, were mentioned most frequently.

Far from complaining about any negative social impact of the boom, the most frequent criticism by townspeople was that newcomers did not join local organisations or turn up to social events as much as had been anticipated. Some aspects of the town's social and recreational life have been given a new vitality. The hotel bars and restaurants are well patronised; there is a weekly volleyball tournament, and a recently established cricket club.

Demands placed on the community's social services have been variable. Mine management enforces a strict disciplinary policy. Police workload has not been significantly increased. The school has the capacity to absorb increased enrollment, but has problems dealing with rapid turnover of pupils. The case load for the nursing staff at the clinic is adequate. The nursing sister and the Aboriginal Health Worker do find it difficult to balance the multiple health service demands of the extensive Pine Creek District, with its large and small scale mining and highway and tourist traffic. Their responsibilities include public health and education, clinical service, and emergency and ambulance response.

Mining expansion has had a selective economic impact. Because Renison developed a residential compound for singles and single family dwellings away from the centre of town, mine employees have not affected the building lot and housing market in town to any great extent. Lands Department has released a few new lots adjacent to the mine residential area. The mine runs its own mess hall for employees. Anyone can purchase a meal there. The long established multipurpose store has seen a modest increase in business, and in 1988 another store opened. Singles and families with access to private transportation make most of their major purchases, including grocery shopping, outside of Pine Creek, in Katherine or even Darwin. The hotel, bars and restaurant, and two petrol stations have had increased business and have improved their facilities. There is optimism among business people in Pine Creek about continuing demand generated from mining and from tourism.

On the other hand, profound concerns were expressed by some of the Aboriginal residents of Kybrook Farm, both young and old. They felt there had not been discussion with them about the mine location and its destructive effects on land that is important to them. The Draft Environmental Impact Statement (supplement) refers to consultation with the Aborigines on the location of special sites in this way:
Although consultations with the Pine Creek Aboriginal community have focused on the protection of areas of concern, Bauman and Devison (1983) have indicated that, generally, this community have an unfavourable attitude towards the proposed gold mine. However, as noted in the Draft EIS, the intensive consultation necessary for identification of sites of concern has given the Aboriginal people a sense of direct participation in the early planning stage of the project and this has helped to allay some of their concern (Kinhill Stearns 1984b, 7.7).

A survey of Aboriginal archaeological sites had been undertaken for the area covered. Fifty-three sites were found and recorded. Nine were classified as surface scatters, the rest as quarries.

The quarries found in this survey are the largest known complexes of Aboriginal quarries in the Northern Territory. The fact that these sites are still present in an area which has been extensively disturbed during the past 100 years is testimony to their massive scale. The quarries are of archaeological significance (Baker 1983)... a significant proportion occur within the area to be developed (Kinhill Stearns 1984b, 4-2).

A number of sites located within or immediately adjacent to the exploration licence which were of concern to Aborigines were identified to the Aboriginal Sacred Sites Authority (Bauman and Devison 1983). These include:

nine burial sites, five mythological sites of significance, two rock art sites, two ceremonial sites, and an area which those people concerned with the site requested no specific details be revealed... The proposed development would affect one of the identified sites - a mythological site of significance associated with the activities of Kungararrk (Blue Tongue) (Kinhill Stearns, 1984b, 4-3).

Careful site identification does not, however, appear to have been followed up by equally careful discussion on and planning for site protection. One site which had been identified, and then fenced and signposted by the mine, with an agreement that it would not be interfered with in the course of mine development, has been destroyed, resulting in a complaint from the Aboriginal sacred Sites Protection Authority (pers. comm. Aboriginal Sacred Sites Protection Authority 1988). The Aborigines felt that the mine is destroying their sacred and burial sites, and that because their country is being destroyed they are being profoundly affected. As one senior member of the Wagaman clan said:

The country carries a blackfellow's life. People die before their time when the country dies, (Paddy Huddleston, pers. comm. 1987).

Town Facilities and Services

The old highway meandered into Pine Creek through the hills and around the early mine workings south of the town. The straightened and realigned Stuart Highway passes by the town to the west. By 1988 new mining operation was clearly visible on the west side of the Stuart Highway, where it has reduced a sizable hill to a great hole.

East of the highway, and almost hidden from view, houses and businesses spread out over a wide area. There are gaps and open spaces, a consequence of the cyclical boom and bust
General store

Loading groceries for the Aboriginal camp
added new buildings, then left them to decay. The disused rail line and railway lands cuts through the town from north to south. Scattered along the line are the railway dam, the old station master's house, now a youth hostel, railway station and water tanks. Around town, half hidden in the grass, are relics of Pine Creek's mining past: sieves and crushers, wheels and boilers, and old buildings, such as the jail and the bakery (the bakery was demolished between 1987 and 1988).

Today the town core has reticulated water and sewerage. Residential streets are paved and lit. Houses in the core are a mix of elevated and ground level Housing Commission houses and old and new private residences. There is a block of pensioners bungalows built in the early 1980s. On the fringes of town are conventional new and older type homes and corrugated metal shacks on large lots.

Many of Pine Creeks public facilities are concentrated in a row along the old rail line away from the commercial and residential area, and include primary school and preschool, and police station. Along the same row is the old telegraph repeater station. Originally constructed as Chief Mine Warden's quarters, it was brought to Pine Creek in 1913, where it has been used as a doctor's residence, hospital, staff quarters for the Pine Creek Half Caste Home, post office, telephone exchange and private residence. It now houses the Pine Creek library and Pine Creek historical museum. The medical centre, opened in 1973, is a six bed facility never yet used to its physical capacity. The public works yard and the assay laboratory are located close to the Stuart Highway on the south west edge of town which is rapidly becoming Pine Creek's heavy construction and industrial area. The town has a number of recreation and social facilities including a community hall, sports oval, volleyball/tennis courts, cricket practice nets, and race track.

People of Pine Creek

People in small towns live their lives, often for decades, in close proximity to each other. In Pine Creek, local festivals, such as Race Day, the Christmas party, or dances, bring people together. Routinely, even daily, people exchange greetings at the store or post office, or meet in the bar. Things which in larger communities are matters of private life, are often public business in a small community, and become the stuff which animates daily conversation. Transformed by repetition, it becomes part of the community tradition, part of the community memory. Although the number of people is small, individuals have their place in community history and social and economic hierarchy, and that place structures their social interactions and affects how others relate to them.

During conversations with Pine Creek residents, people were asked: "who is here now, who makes up the community of Pine Creek?" The answers covered common ground. They revealed an awareness of the distinction between the core families of Pine Creek who are regarded not only as the link with the past, but as essential to its future, and the transients; between the newcomers who have come to do a job and will soon move on and recent arrivals who have put down roots; between business people and public servants; between mining people and everyone else. One acute observer summarised the major distinctions:

_There's the business people, some new and making their way, some real old timers like the Ah Toys and the Dowlings. Some have roots. All have a stake._
Then there's the public servants. Always some of them around, has been all along. They all used to have a commitment, and be joiners, but not so much any more.

There's the miners, from the big mine up on the hill, and living over the other side of town. They keep themselves apart. Most won't be here long anyway. And there's the small miners, youngsters and old timers out bush. And the really old miners who live in town now. They aren't much interested in any government except to knock it.

There's the pensioners. They care, but you won't see them too much on committees.

There's the transients, the dole bludgers and marijuana growers, can't expect anything from them. And there's the drunks, white drunks and black drunks. They are part of the place (pers. comm. 1987).

Only two of the 40 non-Aboriginal respondents specifically identified Aboriginal people as being part of the Pine Creek community, yet a December 1987 survey found that there were over 100 Aboriginal people living in the two Pine Creek camps. Evidence from the survey indicated that several family groups have been around the Pine Creek area for generations. Seventy-five per cent of the Aboriginal adults had lived in Pine Creek for more than five years, and 38 per cent had lived there for more than twenty years. People in the camps are from several different clan and language groups. Most retain strong affiliation with their traditional country: Mialli to the east, Jawoyn to the southeast, and Wagaman in the vicinity of Pine Creek and lands to the west. Some young people regard Pine Creek as their home place. Because the people have different origins and tribal languages, there is sometimes a clash of interests. However, the group is interlinked through marriage and kinship ties, and by having been resident in and around Pine Creek for many years.

