

# Community Governance

An occasional newsletter from the Indigenous Community Governance Project

Vol. 3 No. 3, November 2007

ISSN 1832-5157

## 'EMERGENCY' RESPONSES FROM THE NORTHERN TERRITORY

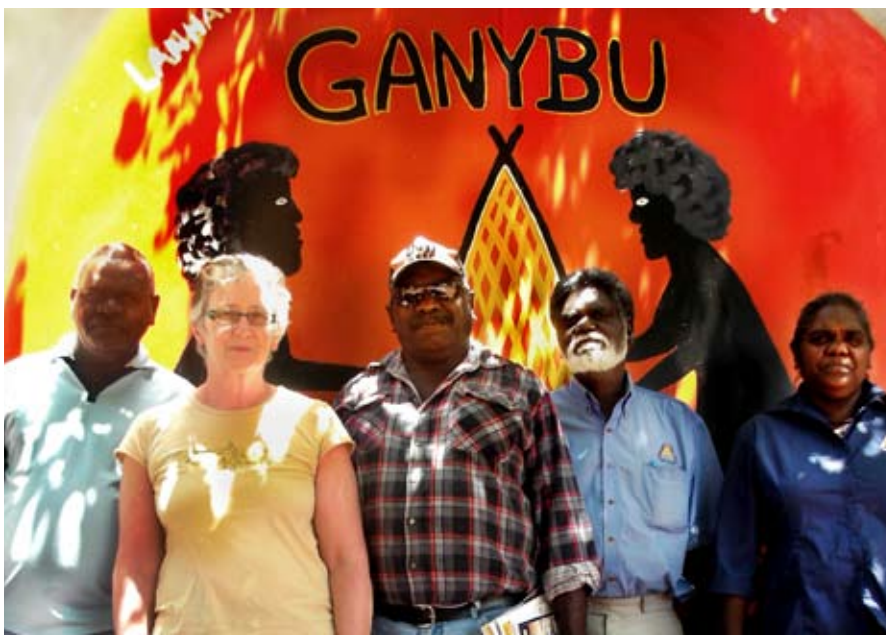


Photo courtesy of Janet Hunt

Board members of Laynhapuy Homelands Association Inc., Mungandjiwuy Munyarryun, Waturr Gumana, Barayuwa Mununggurr (Chairperson), and Yananymul Mununggurr, with Frances Morphy (ICGP) (second from left) in Yirrkala.

A swathe of 'emergency' measures is now being implemented by the Australian Government as part of its radical intervention in Indigenous affairs in the Northern Territory (NT), ostensibly to combat child abuse. These include the appointment of 'Government Business Managers' to all 'prescribed' remote Aboriginal communities to improve governance, a ban on alcohol and the commercial importation of kava, the quarantining of welfare payments, and the abolition of the mutual obligation Community Development Employment Program (CDEP) to assist people into 'real' jobs.

Some have argued that many of these 'emergency' measures are riding roughshod over local governance structures and community-driven programs that have taken years of hard work and cooperation to develop, and could have far-reaching and unintended impacts.

**'... riding roughshod over local governance structures & community-driven programs'**

Here we look at two organisations from 'prescribed communities' in the NT participating in the Indigenous Community Governance Project.

In their submissions to the single-day inquiry by a Senate Committee into the 'Emergency Response' legislative package, the Bawinanga Aboriginal Corporation (BAC) and the Laynhapuy Homelands Association Incorporated (LHAI) provide some key insights into what's happening on the ground. They detail some of the successful community-based initiatives that are already in place, and describe their expectations about the impacts of the Australian Government's measures.<sup>1</sup>

Over its 28 year history in Maningrida, BAC has developed into a large and multifaceted regional development organisation. Within its 10,000 km<sup>2</sup> region, BAC undertakes a variety of

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THE AUSTRALIAN NATIONAL UNIVERSITY



Reconciliation Australia

This newsletter is published by the Indigenous Community Governance Project (ICGP) at the Centre for Aboriginal Economic Policy Research (CAEPR), The Australian National University (ANU).

