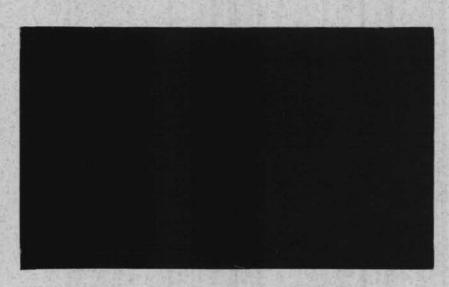THE AUSTRALIAN
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DISCUSSION PAPER

Linking accountability and self-determination in Aboriginal organisations

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No. 116/1996

Professor Jon Altman
Director, CAEPR
The Australian National University
October 1996

ABSTRACT

The issue of accountability in Indigenous affairs has recently received national prominence. Accountability - usually meaning financial accountability to government or to the wider public - is often seen as being potentially inconsistent with Indigenous self-determination. This paper broadly delineates a conceptual framework which links 'organisational self-determination' with a notion of 'internal accountability', that is the accountability of an organisation to its Indigenous members, clients or constituency. It further argues that this internal accountability is also linked to 'public accountability', that is the financial and other accountability of an organisation to funding agencies and ultimately the wider public. While there may be inherent tensions between public accountability and self-determination, these policy goals can be linked through the development of effective mechanisms for internal accountability.

The paper suggests that a focus on specific mechanisms by which internal accountability of Indigenous organisations can be achieved and enhanced can assist in the realisation of both self-determination and public accountability, thus providing a way forward in what can often be a sterile debate on whether to emphasise one policy goal at the necessary expense of the other.

Acknowledgments

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Foreword

This discussion paper by Drs David Martin and Julie Finlayson synthesises research material collected by them on a number of research projects and consultancies over the past two years. Most specifically, some of the conceptual framework concerning accountability has appeared in a brief document prepared by the authors in their role as consultants engaged by the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) in a review of the Commonwealth *Aboriginal Councils and Associations Act 1976* undertaken during 1996 for the Aboriginal and Torres Strait Islander Commission (ATSIC).

A very general version of this discussion paper was presented as a seminar 'Aboriginal Associations: vehicles for service delivery or self determination?' at the Centre for Aboriginal Economic Policy Research (CAEPR) on 29 May 1996. Subsequently, both ATSIC and AIATSIS requested, with some justification, that publication of an expanded written version of the seminar be delayed until the AIATSIS review was completed. In September 1996, the final review report was lodged, somewhat later than expected, with ATSIC for consideration by the review's Steering Committee and by the Board of Commissioners and the Minister for Aboriginal and Torres Strait Islander Affairs. Early in September I wrote to ATSIC seeking permission to finally publish this paper; ATSIC responded quickly that it saw no reason to delay publication.

A few disclaimers are probably appropriate. First, while some of the material in this discussion paper is based on the brief consultancy undertaken by Drs Martin and Finlayson for AIATSIS, it largely draws on research and field work undertaken by them before and after their engagement by AIATSIS. Second, while some of the issues addressed in this discussion paper are related to the review, it extends well beyond the review's ambit. Finally, the views articulated in this discussion paper are not necessarily linked in any way with those incorporated in the review's final report. Indeed this discussion paper does not directly mention any recommendations from the final report.

It is my view that in the current political and policy environment with considerable attention being focused on the performance and accountability of incorporated Indigenous organisations, this discussion paper has a considerable public interest component. There is no doubt in my mind that it will value-add considerably to an important debate.

Professor Jon Altman
Series Editor
October 1996

Introduction

The issue of accountability in Indigenous affairs has recently received national prominence, including in the media.[1] The ongoing debate about the accountability of the Aboriginal and Torres Strait Islander Commission (ATSIC), the investigations into various Aboriginal Legal Services, the appointment by the Federal Minister of a Special Auditor to oversee ATSIC grants to Indigenous organisations, and the review of the *Aboriginal Councils and Associations Act 1976*, are just some instances. In some arenas, 'accountability' - usually meaning financial accountability to government or to the wider public - is seen as being potentially inconsistent with self-determination. Thus, for example, the Aboriginal Social Justice Commissioner Michael Dodson sees a tension between accountability and self-determination, believing that ATSIC must walk a tightrope between expecting accountability from Aboriginal organisations and promoting self-determination. He is quoted as saying in connection with the tension between local-level allegiances within Aboriginal societies and the requirement for wider public accountability that 'democratic systems are an alien thing to Aboriginal culture' (*The Australian*, 6 April 1996).

Many of the issues of accountability, effectiveness and administrative efficiency relating to funding of Indigenous organisations have been extensively canvassed and critiqued by anthropologists and researchers interested in public policy.[2] There is a developed literature dealing with Indigenous organisations as service deliverers (for example, work by Martin 1990, 1995a; Dillon 1992, 1996; Sanders 1993a, 1993b; Smith 1993; Anderson and Brady 1995; and Sullivan 1996a, 1996b).

An equally extensive research literature exists addressing the political issues of self-determination and self-management associated with devolution of decision-making and administrative processes to regional councils and community organisations (for example Sackett 1990; Rowse 1992; Coombs 1994; Fletcher 1994; Finlayson and Dale 1996). In the community development and enterprise development field, there are studies such as those by Dale (1991) and Wolfe (1993), and work done by scholars at the Centre for Aboriginal Economic Policy Research (CAEPR). CAEPR has paid particular attention to specific questions of funding processes and program effectiveness in the context of self-determination associated with the implementation of national policies such as the Aboriginal Employment Development Policy and Working Nation (Sanders 1993a; Smith 1993; Taylor 1993).

Two explanatory models and methodologies emerge from this literature. On the one hand, the chain of administrative processes within Indigenous organisations is examined to find the weak point where misapplication of

resources or corruption becomes systemic, and the bureaucratic solution is generally to develop greater scrutiny of administrative processes through performance indicators, quality controls, financial accountability mechanisms and a general adherence to the rules of the administrative and funding process.

The other model identifies the relationship between bureaucracy and Indigenous clients as predicated on bureaucratic requirements (such as equity of access, accountability, performance standards, effectiveness and so forth), but which in practice, may be difficult to achieve given the ambiguity of what clients understand by these 'indicators' and what the bureaucracies expect (Sullivan 1996a, 1996b). This explanatory model works on the basis of divining the cultural logics of both parties, and the misunderstandings that can arise from the inter-cultural relationship.

The latter culturally-based model takes a more holistic approach to management and administrative issues by recognising ambiguities inherent in the relationship between Indigenous organisations and the bureaucracies upon which they are dependant for funding and other support. For example, a community organisation is never simply a mono-dimensional entity, because although it may have as its formal goal the delivery of services to the community in which it is located, it typically operates informally in a number of other roles including that of representative of local or regional political concerns. In this sense, many community organisations have the status of intermediary points between different cultural and political systems, as they attempt to negotiate between differing political positions and cultural imperatives while still maintaining legitimacy in both (see Sullivan 1988; Sackett 1990; Dillon 1992).