Although they live in physical separation from the townspeople they are an integral part of the social and economic fabric of Pine Creek, regularly using the services available in town. Aborigines and non-Aborigines know each other by name, even though direct social exchange is limited largely to transactions at the store or gas station, to meeting at the school or clinic, or the annual race days. Along with a few long time resident part-Aboriginal and non-Aboriginal families and individual 'old timers', Aborigines make up the core of the town's permanent residents (Wolfe 1987).

Role of Local Organisations

Small towns are often noted for the number and vitality of local organisations and clubs. Pine Creek is no exception. Organisations fall into several categories, to do with the different aspects of town life. Some, like the Sports and Social club, are strictly social; others like the Play School Association, fill a need and provide a vital service; while others like the local branch of the National Trust, are part of nation-wide organisations, while being particularly concerned for Pine Creek's roots and cultural heritage. In a demonstration of cooperation between today's gold mining industry and the town, the Bicentennial Committee undertook to develop a Miners Park. By mid 1988 it had several exhibits in place, including a stamp battery and winding gear. There is the Pine Creek Progress Association which performs local government type functions in lieu of formal local government. And there is the Pine Creek Aboriginal Advancement Association.
Bicentennial Committee assembles machinery in the Miners' Park

Volunteers build the firehall
Several active volunteers commented that the same group of people tended to be involved in several organisations and many other folks in none. However, no one interviewed complained that there was nothing going on in Pine Creek.

Pine Creek's booms, the current one being no exception, have provided a regular infusion of new energy and new ideas when they were needed. Pine Creek's organisations seem to welcome and be capable of making good use of new talents, even though they may be available for only a short time. People, old and new, are determined to make the myth of Pine Creek, the mining town which rides the crest of booms and survives the busts and is tough and self reliant, into their own present reality.

Pine Creek Progress Association and Board of Trustees*

Pine Creek, in the early 1950's, was one of the first towns to form a progress association. The progress association undertook small projects, such as town beautification and development of local facilities. The written and oral record shows a repetitive concern by the Pine Creek association for matters directly affecting the quality of life of the town. They fall into two main categories: things related to the physical infrastructure of the town such as roads, water, sewerage, lighting, telephone and radio; and things related broadly to its social health and vitality, including the community hall, sports facilities, health facilities and housing. The nature of the concern shifted gradually as physical infrastructure or social facilities were put in place, from getting local services established, to maintaining and improving the quality of service.

For example, until the progress association successfully lobbied for town electrical power in the mid 1960s, people used kerosene for lighting and refrigeration. But in 1972 and again in 1980 and 1986 there were concerns over the service, and power failures. Sewerage has been a recurring problem in the wet, when septic tanks overflow. Repeated requests by the Association eventually led to town sewerage reticulation in 1975-76, though not to the complete satisfaction of the town, since the site selected by Public Works for the sewerage lagoon was the town race track. Sufficient good quality water has been a recurring concern; so has grass cutting and fire control in the dry season. Rubbish clearance was an issue in 1974, 1975 and 1977. In 1980, cooperation between the progress association and the PCAAA led to a special works project to clean up the town and its reserves. There is, therefore, a sense of deja vu for anyone reading the minutes of the 1970s and reading minutes or attending meetings in the mid 1980s, of recurring issues and problems which remain unsolved.

The association did not ignore community social welfare. Lobbying by the association and its executive resulted, in 1973, in the opening of the medical centre, and a new community hall to replace one which had burned. Special housing for needy groups was repeatedly brought to the attention of government. In 1978, 1979 and 1982 concern was for housing for the elderly, especially elderly prospectors and miners. Pensioners housing was built in 1984. In 1977 the association registered a need for Aboriginal housing, joining its voice with the PCAAA. The existence of the two camps and their special purpose leases can be attributed in large part to the combined efforts of the two organisations.

* Information on past and recent activities of the association is drawn from the progress association minutes, which go back to the early 1970's; from interviews with past and present association executive and general members, and from the annual Territory Administrator's reports.
Progress Association records

Progress Association holds a public meeting to consider community government
The Pine Creek Progress Association was also instrumental in establishing a number of community sports and recreational park reserves. Boards of trustees were given authority for holding money for the development and maintenance of the reserves once they had been established. In the mid 1980s motions were placed before the progress association to recommend abolishing the trustees. One reason given was that the trustees were not directly accountable to the community; rather they were accountable to the minister who provided the money, but who could not know what was needed locally. The second was that trustees had moved away, or had died, and had not been replaced. The boards were regarded by some as paternalistic, and as having outlasted their usefulness to the community.

The Progress Association and Town Planning

Local people have played an active part in the development of Pine Creek and have been concerned to make it a better place to live. However, the major decisions on the what, where and how of facilities and services have been taken outside of the town by central government departments, just as decisions about the when, what and where of mining development have also been taken by those outside.

It might be argued that a town like Pine Creek does not need a land use plan, land use controls or a formal planning process: the population is small, and there is virtually unlimited land around the town site. By now, though, it must be clear that Pine Creek has an increasingly complex and varied range of public and private facilities and public services, all with land requirements, and that there are physical and jurisdictional limitations on serviced and serviceable land. Development and maintenance of facilities and services in ways which are both cost efficient and which properly serve the needs of residents requires that decisions about where they will be located, and what level of service will be provided, be taken with full knowledge of local conditions and likely changes in the town’s economic and social structure.

The number and range of businesses and facilities in the town has grown substantially in the last decade. There has been a corresponding increase in competition, and controversy about where new developments should be located. Although the town looks spread out, with wide open spaces, land is tied up in public reserves and special purpose leases as well as residential lots. In the mid 1980s an increasing number of people were wishing to purchase residential lots, but of the existing 47 private lots, fourteen were held in one name and many lots, although serviced, did not have a house on them.

In 1979 the progress association shared its concerns with Paul Everingham, then Chief Minister, noting, among many agenda items, the need for sites for a motel, caravan park and recreation reserve. The association, acting for the community, asked Lands Department for a 'work plan' to take into account management areas and the historic character of the town. A 'proposed plan' was exhibited in 1980. A special meeting of the association later in the year brought forward a number of concerns. Interest was expressed in larger half acre residential lots, and in a long term idea to shift the public works and industrial area and rezone the site for residential use.

The life of the 1980 proposed plan was short lived: overtaken by the development of a major gold mine on the west side of the town site, and the need to find a location for temporary caravan and demountable accommodation during the construction phase and for more permanent single person and family housing.

The involvement of Pine Creek's residents in planning the gold mining expansion was structured in such a way that it could only be reactive to external decisions. This is in
accordance with the type of planning process adopted by the Territory through the Lands Department. Municipalities do not have statutory authority for municipal planning. Also, they are limited in the extent and the nature of local participation which is required, and which is encouraged. It is also in accordance with the way the mine proponents viewed the purpose and process of public input.

In this regard the position of the mine proponent is worth quoting at length.

Experience indicates that extensive public consultation during the initial stages of a project, when many aspects of the project are in a state of flux, creates an atmosphere of confusion. More meaningful consultation is achieved from examination of a relatively firm proposal which allows flexibility to accommodate legitimate concerns ... Consequently the more definitive consultations with the public are built around the public review of the Draft EIS ... The results of public consultations are not therefore available for public comment. This is considered appropriate, when the role of public consultation is seen as the identification of community attitudes to a proposal, enabling a proponent to make modifications where possible and appropriate, and guiding government authorities in their assessment of that proposal (Kinhill Stearns 1984b, 7-8).

The proponent went on to indicate that:

The township plan provided in the Draft EIS was a suggestion to the Department of Lands of the structure which could be used as a basis for land use controls in accordance with the Planning Act 1979-82...It was always expected that before the adoption of a township plan the Department of Lands would consult the residents of Pine Creek (Kinhill Stearns 1984b, 7-3).