Editors: Janet Hunt & Stephanie Garling



activities, provides a range of services to a large and diverse community that includes 32 outstations and members of over 100 clans, administers over 40 grants, and at the moment operates the largest CDEP scheme in Australia. Its businesses and programs include the Babbarra Women's Centre, Bawinanga Outdoor Supply, BAC Nursery, Good Food Kitchen, Djelk Ranger Program, Wildlife Centre, and the Maningrida Arts & Culture centre to name a few. As a result, BAC has developed complex, intercultural governance arrangements. It also has a host of programs that have been developed in partnership with the community. For example, the Maningrida Community Action Plan Project (MCAPP) is a community-driven child protection service that was set up in October last year to address child sexual abuse. MCAPP is a partnership between Aboriginal community

members representing each of ten language groups, NT government departments, Child Abuse Taskforce Officers, GPs, local community health organisations and the Maningrida police. Its goals are prevention through awareness, education and support.

**'a whole of community approach to ensure the safety & welfare of children'**

In fact, it was highlighted in the 'Little Children Are Sacred' report as an effective community approach to dealing with child abuse. The Maningrida Community Women's Safety Patrol grew out of MCAPP and is run by a group of local women using a donated vehicle. Crucially, sixteen of these women are employed by CDEP. The Maningrida Tribal Justice Committee (MTJC) is another recent community-based initiative that aims

to coordinate a 'whole of community' approach to ensure the safety and welfare of its children. Made up of senior Aboriginal leaders from the governing committees and boards of all the main organisations that operate in Maningrida, it has both widespread legitimacy and influence in the community, and tremendous collective knowledge.

Another community-based and controlled initiative is the Maningrida Alcohol Permit System (MAPS), which was set up in 2001 following extensive research and community consultation. Using an application process that is referred to a committee, and by setting limits on the types and amounts of alcohol that can be purchased, MAPS enables the Maningrida community to self-regulate the use of alcohol by both Indigenous and non-Indigenous people and to promote responsible drinking. Since its introduction, there has been a significant reduction in alcohol related violence.

In regard to income management, for the last seven years BAC has offered a range of voluntary services to its employees to assist them in managing their finances. These include nominated deductions of wages for saving towards the cost of vehicles, bills, ceremonies, funerals,



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and school expenses. BAC also provides financial advice, internet banking services, a budgeting service for the management of pensions for Aged Care clients, and a 'Bush Delivery Program' that acts as a mobile banking and supply service to outstation residents. The members of the 'Tucker Run' team are all CDEP employees. In fact, 71 'government' positions generated through Commonwealth funded programs in health, education, aged care and MCAPP are subsidised by CDEP. Considering the current Commonwealth allocations, it seems highly unlikely that all of the CDEP positions, currently performing some essential community services, will be turned into 'real' jobs.

**B**ased at Yirrkala in northeast Arnhem Land, LHAI is a homelands resource centre that services 19 homeland centres spread out over an area of some 6500 km<sup>2</sup>, home to approximately 750 people from around 16 Yolngu clans. LHAI carries out a range of activities on the homelands, including the provision and maintenance of: community housing; water, sewerage and power infrastructure; access and internal roads; airstrips; communications and administration facilities; a mobile mechanical workshop; airline charter service; clinical and preventative



health services; community care services for aged and disabled; training opportunities; and staff housing.

LHAI also manages CDEP for some 300 participants in the homelands and employs 29 local Yolngu people, making it the largest Yolngu employer in the Gove Peninsula.

**'built up over decades of work, sacrifice & partnership with the community'**

The organisation has developed into a complex multi-million dollar enterprise that embodies much of the accumulated physical, economic and social capital of its members and their homeland communities—advancing their needs and aspirations. It has been built up over decades of work, contribution, sacrifice and partnership with the community.

While LHAI delivers a number of essential services to the homelands, because of government funding shortfalls, many of the community programs and services it provides rely on the support of CDEP-subsidised employees and on the income that it generates itself, through its not-for-profit business activities such as Laynhapuy Aviation Pty Ltd, Mechanical Workshop, Civil Works, and until it was recently banned by the Health Minister, the kava wholesale business, 'Ganybu Wholesalers'.

Ganybu Wholesalers has single-handedly been responsible for injecting around \$900,000 per annum straight back into the community. All of this profit goes to the provision of community services, facilities and training opportunities and helps generate employment and other business activity. In fact, this sum often exceeds government spending in some essential areas.

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For example, using the proceeds from regulated kava sales, LHAI provides assistance to its members (e.g. in training, ceremonial/funeral activities, welfare, and cyclone evacuation), and support to local schools and the community Night Patrol. It also funds several jobs and supports governance inside the corporation (including the Chairperson's stipend, board meeting costs, and a Community Worker), and helps maintain and run the Resource Centre's Office.