This paper is not primarily concerned however with theorising about 'self-determination' as such. Discussion is essentially confined to what might be termed 'organisational self-determination', that is the capacity of Indigenous people to realise their goals through various kinds of incorporated bodies. The paper broadly delineates a conceptual framework which links this form of self-determination with a notion of 'internal accountability', that of an organisation to its Indigenous members, clients or constituency. It further argues that this internal accountability is also linked to 'public accountability', the financial and other accountability of an organisation to funding agencies and ultimately the wider public. It suggests that a policy focus on specific mechanisms by which internal accountability can be achieved and enhanced can assist in the realisation of both self-determination and public accountability, and thus provide a way forward in what can often be a sterile debate on whether to emphasise one policy goal at the necessary expense of the other.

General policy climate

Many of the Indigenous organisations delivering services to their communities and regions are incorporated under the *Aboriginal Councils and Associations Act 1976*. This was enacted in part to provide a vehicle for Commonwealth funding to Indigenous communities and groups where the particular State or Territory was seen as being recalcitrant or hostile to goals focusing on self-determination. It was seen by the then Department of Aboriginal Affairs as offering Indigenous groups a relatively straightforward route to legal recognition in order to receive funding for a variety of purposes in accordance with Indigenous priorities and needs.[3]

There have been significant events in the Indigenous policy arena since the passage of this Act. Of particular relevance here are the Royal Commission into Aboriginal Deaths in Custody (RCIADC), the formation of ATSIC with its regional council structure, the Mabo High Court decision and its implementation through the *Native Title Act 1993*, and more generally but very significantly, the general increased emphasis at all levels of government on equity, accountability, and efficiency in program delivery.

The RCIADC recommended that principles of self-determination should be applied to the design and implementation of all policies and programs affecting Aboriginal people, that there should be maximum devolution of power to Aboriginal communities and organisations to determine their own priorities for funding allocations, and that such organisations should, as a matter of preference, be the vehicles through which programs are delivered (Commonwealth of Australia 1991a: recommendations 188-192). The RCIADC Overview Report refers to the central role of Aboriginal organisations in self-determination and to their significance in the Indigenous and non-Indigenous political realms and in service delivery in such areas as health, legal rights, education and housing, particularly in the case of those bodies which are adequately resourced (Commonwealth of Australia 1991a: 1.8.1-1.8.3).

At the same time, the Report recognised that accountability had to be maintained in the delivery of services by Indigenous organisations, recommending such measures as the development of convenient and simple financial accountability procedures, appropriate performance indicators for programs, and the development of appropriate processes for providing advice, training, and education to Aboriginal organisations (Commonwealth of Australia 1991a: recommendations 193-197). At no stage did the RCIADC advocate self-determination or self-management without accountability (Commonwealth of Australia 1991b: 14).

The ATSIC regional council structure has also attempted to implement these principles. Thus, there are increasing requirements for financial

accountability at all levels of ATSIC. However, its support of community-based programs reflects a devolution of decision-making powers, especially in relation to funding and service delivery, from the central bureaucracy to what is portrayed as a 'grass-roots' level in the regions, with Indigenous organisations actively involved in service delivery.

The Mabo High Court decision and its implementation through the *Native Title Act 1993* provides a second set of parameters against which this discussion needs to be set. Following Mabo, the original emphasis on 'self-determination' - the political right asserted by an Indigenous people in a pluralist society to determine certain dimensions of their own lives in accordance with their own priorities - has to some extent at least been replaced by legal rights flowing in the first instance from the recognition of Indigenous laws and customs in relation to land. Much of this is as yet potential rather than realised, but the particular case of regional agreements is of great significance here.

A further, and to some extent conflicting, policy strand of relevance is the increasing emphasis by government on ensuring programs and services are managed so as to maximise their cost efficiency and effectiveness, on ensuring that there is equitable access to these services, and that there are mechanisms in place to ensure the accountability of programs both to funding agencies and their clients. Increasingly, issues of accountability have become paramount in bureaucratic investigation and political scrutiny of ATSIC's system for allocation of funds, financial monitoring, and acquittal procedures.

Placed against the demonstrated socioeconomic disadvantage that much of Indigenous Australia suffers, such policy emphases in a time of major budgetary cuts to ATSIC and other agencies directly impacting on Indigenous people, inevitably lead to growing requirements for service delivery by Indigenous organisations to be assessed in terms of efficiency, cost effectiveness, and demonstrable outcomes. It is clear that this trend will be accentuated under the Coalition government, with its move from what it terms the 'symbolic' to 'service delivery' in Indigenous affairs. Consequently, the ongoing demands for self-determination by Indigenous leaders now take place in a political climate highly attuned to questions of fiscal responsibility and demonstrable outcomes and alert to real and potential breaches of accountability.

The Aboriginal domain and 'community' organisations

A fundamental issue in considering 'self-determination' or indeed 'self-management' is the societal scale at which it is to be considered. What are the social, political and economic characteristics, the internal structures, and the bounds and extent of the units which are to determine or manage

themselves? What are the contexts in which self-determination or management are to operate, and who is to determine them? These questions can be usefully considered in terms of how two distinct types of political system articulate; those derived principally from the Aboriginal domain; and those derived principally from that of the 'mainstream' society. There is considerable diversity within Aboriginal Australia, but there are also core cultural themes which are shared across the country, and this paper first sketches in some broad relevant features of this 'Aboriginal commonality' to borrow Sansom's (1982) term, relating to political organisation.

The Aboriginal domain is typically highly factionalised, and characterised by the complex and often cross-cutting allegiances which people have to groupings based on families, clans, ancestral lands and so forth, as well as to contemporary forms such as Aboriginal organisations. A defining characteristic of this domain lies in its localism, in which the political, economic, and social imperatives lie, pre-eminently in more restricted forms and institutions rather than in broader and more encompassing ones. 'Local' can be either social or geographic or both, and the two are frequently related, for example, through relations based on affiliations to traditional lands. Localism is characterised by such features as a strong emphasis on individual autonomy, and by priority being accorded to values and issues which are grounded in the particular and local, rather than in the general and regional or national. It is related to the tendency of Aboriginal societies and groups towards 'fission' and disaggregation rather than aggregation and corporateness (Martin 1995a; Sutton 1995).

Localism can take different forms in different Aboriginal societies. For example, in western Cape York Peninsula it may be based upon region-of-origin groupings (particularly descent-based groups such as sibling sets), while in many urban societies it may be based upon what are termed 'families' defined through complex historical, region-of-origin and genealogical linkages. Some Aboriginal societies have more emphasis on localism (such as many in Cape York Peninsula), while others are characterised by significant sub-regional and regional political, religious and economic forms which dilute the significance of localism in certain contexts (for example, with ceremony in the central desert regions, and in Arnhem Land).

Localism also tends to be contextual in its scope. Because it is grounded in the particularities of small-scale groupings, shared values, events, and so forth, its extent is dependent upon the particular issues around which political or economic action is being undertaken. Consequently, an Aboriginal organisation's constituency may be fluid and context dependent; for example, its composition and extent may be dependent upon such factors as the relevant issue, who is seen as having legitimate interests in it, and how much support they can command over that issue.