Current land use, and land use zoning and control in response to impacts created by the Renison mine, have been the focus of the planning effort which has occurred in Pine Creek. In Aboriginal communities, though not apparently in open towns, the NT government through the Land Department, has made a start in establishing a slightly broader context for planning, to include the location and sites of existing services, physical service needs of the community, location of serviced land for immediate growth, and the location of developable land for future expansion. Pine Creek's recent draft structure plan is a preliminary move in the same direction.

But needs identification should not be limited only to physical services and land availability, but should be more broadly based to include social services needs and economic diversification. The strains experienced by the nursing staff in Pine Creek are symptomatic of the strains placed on social service delivery by rapid population growth. The unmet and overlooked needs of Pine Creek's Aboriginal people are a consequence, among other things, of a widely held assumption that they are not really a part of the community at all, and a consequence of the absence of any attempt at local level integrated social services needs identification and planning.

The progress association has made a vital contribution to the quality of life of Pine Creek residents and has been involved in local planning to the extent allowed by its association status and the limitations of the Planning Act regarding local authority. In absence of any formal local government, it has been used by upper tier government and other decision makers as the channel for communication with the town. The matters it has been required to deal with have become increasingly complex, as the scope of local public service
delivery and impacts of private decision makers has expanded. The matters with which it has had to grapple are almost as complex as those dealt with in communities many times the size of Pine Creek: communities which have the assistance of local professional administrative staff. The progress association is limited in the extent to which it can legally act as the representative of townspeople, and limited in its own expertise. Change to community government provides the community council with the legal authority to act on behalf of the community, and some access to administrative staff. However, with the prevailing statutory requirement that the Territory control land use planning, and the prevailing practice of minimal and reactive local input into town planning it is unlikely that the change to community government will in any way increase local influence over planning for the town and its physical and social sources.

Pine Creek Aboriginal Advancement Association

The PCAA is established in 1972. Three distinct phases can be identified in the fifteen year life of the association. In the first phase the PCAA acquired a lease on Kybrook Farm, secured funding to set up simple shelters and moved Aborigines from their campsites to Kybrook. In phase two managers were installed. Special works projects were initiated. One project employed Aboriginal men from the camp in tree planting and maintenance in Pine Creek and the development of a garden at Kybrook. In other years people were employed on camp rubbish collection, grounds maintenance and cleaning of the ablation blocks. During phase two the PCAA acquired a lease on a second piece of land in town. Phase three, in which an effort is being made by the Pine Creek Aborigines to increase their own participation in the running of the PCAA and in camp management, began in the late 1980s.

The PCAA is the only formal mechanism available to the Aboriginal community to be involved in camp management and to make decisions about the camps. As an incorporated association it can receive and administer government funding and apply for special projects. The board of directors consists of a president, a secretary who must be able to read and write in English, and a treasurer who can count in English, and additional board members. In the past it was run largely for Aboriginal people by those who were not camp residents. In 1986-87 reorganisation was underway to ensure that camp residents hold the responsible positions and work on behalf of the community in such a way that all the people understand what is going on and actively participate.

As the Aboriginal community gets more involved it has to come to terms with recent changes in the way in which the camps have been managed. A manager, according to DAA guidelines, assists people to get the social security they are eligible for, ensures the camp grounds are maintained, and that there is a supply of firewood, initiates employment and training programs, and trains the association committee and the community in the operation of an association. Camp managers are not necessarily trained community development professionals. For most of them, it is a matter of on the job training, with limited instruction, direction or assistance from DAA. On the plus side, this means that the managers can deal with each community and situation as it is, and not according to a departmental formula. On the negative side, it means that the manager learns by trial and error what will work in the community and what is acceptable to the Department. The community is the manager’s learning laboratory.

Community members, for their part, have to learn how to deal with managers, who have different personalities, philosophy, management styles, skills, and relationships with individuals and the community at large. There have been five camp managers from 1978-
Association plans for 1987-88

1988 shelters with solar heated water, and louvered shaded area
88. Community members have discovered what one manager thinks should be priorities and how they should be achieved, only to have to start over again with a new manager. When the camps were being established, getting basic facilities and shelter was a priority. Another manager measured success by having people employed on works projects. Another emphasised the appearance of the camp, and camp maintenance. The 1986-88 manager worked with the president of the PCAA and those members of the community interested in improving their skills levels, and emphasised increased community participation and planning by the community for improvements.

The Aboriginal community has been peripherally involved with the changes going on in Pine Creek and district. While they were consulted as to the location of archaeological burial and sacred sites, there has not been any ongoing discussion on the impact of the mining operation on the sites, and there has not been any involvement of the Aboriginal community in plan proposals for Pine Creek. The PCAA was, however, formally included in the 1986-88 meetings about the introduction of community government.

Pine Creek's Response to Community Government*

Pine Creek first considered adopting community government in August 1979. In early 1987 agreement was reached on a community government scheme. The first elections for council were held in June 1987. This section details the consideration given to community government by the residents of Pine Creek and examines their responses and concerns. Some issues which did not receive public airing either because people were unaware of the implications, or were reluctant to address them, are also examined.

The Pine Creek progress association requested information on the establishment of community government in August 1979, voted against continuing in October 1979, reactivated the process in September 1980, met with DCD officials in February 1981, and in March 1981 requested that a draft scheme be drawn up. At a town meeting in May 1982 there was still not enough interest to go ahead. The process was reopened in 1986 during the phase of promotion by DCD.

In 1986-87 the DCD officer presented the community government option to the progress association executive members. He met with a few town residents; he did a field check of possible boundary locations accompanied by a member of the executive; and he talked about community government with some out-of-town landholders. He visited both Kybrook Farm and the Town Camp, and informed the PCAA that Pine Creek was considering community government. The president and PCAA members were encouraged to attend a meeting held under the auspices of the progress association at which community government would be the main agenda item.

Twenty-two Pine Creek residents attended the meeting in November 1986. Four Aborigines associated with the town camp communities attended. None had been to a progress association meeting before. They did not participate in the question period.

* This section draws on interviews with 40 non-Aboriginal residents of Pine Creek, attendance at progress association meetings in 1986-87, the minutes of the town progress association, and discussions with DCD officials.
DCD officer introduces community government to the Aboriginal town camp

Pine Creek Community Government offices: the back room of the Community Centre
Most of the discussion centred on how much land outside the existing town boundary would be included in the community government area, and on the issue of land rating. In early 1978 a draft scheme was circulated and a public meeting held. Though some questions were raised, the meeting voted for a community government council in Pine Creek. The scheme was revised and printed, and the first election for the Pine Creek community government council held.

Residents comments at the meetings and in the interviews did not reveal any great enthusiasm for community government. No one was strongly opposed either. Some business people were enthusiastic about the idea, and were encouraging others to support it. Others were opposed. Several people recommended caution. They tried to weigh what they thought Pine Creek would gain against what it would loose. As one said, 'we must deal cautiously with change'. Others felt there was no need for a change. The progress association had done a good job. The existing system was proven. Anyway Pine Creek was too small for formal government. Many who were opposed had specific concerns, such as the fear that land rating would be applied and would be inequitable.

Most people who were opposed were suspicious of government, and were, in principle, opposed to any more of it. Even though community government had been presented as an opportunity for local self-government, they were suspicious that it really represented a way for the NT government to exercise more control over their lives. Such opponents said that it really did not matter why they were against community government, or what they said in criticism. It was useless to turn up at meetings and give reasons. The Territory government wanted community government, so it would happen regardless. Others who also felt it was inevitable argued that was all the more reason to participate in order to have some say in shaping Pine Creek's local government. 'This has to come: let's choose it on our own terms'.

One or two people expressed their suspicions that local supporters of community government were after more personal power and status while people with some power in the existing system were against it because their power might diminish.