On the homelands, kava proceeds have been used to fund or support a number of capital works such as: the Ranger Station and program, reticulated power network, and Women's Centre at Yilpara; homeland offices; tractors, trailers and bores; and staff and community housing

and maintenance. Through a contract with the NT Department of Health, LHAI was also financing research into kava, including the Kava Health Monitoring Project.

**'the one-size-fits-all solution threatens initiatives in remote communities'**

The loss of kava income will therefore adversely affect Yolngu communities. But importantly, the regulation of kava through a licensing system has effectively supplanted 'black market kava' in communities, just as it was intended. This has led to more controlled use of the substance, which the Yolngu originally

introduced as a preferred alternative to alcohol.

Since the Senate Inquiry, the Yolngu traditional owners (TOs) that LHAI represents have also expressed considerable concern about the Australian Government's MOU with Galarrwuy Yunupingu about a 99-year lease over areas of Ski Beach (Gunyangara), a community on Gumatj land. This is because the MOU appears not to respect the legal requirements of consultation with, and agreement by, all affected TOs under the *Aboriginal Land Rights Act* of the NT.

Both of these cases illustrate how the Australian Government's imposed one-size-fits-all solution threatens to undo many initiatives in remote communities that are already underway and producing results.

1. The Senate report, information about the legislation, submissions, transcript & associated documents are available at: [http://www.aph.gov.au/senate/committee/legcon\\_ctte/nt\\_emergency/index.htm](http://www.aph.gov.au/senate/committee/legcon_ctte/nt_emergency/index.htm)

## NEW DIRECTIONS AT ANMATJERE THINKING LOCALLY & ACTING REGIONALLY

**W**ill Sanders and I have now been working with the Anmatjere Community Government Council (ACGC) for over three years. Recently, we have been discussing two major changes that have happened in the last year, both impacting on the structure and operations of the Council.

The first development occurred in the early months of 2006 with the support of the Commonwealth Department of Employment and Workplace Relations (DEWR). The second came as a result of a Northern



Photo courtesy of Will Sanders

Territory (NT) Government move towards the regionalisation of local government councils, which was launched in October 2006.

The DEWR initiative led to ACGC developing a CDEP scheme based in Ti Tree on its core land area. This also included some of its outlying wards, such as the smaller, nearby Aboriginal settlements of Pmara Jutunta and Nturiya and the more outlying settlements of Laramba and Engawala, where the existing CDEPs would be incorporated.

The merging of these programs into a centralised CDEP was greeted with some hostility and concern by residents, so the ACGC put some resources into 'smoothing the way'. We were encouraged to work with the consultants who had been employed to explain the merger and to develop regional/local agreements between each community and the ACGC. From the ACGC's perspective, the point of these agreements was to clarify the role that the local community manager had to both the community and to the regional council (ACGC). But from the local perspective, it was about ensuring their autonomy within the regional structure.

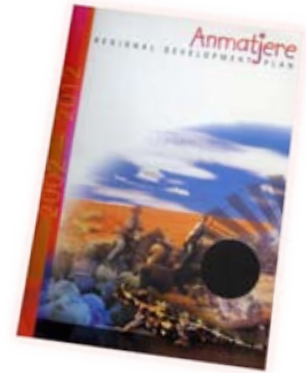
By July 2008, the NT Government's larger policy shift towards regionalism will dissolve the ACGC and merge this region into a significantly larger 'Central Desert Shire' that will also incorporate another five community councils and incorporated settlements. So, during the later stages of the ACGC's CDEP discussions with the Laramba and Engawala communities, there was an increasing awareness that negotiating local/regional agreements between the local settlement office

and the central office was going to become increasingly important—on a much larger scale.

Both of these changes have come out of an underlying trend over the last decade towards centralising services. While the larger, outlying settlements of Laramba and Engawala have their own offices, schools, stores and health clinics, residents of the smaller settlements that are closer to Ti Tree, such as Pmara Jutunta and Nturiya—where the community stores have both closed in recent years—have to travel into Ti Tree to access these services. By all appearances, these two smaller settlements have not been resourced to the same degree as Engawala and Laramba.