These are some of the factors which underlie another notable characteristic of the Aboriginal domain, a high degree of fluidity in political and organisational process.[4]

Thus, while the governing bodies of Aboriginal organisations may be construed by the wider bureaucratic system as 'representing' their communities or regions, they are also embedded within particular networks of kin, have attachments to particular locales and language or other traditionally-based groupings, and are associated with particular community organisations. They are therefore embedded within specific matrices of rights, obligations, and allegiances which are crucial constitutive elements of the Aboriginal social and political realm. The complex social calculus upon which decisions are made and social relations negotiated within this realm can not be easily discarded as Aboriginal people undertake their roles within organisations, to be replaced with one predicated upon nominally objective assessment of competing demands for scarce resources, financial accountability, equity in access to services, and the setting aside of individual and family interests in favour of those of a broader 'community'. Yet, it is precisely such principles and processes which are required by the wider system.

A second relevant characteristic of the Aboriginal domain concerns styles of political and social process, such as decision-making, which typically serve to preserve the autonomy and independence of the participants (Brenneis and Myers 1984; Martin 1993). The strong value placed on individual and local-group rights and autonomy means that sustaining cooperative effort over more than a relatively limited social or geographical extent can be highly problematic. In such a system, achieving political unity or even the semblance of common purpose can be a significant accomplishment in itself. Political discourse, including that in meetings of contemporary organisations, can serve primarily the purposes of establishing and negotiating the internal social and political relationships which are of paramount concern within Aboriginal societies, rather than what the wider system might regard as 'outcomes'. As Brenneis and Myers (1984: 14) propose more generally of political rhetoric in similarly egalitarian societies:

> ... the goal of political discourse may be neither a decision nor coercion but rather the sustaining of an appearance of autonomy while at the same time constituting or reconstituting a polity. They seem largely the product of negotiating acceptable interpretations, both of the event and of the relationship of the parties.

This is not to deny that Aboriginal politicking can be as intense and indeed vitriolic as any other, or that pressure and sometimes coercion are not brought to bear to achieve particular ends. In fact, in some circumstances what Brenneis and Myers have termed 'constituting or reconstituting a polity' can centre on maintaining the differences and

separation between individuals and groups which are such a feature of the Aboriginal political domain, while in others it may focus on establishing, if only for the meeting or discussion itself, a semblance of broader unity, while the rights of participants to maintain their autonomy are ultimately preserved.

Aboriginal organisations have become the locus for politicking over the resources, both tangible and intangible, which can be obtained through them. They are often the focal points for an ongoing struggle over authority, legitimacy and influence between different groups and factions, both within the Aboriginal sphere and vis-a-vis the wider one. They are also key means by which different groups can attempt to capture resources such as grants from ATSIC and other agencies. This is not to say that all attempts by Aboriginal organisations to gain access to resources should simply be seen as reflections of internal politicking, but it would be naive to ignore the role of such resources in sustaining hierarchies and differentiation, whether in Aboriginal societies or the wider one. Nonetheless, tangible resources, such as grants or the materiel they can purchase like vehicles, typically serve particular Aboriginal ends which arise from principles and imperatives of the Aboriginal domain. Here, wealth ultimately lies in social capital rather than other forms, and what is competed for is not so much the resources in themselves, but their capacity to create and sustain wealth in the form of social relationships (Martin 1995b).

A further and related characteristic of the Aboriginal domain is that forms of 'representativeness' are not necessarily based upon individual equality measured against some abstract set of democratically constituted principles by which people have equal rights to participate in the political process. Rather, like the British House of Lords, rights within this domain are typically based more on having (or asserting) particular interests and qualifications - membership of a particular family or descent line, land ownership, seniority, knowledge, ritual authority, and so forth - than on the philosophies such as those underlying universal suffrage, or the principles of equity supposedly underlying service delivery (for example, ATSIC 1995; Finlayson 1995; Smith 1996a).

In summary, Aboriginal political systems strongly emphasise individual and local-group autonomy, are often characterised by an intense localism, and are typically concerned with negotiating internal relationships. In such systems, the notions of representation underlying the mainstream political system by which individuals cede or delegate decision-making powers to others, can be very problematic. The dimensions of what - and who - is actually being 'represented' by an Aboriginal organisation, for example, may differ according to context and circumstances, and be contested between the organisation and its constituents (Smith 1995). Thus, an

Aboriginal Council for a Queensland community may assert the legitimacy to make decisions on behalf of its nominal constituents on a whole range of issues, and be given the authority to do so by statute. This legitimacy may, however, be denied by its constituents when the matter concerns management of traditional lands (frequently a matter of core concern to Aboriginal people), or imposition of alcohol controls, but accepted in the maintenance of community infrastructure (often a matter of peripheral concern).

Therefore, accountability itself is often assessed by Aboriginal people against local priorities and values, rather than the broader ones typically emphasised by bureaucracies. If being 'accountable' for an organisation means having mechanisms in place by which it can be called to account by its constituents, then there will inevitably be tension and conflict between the requirements to be accountable to a broader set of interests (including, for example, to government) and the demands to be accountable to particular locally-based interests. The latter can, from the point of view of the organisation, be at least as compelling as the former (see also Altman quoted in House of Representatives Standing Committee on Aboriginal Affairs (HRSCAA) 1990: 110). This poses a particular challenge for what is to be understood by 'self-determination'. Given the primacy of the local, who and what constitutes the 'self' who is to be determining is mostly left unexamined. Important questions are raised about who in fact are to be self-determining or self-managing, about what issues, and in what contexts.[5]

However, it would not be correct to see Aboriginal political process solely in terms of 'atomism' or localism. Localism exists alongside various forms of collectivism, as Sutton (1995) and Smith (1995) amongst many others has noted. Collectivism has many manifestations from, for example, ritual performances in traditionally orientated societies, to the establishment of various kinds of bodies under State or Federal legislation for a multitude of purposes. Organisations such as Land Councils and ATSIC itself are becoming powerful vehicles through which new forms of Aboriginal collective political and economic enterprises are being forged, at regional and national levels. Arguably, they have provided the institutional base from which both a regionally-based leadership and an informal coalition of Aboriginal leaders has emerged in recent years, in a hitherto unprecedented fashion.

The critical point is that there can be significant incommensurabilities between Aboriginal systems predicated upon localism and characterised by fluidity and negotiability in social and political process, and the kind of corporateness entailed in such contemporary organisational structures. This paper now turns to considering the implications of this analysis for Aboriginal organisational structures, in attempting to reconcile accountability and self-determination.

Self-management, self-determination and accountability

The HRSCAA, in its 1990 report *Our Futures Our Selves* drew a distinction between 'self-determination' and 'self-management'. The latter focuses on efficient administration of communities and organisations (which it tied principally to a local government framework), whereas the former goes beyond this and implies control over policy and decision-making, particularly the determination of structures, processes and priorities (HRSCAA 1990: 4, 107). The HRSCAA report argued that there is at least potential conflict between the principles of self-determination, and bureaucratic requirements for accountability which could result in various forms of unwelcome monitoring and intervention in the affairs of Aboriginal organisations.