Supporters of a Pine Creek community government council argued that the townspeople needed more direct say in handling local affairs, from having responsibility for running utilities rather than always referring problems to Katherine or Darwin, to applying for projects and managing local contracts. They suggested that a community government council would be able to coordinate budgets for such things as the community hall, recreation reserves or cemetery maintenance, presently handled by separate and increasingly moribund boards of trustees, and that this would be more efficient. Economies would be effected by consolidating contracts.

Some argued that local matters had become too complex for a non-representative association and volunteer executive to handle. A paid and qualified clerk would be more efficient in handling budgets and liaising with government departments. A community government would have access to PITS money or its equivalent, and thus there would be more money for needed local projects. Moreover, council would be able to give out contracts and generate more local employment. Some mentioned the by-law making capacity of a community council. Council could, for example, enforce animal control and town tidiness. The number of horses and dogs wandering free around town, and the dangers of accumulations of litter and discarded machinery were cited as problems. As one advocate put it: 'the progress association only talks about problems, notifies others, and that's that. With community government a person would be assigned to get answers and would have responsibility and authority to get them'. Others maintained that: 'a
council would be representative of Pine Creek. 'The progress association isn’t. It tends to be a bunch of business people’.

Land Rating

One issue, land rating, received considerable attention at the public meetings and it was mentioned frequently during the interviews. Across Australia the most widespread mechanism for raising revenue at the local level is through rates levied on property owners and set in relation to the ‘unimproved capital value’ of land. Much of the land within the existing Pine Creek town boundary is held by the Crown. Parcels are held by government departments, or held in leases from the Crown, and there are also major parcels in recreation and historic reserves. In Pine Creek and other open towns, the number of property owners in small. Five to seven per cent of the population is a reasonable estimate.

There was, therefore, a widespread perception among homeowners and small business owners, that the Territory was deliberately encouraging communities to adopt community government because it included a land rating provision which the Territory would then compel open towns to adopt, in order to demonstrate commitment to local revenue generation. But property owners felt that they would have to carry a heavy and inequitable burden of the cost of community government. For a small group of citizens the land rating issue was a serious deterrent to their endorsement of community government. Other people held the view that land taxation is inevitable, and should not, therefore, be the basis for acceptance or rejection of community government.

Land rating was discussed at the public meeting. The DCD officer was asked: ‘can we be forced to set rates?’ ‘No’, was the reply, ‘the Minister cannot force land rates’. However, he said that the Territory is adopting a policy that users must in one way or another, pay for services. Communities have to find ways of raising revenues. And land rating is one way. The DCD officer also reminded the audience that ‘special purpose leases may be rated’. The Housing Commission pays rates to municipalities on land on which commission houses are located.

Volunteerism and Professionalism

During the interviews several people speculated about the impact of the professionalism of local government on community volunteerism. Pine Creek had been well served by the progress association, they argued. People have always volunteered to run for the executive, and they turn up to meetings. Community facilities and reserves are testimony to the accomplishments of the town’s volunteer organisations. Fund raising efforts have been successful. People donate their time and talents willingly when they see a need. The town benefits from a great deal of unpaid help. Moreover, people feel good about the personal contribution they make and have pride in a town that the community has built up. Examples of effective volunteerism in 1986-87 were the collection of household goods to furnish pensioners’ housing, and the work crew of local people which put up the fire brigade building. If Pine Creek elected a community government council people would hand over responsibility to the council. ‘They would be expected to do things for us’. People would no longer turn up to meetings or donate time and skills, some maintained.

Contrarily, other people felt that the spirit of volunteerism had already declined so far that volunteer efforts could not be relied on to provide what the community needs. ‘People nowadays expect to get paid for jobs which used to get done because people chose to work as a team for the community’. Thus, they argued, it is time to have a professional clerk and elected representative council to manage local affairs. Members of an elected council
would have to exercise personal responsibility or they would be thrown out at the next election.

Selecting Community Government Functions

There was little public discussion about the list of functions which council would perform. The list adopted in Pine Creek is similar to that for Elliott, with one slight change and two additions. Pine Creek council may undertake: the establishment and operation of pastoral and commercial enterprises (pastoral is the addition); the provision of relief work for the unemployed; and the support and encouragement of artistic, cultural and sporting events (Pine Creek Community Government Scheme 1987, 7). At the public meeting interest was expressed in prospects for contracting by council. The DCD officer made it clear that community councils:

*can and do make money through contracting. And local people can be hired by council to do the job. This puts money into the local system and moves it around.*

People at the meeting were, however, concerned about the process for selection of functions which the Pine Creek council would handle. They asked to be informed of the 'present costs of functions which the Territory wants to hand over', in order to ensure that funding into the town's annual budget did not decrease. There was also the suggestion that functions should be clustered into phase one, two and three functions, wherein phase one functions would be taken on first, and the phases would be related to the capacity of the town's new management and administration to handle the task, and to the security of funding for the function.

Choosing the Boundary

The public was brought actively into boundary selection. An initial local proposal was that the boundary should be a radius of twelve kilometres from the town centre. The DCD officer advised that a straight line boundary following the latitudinal and longitudinal grid system would be more practical. The DCD officer discussed the matter with the holders of a couple of adjacent pastoral properties, and talked about community government and the proposed boundary with the president of the PCAA. The proposed community government area was substantially greater than the gazetted townsite (Figure 5). The DCD officer argued that people living on the pastoral leases and small garden leases in the rural area surrounding Pine Creek are users of many of the town facilities and services, and form part of the greater Pine Creek community. They should be included so that they can have a voice in community government.

The twelve kilometre boundary extends far enough out of town that it includes the Aboriginal community at Kybrook Farm. Though the matter was not discussed directly with either Aborigines or the non-Aboriginal townspeople, it seems to have been implicit in the actions of the DCD officer and the response to the proposed boundary by the non-Aboriginal residents that since the Town Camp would automatically be within the community government area, the other camp at Kybrook would be included too. While they were informed of the proposal, Aboriginal people were not asked for their opinion as to the benefits or drawbacks of being included in the Pine Creek community government scheme. They were not assisted to consider the implications boundary location for their own community. Rather it seems to have been assumed that they would have to go along with whatever was decided.
'Substantial Majorities' and Adoption of Community Government

The process of consultation in Pine Creek illustrates some of the dilemmas inherent in the Local Government Act, and its implementation. Because the Act states that the Minister will not approve a scheme unless he is satisfied that a substantial majority of the residents of the area are in favour of the proposals (NT Local Government Act 1985, 96), many residents assumed that a plebiscite would be called. But as one resident wrote:

we find that is not so. The Minister has the power to call an election [for a community government council] on the grounds that he is satisfied that a majority of the people agree at a public meeting. This could mean that he could get a mandate on 51% of the people at that particular meeting (Ralphs, pers. comm. 1986).

Indeed schemes are routinely confirmed by a majority of people who turn up to a given public meeting, and speak out, and vote. In the case of Pine Creek, the people who attended the meeting were not a majority of the community as a whole. But the meeting had been well advertised, so that people had the opportunity to go to the meeting if they so chose. It can be argued that the people of Pine Creek knowingly handed over responsibility for the decision to those most concerned: being mainly property owners and those running businesses who have a specific stake in the future of the community and links with its past.

The other group with a long term stake, the Aboriginal community, were formally included in the public process. But for them, unaccustomed to being included in Pine Creek affairs and decision-making, a public meeting was not a forum in which they could feel comfortable making their views known. Furthermore, they had not had much opportunity to hear and consider the implications for their lives of being part of a Pine Creek community government (Table 6). They had no part in the discussions which had gone on for almost a decade preceding the 1987 decision.

Both of these examples illustrate misperceptions between government and people about the process of adopting community government.

The [people] have lost a lot of trust in the Govt. not because of what they or their authorised persons tell us, it is what they don't emphasise (Ralphs, pers. comm. 1986).

Community Government and Aboriginal Camps

The relationship between Aboriginal camps and campers and community government is an important issue which may not get the consideration that it deserves during the community government adoption process. For example, when the first draft scheme was developed in 1981 the community government council was to:

assume the duties of the Pine Creek Progress Association, the Pine Creek Heritage Advisory Committee and the Pine Creek Aboriginal Advancement Association (Northern Territory of Australia, Pine Creek Community Government Scheme. Draft Only, 1981, 6, emphasis added).