**'it's much more than just a building'**

However, with the introduction of the CDEP scheme to the immediate Ti Tree area, there are now some positive changes happening at Pmara Jutunta. In particular, these changes have stemmed from the revival of its local community office. Not just a base for CDEP workers and the CDEP Works Manager, this office has become a hub for community activities and a launching pad to get access to resources from the council. *It's much more than just a building.* Like Laramba and Engawala, the closer settlements have found that having a community office is an important way to negotiate more effectively with the ACGC central office in Ti Tree, and a base to start making their own aspirations a reality. That is, thinking locally is the best way to start making positive things happen regionally.



But now the Australian Government is moving to abolish CDEP as part of its 'intervention' in the NT. Some of these positive changes might come undone and there is bound to be a big impact on the employment opportunities that are developing at all of these settlements.

The CDEP currently funds positions in innovative types of horticulture in the region—training men and women in planting, maintenance and harvesting of grapes, bush tomatoes and other seasonal crops. Horticulture is a relatively unique industry in Central Australia and residents of Pmara Jutunta are well placed to take advantage of it. The flexibility of CDEP is crucial to taking up this kind of seasonal work.

At the moment, there are over 20 Aboriginal people employed on CDEP positions as well as the CDEP Works Manager at Pmara Jutunta. This manager plays an important role in the community not only in coordinating the CDEP workers and encouraging work opportunities, but also as a link to the ACGC. Will the new job programs have the same kind of support?

*The Desert Knowledge CRC also continues to support this research through funding for travel and community collaboration.*

*Contributed by Sarah Holcombe, Research Fellow, ICGP.*

# PARTNERSHIPS FROM THE 'BOTTOM UP' NOT COERCION FROM THE 'TOP DOWN'

Lt. Gen. John Sanderson, Special Adviser to the Government of Western Australia on Indigenous Affairs, gave an impassioned speech at The Australian National University on 23 August. He argued that the current national approach to Indigenous issues can be described as 'coercive assimilation', requiring Aboriginal people to give up their culture in order to have access to the services they are entitled to as citizens. The Australian Government's intervention in the NT, he said, amounts 'to an admission of a colossal failure of public policy over a century of federation'. Its accompanying package of legislation is costly, racially based, and 'enormously coercive in nature'.

Sanderson argued that the Australian Government's 'top down' approach to public policy is driven by a 'market forces' philosophy, which enshrines the belief that 'work makes you free; and assimilation at all costs'. But this approach will *not* work because

it does not encourage appropriate governance at the local level, nor is it sympathetic to the actual circumstances or the enormous backlog of needs of Indigenous people. Legislating against social malaise is not the answer. What *will* work is true strategic leadership, as well as local leadership, that builds pride and self-esteem in communities.

**'the government's approach does not encourage appropriate governance at the local level'**

This can only be achieved through a partnership with Indigenous people—one based on respect, equality, empowerment, and Indigenous participation in decision-making from the 'bottom up'.

This partnership between Indigenous people and government must be forged on a regional basis, will require 'a regional strategy that

embraces all aspects of development', and the delegation of power and resources to regional structures. These partnerships and structures cannot be imposed by the bureaucrats in Canberra or the other capital cities. Rather, building community has to be a State responsibility under the federal constitution.

In his commentary following the speech, Professor Mick Dodson (National Centre for Indigenous Studies, ANU) described the NT legislation as a 'national tragedy' that reeks with racial discrimination and shows a willingness on the part of government to put aside international standards of human rights. The 'saddest part' of the NT intervention is the seeming readiness of Australians to accept this discrimination in their name, compromising our decency and goodness as a nation.

*A podcast of the lecture (ANU Public Lecture Series 2007) is available at:*  
<[http://info.anu.edu.au/Discover\\_ANU/News\\_and\\_Events/Public\\_Lectures/\\_John\\_Sanderson.asp](http://info.anu.edu.au/Discover_ANU/News_and_Events/Public_Lectures/_John_Sanderson.asp)>

## THE INDIGENOUS COMMUNITY GOVERNANCE PROJECT

The Indigenous Community Governance Project (ICGP) is a partnership between the Centre for Aboriginal Economic Policy Research (CAEPR) at The Australian National University and Reconciliation Australia (RA). The ICGP undertakes research on Indigenous community governance with participating Indigenous communities and organisations across Australia.

The ICGP is supported under the Australian Research Council's Linkage funding scheme (Project No. 0348744), and is also sponsored by the NT, WA and Australian governments, the latter through the Department of Families, Community Services and Indigenous Affairs.

For further details about the ICGP please go to our website: <[www.anu.edu.au/caepr/ICGP\\_home.php](http://www.anu.edu.au/caepr/ICGP_home.php)>

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