Statistics indicate clearly that educational and skills attainment levels for Indigenous Australians are significantly lower than those for non-Indigenous people (for example, Taylor 1993; Smith and Daly 1996). Yet, the effective management of Indigenous organisations - and the minimisation of intrusive monitoring and of interventions following their collapse - is dependent upon skilled and knowledgeable personnel. Moreover, an important aspect of both self-determination and self-management lies in increasing available employment opportunities. As noted by Dillon (1992), a key feature of most ATSIC programs is that intermediary Indigenous organisations (many of them incorporated under the Aboriginal Councils and Associations Act) are utilised to deliver programs to Indigenous people, and thus particularly difficult problems are posed for performance monitoring. Dillon argues that '... a key element in evaluating the performance of the Commission's programs must be an assessment of the capacity and capability of intermediary Aboriginal organisations'. He observes that for many Indigenous organisations, a key objective is to maximise Indigenous employment, and that while this is an objective shared by both ATSIC and government more broadly, there is the risk that this might take precedence over the explicit objectives for which funding was provided (Dillon 1992: 100).

The 1994 National Aboriginal and Torres Strait Islander Survey estimated that nearly 19 per cent of the Indigenous workforce was employed by community organisations (Australian Bureau of Statistics (ABS) 1996). It is clear that such bodies are quite significant providers of employment for Indigenous people in a context of large-scale unemployment. As Taylor and Liu (1996: 23) note, given the small size of many of these organisations and their relatively limited scope of activities, generating employment mobility through them is severely limited. However, employment outcomes from labour market placements in such community organisations are often more successful than other placements. Working for such organisations can often have culturally-derived goals other than

simply employment. Programs delivered through such organisations can therefore have multiple outcomes which render the process of program monitoring even more difficult (Altman 1991).

Nevertheless, Aboriginal organisations, both at the local or sub-regional level in terms of community-based bodies, regionally in the case of Land Councils and ATSIC's regional councils, and nationally through the ATSIC Board of Commissioners, have been seen as fundamental to self-determination. As noted, the RCIADC was of the view that Aboriginal organisations had a pivotal role in self-determination, and that there should be maximum devolution of control over funding allocations and decisions to Aboriginal communities and organisations (Commonwealth of Australia 1991a: recommendations 188-192). Equivalently, it is envisaged by ATSIC that, ultimately, its regional planning framework will be able to coordinate regional service delivery to Aboriginal people by other levels of government with those of the Commonwealth, provide a mechanism to monitor the effectiveness and appropriateness of policies and services, and enable Indigenous participation in the planning processes of other agencies (ATSIC 1994: E3). The ATSIC regional planning process is seen as providing 'a significant step in Aboriginal and Torres Strait Islanders achieving self-determination and self-management' (ATSIC 1992: 6).

Accountability
Aboriginal organisations, of necessity, must operate in the ambiguous and fraught zone between the two political and cultural systems, the Aboriginal one and that of the wider society (Sullivan 1988; Martin 1995a). In this context, the fundamental questions of effectiveness, legitimacy, representativeness, and of accountability are constantly contested in terms of the sometimes incommensurate principles of each of the two political domains. In the case of accountability for example, there are often quite incompatible demands on personnel in such organisations to discharge their obligations to the wider system (usually framed in terms of financial accountability), and those within the Aboriginal polity.

The two major Northern Territory Land Councils are arguably amongst the most effective Aboriginal organisations in the country, in terms of capacity to discharge statutory obligations, relative administrative efficiency, the mechanisms developed to deliver services equitably to constituencies, and their roles in political advocacy for Aboriginal interests (Altman and Dillon 1988; Auditor-General 1993). However, they have been subject to stringent criticisms from various quarters, including from within their own constituencies, and there is ongoing pressure in several regions to establish regionally-based 'breakaway' land councils (Martin 1995b).

The effectiveness of the Land Councils is disputed by proponents for breakaway bodies, both because they are considered to be large remote

bureaucracies and because their staff, who include non-Aboriginal people, are seen as being unable to understand the concerns of traditional owners; their legitimacy in exercising management and control of Aboriginal lands is challenged; they are seen to be unrepresentative because they do not encompass the full range of Aboriginal land interests across particular regions; and they are not considered to be accountable to Aboriginal traditional land owners, since the principles of Aboriginal Law are not recognised by the existing Councils, as manifested for example by the persistent problems over royalty distributions (Martin 1995b: 73).

The *Aboriginal Land Rights (Northern Territory) Act 1976* attempts to establish structures and processes whereby these incommensurabilities are addressed in terms of the principles of each political domain (Martin 1995b). In essence, effectiveness, legitimacy, representativeness, and accountability within the wider political system are established by setting up an organisation with the resources, including funding, to undertake its statutory roles in a professional manner, under the general direction of a Council which is broadly 'representative' of major cultural blocs. A crucial mechanism for establishing effectiveness, legitimacy and accountability within the Aboriginal domain is the 'informed consent' provisions in the Act. These provide a mandatory process by which formal instructions have to be obtained from the relevant traditional owners, before the Council can make any decisions on issuing exploration permits and other commercial interests. In the words of Justice Toohey:

> The Act seeks to implement two principles. One is to ensure that the traditional owners understand and consent to any action that may affect the land. The other is to interpose a Land Council between the traditional owners and those who wish to deal in some way with Aboriginal land. The Council is a body which is identifiable and with which others may deal more readily than with the traditional owners, who may be scattered over a substantial area and whose precise identity may mot be easily ascertainable (Toohey 1984: 56).

The 'informed consent' provisions of this Act have proved to be a powerful and legally enforceable weapon in ensuring the accountability of the Land Councils to their constituents.[6]

As previously discussed, many Aboriginal community-based organisations are incorporated under the Commonwealth *Aboriginal Councils and Associations Act 1976*. The principal form in which accountability is referred to in this Act is in terms of financial and procedural accountability to the Registrar's Office, which has a pivotal role in this regard, and it is these provisions which have received the most attention in amendments to the Act since its original passage. They cover such matters as approvals required for rules, objects, membership and so forth, prior to incorporation, notification of subsequent alterations to the objects and rules, annual submission of an up-to-date list of members, and annual submission of a

'Committee's Report' on compliance with the Act, its Regulations and the association's rules, including an audited financial statement.

This Act gives far less attention to accountability within the organisation. Various sections require members of the governing committee to act 'honestly and diligently', to disclose any conflict of interest, and establish that the rules of an association have the force of a contract between it and each member, between it and each member of the governing committee, and between members. The Act allows the Registrar to appoint an administrator on the grounds that the governing committee has failed to act in the interests of the association's members. The basic mechanism in the scheme of the Act by which an organisation's executive - and staff - are to be held accountable to its members is by means of the annual general meeting and special general meetings which are to be provided for in its rules. The annual general meeting is seen in this Act as in other incorporation schemes as providing an essential forum for discussion between the governing committee and the members of the corporation, and as a means of facilitating informed decision-making. The presentation of the annual report to members at annual general meetings is seen as enabling them to scrutinise the operation of the corporation and thus exercise effective control over its operation.