There is no indication, though, that the PCAAA membership or members of the Aboriginal community had been either consulted or informed that the 1981 draft proposed that the community government council would subsume the responsibilities of the
PCAAA. The 1981 draft was not, however, reactivated when a new draft was in preparation, and the clause was dropped.

During the 1986-87 consultation the DCD officer informed the president of the PCAA that community government was proposed for Pine Creek. He left copies of DCD pamphlets explaining community government, and urged that the president and other Aboriginal community members attend the progress association meeting and 1987 public meeting. To be comparable with the consultation with the progress association the DCD officer should have attended a meeting of the PCAA, made a presentation, and responded to questions. An oral presentation and question period would likely be more informative for the Aboriginal community since most of the adults are not functionally literate due to lack of access to schooling in their childhood years and can, therefore, learn nothing from the government pamphlets. Table 6 summarises the Pine Creek town campers involvement in the community government consultation and adoption process.

### Table 6

**Pine Creek Town Campers Involvement in the Community Government Consultation and Adoption Process**

<table>
<thead>
<tr>
<th>Major Steps</th>
<th>Minor Steps</th>
<th>Accomplishment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Were leaders informed?</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Understanding the situation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>or proposition</td>
<td>Did the people have enough information to be able to ask</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>relevant and informed questions?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Was there a forum in which people could ask questions and</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>get answers?</td>
<td></td>
</tr>
<tr>
<td>Formulating a position</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Did people have the sort of information needed to develop a</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>position?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Was there a way for people to formulate individual views</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>and share these to develop a group position or position?</td>
<td></td>
</tr>
<tr>
<td>Expressing the position:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>being heard</td>
<td>Was there a public forum in which people could express their</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>views?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Did they?</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>Were they listened to</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>Were they heeded?</td>
<td>N/A</td>
</tr>
</tbody>
</table>

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Apparently neither DCD nor DAA, both of which have some mandate for service delivery to Aboriginal people, have given consideration to the relationship between Aboriginal town camps and community government. DCD has not developed an appropriate process which would afford town campers an effective and equitable role in community government consultation and adoption.

In Pine Creek some of the town campers are Aboriginal traditional landowners, and are in receipt of small royalty payments. Should the Land Councils be involved on their behalf? Whose responsibility is it to assist town campers work through the implications of community government? The PCAA president has the right and the responsibility to do the latter, but would be unlikely to be able to without assistance, given his lack of formal education. Conceivably the camp manager could provide information and facilitate discussion, if so authorised. Without a specific mandate he would be stepping beyond the authority of his position if he intervened.

All aspects of the introduction of community government have implications for Aboriginal town campers. The decision on whether town camps are included within or remain outside of the community government area has implications for how the camps are to be funded, how services will be delivered, and how they will be managed, matters which neither DCD nor DAA seem to have planned for. If camps are included in a scheme, details of boundary location and electoral system, and council functions have a potential impact on the future development of the camps.

Pine Creek Town Camp, as its name implies, is located within the gazetted town boundary. Kybrook Farm lies outside, but within the 1986-87 community government boundary proposal. If the Town Camp alone was included there would be an Aboriginal electorate of only about twenty people, scarcely enough to get a candidate elected, even supposing an Aboriginal stood for office and all the Aboriginal voters cast a supportive ballot. If both camps were included there would be a greater possibility of Aboriginal interests being represented on council. Mialli people are in the majority in Town Camp. Wagaman dominate at Kybrook. Exclusion of one camp from community government might further exacerbate tensions between the groups.

However, the chances of an Aboriginal candidate winning a seat on council in the multicandidate proportional voting scheme that the Territory has assumed open towns will adopt, is slim (though not impossible if all eligible Aboriginal electors cast a ballot). A ward system which identified the camps as distinct wards would ensure some representation on council of the Aboriginal community, but no consideration was given to a ward system in Pine Creek.

The Pine Creek Aboriginal camps were included within the community government area without any discussion of how the community government council would relate to the town camps and the PCAA. The town camps have substandard water, sewerage, electricity service and housing compared with most of Pine Creek. The presents needs and the priorities of Aboriginal town campers are different from those of most non-Aboriginal people and are poorly understood by them. While the PCAA was established out of concern by Pine Creek townspeople about the living conditions of area Aborigines, the record of NT and other municipal governments suggests that Aboriginal town camp interests are not well served by municipal government (Drakakis-Smith 1981; Loveday and Lea 1985; Department of Aboriginal Affairs, Tennant Creek 1984). Community government in Pine Creek might contribute to decreasing the inequities in physical and other service provision because the community council would have to accept some responsibility for its Aboriginal constituents, and because council members would be aware of the potential danger to the town as a whole of poor hygiene and other
conditions in the camps. Conversely it is just as likely to contribute to increasing inequities, because of numerical and vocal dominance of town interests and business interests on council.

During 1986-88 the PCAA A was attempting, with encouragement from the camp manager, to become more involved in day-to-day camp activities, and in camp management and decision-making. On their own initiative a work team was repairing houses. Three camp leaders requested training in camp management and enrolled in some of the Batchelor College Aboriginal community management modules. The community initiated development of a Community Plan for the two camps. It would be an unfortunate and negative consequence of community government if it reduced what little autonomy the camps have achieved, and undermined the small, tentative, but significant steps to greater self-management which the PCAA A is making.

Pine Creek's Community Government: The First Year

In the first community government election, June 1987, Pine Creek's electors returned a president and council which provided continuity and recognised change. The past president of the progress association, a long time resident and local store owner was elected president. The two female and four male council members were drawn from Pine Creek's most obvious interest groups. Elected were the manager of the new gold mine, two local business people one of them a gold mine operator, the town librarian, a long time part-Aboriginal resident and nursing aide, and the president of the PCAA A, a Kybrook Farm Aborigine.

The first actions of the new council were characterised by caution and by imagination. Exercising fiscal responsibility, council chose to renovate a small area at the back of the community hall for its chambers and small office, rather than build a new council office. Council found an imaginative solution to the revenue generation problem: a solution which exploits Pine Creek's gold heritage and current gold fever, and the Pine Creek ability to raise money for local projects by 'taking a chance'. All of the candidates had run on a 'no rates' platform. At the July 1987 meeting of council, a lottery was suggested. This matured into the Golden Lottery run under NT Gaming Commission rules. The mine put up a kilo of gold for prizes. Pine Creek hopes to raise sufficient funds to cover next year's stake and make a profit for council. The NT Grants Commission agreed that this would be recognised as a valid fund raising effort.

During its first year council dealt with many of Pine Creek's recurring problems and several new issues. Regular business included street lighting, and water, specifically concern over possible high arsenic levels in bores in the new northern borefield, and cyanide contamination in the mine tailings pond and seeps.

Council has been involved in two major proposals affecting town land use planning. One is the proposed realignment of the Stuart Highway to allow gold extraction to occur along the present right-of-way. The second is a major tourist development. Lands Department identified a block to the north of the town as a site. Council expressed its concern about the possible negative effect that the proposed combination of a hotel, motel, caravan park, liquor service and takeaway could have on existing town business, and on the character of the town itself.

The responsibilities of council towards the Aboriginal camps are being sorted out as issues arise. Council was invited by the PCAA A to visit Kybrook in November 1987. In May
1988 council supported the reintroduction of a special works project for services in the
town and at Kybrook and sent a letter to the PCAA to that effect.

The proposal was coincident with preparation of a Community Plan and Employment and
Development Strategy (PCAAA and Aboriginal Community 1988) by the PCAA itself.
The plan is a multipronged initiative for improvements to roads, water supply and
dwellings in the two camps, and also suggests further development of outstations for the
Wagaman people. It proposes adoption of the CDEP program through which a
community can convert individual unemployment compensation into wages for
community workers and therefore goes beyond the specific projects typical of special
works projects. The plan was presented to the Pine Creek community government council
by the PCAA and the camp coordinator in order to keep the council informed of town
camp activities.