There is no direct attention given in the Act to mechanisms for accountability of an organisation to its clients or its constituency, for instance in the case of organisations delivering services to an Indigenous population wider than its membership. The discrepancy between the membership of an organisation and its constituency can be a significant one, a matter to which this discussion will return shortly. It has particular import however in the matter of conceptualising accountability for Aboriginal organisations, for it would be relatively rare for the membership of an association primarily concerned with service delivery to correspond to its constituency or clients.

Rowse (1992: 72) in writing of Wolfe's (1989) discussion of Aboriginal local government organisations characterises these two forms of accountability, external and internal, in slightly different terms:

> The 'bureaucratic' view emphasises fiscal accountability, efficiency, co-ordination and the effective representation of local needs, the 'radical' view, representativeness, accountability, responsiveness and equity.

A point of some generality, and one which has been made by others (for example, Queensland Parliamentary Committee of Public Accounts 1991: 31-35) is that these are not two incommensurate forms of accountability, but in fact are necessarily linked. The case studies undertaken by the authors for the review of the *Aboriginal Councils and Associations Act 1976* (Finlayson 1996; Martin 1996b) suggest that those organisations which had developed broadly representative structures, and had instituted

procedures to maximise equity in service delivery, participation in decision-making, and accountability to their constituencies in achieving their objectives had also achieved at least reasonable fiscal accountability; conversely, those which had deficient or virtually non-existent mechanisms to ensure such principles were more likely to demonstrate poor financial accountability. That is, organisations which are accountable to their members or constituencies are more likely to be effective in what they undertake and more financially accountable (ATSIC 1995).

Furthermore, while internal accountability certainly relates to such factors as representativeness, responsiveness and equity as Rowse suggests, there are also crucial dimensions of it which arise from the Aboriginal political and social domain, and can be expressed for instance through relations of kinship, familial obligations, and culturally defined rights to speak about particular matters. The most effective organisations appear to be those which have made creative use of principles drawn from both domains in establishing structures and processes which seek to maximise internal accountability.

However, there is often a tension between principles drawn from the wider socio-political sphere such as those of broadly based equity and access to services and resources, and the imperatives of the Aboriginal domain. In such circumstances, the principle of the 'common good' which underpins notions such as equity of access to resources and services can be rendered problematic, unless organisational structures and processes can take account of and incorporate the realities of localism, while still enabling effective and accountable services to the broader Aboriginal constituency. This tension then poses a fundamental challenge, both to Aboriginal organisations and indeed to policy makers. While it may not be capable of 'resolution' in any easy sense, incorporating mechanisms to enhance the internal accountability of Aboriginal organisations can allow it to be more productively dealt with.

Mechanisms to enhance internal accountability
If, as argued above, external or public accountability is predicated upon and related to internal accountability, then the focus for ensuring better public accountability should not only be on such factors as increased statutory and administrative requirements for more rigorous financial reporting mechanisms, and the measurement of efficiency and effectiveness through the development of performance indicators. Attention should also be given to providing frameworks - including statutory - which assist Aboriginal organisations to develop better mechanisms for accountability to their constituencies. Given the broad principles underlying the Aboriginal domain previously discussed, there are a number of mechanisms which could be advanced to facilitate better internal accountability.

Firstly, internal accountability is dependent upon whether an organisation provides an adequately 'representative' structure - that is, incorporates mechanisms for encompassing the particular local-level diversity of its membership or constituency which is relevant to its goals, for instance in the composition of its executive. There are many Aboriginal organisations whose wider recognition and funding are predicated upon and legitimised by the provision of services to a sub-regional or regional Aboriginal constituency, but whose memberships and executives are in fact drawn from sub-groups, often particular families. Such organisations could be considered equivalent to the mainstream 'family businesses' but generally they do not attempt to become viable through accruing a sustainable capital base in selling products or services in the competitive mainstream economy. Rather, such Aboriginal 'family businesses' attempt to accrue social capital, in the form of influence and legitimacy within a highly contested and competitive Aboriginal sphere, through gaining access to grants and other such resources (Martin 1995c). This can be the source of trenchant criticism, including by Aboriginal people themselves, that such organisations are using funds, provided to service a wider Aboriginal constituency, for self-aggrandisement.

Depending on such factors as whether the organisation is in remote or urban Australia, and covers a local district, a sub-region or a wider area, the incorporation of diversity could be in terms of representation from land or language-based groupings, 'family' groups, or 'communities' (see for example ATSIC 1995; Smith 1995, 1996a). The nature of the groupings being represented would also be dependent upon precisely what the organisation's objects are; for example, in many areas it is considered important to include specific representation from women and from younger people in organisations concerned with contemporary issues such as law and justice. As another instance, while the residential constituency for a body managing Aboriginal lands might nominally be the same as that for an Aboriginal Council concerned primarily with the delivery of local government services there, the representative structure for the former would appropriately incorporate those with traditional authority over the lands concerned, whereas the latter would usually comprise a wider range of younger, less authoritative people elected under the relevant State and Territory legislation.

The requirement to incorporate representativeness could be included in an organisation's constitution, and where appropriate in the statute under which it is incorporated or functions. Nevertheless, given the complexity of Aboriginal societies, it would not be feasible in most cases for all the divergent interests in a community, let alone across a region, to be incorporated into an organisation's structure. In the case of Native Title Representative Bodies, for example, section 202 of the *Native Title Act 1993* merely requires the organisation to be 'broadly representative' of the Indigenous people of the region of its operation, without specifying the

precise basis on which this is to be achieved.[7] The issue in general is arguably not how to include all Aboriginal interests in a representative structure, but ensuring that there is a broadly inclusive incorporation of those major interest groups which are relevant to the particular objects of the organisation.

Moreover, particularly in the case of service-delivery or advocacy organisations (such as Land Councils and Native Title Representative Bodies, housing associations, and health and legal aid services), developing a broadly incorporative structure is only one of the mechanisms for facilitating internal accountability, albeit one on which Aboriginal people themselves frequently focus. Given the culturally based primacy of local social groupings, and the resistance to ceding individual or local-group autonomy even to nominally 'representative' organisations, there is often intense pressure to either expand the size and representative basis of organisations beyond their logistically feasible limits, or to form new ones based on more particularistic interests through a continuing process of fission.

This emphasis in much of Aboriginal organisational politics on the management of internal social and political relations over 'outcomes' to the constituency has already been mentioned. However, there are effective Aboriginal service delivery and advocacy organisations who have developed mechanisms to ensure equity in their service delivery and access to the particular resources they provide, measures to maximise the professionalism and accountability of their staff, procedures to ensure transparency in decision-making, and mechanisms by which decisions can be reassessed and conflicts arbitrated. The Northern and Central Land Councils are examples of such organisations, and there are certain more recently established Native Title Representative Bodies such as the Cape York Land Council and the Aboriginal Legal Rights Movement in South Australia which have made considerable progress in working towards such mechanisms (ATSIC 1995).

There are many factors which underlie the capacity of organisations - Indigenous or otherwise - to achieve these professional standards. Some, such as the pivotal roles which can be played by highly motivated and talented individuals, essentially lie outside the province of either regulatory schemes or the appropriateness or otherwise of organisations' constitutions. However, appropriate constitutions could provide frameworks which on the one hand are enabling, providing an incentive and guidelines for organisations to develop procedures and structures which maximise internal accountability. These frameworks could also be regulatory, providing a set of clearly defined standards against which organisations' performance can be assessed and means for redressing failures, both for constituents and regulatory authorities.

For example, service delivery organisations could have clauses in their constitutions which require them to develop protocols to maximise accountability to their constituencies, to ensure that their service delivery is equitable and needs-based, to facilitate open and transparent decision-making and reporting, to establish grievance procedures, and to consult with their constituencies in the development of these various protocols. There could also be clauses which require the organisation to have independent staff selection procedures, and contractual and other arrangements in place through which staff and senior management are required to work to achieve its objectives.

The development of such protocols for community-based service delivery organisations could be mandatory under a statutory scheme such as the Aboriginal Councils and Associations Act, or it could be a condition for funding by agencies such as ATSIC. These requirements, whether within constitutions, statutes, or funding agency guidelines, would not need to be prescriptive and definitive, but could establish the broad principles and prerequisites for such protocols, including local consultation in their development. In implementing them, an organisation could choose to use processes for consultation, decision-making, reporting back to constituents and so forth which are derived from the mainstream society. However, there could also be provision for there to be mechanisms which are in accordance with Aboriginal tradition, if that is deemed appropriate. These could include calling for submissions on policy or service delivery for instance which could be in either verbal or written form, and mechanisms for reporting back to constituencies through such means as community meetings and other traditional mechanisms, as well as written annual reports.

Internal accountability would also be enhanced for organisations in which the objects set out in the constitution are sufficiently broad to reflect the real concerns and interests of the constituency, but not so general that the organisation can be captured by a particular interest group and re-directed without reference to the constituency (Altman and Smith 1994). Furthermore, the particular equity and accountability mechanisms established by an organisation could be expressly linked to its objects; those for a housing association for example would differ from those for a Native Title Representative Body.

Membership versus constituency
A further significant factor in establishing internal accountability for Aboriginal organisations is whether processes other than general meetings are available for its members and also its constituency and clients to have an input into its operations, particularly into its service delivery where this is a function of the body. The *Aboriginal Councils and Associations Act 1976*, for example, establishes the membership of an association as the group who control it, mainly through electing a governing committee at

the annual general meeting, and to whom the committee is held accountable in running the association's affairs. One of the grounds on which the Registrar of Aboriginal Corporations set up under that Act can appoint an administrator is that the committee has not been acting in the interests of the members. The requirement for a minimum number of Indigenous members is also one of the principal procedural matters with which the Registrar has to be satisfied before an association can be incorporated.

Clearly, where associations are formed to advance the interests of, or provide services to, a broad sub-regional or regional population, it would not be feasible to have every individual listed as a member. Of necessity therefore, for such Indigenous organisations, the formal membership would at best be a small proportion of the Indigenous clients to whom it is delivering services (as in the case of a regionally-based medical or legal service), or of its constituency (as in the case of Land Councils).[8] However, there are no requirements in the Act at present to ensure that the membership, or the governing committee which it elects, incorporates or represents the various groupings which the association serves.

This issue has major ramifications for establishing accountability for many Aboriginal organisations. It is also of significance where disputes arise within associations, or between them and their nominal constituencies. Because of the reliance of the present scheme of the Act on the category of membership, it actually encourages either 'fission' where disaffected members form a breakaway organisation, or attempts to take it over at general meetings through challenges to membership entitlement, stacking with supporters of a particular faction, and so forth. It is not at all uncommon for such 'factional fights' over control of associations to take place. In such circumstances, while the Registrar has the capacity to arbitrate in disputes between an association and its members for those bodies incorporated under the Aboriginal Councils and Associations Act, he or she does not appear to have the power to arbitrate where there is dispute as to whether the individuals are members or not. That is, where there is a dispute as to the very basis of an association, its membership and its committee, the Registrar cannot arbitrate.

If the present regulatory and statutory schemes such as that of the current Aboriginal Councils and Associations Act were less reliant upon the formal category of membership for those organisations which are primarily concerned with service delivery, incorporated better mechanisms for accountability to the broader constituencies such organisations claim to serve, and contained broader performance monitoring and arbitration provisions, such disputes would arguably be less likely and more capable of productive resolution. Again, such requirements could lie at one or more levels - in the legislation under

which organisations incorporated, in organisations constitutions, or in agency funding guidelines.

Cultural appropriateness

Aboriginal organisations have the complex task of negotiating between the differing political positions and cultural imperatives of mainstream and Aboriginal domains, while still maintaining legitimacy in both. There is thus clearly a potential tension between Aboriginal self-management, in terms of administering the affairs of such organisations, and the achievement of broader self-determination through them, in terms of Aboriginal people having control over the key decision-making, priorities, and structures which affect their lives (HRSCAA 1990: 4). From this perspective, the matter of the 'cultural appropriateness' or otherwise of organisations takes on a new significance, for those which have organisational structures, decision-making processes, reporting and accountability mechanisms which draw upon Indigenous principles as well as those of the mainstream are more likely to be accountable to their constituencies and effective in delivering services to them.

However, the term 'cultural appropriateness' has taken on a life of its own, both in Aboriginal political rhetoric and bureaucratic discourse, and is generally used uncritically. An argument frequently advanced in favour of incorporation under the Aboriginal Councils and Associations Act rather than other State or Territory legislation is that it allows for more culturally appropriate organisational processes than does mainstream legislation. However, in reality it does not measure up well against this principle. The Act allows for an incorporated association's rules on any matter to be based on 'Aboriginal custom'. It is not clear what percentage of the more than 2000 associations presently incorporated under the Act have taken advantage of this feature to incorporate culturally appropriate rules in such areas as decision-making processes and membership entitlements. Few of those in the Queensland case studies conducted for the Review of the Act (Finlayson 1996; Martin 1996a) had done so, and very few of the Indigenous people consulted during the course of the case studies had a clear conception of what might comprise 'culturally appropriate' mechanisms in the running of their organisations. Some of those working in organisations serving wider regional populations in fact felt that it was not a relevant issue for them, and that what was of prime concern was ensuring accountability to their constituencies. For others, being 'culturally appropriate' meant being able to incorporate elders into decision-making in a suitable fashion, and they felt that the Act did not facilitate this (Martin and Finlayson 1996).

Certainly, the case could be argued for the Aboriginal Councils and Associations Act to facilitate the utilisation of Indigenous political, social and cultural mechanisms wherever possible and appropriate. Incorporating

tradition, or customary law, into the legislation would be in accordance with the recommendations in the Australian Law Reform Commission report on the recognition of Aboriginal customary law (Law Reform Commission 1986), recommendation 219 of the RCIADC, and with the Fundamental Legislative Principle (in the Queensland jurisdiction at least) that there be regard to 'Aboriginal tradition' in legislation.