While the plan focusses on the Aboriginal community of Pine Creek it does not do so
exclusively. For example it recognises the high drop-out rate when children go away for
secondary education as a problem for the whole community.

More often than not the children would not go back to school when they
returned home for the holidays...These problems are not just unique to us.
Non-Aboriginal residents in Pine Creek also feel similar problems with
their children...

It put forward the following proposal:

With the coordination of such departments as NT Ed and NTDC and the
utilizing of facilities at the Pine Creek School the provision of a teacher or
supervisor to assist with Secondary Correspondence for the three years
completing High School education required, would have untold advantages
(PCAAA and Aboriginal Community 1988).

While the evidence is overwhelming from other parts of Australia that local governments
have proved unresponsive to the needs and ineffective in providing services to Aboriginal
people within their jurisdiction (Rumley 1986a; Rumley 1986b; Bolger 1988), there are
signs from Pine Creek that the present mixed community government council is taking
steps, albeit tiny, towards consideration of and action for the needs of all community
members. Whether this is indicative of a new relationship or simply a consequence of
initial enthusiasm and wish to make community government work, will depend on the
ability of all interest groups to clearly articulate their concerns, and for council to find
ways to respond to them. Aspects of the Pine Creek Aboriginal Community Plan may
prove a test in cooperation for the community government council.
CHAPTER NINE

REFLECTIONS ON THE INTRODUCTION OF COMMUNITY GOVERNMENT

Whether the people in the Northern Territory’s small communities are aware of it or not, the quality of their lives, now and into the future, is directly affected by a decision on community government. This final chapter reflects on 'what is in it' for the of communities to which the legislation is directed, the 'open' towns, and Aboriginal settlements. It comments on the implications of the choices which the communities are making. A range of local government type structures appears likely to persist across the communities. Attention is drawn to supports and other policy and program initiatives which are needed if any form of local governance, particularly in Aboriginal communities, is to meet either the demands being placed on it by upper levels of government and external agencies, or the expectations from within and from outside for potential evolution into more self-managing or self-determining government.

Adoption of community government means that a community, the people and the designated land area, becomes a recognised, if junior and subordinate, element in the NT statutory system of local government. The objective of the NT government's promotion of community government is extension of its jurisdictional authority through establishment of NT controlled local councils. Extension of jurisdictional authority by the NT is cause for objections from the Aboriginal Land Councils, and for caution about adopting community government on the part of some Aboriginal communities. Adoption of NT community government does preclude pursuit of other, more autonomous and self-determining forms of government by Aboriginal communities.

Community government legislation affords communities choices which are not usually available at the local level. Aboriginal communities, in particular, are able to adopt electoral schemes that reflect some aspects of the community socio-political structure. But although the NT government has not proclaimed a 'model' structure for community governments, it does have preferred electoral system options for open towns. It also expects Aboriginal communities and satellite outstations to form single community governments. And it expects all community councils to assume responsibility for physical service delivery.

Strictly speaking there are two distinct sets of choices: first, to adopt or not to adopt community government; second, to select among the possibilities for boundary location, electoral system, functions, and so on. The NT government and the Aboriginal Land Councils both identify the first as the most critical step, which indeed it is, because it substantially affects external-local and non-Aboriginal-Aboriginal power relationships. As a result they have underplayed the implications of the choices communities may make during the second step, especially as these relate to more or less equitable distribution of public resources within the community.

Communities do not appear to treat the two as distinct steps or sets. Rather, they try to assess whether more formalised, Territory controlled local government will benefit them, while at the same time they try to work out some of the implications of the second set of choices. Communities have very limited information on which to base either choice. Most of the information is presented by the NT government, and is, therefore, positive towards opting in to community government. With each newly proposed scheme a little
more information, however fragmentary, is introduced from the experience of each community, and from the views on the scheme held by proponents and opponents. The choices appear to be getting more complex because communities are becoming aware of opportunities and their implications. Communities continue to be cautious, and questioning.

The flexibility in electoral provisions may, in the long run, prove to be controversial. Just as the provisions can be used to guarantee representation, for example of clan groups, or of women, or of town campers, so can they also be used to reduce or even exclude political representation or political effectiveness on council of specific interests, be they black, or white, or minority clan, or outstation members. Aboriginal customs of reciprocity and 'looking after' may not be sufficient to counter legally sanctioned factionalism. Open town councils may still be able to ignore glaringly sanctioned disparities between town and town camp conditions.

Non-Aboriginal Communities: Unequivocal Yes

Because they have had no experience with elected councils and little direct interaction with Territory bureaucrats, opting for community government is in one sense a greater step into local government for non-Aboriginal communities than for Aboriginal communities. But individuals participate regularly in the other manifestations of representative government by voting in federal and Territory elections. There is no glaring cultural incongruity for them in the decision-making processes of representative councils, as there is for Aboriginal communities, only lack of experience.

For non-Aboriginal communities, community government represents a positive choice: greater and more direct access to government departments; basic physical services administered locally rather than through regional offices; direct funding streams to the community; even opportunities to be creative in revenue raising. Although they are new, small, politically and physically peripheral players in the Territory government scene, with a trained clerk, diligent council and energetic president, they soon have some capability to express their needs to the senior government, and prod it when it is ineffectual.

In the first few months of community government the new clerk, president, and council have found the tasks almost overwhelming, as their constituents, Territory departments, and other agencies all direct enquiries to the community government office. Nevertheless, they soon develop the capacity to exercise some control over the pace of change, and attempt to influence agendas for town development. Since they start out managing few functions they are able to weigh the implications and decide which local priorities they have the capability to take on. They can respond rather better to shifting Territory policies because, unlike Aboriginal communities, they do not have to work through intermediaries such as community advisors. The effectiveness of non-Aboriginal community governments is limited as much by the inefficiency of Territory departments as by their own lack of experience or lack of capacity.

Minorities in Open Towns: Cautious Optimism?

Studies on other parts of Australia (Rumley 1986a, Rumley 1986b; Toomelah Report 1988; Bolger 1988), and the NT itself (Drakakis-Smith 1981; Department of Aboriginal Affairs, Tennant Creek 1984; Loveday and Lea 1985) report the material and political disadvantage of rural and small town Aborigines within local government systems. Even where:

there has been many improvements in living standards... particularly during the last five years... it is somewhat disconcerting to find that
Material improvements have not gone hand in hand with social development. If anything there are signs that the autonomy of communities is decreasing and that social disorganisation is increasing (Bolger 1988, 49).

The situation appears marginally less bleak in small NT towns. Though severely under serviced, there is evidence from a few places that town camp organisations are exercising increasing autonomy (Yule 1982). Town camp organisations are beginning to recognise and utilise the small opportunities which their present situation affords and are taking action for themselves. As an example, the PCAA has taken the first steps towards doing its own social planning (Pine Creek Aboriginal Advancement Association and Aboriginal Community 1988).

There are, therefore, two key issues for town campers. How will community government affect efforts to improve the physical conditions of the camps? How will it affect the tentative but important steps being taken by town camps towards social and political development?

Town campers are in some instances informed about community government, in the sense that they are told what is being proposed. They may be consulted, in that they attend the meetings which make community decisions. There is, though, little evidence that they have been assisted in sorting out the implications of becoming part of a community government scheme. There is no evidence that the NT government or any of the organisations with some responsibility for town camps has given any consideration to the implications for town camps of their being included within or left outside of the town community government, or to the possibility that they could have a community government of their own.

As a consequence, town camps are being included in community governments. The implications will, therefore, have to be sorted out as an ongoing process, at the local level. It is likely that tensions will develop and have to be worked out in council meetings about the responsibility of council for upgrading physical conditions in the camps, and about the relative jurisdictions of the community government council and the local Aboriginal organisations.