While the present Aboriginal Councils and Associations Act refers to 'Aboriginal custom', which is not defined, there is an established body of legal interpretation for 'Aboriginal tradition', for example, through the operations of the Aboriginal Land Rights (Northern Territory) Act and the Queensland Aboriginal Land Act where it is defined as:

> ... the body of traditions, observances, customs and beliefs of Aboriginal people generally or of a particular group of Aboriginal people, and includes any such observances, customs and beliefs relating to particular persons, areas, objects or relationships.

Such a definition clearly has potential application to the running of the affairs of Indigenous organisations, but the implications of 'cultural appropriateness' need to be seen as far more than just allowing for certain kinds of decision-making or the incorporation of elders into the running of organisations, although these may be important in some instances. The real import of incorporating cultural appropriateness into the operations of Aboriginal organisations, arguably, would lie in the recognition that Aboriginal principles of social, political and economic organisation could be used by Aboriginal associations where they saw it as relevant.

There are a number of areas where such principles could be fruitfully considered. As discussed previously, given the 'intense localism' characteristic of Aboriginal political organisation, far more attention could be paid to service-delivery organisations' accountability mechanisms to their broader constituencies or to their clients, not just to their members, where this is relevant to the stated objectives of the association. Given this localism, and the characteristics of Aboriginal political and decision-making processes discussed previously, the reliance on general meetings as the principal means by which accountability is to be maintained to members and constituents is seriously flawed. A range of other measures could additionally be incorporated, either into legislation or into organisations' constitutions, relating to such matters as the structure of executives, meeting procedures, decision-making processes, reporting and other accountability mechanisms, and a requirement to develop consultation protocols with constituencies, which are informed by the principles and values of the particular Aboriginal group, community or region in which the organisation is based.

Thus, the members of governing bodies of Aboriginal organisations could be able to be selected by a number of means, including following

principles of Aboriginal tradition where relevant. While voting might be appropriate for representation on a community council delivering local government services, for a group based on traditional associations with land it may be more appropriate to 'nominate' in accordance with their traditions, a representative to a Land Council or Native Title Representative Body who has the requisite authority to speak for that land. Additionally, given the importance of contemporary Aboriginal organisations in the social, economic and political spheres, legislation such as the Aboriginal Councils and Associations Act should be flexible and allow organisations' executives to include members drawn from other incorporated bodies in the region, or from other kinds of groups including those which under tradition constitute the Indigenous people there (for example, based on language affiliation). This would be particularly important for bodies serving sub-regional and regional populations, such as regional legal aid services, health councils, medical services, and Land Councils and Native Title Representative Bodies.

With reference to the scheme of the Aboriginal Councils and Associations Act, since it is designed specifically as a mechanism for incorporating Indigenous organisations, there should be the flexibility to have governing committee structures take account of contemporary Aboriginal principles, for instance in allowing the establishment of a super-ordinate group of senior people with recognised authority, should an organisation consider it appropriate. Equally, there should be the capacity for meetings to be conducted and decisions taken in accordance with Aboriginal tradition. There are precedents for this in other legislation, for example, in the regulations of the Queensland *Aboriginal Land Act 1991* governing the operations of Aboriginal Land Trusts. The principles of 'cultural appropriateness' should also be extended to the wider administrative processes within which this Act is embedded. This should apply in a number of areas. For instance, contemporary practice dictates that legislation should be drafted in as plain and straightforward a fashion as possible, and preambles are used to set out the broad intention of the particular Act. The Registrar's office could be given the task of producing written and other materials which set out such matters as the scheme of the Act and the responsibilities of governing bodies in a manner which is both comprehensive and accessible to Indigenous people.

An instance of the attempt to incorporate the recognition of Aboriginal tradition and principles of social and political organisation into legislation, can be seen in the recent (1995) amendments to the Queensland *Local Government (Aboriginal Lands) Act 1978*, which allow for the establishment of a Law Council to control alcohol in the Aurukun Shire. This innovative legislation has adopted the 'enabling' process referred to above in attempting to reconcile the need for Indigenous principles to be recognised while not attempting to codify them, and maintaining mechanisms to ensure public accountability and probity in the process.

Policy implications: linking accountability and self-determination

How can the apparently conflicting policy goals of self-determination and of public accountability be linked? The Commonwealth Ombudsman in her 1994-95 annual report wrote that 'ATSIC has the task of forging the twin goals of self-determination and accountability. These goals should not be seen as inconsistent. Accountability and transparency of decision-making should be important for all key stakeholders' (Commonwealth Ombudsman 1995: 123). The Ombudsman goes on to link these two policy goals through notions of equity and transparency in service delivery. This connection is drawn from the political and organisational principles of the dominant political domain, but there are other ways in which they can be linked which take into account the principles and logic of the Aboriginal political domain.

Firstly, this paper has argued that external or public accountability is inextricably linked to internal accountability. The focus in the media and in much public and policy-related discussion has been on external accountability, defined primarily in terms of its financial dimensions. Broadly speaking, the arguments are that where Indigenous organisations are being funded through public monies, there is an entirely legitimate expectation that funds will be used for the purposes for which they were intended, and that outcomes can be demonstrated. Such expectations of financial accountability are legitimate, and a focus on outcomes is arguably an imperative given the demonstrated socioeconomic disadvantage suffered by many Aboriginal people.

There has been less discussion about internal accountability - that is, the accountability of organisations to their memberships and constituencies or clients. While there are important aspects of this form of accountability which relate to such factors as representativeness, responsiveness and to equity, there are also significant dimensions which derive primarily from the Aboriginal political and social domain. This paper has argued that Aboriginal organisational politics is frequently characterised by a high degree of factionalism and localism, in which the political, social and economic imperatives lie within various forms of local group rather than some broader aggregate or 'community', by a focus on negotiating internal relationships rather than necessarily on demonstrable outcomes, by particular styles of political process and decision-making which emphasise the autonomy of the participants and their resistance to domination by others, and by notions of 'representativeness' which are not based on equal rights to participate in the political process but on having or asserting particular culturally-constructed interests and rights to speak on specific issues.

A common argument is that small Aboriginal organisations are more likely to be accountable to their constituents. For instance, this appears to be at

least the public premise on which the Northern Territory Government supports the establishment of smaller 'breakaway' land councils (Martin 1995b). There is a certain element of truth to this, but such views depend in no small part on a radical redefinition of who precisely the constituents are. They also paradoxically ignore the defining feature of the Aboriginal polity, its intense emphasis on localism. Ultimately, with such an emphasis, any notion of 'representativeness' itself (in a western democratic sense) becomes problematic, and small locally or regionally-based organisations can be just as unrepresentative as larger ones. The crucial issue is arguably one of the processes established, rather than the size of the organisation.

In such circumstances, and given the typical fluidity of the Aboriginal political domain, an organisation's mechanisms for internal accountability have to balance the requirement to be accountable to its broader constituency with the demand to be accountable and responsive to particular locally-based interests. This in turn means that an organisation has to give careful attention to the precise nature and extent of its constituency, to the characteristics of its component groupings and the contexts in which they emerge, and therefore to the contexts and forms in which accountability to them must be maintained.