Community governments in open towns in the NT give rise to cautious optimism about the representation of Aborigines on council. In Pine Creek and in Elliott Aborigines have been elected to council regardless of whether elections were at large, with no built in guarantee of minority representation, or by wards, which ensure some Aboriginal representation. Furthermore, there is some evidence from Elliott and Pine Creek, that councils are working to further town interests which are being recognised as including both black and white needs. It will be important to monitor the performance of these councils, and the Mataranka and Borroloola councils, as they struggle to cope with equity issues which have either been ignored by or which have defeated much more experienced and sophisticated councils. The long term prognosis for equitable treatment of town camp Aborigines by community councils is, however, poor.

Aboriginal Communities: Status Quo, Community Government, or Undefined Future Option.

The two options presently open to Aboriginal communities are to continue with the status quo, which consists of an incorporated community council and satellite housing and commercial enterprise associations, or to accept community government. Aboriginal communities have had less than twenty or so years of sporadic experience with
community level councils of any sort. During this time the political agenda of Aboriginal organisations in the Territory has been dominated by land rights issues. Development of more autonomous government has not received as much emphasis. There is, therefore, no realistic short term prospect of a form of government which enables greater Aboriginal self-determination, though this does not mean that one could not develop in the future. The Territory’s argument, that the choice is between the opportunities presented by community government and the limitations afforded by the status quo, is persuasive to a number of Aboriginal communities seeking more effective local self-management.

The Aboriginal Land Councils, for their part, are concerned about the immediate constraints they see community government placing upon the autonomy of Aboriginal communities. They are also concerned that choosing the Territory’s form of local government may restrict a community’s long term option for self-determination and more autonomous government. However, the Land Councils have been slow and ineffective in making such issues a significant part of the Aboriginal political agenda.

Nine Aboriginal communities had opted for community government by 1988. Characteristics some have in common offer clues as to which communities regard community government as an opportunity for further development. All four Aboriginal communities on Bathurst and Melville Islands are in community government. As early mission settlements they have had a long period of contact with non-Aboriginal people and institutions. They have worked through the device of a council for some time. They are close to Darwin, and get visited more regularly than do remote communities. They are referred to as ‘progressive’ communities. Their decision to take on community government is held up as further evidence of this. Opting in early may offer an additional advantage of expanded funding and programs as a consequence of bureaucratic approval. This is not to impute that there are no internal problems or dissent: far from it. But for Milikapiti and Pularumpi, for example, community government is a positive choice.

For communities such as Yuendumu, which run their affairs through multiple organisations, a complex political and administrative structure may afford more autonomy than community government, subject as it is to direct Territory regulation and audit. It certainly offers more positions of power and prestige than even a very large council could do and still remain functional. So long as communities do not lose in terms of access to Territory funding, there is little incentive for them to opt in.

Despite the way in which it is possible to adapt the electoral scheme to the social structure of a community, community government may not be a particularly viable option for complex, multi-clan groupings, with satellite or independently serviced outstations. Competing interests take on locational expression in centre-periphery conflicts, both between central settlements and outstations, and within large central settlements. Tensions often exist between the traditional land holding group which ‘owns’ the land on which the settlement is located, and more recently arrived, and sometimes numerically larger clans. The outstation movement is attributed, in part, to discord between land holding and other powerful clans, and minority clans whose traditional country is away from the settlement.

Coombs (1987, 148) observed that:

\[ \text{decision-making processes within Aboriginal society are ill adapted to large and socially complex communities.} \]

It should not be surprising, therefore, that the more complex groupings in Arnhemland and the Centre have been reluctant to consider community government, either for the
settlement and outstations, or even for the central settlement alone. Yugul Mangi (Ngukurr) is the notable and recent exception.

Failure may be in built in to community government councils representing complex socio-political and locational groupings. Failure may lie in the inability of such councils to be politically effective or administratively efficient because of tension between the responsibility to treat residents equitably and the reality of dominance by powerful clan or other group interests. Some groups are treated more favourably than others when critical resources such as housing, vehicles and wage-paying jobs are allocated. There is frequent conflict. Alternatively, councils representing complex groupings, whether they are in community government or not, may suffer from political paralysis. They are unable to reach decisions because they find it impossible to come close to a consensus, or because decisions they make are not treated as binding by significant groups and individuals.

If community government is established without the concurrence of all residents it may also have the effect of intensifying the outstation movement rather than slowing it down. Though there is as yet no direct evidence of this occurring in response to community government, Gerritsen's observation that the outstation movement from Kardu Numida (Port Keats) dated from the establishment of a community council, is a timely warning (Gerritsen 1982b). Minority clans may choose to move away from a central settlement to form new outstations outside of the community government. If existing outstations are brought into community government, some outstation people may choose to move away again to more distant parts of their country. In 1987-88 a shire-type configuration was being suggested for groupings of outstations, separate from a central community. Again this notion should be treated with caution and the reasons for outstation establishment and the distinctiveness of clan interests acknowledged when such schemes are considered. The views of the outstation residents should influence the decision.

In its enthusiasm for community government and its haste to see it established in Aboriginal communities the NT government may be ignoring its own legislated requirement that a substantial majority of people support the proposal, and may also contribute to rather than reduce the development of tiny, dispersed settlements.

Prerequisites for Effective Local Governance

The functions which community governments can take on are rather wider than those devolved to other NT local governments. This reflects the reality that many NT Aboriginal settlements already carry out a considerable range of physical services, albeit with the guidance of advisors and technical supervisors. They also have responsibility, through councils or separately incorporated associations, for running a number of commercial enterprises. Almost unnoticed, NT Aboriginal communities have acquired a functional scope which is unprecedented in communities of comparable size, managerial skill, political or experience with local government. This is the case regardless of whether the community operates under the council and associations system or the NT community government scheme.

Their ability to deal with the range of functions expected of them externally and internally is limited as much by lack of funds, expertise, and management capability as it is by lack of jurisdictional authority. Regardless of whether communities opt for community government, the status quo or some as yet undetermined future option, there are a number of prerequisites for more effective local governance: discretionary funds, access to information, management capability and training, together with community planning authority and capacity. Appropriate structures for delivery of services, are also a prerequisite.
Discretionary Funds

Whether community councils operate under community government legislation or some other statute, their degree of internal autonomy is very much related to their access to untied funds. Because communities have virtually no discretionary funding, they sometimes divert monies earmarked by an external agency for one project, to another, and are then censured for irresponsible fiscal practice. Discretionary funds are also open to abuse, in that they may be distributed in such a way as to contribute to, rather than alleviate local inequities, by giving politically favoured groups better services or greater access to jobs.

Nevertheless, it is only when communities have discretionary funds that they are in a position to make decisions about locally important priorities, and exercise meaningful self-management. This does not mean that communities are not held accountable for identifying how funds are spent: rather, they are not told precisely how to spend them. Discretionary funds are, therefore, an essential element in community political and social development.

Discretionary funds may come from two sources: either from untied block funding from an upper tier of government, or from revenue raised internally. Community governments and community councils are all being encouraged to raise funds, through commercial enterprises, charges, and innovative schemes, such as the Pine Creek Golden Lottery. If upper tier governments discount their grants to communities in recognition of, and to the value of revenue raised locally, as they have hinted they may, this source of discretionary funds will be effectively eliminated.

The NT government has emphasised local revenue raising opportunities and improved access to untied funds, as incentives for communities to adopt community government. However, there seems to be little practical difference for communities operating under statutory NT local government councils and those operating through other mechanisms. Differences would occur only if the NT government were to withhold untied funds from communities which do not adopt community government deliberately.

Access to Information

Communities are being increasingly consulted by government agencies on many matters of local importance, and are expected either to have a position on a given issue, or to be able to develop one quickly.

Consultation by agencies with communities is a step in the right direction. But there are in built problems. So many questions are raised that communities get overwhelmed, especially when the issues are such that many council meetings or community meetings are necessary. People need time for informal discussion and time for opinions to firm up. And they need information.

In almost all situations, and the community government proposition is itself a prime example, there is too little information available within the communities, not simply about the facts, but, as this book has illustrated, about the implications of choosing one alternative over another. The perspective of agencies such as DCD or the Land Councils are, of necessity, influenced by their own political imperatives. Information and facilitation of community consideration of the choices could be a task for the Association of Community Government Councils. Part of it could be taken on by the Aboriginal Electoral Information Service through its field officers. It could be facilitated by trained staff or by council members. It clearly is a necessity, and would best serve the needs of
the communities if it were carried out at arms length from the NT government and its bureaucracy.

Management Capacity and Training

Small NT communities, particularly Aboriginal communities, are constrained as much by lack of formal skills and training in the art and the tasks expected of local governance, as they are by inappropriate structures or even by lack of funds.

The Territory government has repeatedly emphasised training as a priority, most recently in its Submission to the Inquiry on Support Services to Aboriginal Communities (NT Government 1988, 17, 34-36). Training programs had tended to emphasise manual training for simple physical tasks. Turnover of those occupying jobs and community positions necessitates repetitive, short term training.

Even if only community administration, management and planning are considered (and all the technical skills required to keep a community running are excluded), the target clientele is by no means uniform in its needs and starting level of skills. Groups include departmental field staff and community advisors, clerks and other council office staff, and, especially, presidents, councillors and other influential community members. They include whites and blacks, those with considerable formal schooling and expectations for tertiary education, men and women, young adults and elders. More understanding needs to be developed in the Territory of the relationship between the changing community needs and the types and levels of training required for communities to begin to deal with their needs themselves. Research in 1988 by the new Local Government Training Industry Committee is directed to developing this understanding.

The NT response has been sporadic and fragmented. There is still no coordinated training and education strategy for community administration, management and planning worked out between the Office of Local Government (formerly DCD), Batchelor College, the Division of Aboriginal Education of the Darwin Institute of Technology, and the Local Government Training Industry Committee, although each either have programs now, or are proposing programs.

A complementary strategy, not competition, is essential to address the urgent training needs and make best use of scarce staff with knowledge of Aboriginal community custom, local government, NT government procedures, and community administration, management and planning. It is also clear from a review of courses and proposals, that there needs to be coordination and agreement on what terms mean, and what methods and approaches are best suited to what activities. Lacking such coordination, training by the different agencies will only cause confusion at the community level, rather than contribute to demystification of the process of management and community planning for development.

Of all the training, perhaps the most important is that for presidents, council members, and other influential community people. It is also likely to be the most difficult, because the level of formal schooling of Aboriginal trainees is often limited, and the educational and cultural gulf between trainer and trainee widest. Aboriginal councils operate at the interface between often conflicting and mutually mysterious value systems, ways of doing business, and ways of reaching decisions. A key element in training may prove to be mutual demystification (Phillpot, Local Government Training Association, pers. comm. July 1988): in particular demystification of what is valued, and how decisions are brought about in each culture (see also Wolfe 1989).
Community Planning Authority and Capacity

Life in small communities is much less segmented into distinct political, social, spiritual and economic spheres than life in larger centres where workplace and residence, recreation and leisure, for example, are separated in place and time. This is especially true of traditional Aboriginal communities, despite several decades of settlement life. Where the impacts of contact have been practically or conceptually too contrasting to handle in a single framework, life has been dichotomised as blackfella business and whitefella business (Howard 1978). These are, however, becoming increasingly difficult to separate conceptually or practically, and community councils face the momentous task of operating at their interface.

The problems which Aboriginal communities are experiencing cut across all aspects of material, economic, social and spiritual life, and involve everything from land to shelter and water, from transportation to secondary education, and from health to security. They are concerns which affect individual, community and cultural survival. Most significantly, they are so inextricably intertwined that it seems impossible to know where to make a start.

Government priorities have consistently been directed to physical services, as the basic needs for survival. Unquestionably these are vital, because the needs are acute, and the inequalities between Aborigines and other Australians persistent. From a community perspective, however, the priorities which people are most concerned with, and most willing to direct their energies to, may be different from those identified by external agencies.

Since there are so many pressing issues, a community's own perception of what is most critical is an obvious basis for priority setting. Community set priorities should become the pivot around which the other related problems are arrayed and gradually dealt with. Community planning for community development starts with, and builds upon community identified priorities.

The community management and community development training programs in place and proposed do not employ the terminology of community planning, perhaps deliberately, because of the statutory authority of the NT government and the Lands Department over what is labelled planning in the Territory. Nonetheless, they apply and build on community planning concepts and methods.

Planning has a medium and long term outlook, as differentiated from routine administration and efficient management of community business. Community responsibility for community level planning is essential for the NT's small communities, since it is the mechanism by which council, assisted by staff, mobilises a community to exercise more control over the direction and the pace of change. A consequence of successful community based planning from the roots up, is a reversal of the customary consultative relationship between community and service delivery agencies. Agencies have to acknowledge community goals and community plans and respond to them by working to integrate community identified needs into agency delivery systems. This is the reverse of the widespread practice whereby communities receive agency requests and proposals and have to respond repeatedly about the same related issues to successive fact finders and bureaucrats. While community planning is no short cut, and does not preclude discussion on delivery details and updating as conditions change, it does cut down on the repetitive demands placed upon limited community staff and demands on council time, energy and patience.
Community development planning is an element missing from the functions and powers of councils under NT local government statute. A limitation of community government is that community councils have no statutory responsibility for or authority over local planning: a limitation which needs to be overcome.

Structures for Services Delivery

The need persists to improve equity of service delivery and access to services by all segments of the Territory population, and particularly the Aboriginal population.

Mainstreaming of service delivery through line delivery agencies (in the way described by the NT government's Submission on support services to Aboriginal communities, 1988) may serve the needs of large and locationally concentrated populations in the towns of the NT. It is not at all clear how well it serves the needs of small, dispersed communities, each having a special set of needs.

It will be a challenge to mainstreamed service delivery agencies to develop the responsiveness required to deal with communities which require planning from the roots up rather than from the top down; to have the flexibility to deal with the special sets of needs of very small places which do not fit with the delivery systems set up to serve larger populations; and to have the concern for equity which requires that more resources are put into communities whose services are substandard. Experience from other jurisdictions indicates that the inequities which peripheral and disadvantaged communities experience are not corrected by mainstreaming: rather the inequities persist, and tend to be intensified.

Community Governance: Perspectives on Power

Small Aboriginal and non-Aboriginal communities in the NT are resilient, and have developed adaptive and coping strategies to deal with external forces and the pressures of change. Councils, regardless of their statutory authority, operate at the critical interface between community and external agencies.

As community training, council, staff and community capacity building, and community planning are increasingly effective, communities will seek to have more say in the way in which all types of services are delivered, and will seek greater control over the pace of change and the direction of community development. This will be the case whether communities are within or outside of formal community government.

Greater community self-determination and greater community self-management is what all agencies dealing with the communities, from Commonwealth and NT governments and their departments to Aboriginal Land Councils and other support agencies, state as a goal. And it is an expressed objective for many individuals who work with the communities. There are, though, substantial differences between true self-determination, and greater local level management which the rhetoric overlooks. There is little evidence of a consistent agenda for greater Aboriginal self-determination. There is no evidence of an agenda aimed towards greater Aboriginal self-government of the kind being sought, and in a few instances achieved by aboriginal peoples in Canada and the USA. Prospects for improved Aboriginal community autonomy look limited. Furthermore, the public agencies and the individuals working with the communities are themselves ill prepared and reluctant to deal with changing relationships. Also, the goal of small community development is often overshadowed by the agencies' other political imperatives, and by the demands of more powerful constituencies, which shape the way the agencies respond.
Agency rhetoric which supports self-determination and self-management is not necessarily matched by agency action.

Despite being non-traditional and alien institutions, Aboriginal councils have acquired an importance to the development of Aboriginal communities far beyond that of other local governments to their local communities. In the NT there are some opportunities for Aboriginal community development through strengthened community governance. Statutory community government has not been proven superior to other non-traditional forms. It would, therefore, be unfortunate if external agencies subverted these opportunities by using community government and conflicting arguments about statutory frameworks and forms and structures as a means to meet other political imperatives. Small NT communities would be the major losers.
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