In other words, Aboriginal organisations which in the light of their particular objectives have given careful attention to the actual nature, scope and dynamics of their constituencies, and have attempted to incorporate this diversity within their structures and processes, will be more likely to have achieved internal accountability than those which attempt to legitimate themselves whether internally or externally on some unexamined notion of being 'community' or 'grass roots' based.

Furthermore, this paper has suggested that organisations which have developed structures and processes which maximise their internal accountability are more likely to be externally accountable. Factors such as broadly representative structures which incorporate the diversity of constituencies, the incorporation of procedures for maximising participation in decision-making and effective reporting mechanisms including those derived from the Aboriginal domain, effective grievance procedures, and appropriate contractual arrangements for staff, are more likely to result in effective outcomes and in the accountable use of funds.

That is, organisations which have instituted processes to maximise internal accountability will have incorporated the broad nature and diversity of their constituencies into their structures, established participatory processes by which organisational goals and strategies are developed, defined the contexts in which the organisation will act, and established procedures for ongoing monitoring of their performance by their constituencies. Such matters relate directly to the achievement of what this discussion paper has

termed 'organisational self-determination' (the capacity for Indigenous people to realise their goals through their own incorporated bodies) and self-management (the capacity to effectively administer them). Thus, a more rigorous approach to what internal accountability might entail, allows it to be directly linked to the achievement of self-management and self-determination.

This paper has argued that while there may be an inherent tension between public accountability and self-determination, these policy goals are also necessarily linked through the development of effective mechanisms for internal accountability. In terms of policy development then, this argument would suggest that the current prominence being accorded to financial accountability in Aboriginal organisations need not be at the cost of self-determination; both can be promoted through developing more sophisticated and effective mechanisms to assist these organisations develop better internal accountability.

These areas are in fact under-theorised, despite the ethnographic and policy literature available. Both Aboriginal organisations and policy makers need to adopt a more critical and reflexive stance in relation to how representativeness, accountability and self-determination are to be conceptualised, and the organisational and structural mechanisms by which they might be achieved. This discussion paper has attempted to provide some principles by which this reconceptualisation can take place.

Certainly, one practical approach commonly adopted would be to provide the kinds of training in management and administrative procedures which increase formal administrative skills within organisations (Smith 1994, 1996b). Properly conducted, such training also facilitates the development of organisational perspectives wider than the particulars of local family or group dynamics. However, as discussed, organisational failures and successes are not simply a function of the administrative skill levels of their boards or staff.

Within the increasing resource constraints that it faces, ATSIC could promote the development and adoption of simple, consistent accounting processes (including using computers) which can be used by Indigenous groups to produce reports which are useful and accessible to their members and directors. It has already undertaken this very successfully on a trial basis with larger Community Development Employment Projects organisations. It could also give priority to the development of training modules for the members and directors of Indigenous associations. More broadly, ATSIC could prioritise the ongoing support of Indigenous organisations through its regional offices. For example, it could expand existing programs to skill members and directors of Indigenous organisations, and it could have a more effective case officer system so

that each organisation's progress is assessed and monitored on a continuing basis, and thus any problems identified well before formal intervention is needed. Both monitoring and mentoring of Indigenous organisations should become core areas of ATSIC responsibility.

A second option discussed in this paper could be to build requirements for more sophisticated internal accountability into organisations' constitutions, and into legislation such as the Aboriginal Councils and Associations Act under which they are incorporated. This could establish frameworks which provide an incentive and guidelines for organisations to develop procedures and structures which maximise internal accountability. It could also provide a set of clearly defined standards against which organisations' accountability and performance could be assessed and statutory means for redressing failures, both for constituents and regulatory authorities.

A third option could be for funding agencies such as ATSIC to ensure that specific and defined requirements for internal accountability as well as financial accountability were part of their funding and grant acquittal procedures. Thus, a prerequisite for organisations receiving grants to deliver services of some kind could be that they had in place appropriate structures broadly representative of the constituency to which they proposed delivering the service, mechanisms to ensure equity in access to the services, and effective and participative decision-making and reporting mechanisms.

Finally, it could be argued that given the current policy climate of significant funding cuts to Indigenous organisations (including ATSIC), a concentration on the internal operations of these bodies would be an entirely gratuitous additional burden on their already stretched resources. Such a view would be entirely understandable. However, it is clear that not only government but also the recipients of services provided by Aboriginal organisations are demanding more accountable and effective service delivery, given the continuing demonstrable socioeconomic disadvantage suffered by many Aboriginal people. This paper has argued that a more creative approach to internal accountability by both policy makers and Aboriginal organisations can result in real progress towards achieving self-determination and more effective delivery of services, while at the same time providing the public accountability which is increasingly being demanded.

Notes

1. This paper focuses on the implications of certain aspects of specifically Aboriginal political culture in achieving both accountability and self-determination. It does not claim that the analysis is equally true for Torres Strait Islander people and organisations. Thus, where the word 'Indigenous' is used in the paper, it is in general policy contexts which can appropriately refer to both peoples.

2.   Sanders (1993b) offers a useful account of the attempts to reconcile public accountability and self-determination and self-management in the administrative and legislative framework established for ATSIC.

3.   While many other such Indigenous organisations are incorporated under alternative State and Territory legislation, this paper concentrates its discussion largely on the *Aboriginal Councils and Associations Act 1976*, since it provides a useful vehicle for examining the relationship between 'organisational self-determination' and accountability.

4.   Merlan (1996: 170) writes of the different bases of claim and title to country in the native title process, and the role of 'social processes of their reproduction, the modes of belonging (to country and to the imagined human collectivities)' and how these spill over into 'socio-territorial identity'. Although her discussion directly refers to relationships between groups and country, the issue of how groups are constituted and from whence they derive their authority is of a similar order whether the context is land, resource allocation or control of community organisations. Levitus (1991) discusses how clan membership can be used to define boundaries between those who are formally incorporated and those who are excluded in the wider forum of legal corporations.

5.   For example, Altman and Smith (1994) raise the question of what constitutes the group being 'self-determining' in the context of disputation within a Northern Territory royalty association over the control of mining royalty distribution.

6.   It should be noted at this point, however, that the *Aboriginal Land Rights (Northern Territory) Act 1976* does not establish the requirements for accountability within the Aboriginal domain in an arena of major dispute throughout the Northern Territory - that of the distribution of royalty equivalents - which the informed consent provisions provide for development proposals.

7.   Martin (1996b) provides an analysis of how 'broadly representative' could be interpreted in an area of western Queensland characterised by the diverse and complex composition of its Aboriginal residential populations.

8.   There are, however, certain categories of organisation where it may be necessary to restrict the category of membership, such as 'royalty associations' formed to distribute royalty moneys paid under the *Aboriginal Land Rights (Northern Territory) Act 1976* for mining on Aboriginal lands, or those formed for purely commercial purposes. While it is still essential to develop more sophisticated mechanisms to make such bodies accountable to the membership, the 'constituency' and 'membership' categories may well be identical. In fact, chronic disputation can arise precisely because membership categories are too broadly defined (Altman and Smith 1994).

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